



Michel Vincent Anderlini

**The Mundane Face of Europeanization:
Norm Implementation through Expert
Interactions in Georgia 2012-2020**

THE MUNDANE FACE OF EUROPEANIZATION

The Mundane Face of Europeanization: Norm Implementation through Expert Interactions in Georgia 2012-2020

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By Michel Vincent Anderlini

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University

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Principal Supervisor
Bo Petersson
Malmö University
Department of Global Political Studies

Co-Supervisor(s)
Christofer Berglund
Malmö University
Department of Global Political Studies

Opponent
Laure Delcour
Université de la Sorbonne Nouvelle Paris 3
Institut d'Etudes européennes (IEE)

Examination Board

Ian Manners
Lund University
Department of Political Science

Lisbeth Aggestam
University of Gothenburg
Department of Political Science

Derek Stanford Hutcheson
Malmö University
Department of Global Political Studies

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MICHEL VINCENT ANDERLINI

**THE MUNDANE FACE OF
EUROPEANIZATION**

Norm implementation through expert interactions
in Georgia 2012-2020

Malmö university, 2023
Department of Global Political Studies

Malmö Studies in Global Politics

The Department of Global Political Studies, Faculty of Culture and Society, Malmö University, is an interdisciplinary department with research on politics, power relations and the construction of identity in local, national, international, and global contexts. It currently offers two doctoral programmes – Global Politics and International Migration and Ethnic Relations (IMER) – that play a central role in the intertwined research environment at the department.

The first five dissertations in the series Malmö Studies in Global Politics were co-published in 2016-18 with Lund University and awarded within Political Science at Lund University. In 2018, Global Politics became a research subject at the department and the theses from then on are published within Global Politics at Malmö University.

- Emil Edenborg, Nothing more to see. Contestations of belonging and visibility in Russian media. Lund University and Malmö University, 2016.
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- Ulrika Waaranperä, Histories of land. Politicization, property and belonging in Molo, Kenya. Lund University and Malmö University, 2018. Available at mau.diva-portal.org.
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- Calle Håkansson, The new role of the European Commission in EU security and defence architecture. Supranational entrepreneurship, crisis and integration. Malmö University, 2023. Available at mau.diva-portal.org.
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*To my father Dario. I wish
you could have held this
book in your hands. You
would have been so proud.*

ACKNOWLEDGMENTS

Many of the acknowledgement sections in doctoral dissertations usually begin by describing PhD studies as a harsh ride, or as steering a boat through a stormy sea. For me, my PhD dissertation contain the whole personal journey of my five years at Malmö University. And my journey is about places and people.

I will begin with places. Writing a whole dissertation during a pandemic has been a bit of a Kafkaesque experience. When I was admitted to the PhD programme at Malmö University, I had envisaged longer periods of field work in Georgia, I had imagined strolling around in Vake, enjoying my favorite Georgian dish (Kharcho, ხარჭო) in crowded restaurants or contemplating the view of one the most beautiful places in Georgia, Ananuri (ანანურცი). I instead spent five months in locked-down Brussels, writing parts of this dissertation on the couch of one of my best friends, Katrine, surrounded with her two cats: Leo and Ren. Far from denying that this wasn't a pleasant experience, I had of course, like most of my colleagues, to re-plan my PhD studies. But even if the world had to face a pandemic and several rounds of lock-downs, I had nevertheless the pleasure of spending some of my time as doctoral student in various expected (and unexpected) places: Malmö (Sweden), Haucourt-Moulaine, Metz, (France), Brussels, Achterbroek, Gent (Belgium), Tbilisi (Georgia), Oslo (Norway), København and Brøndby (Denmark), Alpach (Austria), Rome (Italy), Tartu (Estonia), Prague (Czechia). I am surely forgetting some of the locations I was delighted to visit during those five years, but naming places is for me a reminder that my dissertation was been formed and shaped in a variety of contexts and environments. And that is, for me, a sign of its complexity and richness.

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RUCARR seminars and conferences we have organized together, I have been able to spend so many moments discussing and debating issues that I am truly passionate about: the post-soviet region. Natia: thank you for being my Georgian partner in crime, thanks for the friendship, for the intellectual conversations and I personally look forward to continuing working with you on our many ideas and projects we have together. To Ketevan Bolkvadze: having you around during those five years has been so wonderful and beneficial to me, both academically and personally. Don't stop coming to the seventh floor and keep being so inspiring! To Mariia Tyshchenko: I would never stop being amazed by your passion, your dedication and your love of the region that both fascinates us. I am personally looking forward to continuing collaborating with you!

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Believe me or not, there is a life (and an exciting one) outside of academia. I could definitely not have written this book without the support of my friends and family. I will now begin with friends. To Martina: we met in Brussels when we were both working in the European Parliament. When you left Brussels, you promised yourself that you would “take me home” and make me move back to Malmö. And you succeeded! Sharing moments with you is always an unexpected, fantastic and inspiring experience. Thanks a lot! To Katrine: you have been accompanying me in life since 2016 and been next to me in my most joyful as my most difficult moments. I have so many dear memories of our time together in Brussels, and I am proud to still count you as my friend today. Tak! To my amazing roommate Azfar: you are probably the only one outside of academic circles that is *truly* interested in my PhD. It is an honor to be your friend and thanks a lot for being here for me no matter what and offering me a non-judgmental space in our home. To Julie: thanks for being such a good friend to me, for our shared bike rides, for our dinners and for our watching of silly tv-shows such as Selling Sunnet. To Johan and Cristopher: thanks a lot for your company, your support and lots of amazing memories together! To Vasilis: you

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There are surely many more than I forgot here, and I truly apologize for that.

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"Through the way of Ilia Chavchavadze towards Europe!". Photo taken in Kvarli, Kakheti on the day when the European Commission recommended Georgia to be granted the EU candidate status (wall painting realized by Lia Ukleba).

GLOSSARY

AA	Association Agreement
DCFTA	Deep and Comprehensive Free Trade Agreement
EaP	Eastern Partnership
ENP	European Neighbourhood Policy
EUDEL	EU Delegation
GD	Georgian Dream
INOGATE	Interstate Oil and Gas Transportation to Europe
PCA	Partnership and Cooperation Agreement
RTA	Resident Twinning Advisor
SIGMA	Support for Improvement in Governance and Management
SPS	Sanitary and Phytosanitary
TAIEX	Technical Assistance and Information Exchange instrument
TACIS	Technical Assistance to the Commonwealth of Independent States and Georgia)
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union

INTRODUCTION

Background

Tbilisi, June 27th 2014. I stood together with thousands of ecstatic Georgians at the capital's European square, where a grand concert was held, after which the then Prime Minister Irakli Garibashvili and President Giorgi Margvelashvili addressed the crowd to celebrate the signature of the EU-Georgia Association Agreement (Agenda, 2014a). The agreement was described by the then Georgian Foreign Minister David Zalkaliani as the “most significant international agreement putting it [Georgia] firmly and irreversibly on the path of European integration. Our commitment is as strong as ever to *keep effective and speedy implementation*” (Agenda, 2020, my emphasis). The document, comprising 1,135 pages and 34 Annexes, lists out significant parts of the EU *acquis communautaire* that needs to be transposed in Georgian legislation as well as implemented (Agenda, 2014b). Thus, the countries that have signed Association Agreements with the European Union have undertaken extensive and binding commitments to implement EU law. Such commitments are particularly wide-ranging in countries belonging to the post-soviet world, as they often suffer from insufficient administrative capacity, lack of willingness to comply with EU law from its bureaucracy and a blurred separation between domestic political actors and the administrative apparatus tasked with EU law implementation (Ghonghadze, Dolidze and Edner, 2017; Urushadze, 2018; Meyer-Sahling, Toth, 2021; IDFI, 2022). This dissertation devotes its attention to the implementation of certain areas of EU legislation in Georgia, by looking particularly at one of the EU's most-used implementation instrument operated in enlargement and partner countries – Twinning or other capacity-building projects. It particularly investigates the scope conditions that facilitate or hinder the effective functioning of such projects, composed of experts both from EU Member States and from Georgia. As I will explain later, I understand scope conditions as enablers *that*

make a particular phenomenon more likely to happen. Its main argument is that we need to consider both (1) the role(s) of expert interactions and (2) the external conditions in which they are embedded so as to better grasp how those projects lead to effective implementation. Indeed, the linkage of causal mechanisms and context is crucial for all credible social scientific explanation (Falleti and Lynch, 2009), which is why both the interactions between individuals involved in capacity-building projects in Georgia and external conditions around them are taken into account.



Photo 1. The former Georgian President Giorgi Margvelashvili speaking to the crowd at the concert celebrating the signature of the EU-Georgia Association Agreement (Photo credits: Michel Vincent Anderlini)

To this end, this dissertation considers twelve cases of Twinning and capacity-building projects implemented between 2012 and 2020. As explained later, the case selection strategy that this dissertation follows is inspired by Levi-Faur (2004, 2006), who argues that for observing variation in the phenomenon under study (in my case, norm implementation), cases should be selected so that a high degree of variation in *the policy sector aspect* is respected. My cases include a

diversity of policy sectors such as internal market policy, energy regulation or statistics. A complete list of the cases can be seen on page 127.

This dissertation leans on critical realist epistemological assumptions, and especially on Rom Harré's view that human agency and social structures can only be approached through discourses (Harré and Varela, 1997; Harré and van Langenhove, 1999). Hence, the empirical data has been collected through semi-structured interviews, composed of open-ended questions, with experts involved in the above-mentioned Twinning or capacity-building projects, both from EU Member States and from Georgia. Background interviews were also needed in order to broaden my knowledge of the (often) very technical areas and the political and institutional context around them. 61 interviews were conducted in total.

In order to triangulate my data, I also asked for post-project reports from my interviewees. Post-project reports are written at the end of every Twinning project to summarize the activities performed, how the project results were reached and the lessons learned from the projects. Those are not public documents: I can assert without hesitation that my access to them depended on the willingness of my participants to share them with me. I could access reports of four of the projects retained in my dissertation: the project on SPS/food safety, on market surveillance, on statistics and on gender equality. The post-project report on food safety is divided into three sub-reports.

As was the case with many of my colleagues, my initial data collection strategy was disrupted by the Coronavirus (COVID-19) pandemic. My original idea was to travel to Georgia during the spring of 2021, but this plan had to be shelved and alternate methods sought. I have therefore conducted most of the interviews digitally, either with Microsoft Teams or Zoom, which, I am afraid, has had a significantly negative impact on the nature and quality of the interviews. A discussion of the benefits and pitfalls of digital interviews is, in that context, both necessary and sound for us, qualitative researchers, that have had to re-think our data collection plans during the pandemic. It was imperative to include it in the methodology chapter of this dissertation. I was able to travel to Georgia only in November 2022 for some remaining interviews but writing a whole dissertation without being present in the country that is so close to my heart has definitely not been conducive to my research. More on that is to be found in my methodology chapter.

The theoretical framework of this dissertation is based on the insights derived from Europeanization studies, policy transfer and compliance studies, as well as the literature on expert interactions. It is my deep conviction (and my hope!) that borrowing concepts and approaches from multiple fields improves, in the words of Pami Aalto, "our power to address practical questions in the various domains

of the 'international' which today are examined from several disciplines and interdisciplinary starting points" (2015: 255).

The rest of this introduction concerns this dissertation's research problem, research questions, scope and delimitations and its contribution to the field of international relations and global politics.

Research problem

As has been argued later, the Europeanization theoretical framework, in order to explain why EU-supported norms and policies are implemented in countries participating in the European Neighbourhood Policy (ENP), has concentrated on three different kinds of explanations: (1) top-down approaches, (2) the role of external powers such as Russia and of (3) local actors in hindering/facilitating domestic change. As for the top-down approaches, it considered domestic change through the prism of the enlargement policy (Delcour, 2018:2) and emphasized how conditionality attached to the delivery of domestic reforms has worked as a driver for adopting EU-supported norms. Indeed, the policies and instruments at the heart of the ENP were, in the words of the European institutions themselves, inspired by the enlargement toolbox (Tulmets, 2007; Kelley, 2005), mostly from the lessons learned from the process of Central and Eastern European countries joining the European Union. Secondly, in an attempt to avoid over-emphasizing the role of the European Union in institutional change, more recent approaches have moved beyond analysing the size and credibility of rewards offered by the EU (Delcour, 2018:5) and have included the role played by Russia in hampering domestic reform in ENP countries (for instance, Delcour and Wolczuk, 2014). Scholars have also been paying increased attention to a wide range of domestic actors, such as governments (Ademmer and Börzel, 2013), business actors (Dimitrova and Dragneva, 2013, Langbein, 2015) and civil society (Buzogány, 2013). In this section, I contend that considering Europeanization as either a top-down or bottom-up process does not embrace the complexity of Europeanization (Neuman Stanivuković, 2017: 3) in three different aspects: (1) it neglects that EU norms are negotiated in and throughout interactions between EU and domestic actors, (2) it disregards that norms still have to be implemented when adopted in the receiving country's institutional and legal framework, and (3) it neglects the role of civil servants in norm transfer processes.

Firstly, I contend that norm transfer processes occur *in and throughout interactions between EU and domestic actors*. In that sense, Europeanization is understood with the definition offered by Claudio Radaelli as:

“processes of (a) construction, (b) diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’, and shared beliefs and norms, which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies” (2003:30).

Europeanization is to be seen as a multidirectional process, articulated at multiple trajectories and through multiple velocities (Neuman Stanivuković, 2017:3), where EU norms are negotiated, adapted or contested through intensive contacts between EU and domestic actors. Europeanization is, therefore, undeniably an *interactive process*. The Europeanization process is seen in this dissertation as a:

“Dialectic interplay between the structure and the agency in a given discursive context [...] EU norms are discursively constructed and contested concepts within the domestic policy debate; the agency comprises of intentionally acting actors that frame EU norms within the domestic policy process; and that Europeanization is a discursive practice of articulating EU norms domestically” (Neuman Stanivuković, 2017: 46-47).

Although a certain number of studies within the Europeanization theoretical framework have leaned on sociological institutionalism and bottom-up approaches and underlined how the beliefs, interests and norms of domestic elites were altered in the interactions with EU actors (Hughes, Sasse and Gordon, 2004:141; Checkel, 2005; Smith, 2011; Aydin & Kirisci, 2013; Kostanyan & Vandecasteele, 2013; Braun, 2014; Kostanyan, 2014; Rommens, 2014; Aliyev, 2016; Meyer-Sahling, Lowe and van Stolk, 2016; Petrova and Raube, 2016; Wódka and Cianciara, 2019), further clarification is needed as regards to how socialization processes unfold and how they matter for the articulation of norms in domestic contexts (Neuman Stanivuković, 2017: 39). Policy transfer studies, on the other hand, have entangled a certain number of mechanisms elucidating the conditions behind effective interaction patterns between source and receiving agents, and thus, of successful policy transfers. This dissertation will therefore take such scholarly contribution into account in order to show how the practical interactions between experts in Twinning projects matter for the implementation of EU legislation in Georgia.

Furthermore, norms need not only be adopted in the receiving country’s legal framework, they also need to be implemented, something that has not been at the receiving end of the attention of the Europeanization theoretical framework (Versluis, 2004; Treib, 2014; Bondarouk & Mastenbroek, 2018). Leaving aside

the question of why national governments, business or civil society actors support or hinder domestic change in the norm adoption phase of norm transfer processes, I have directed my analysis to which scope conditions explain that certain norms are more effectively implemented than others, by focusing on the role of experts and interactions within them. Moreover, I have also kept in mind the influence of external conditions on the functioning of those Twinning projects. On that note, I will polemize with Bondarouk, Liefferink and Mastenbroek (2020), who have classified such conditions as either voluntary (policy saliency and bureaucratic resistance) or involuntary non-compliance (administrative capacity) and will show that such a division poorly reflects the realities of public administration in post-Soviet contexts.

Thirdly, this dissertation maintains that in order to understand the variation in the effectiveness of norm implementation processes between the EU and Georgia, putting bureaucracies on the agenda of Europeanization studies is both a well-needed empirical turn and a theoretical necessity. Certainly, the quality of state institutions impacts the effective implementation of policies (Rothstein and Teorell, 2009), which is why it is quite surprising that the Europeanization theoretical framework has largely neglected the role of bureaucrats in explaining domestic change in the EU neighbourhood area. With the exception of Wolczuk (2009) and Povitkina (2019), such framework has broadly taken domestic political elites and governments into account when elucidating the conditions behind which EU norms travel to ENP countries. Nevertheless, in the words of Dahlström and Lapuente, “even the most perfected bureaucracies are machines where a ruler pushes a button and things get done” (2018: 19). Malfunctioning institutions and insufficient state capacity also result in selective norm transfers, and at the end in the partial or simply non-achievement of desired political outcomes (Rothstein, 1998; Dahlström, Lapuente & Teorell, 2012; Fukuyama, 2013), which applies as well to post-soviet realities (Gel’man, 2017, 2022).

Consequently, my research, by turning to the everyday of interactions within expert communities in Georgia, contributes to re-discovering “the lives and people of global politics”, “those features of social life that often slip through our normal schematic or binary frameworks” (Solomon and Steele, 2017: 270). As Delcour explains, domestic change cannot be explained just by looking at macro-level characteristics (2018:7). Instead, not just encompassing such micro-level features but also how they interact with macro-level characteristics will provide a better explanation of domestic change but also add greater density and nuance to how we understand agency and institutional change (Björkdahl, Hall and Svensson, 2019). In that context, as argued by Guillaume and Huysman (2019), uncovering the everyday of social relations implies two different key analytical operations.

Firstly, it moves away from defining global politics as a space in which mainly political elites are interacting, while non-elite actors are seen as only reactive or passive in relation to such a space. I have earlier explained that civil servants and experts working in the field of implementing EU legislation in third countries should not be considered only as acting only on behalf of their national governments. I argue instead that Twinning projects are sites where global, domestic politics and local agency are intertwined. In that sense, Vjosa Musliu notes that “there is no separating between a methodological order of events and processes in Brussels, and how Europe unfolds itself in delegation meetings, or in urban renewal projects in Skopje or Pristina on the other” (2018: 12). Or, as I would add, in expert interactions within Twinning projects in Georgia. Focusing on such interactions between individuals forging concrete policy positions and therefore enacting the EU’s international role (Bremberg et al., 2022) would, in that case, uncover the formal and informal practices of those making EU law a reality in third countries, practices that are less known in scholarly literature. Thus, this dissertation argues against what Andreas Winner and Nina Glick Schiller (2003) identify as methodological nationalism, which denotes the tendency to define the relevant unit of analysis with the political and geographical boundaries of the nation-state as well as to confine the study of social processes to such boundaries.

Additionally, devoting attention to the everyday of global politics does not only highlight new actors, but it also considers relations that would not normally have been in the centre of political analysis (Guillaume and Huysman, 2019). I will underline in a latter section of this dissertation that only a very limited number of studies have emphasized the role of Twinning and capacity-building projects in norm transfer processes in the EU’s neighbourhood (with the exception of Tulmets, 2011; Roch, 2017; Panchuk, Bossuyt and Orbie, 2017; Panchuk, 2019). Nonetheless, such studies aspire to assess the effectiveness of norm transfer by estimating the number of decrees, legislative texts or institutional changes adopted in domestic contexts. On the contrary, I contend that norms also travel on the occasions of workshops, discussions, roundtables, trainings and deliberations occurring within the framework of Twinning and capacity-building projects, without necessarily leading to tangible legislative or institutional changes. Mai’a K. Cross maintains, on that note, that influence played by experts “can be found in gradual policy shifts through everyday efforts to persuade” (2013: 152).

Why Georgia?

To address my research aims, my dissertation limits its analysis to twelve Twinning or capacity-building projects implemented in Georgia in 2012-2020. I deliberately chose Georgia since a majority of Twinning projects concerning the Eastern Partnership have been implemented in the country since 2009 (European Commission, 2019b). For instance, in 2020, 19 Twinning projects were running in Georgia compared to 5 in Ukraine and 5 in Moldova:

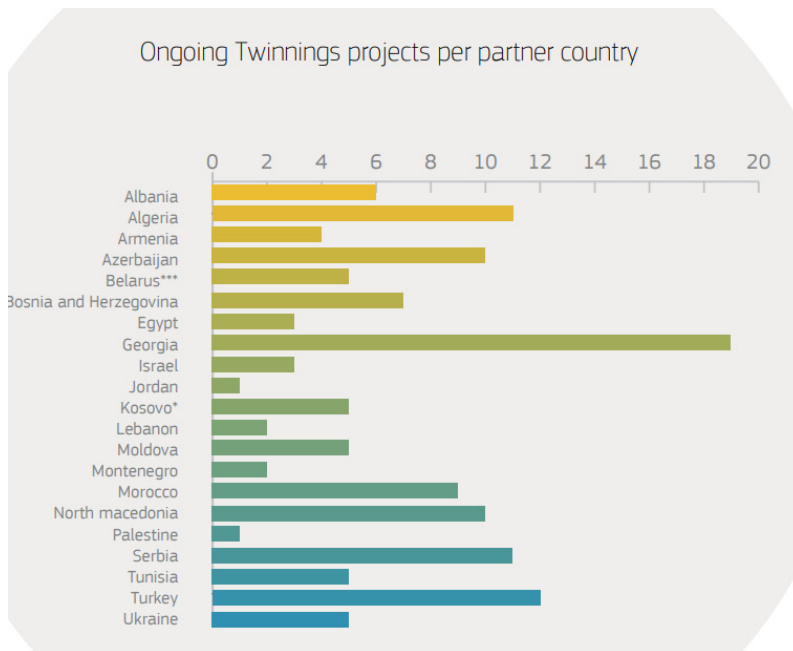


Figure 1. Number of ongoing Twinning projects in partner countries in 2020 (European Commission, 2019b).

Georgia is one of the main recipients of EU assistance in the European Eastern neighbourhood (European Parliament, 2020). Additionally, Georgia has been traditionally considered by European Union institutions as the “front-runner” amongst the Eastern Partnership countries (Russell, 2021), with the vast majority of the population taking a pronounced pro-Western stance and sharing aspirations to quickly join the European Union and NATO. As indicated by a recent poll by the International Republican Institute’s (IRI) Center for Insights in Survey Research (CISR), 85% of Georgians in 2022 either “fully supported” or “somewhat supported” joining the EU (IRI, 2022). Even if the country’s political

leadership have recently been using divisive and aggressive rhetoric towards the European Union and its decision-makers, and deep polarization continues to be the defining feature of Georgia's political environment, Georgia still submitted its bid for European Union membership on March 3rd, 2022. Consequently, this means that EU rules are not extensively contested in earlier phases of policy processes, when rules are accepted or turned down, and transposed into national legislation. This will allow me to clearly focus on rule implementation.

Research questions

The dissertation poses the following overarching, main research question:

What facilitates as well as hinders the work of EU and Georgian experts in the process of implementing EU norms in Twinning projects?

In order to answer the broader main research question, the following sub-research questions will be considered:

- How do the interactions between EU and Georgian experts affect the process of implementing EU norms?
- What scope conditions affect the work of EU and Georgian experts in the process of implementing EU norms?

Scope and delimitations

To answer these research questions, I chose to conduct a medium-N study, which offers the benefit of maintaining a high degree of internal validity between the cases and as well the possibility of tracking the scope conditions behind the phenomenon under study (Lindeman, 2011).

Since Twinning projects are the instrument mostly used by the European Union in order to encourage norm implementation in both enlargement and ENP countries, this dissertation will consider only such projects. While two of the projects under study are not *per se* defined as Twinning (since they were financed by another EU development assistance programme), they were still in their nature very similar to a Twinning project, as they involved a long-term cooperation between experts from both EU Member States and Georgia. However, attention will not be paid to short-term exchanges between experts, as is the case for TAIEX assistance programme (Technical Assistance and Information Exchange instrument), which organizes short workshops, study visits or field trips for experts in EU member states with the aim of supporting the “public

administrations with regard to the approximation, application and enforcement of EU legislation as well as facilitating the sharing of EU best practices” (European Commission, 2020b; 2020f; 2020g). I deem that studying the nature of the interactions between experts during such short-term exchanges would be too challenging since TAIEX missions usually last no more than five days.

Besides, attention will also not be paid to forms of assistance offered by other actors than the European Union. I am well aware that a significant number of donors and international organizations are present in Georgia, such as the United States, the United Nations, the Council of Europe, or the Organization for Economic Co-operation and Development or the German Development Agency GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit) – to name a few. Nevertheless, I still argue that the cooperation between the European Union and Georgia is, so far, the most advanced compared to any other of Georgia’s partners, as it is based on the EU-Georgia Association Agreement including a Deep and Comprehensive Free Trade Area (DCFTA), which entered into force in July 2016. As said earlier, the basis for EU-Georgia cooperation is the Annexes of the DCFTA, which list significant parts of the EU *acquis communautaire* to be implemented in Georgia within strict deadlines. Other international donors do not necessarily operate on the same ground. The role of Russia in interfering with norm transfer processes from the European Union to Georgia is also outside the scope of this dissertation. Whereas taking into account Georgia’s geopolitical environment is relevant to illuminating why certain norms and policies are adopted in the EU’s eastern neighbourhood (Dimitrova & Dragneva, 2009; Tolstrup, 2009; Ademmer, 2016), it is less significant when explaining how such norms are implemented (or not) by Georgia’s ministries and bureaucratic agencies after their adoption.

Regarding the time period analysed by this study, my cases concern Twinning or capacity-building projects that have been implemented in Georgia between October 2012-October 2020. 2012 was chosen as a starting point since it is then that the Georgian Dream coalition came into power. Earlier studies of bureaucracies in the ENP countries have shown a certain degree of politicization of their bureaucracies, as ruling elites tend to boost the efficiency of public administration but at the same time prevent it from gaining full-scale autonomy, notably when they seek re-election (Bolkvadze, 2017; Charkviani, 2019). Being well aware that politicization of public administration affects norm implementation, this dissertation has therefore selected a period of governmental stability, when the same governing coalition is in power. October 2020 was chosen since parliamentary elections were held in Georgia in that month. As will be explained later, shifts in government in hybrid regimes such as Georgia are often accompanied with high degrees of staff turn-over in public ministries and agencies, which could negatively affect EU law implementation, which would

have further prevented me from drawing both internally and externally valid and sound conclusions. Of course, the Georgian Dream coalition still won the elections of 2020, but I could not have known that when I started the first round of my data collection.

Aims and contribution to the literature

As underlined earlier, few studies within the Europeanization theoretical framework have looked at how norms are implemented after their adoption (with the exception of Wolczuk, 2009; Langbein and Wolczuk, 2012; Delcour, 2013). Langbein and Wolczuk (2012) focus on the implementation of the technical side of the EU acquis in Ukraine before and after the Orange revolution and conclude that compliance is more likely when domestic bureaucrats participate in transgovernmental networks. However, little is said on how those socialization mechanisms unfold in practice, a gap that this study intends to fill. However, the study contends that the lack of commitment of the Ukrainian political elite to apply EU rules, alongside with a strong resistance from domestic regulators and producers to face the costs of implementation, hinder compliance (ibid.). Delcour (2013) looks particularly at the areas of food safety standards and visa liberalization in Georgia and points at EU-level factors in order to explain the patchy implementation of EU law in those sectors: the limited consideration that the EU devotes to partner countries' local needs as well as the lack of tangible benefits in the short run delays the effective implementation of EU law. Nevertheless, such top-down explanatory factors often omit the role(s) of local actors that can make implementation work, although it can remain patchy or uneven (Wolczuk, 2009).

In that context, I will argue later in the dissertation that the “law in the books” is not necessarily the “law in action” (Versluis, 2004) and it is of particular importance to consider how EU norms are put into practice in ENP countries such as Georgia. I define the concept of norm implementation as composed of two different aspects: (1) *the stage of policy formation on the ground* (for instance, with the definition of precise policy objectives, the instruments to be used to implement such objectives, the enactment of secondary legislation, the establishment of new administrative agencies, the division of tasks between such agencies and the resources needed) and (2) *policy delivery on the ground* (where such objectives are to be realized) (Bondarouk and Mastenbroek, 2018). It is worth clarifying that I do not intend to cover every single above-mentioned aspect of norm implementation: my empirical examples fit in those two broad dimensions of policy formation on the ground and policy delivery without “ticking” all the boxes of norm implementation. To study norm implementation

through Twinning projects, I will borrow some theoretical insights from compliance studies, which will be addressed and discussed in the chapters following.

Besides, this dissertation is also situated within the Europeanization theoretical framework, which it seeks to enrich by studying how local actors and national experts adapt their behaviour and practices through socializing with others, showing that such practices are not fixed, but socially constructed. Earlier studies that have looked into Twinning projects (Papadimitriou and Phinnemore, 2003, 2004; Tulmets, 2011; Roch, 2017; Panchuk, Bossuyt and Orbie, 2017; Panchuk, 2019) have focused on evaluating the effectiveness of such instruments in achieving domestic change. However, as I will further detail below, domestic change is defined by those scholars as the adoption of legislation, or institutional reform. Such studies therefore do not necessarily regard the norm implementation phase of policymaking. Domestic change does not need to manifest itself with the adoption of new legislation: EU norms can also be diffused by changing local actors' informal rules, procedures, policy paradigms, styles, 'ways of doing things', and shared beliefs and norms – to borrow Radaelli's language – which this dissertation will take into account.

Thirdly, taking an *interactive* perspective on Europeanization (Neuman Stanivuković, 2017), this study considers that its impact not only depends on pressures exercised by the European Union, but on actors' interests and preferences, which they develop in interactions with others (Maggi, 2016: 33). Thus, this dissertation assumes an actor-centred perspective on Europeanization – its aim is to analyse the perceptions and meanings of experts involved in Twinning and capacity-building projects in order to uncover the scope conditions behind norm implementation. It expands on Maggi's actor-centred Europeanization, leading to actors becoming the main level of analysis, as they catalyse endogenous and exogenous factors for institutional change (ibid: 41).

In addition, few studies within the Europeanization theoretical framework have devoted their attention to the work of experts (with the exception of Wolczuk, 2009 and Kourtelis, 2021) so as to explain domestic change. However, while Wolczuk's study is mainly concerned with showing how the enactment of the EU-Ukraine Action Plan has empowered the EU-oriented sections of the Ukrainian state apparatus, it does not take a broader look at which policy environment such bureaucrats navigate within, which this dissertation aims to do. Furthermore, Kourtelis (2021) is more interested in explaining why the European Commission sought expert advice in different ENP partner countries, and how those uses varied from one context to another. Enlarging our scope to include experts appears to be particularly relevant, since they often are tasked with the implementation of (complex) pieces of European legislation. There is, according

to Trondal et al. (2013) a specific expert logic within EU institutions, which is characterized as “porous and open organizations” staffed by government officials, consultants, academics, civil society groups or technical experts who act on the basis of their scientific knowledge. Subsequently, a chapter of this dissertation will be dedicated to defining what expert interactions are and consider how the internal dynamics of such interactions, when involved in Twinning projects, affect norm implementation. Including experts within the scope of this study will therefore contribute to giving a novel explanation to why domestic change occurs in an ENP country such as Georgia

Finally, focusing on how experts work and interact will allow us to disentangle a more “mundane” face of Europeanization processes (Olsen, 2002), that will distance itself from studying political actors, which have been extensively studied in earlier Europeanization research (Delcour, 2018:6). This dissertation finds that the everyday interactions between experts from the European Union and from Georgian governmental agencies can, as well, with the right conditions, “produce an extraordinary outcome” (Olsen, 2002: 923) such as the implementation of EU norms and policies in a country that lack short- or middle-term EU membership perspectives.

Structure of the dissertation

This dissertation has started with an introduction that provides a short background to the EU-Georgia Association Agreement, and outlines its aims, research questions, scopes and delimitation as well as its contribution to the existing literature. It is followed by a brief historical account of EU-Georgia relations. I will then provide a background about what Twinning projects are. The first chapter proposes a definition of the concept of norms and seeks to bridge the Europeanization literature with compliance studies, so as to “move down” the ladder of our analysis and to shift our attention to how microlevel interactions between experts drive or hinder Europeanization processes. Based on compliance studies, and on the distinction between the political and the management approaches to compliance, the chapter defines also the scope conditions that impact on EU norm implementation. The second chapter concerns the role of experts within the institutional structure of the European Union, and how their interactions matter for EU norm implementation, based on the theoretical framework developed by Mai’a K. Cross (2013, 2015). Later, the third chapter focuses on this dissertation’s epistemological and methodological framework, that is, critical realism and qualitative interviews. Then, the fourth chapter gives a longer background to the EU-Georgia Association agreement and will look further into the twelve policy areas attached to the Twinning and capacity-

building analysed in this dissertation. The fifth chapter applies Mai'a K. Cross' theoretical framework so as to investigate what the interactions between EU and Georgian experts involved in the twelve Twinning and capacity-building projects studied in this dissertation are, and how those interactions impact on EU norm implementation. After that, the sixth chapter concentrates on the external scope conditions in which these expert interactions are embedded and looks into how those conditions facilitate or hinder EU norm implementation. Finally, this dissertation ends with both empirical and theoretical conclusions, as well as suggests avenues for further research.

SETTING THE CONTEXT – A BRIEF HISTORY OF EU-GEORGIA RELATIONS

To understand how the EU-Georgia Association Agreement has come about, we need to make a brief detour alongside the history of EU-Georgia relations. When Georgia regained its independence from the Soviet Union, in 1991, the EU did not devote enough attention to the region of the South Caucasus, mainly due to its negligible size (compared to more powerful regional actors around it, such as Russia, Turkey or Iran), but also to its distant location, its instability and the presence of protracted conflicts, as well as to a lack of knowledge about the region's European identity (Alieva, 2006). Some EU Member States had, nevertheless, launched relations and personal contacts with Eduard Shevardnadze and his administration, since he was seen as a key player for Georgia's transition to democracy, as well as for establishing business interests in the region (such as France and the United Kingdom). Increasingly, Georgia was seen as a *willing partner* in European capitals, keen to have friendly relations with the EU despite its weak economic, political and military capabilities and its endemic corruption (Gamkrelidze, 2021).

Nonetheless, the EU's involvement with the three South Caucasus countries increased with the creation of the first and second TACIS programmes – Technical Assistance to the Commonwealth of Independent States (Delcour and Duhot, 2011:5). The aims of the TACIS programme were to assist twelve post-Soviet countries, as well as Mongolia, in their transition to democracy (Rinnert, 2011). The financial envelope of the TACIS programmes was, from 1990 to 1999, of 4,2 billion euros (ibid.). Emphasis was put on judiciary reform in Georgia (Delcour and Duhot, 2015: 5). However, in the words of Alexander Frenz, a long-term leader of several projects monitoring TACIS programmes, TACIS was significantly inefficient at the time:

“It started in a rush: unexpectedly and with virtually no time to prepare. There was little to no information, no traditional ties which could be activated. Tacis

was addressed to the newly emerging independent states, mainly aiming at enhancing their transition process. At that time, however, these countries had unknown political structures, institutions and potential partners. In addition, there was (and still is...) a constantly changing institutional environment, which makes long-term planning a sometimes tedious effort” (2008).

On the side of the TACIS programme, INOGATE was launched in 1996 as an energy cooperation programme between the European Union and eleven countries in Eastern Europe, the Caucasus and Central Asia, including Georgia (Gomółka, 2016). INOGATE concentrated on issues such as the security of supply, energy diversification, transit and energy efficiency (ibid.). Nearly all programme objectives were reached in Georgia, except for the objectives related to energy efficiency (ibid.). Outside of those two frameworks, the EU also provided assistance to the three South Caucasus countries with its Food Security Programme, or also as humanitarian aid managed by the European Commission Humanitarian Office (ECHO) (Delcour and Duhot, 2015: 6).

Wishing to frame EU-Georgia relations in a contractual framework, the EU signed with Georgia a Partnership and Cooperation Agreement (PCA) on April 22nd, 1996, together with similar agreements with Armenia and Azerbaijan. The agreement entered into force in 1999. The export of the *acquis communautaire* was incorporated as a specific objective of the Agreement, as stated in Article 43:

“The Parties recognise that an important condition for strengthening the economic links between Georgia and the Community is the approximation of Georgia’s existing and future legislation to that of the Community. Georgia shall endeavour to ensure that its legislation will be gradually made compatible with that of the Community” (Official Journal of the European Union, 2009).

Areas subject to legislative approximation included, amongst others, customs law, intellectual property, financial services, public procurement, animal and plants health and consumer protection (ibid.). As pointed out by Petrov and Van Elsuwege, such an Article is to be considered as a soft, voluntary obligation placed on Georgia to gradually align its legislation with the EU *acquis* (2014: 2). Compared to the CEECs countries, which were granted the offer of EU membership in the 1993 Copenhagen European Council summit, legislative approximation for the South Caucasus republics remained a “marginal issue”, despite ambitious national plans and strategies drafted at domestic level (ibid.). Weak institutional frameworks and unstable political climates complicated the process of legislation approximation in the region (ibid.).

This situation totally changed at the Copenhagen 2002 European Council Summit, where a future initiative towards the EU’s eastern neighbours was announced. The European Council conclusions specified that:

“The enlargement will bring about new dynamics in the European integration. This presents an important opportunity to take forward relations with neighbouring countries based on shared political and economic values. The Union remains determined to avoid new dividing lines in Europe and to promote stability and prosperity within and beyond the new borders of the Union” (European Council, 2002).

The communication establishing the European Neighbourhood Policy of 2003 clearly refers to a new ambition to *move beyond the soft and voluntary approximation of EU legislation* so as to offer increased economic cooperation with the EU and grant ENP partner countries the pleasure and benefit of the four freedoms (free movement of goods, persons, capital and services) (Petrov and Van Elsuwege, 2014: 3). In its Communication “Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours”, the European Communication therefore made it very clear that such rewards will occur only in return for “*concrete progress* demonstrating shared values and effective implementation of political, economic and institutional reforms, including aligning legislation with the *acquis*” (European Commission, 2003, my emphasis). Bilateral ENP action plans have been drafted since 2004, listing out a set of priorities for each country for approximately three to five years. Although such plans are legally non-binding, “they can be seen as an instrument that helps to structure relations and cooperation and to set several benchmarks in order to be able to control the goals described in the plan” (Voss, 2010:143-144). The Action Plans, however, did not list out specific EU legislative texts to transpose and implement in partner countries (Petrov and Van Elsuwege, 2014: 3). On the contrary, other documents specifically emphasized the importance of legislative approximation with the EU *acquis* to enhance economic and social development in the South Caucasus. The ENI Country Strategy Paper 2007-2013 for Georgia instructed the country, for instance, to harmonize its energy regulatory framework with the technical norms and standards of the EU (European Commission, 2007).

Nevertheless, the 2008 Russo-Georgian War marked a significant step away from the implementation of EU legislation and standards in Georgia. The Georgian regions of Abkhazia and South Ossetia became de-facto states in the early 1990’s (both regions have declared their independence from Georgia: in 1991 for South Ossetia and in 1992 for Abkhazia), regions that represent approximately 20% of the Georgian internationally recognized territory. Following the war, Russia has gradually increased its control over such regions. In fact, the European Court of Human Rights, in the interstate case of *Georgia v. Russia (II)*, found that Russia has been in “effective control” of the separatist entities of South Ossetia and Abkhazia, (European Court of Human Rights, 2021) either by its own military forces or by supporting the separatist regimes. Following the 2008 war, the

European Union has adopted in December 2009 a Non-Recognition and Engagement Policy (NREP) towards South Ossetia and Abkhazia: while the EU is firmly committed to respecting Georgia's territorial integrity and sovereignty, it will seek to have limited contacts with de facto authorities from Abkhazia and South Ossetia, the civil society organizations and populations in such regions (Fisher, 2010). The European Union is also co-chairing the Geneva International Discussions that aim to address the consequences of the 2008 conflict, as mandated by the Six-Point Agreement of August 2008. In 2010, the EU has also established a Confidence Building Early Response Mechanism (COBERM) that finances "people-centred" grassroots activities, like youth camps, cultural activities, exchanges, multi-ethnic farming activities bringing together people from both sides of the conflict line (European Commission, n.d.). The EU is also financing the re-building of water facilities, houses or projects related to the improvement of health care and education in Abkhazia. However, since Georgia does not exercise effective control of those areas, it means that both the ENP Action Plans and the forthcoming EU-Georgia Association Agreement are not implemented in South Ossetia and Abkhazia. There is currently no financial and technical assistance provided by the EU in those regions.

Article 429 of the EU-Georgia Association Agreement regulates that the DCFTA part of such Agreement will be applied in South Ossetia and Abkhazia once it is fully implemented *on the entire territory of Georgia*:

“The application of this Agreement, or of Title IV (Trade and Trade-related Matters) thereof, in relation to Georgia's regions of Abkhazia and Tskhinvali region/South Ossetia over which the Government of Georgia does not exercise effective control, shall commence once Georgia ensures the full implementation and enforcement of this Agreement, or of Title IV (Trade and Trade-related Matters) thereof, respectively, *on its entire territory*” (Official Journal of the European Union, 2014, my emphasis)

However, in a recent report by the European Commission, it is clearly stated that “the DCFTA *does not* currently apply to these regions” and that the situation is not likely to change any time soon (European Commission, 2022a:2, my emphasis). Consequently, EU legislation is not enforced in those regions, which lie outside of the scope of my dissertation.

The launch of the Eastern Partnership

After the Russo-Georgian war of 2008, a new policy initiative was taken with the launch of the Eastern Partnership (EaP) in 2009, which was finally decided upon after some initial resistance from some EU Member States, and particularly France (Rinnert, 2011). As seen earlier, the EaP seeks to “strengthen and deepen the political and economic relations between the EU, its Member States and the

partner countries and helps them in achieving the twin ecological and digital transformation” (European Commission, 2020d). In that context, the EaP partner countries were to be offered a new contractual framework, bilateral Association Agreements that would include DCFTA (Deep and Comprehensive Free Trade Agreement). Petrov and Van Elsuwege argue that such an upgrade of the bilateral relations between the European Union and EaP partner countries “goes hand in hand with intensified efforts of legislative approximation” (2014: 4-5). The Joint Declaration of the Prague Summit 2009, that Petrov and Van Elsuwege also refer to, is quite explicit on that topic:

“New Association Agreements, beyond existing opportunities for trade and investment, will provide for the establishment or the objective of establishing deep and comprehensive free trade areas, where the positive effects of trade and investment liberalization will be strengthened by regulatory approximation leading to convergence with EU laws and standards” (my emphasis) (Council of the European Union, 2009).

Financial and technical support from the European Commission and EU Member States was made available for the six EaP participating countries in order to speed up the process of *acquis* export (Petrov and Van Elsuwege, 2014:5). Specific instruments were designed for this purpose, such as the European Neighbourhood and Partnership Instrument, ENPI (2007-2013), followed by the European Neighbourhood Instrument, ENI (2014-2020). Georgia received EUR 453 million between 2017 and 2020 (European Commission, 2017) and finally the Neighbourhood, Development and International Cooperation Instrument – Global Europe 2021-2027 with an overall allocation of €79.5 billion (covering EU’s relations with all third countries).

That EU legislation would be transposed and implemented in non-EU Member States poses, according to Lazowski (2008), another set of challenges – would EU legislation be uniformly and effectively applied in countries that do not enjoy (at that time) prospects of membership? Innovative legal mechanisms, such as Association Agreements (AAs) were required in order to ensure the correct transfer of the EU *acquis communautaire* in EaP participating countries (Petrov and Van Elsuwege, 2014:5). The European Union started first to negotiate an association agreement with Ukraine (2007-11), and later with Georgia and Moldova (2010-2013). As seen earlier, the EU-Georgia Association Agreement was signed on June 27th, 2014 and entered into force on July 1st, 2016 after ratification by the EU Member States. The Association Agreements signed with the three EaP countries were described by the then European Council President Herman Van Rompuy as the “most far-reaching agreements towards political association and economic integration ever concluded by the European Union”

(Von Rompuy, 2013). The objectives of the EU-Georgia Association Agreement are listed in Article 1 and can be summarized as follows:

- a) Preparing Georgia's accession to the EU internal market, which requires the harmonization of Georgian legislation with the EU;
- b) Accompanying Georgia on its transition to a functioning market economy;
- c) Increasing Georgia's participation in EU programmes, policies and agencies;
- d) Strengthening avenues for political dialogue between the EU and Georgia (Official Journal of the European Union, 2014).

As regards to objective (a), most chapters of the Agreement refer to the Annexes (34) that list specific legislation that Georgia has committed to transpose and implement with strict deadlines. Other chapters, that do not cover policy areas where the EU has exclusive or shared competences, do not include specific legislative texts to export but contain soft law provisions that Georgia has also pledged to put into practice (Wolczuk et al., 2017).

EU-Georgia relations under the Georgian Dream administration

As seen earlier, the twelve Twinning and capacity-building projects examined in this dissertation occurred during the Georgian Dream (GD) administration, which took power in 2012 and is there in the present (it won the parliamentary elections of 2020). It is therefore relevant to briefly describe the state of EU-Georgia relations during the GD administration. When former prime minister Bidzina Ivanishvili took office as Georgia's prime minister in October 2012, he and his administration declared their intention to continue Georgia's policy of advancing further European integration, while "normalizing" the country's relations to Russia (Fondation Robert Schuman, 2023). Initially, the GD government abandoned the *laissez-faire* approach that existed during Mikheil Saakashvili's presidency (2004–2013), during which EU's demands to adopt its regulatory standards was often ignored or resisted. During the first years of the GD administration, the implementation of EU standards radically improved, as for instance could be seen in the policy area of food safety (Delcour, 2016). The EU institutions themselves frequently referred to Georgia as the "frontrunner" of the Eastern partnership. For instance, Commissioner for European Neighbourhood Policy and Enlargement Negotiations Johannes Hahn declared in 2016, when Georgia joined the Horizon 2020 programme:

“Georgia is an important partner for the EU and a frontrunner of the Eastern Partnership: extending Horizon 2020 to Georgia is a further, concrete sign of our commitment to closer political association and economic integration with the country” (European Commission, 2016c).

Such successful strategy of pursuing European integration culminated in the obtention of visa-free access to the EU for Georgian citizens in 2016. Nevertheless, more recently, coming closer to the EU had its drawbacks, for instance an increasing number of declarations, practices and policies that were and are unacceptable for Georgia’s European partners: demonization of the former president Saakashvili and his administration, high levels of politicization between the governing parties and the opposition, inflammatory statements against European politicians and European institutions and reluctance to address remaining challenges as regards to the rule of law, human rights and the independence of public administration and of the judicial sector and the media (Fondation Robert Schuman, 2023). In its 2022 Association Agreement Implementation report, the European Commission underlines:

“Challenges threatened to undermine the country’s democratic foundations, including the limitations in the functioning of Parliament following the 2020 parliamentary elections; the shortcomings in the conduct of local elections; the July 2021 violence against journalists and lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons without meaningful subsequent investigation; and reports of wiretapping of parts of Georgian society and the diplomatic community. Reform of the judiciary has stalled over the past year, and even regressed in key areas. A number of crucial laws were rushed through Parliament without the necessary consultations or analysis of compliance with EU or Council of Europe standards” (2022)

With the intention of putting reforms back on track, European Council president Charles Michel facilitated the negotiation of a political agreement between governing parties and the opposition, with the aim of reducing the polarization of Georgian politics and ensuring a better functioning of the Georgian parliament. The agreement has, however, been only partially implemented (European Commission, 2022b).

In that context, Georgia was assessed in February 2023 by the European Commission concerning its level of readiness to align with the EU: while the country has a moderate level of readiness in 9 policy areas (mostly related to trade, economic and monetary policy, education, science and research, and external relations), the partial or non- implementation of the more value-based

acquis is still a subject of continuous discussions and recurrent disputes between the EU and Georgia (Civil.ge, 2023).

In conclusion, some final words need to be devoted to Georgia's EU membership process, even if it is beyond the scope of this dissertation. It is however worth mentioning that the European Union's relations with Ukraine, Moldova and Georgia have experienced a dramatic and unexpected shift on February 24th, 2022. Russian armored and air forces invaded Ukraine, together with thousands of missile attacks in both Ukraine, which took the world by surprise. To this day, the war hasn't yet ended and it is certainly not in my role (or even in my capacity) to make predictions on the issue of the conflict. However, one of the political consequences of Russia's war in Ukraine has been Ukraine's, Moldova's and Georgia's submission of their EU membership candidacy (on March 3rd, 2022, for Georgia). After submitting its replies to the European Commission's questionnaire, the European Commission delivered its opinion with regard to granting Georgia candidate status. It decided to recommend granting Georgia its candidate status only after 12 issues of priority have been addressed by the Georgian government (European Commission, 2022b). Those 12 priorities concern:

1. Addressing the issue of political polarization,
2. Ensuring the well-functioning of public institutions, increasing their accountability and independency as well as improving the electoral framework,
3. Implementing a transparent and effective judicial reform strategy as well as increasing the independence, accountability and impartiality of the judiciary,
4. Strengthening the independence of the Anti-Corruption agency
5. Eliminating the excessive influence of vested interests in the economic, political and public spheres
6. Strengthening the fight against organized crime,
7. Guaranteeing a free, professional, pluralistic and independent media sector,
8. Enhancing the protection of the human rights of the vulnerable groups,
9. Improving gender equality and consolidating efforts to fight violence against women,
10. Ensuring the involvement of civil society in decision-making processes at all levels;

11. Taking into account the judgements issued by the European Court of Human Rights into legislation and court judgements,

12. Ensuring that the process of recruiting a new Public Defender (Ombudsman) is conducted in a merit-based and transparent manner.

(European Commission, 2022b).

The decision of granting Georgia such candidate status will be made at the end of 2023. On November 8th 2023, the European Commission recommended EU Member States to grant the candidate status to Georgia.

WHAT ARE TWINNING PROJECTS?

The Twinning instrument was originally designed to help CCEC candidate countries to “acquire the necessary skills and experience to adopt, implement and enforce EU legislation” (European Commission, 2020b). The Twinning instrument was then extended to non-candidate countries in 2004, and the EU attached its goal to the implementation of bilateral Partnership and Cooperation Agreements (PCAs), Action Plans (APs), and, most recently, Association Agreements (AAs) (European Commission, 2020b). Twinning projects aim at linking civil servants in partner countries to their peers from EU Member States through committing to a set of objectives, goals and mandatory results regarding the implementation of the *acquis communautaire* (Panchuk and Bossuyt, 2017). The rules regulating Twinning projects are enshrined in the Twinning Manual (European Commission, 2017).

As compared to other forms of cooperation between the EU and its partner countries, Twinning emphasizes the long-term character of such links between the administrations involved (*ibid.*). The general length of a Twinning project is 12 to 36 months (European Commission, 2020b). Within such a time period, a various range of activities is organized in order to facilitate norm implementation processes, such as workshops, training sessions, expert missions, study visits, internships and counselling, which rely on the use of short-term experts (European Commission, 2020b). As for 2021, 114 Twinning projects were ongoing and 37% of them concerned the Neighbourhood East region (European Commission, 2021c). Twinning projects occurring within the framework of the European Neighbourhood Policy are financed by the European Neighbourhood Instrument, with a fixed budget for every single project.

As stated above, Twinning projects are based on the cross-border exchange between civil servants and not through the temporary hiring of private contractors, the latter having been the case with other EU capacity-building instruments such as TACIS (Technical Assistance to the Commonwealth of Independent States), TAIEX (Technical Assistance Information Exchange) or

SIGMA (Support for Improvement in Governance and Management, established by cooperation between the OECD and the European Union). A Twinning project starts with the drafting of a Twinning fiche, a process for which the beneficiary administration is supposed to take a leading role, with the support of the EU Delegation in the country and of the Programme Administration Office (an entity within the Foreign Ministry of the beneficiary country tasked to oversee all Twinning projects). The finalization of the Twinning fiche, occurring after a review by the EU Delegation and after an inter-service consultation of the relevant EU services (DGs) leads to the circulation of the Twinning Fiche and a call for proposals, to which administrative units in EU Member States can answer (European Commission, 2017). Member States are encouraged to submit proposals in consortium with other Member States. When in consortium, a specific Member State, called the senior partner, takes the lead regarding the conduct of the project. Other Member States within consortia are referred to as junior partners. A selection committee evaluates all the proposals received and selects the most suitable one according to criteria stated in the Twinning Manual (ibid.). A Twinning Grant Contract is then drafted by the EU Delegation (the Contracting Authority) and signed by the Member State(s) selected and by the beneficiary administration. Such process generally takes around two years, starting from the drafting of the fiche to the first day of the implementation of the project (Panchuk and Bossuyt, 2017).

At the core of each Twinning project is the placement of a Resident Twinning Advisor within the beneficiary administration during the whole implementation period of the project. In the Twinning Manual, the RTA is described as "... the backbone of a Twinning project throughout its entire duration and s/he is in charge of the day-to-day implementation [...] RTA is expected to provide advice and technical assistance to the representatives of the Beneficiary administration" (European Commission, 2017). The RTA generally comes from a ministry or a public agency in an EU Member State. The RTA organizes all the activities related to the goal of the project, they select the short-term experts, organize the activities related to the project described above, provide advice to the beneficiary administration on a daily basis and ensure that all the project objectives are fulfilled. However, the overall responsibility for the implementation of the project is placed in the hands of a project leader, emanating from the administration of the Member State involved or the senior partner in case of consortium. An RTA and project leader counterparts are designated from the beneficiary administration. If the project is divided into several components (related to distinct policy areas), component leaders and component leader counterparts are designated. An official from the EU Delegation in Georgia acts as a project manager and they represent the contracting authority (the European Commission). Different short- or medium-term experts are tasked to deliver the

activities included in the Twinning fiche. During the whole implementation period, quarterly reports have to be provided to the EU Delegation and discussed at the occasion of project steering committee meetings. Such institutional set-up has been summarized in figure 2:

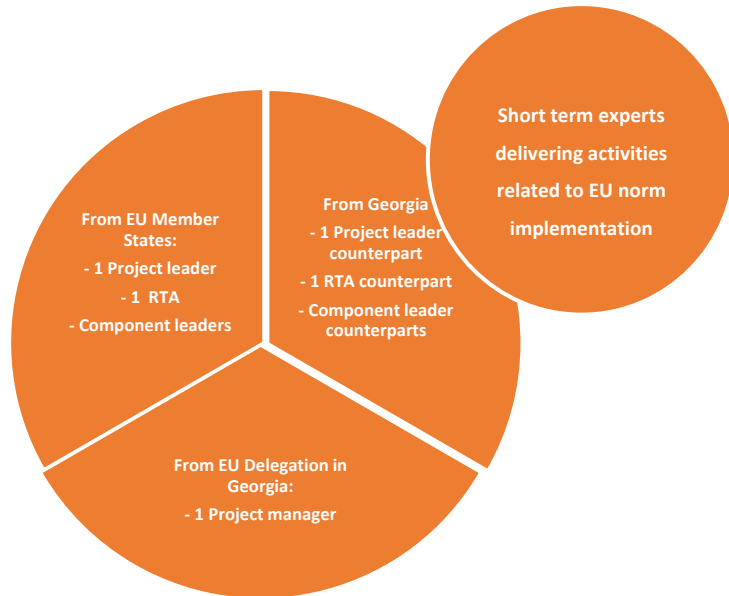


Figure 2. The institutional set-up of Twinning projects

The Twinning Manual (from 2017, updated in 2020) describes the profile of each of the actors involved, and thereby emphasizes the expertise needed for those actors to participate in Twinning projects:

The project leader shall be “an official or assimilated agent with a sufficient rank to ensure an operational dialogue at political level” (European Commission, 2017: 26).

The beneficiary administration is expected to “have a *proven competence* in the relevant field of administrative cooperation as defined in the Twinning Fiche” (ibid.: 26, my emphasis)

The RTA shall “in addition to good knowledge of the Twinning project’s field, have experience from the institutional set-up and implementation in the relevant sector” (ibid: 30).

The short-term experts shall “be fully integrated within the Member State institutions involved in the delivery of the required *expertise* [...] [and] deliver

the *bulk* of support to the Beneficiary administration through specific activities in the Beneficiary country, including workshops, seminars, training sessions, meetings with officials of the Beneficiary administration, joint drafting sessions, etc” (ibid: 34, my emphasis).

Beside those aspects, it is worth noting that the scope of this research will be extended to other forms of capacity-building projects that are not Twinning, but that also maintain a long-term character and are based on the exchange of knowledge between experts and the beneficiary administration, although financed by other EU instruments. One project regarding SPS provided support to the National Food Agency of Georgia for almost eight years. Another project supported the implementation of different component of gender equality standards towards the Inter-Agency Commission on Gender Equality, different line ministries and the municipalities of Gori and Zestaponi under two time periods (19 months and 9 months). More will be discussed in the methods chapter.

CHAPTER 1 – INTERNATIONAL INSTITUTIONS AND NORM DIFFUSION

Introduction

Why study norms in the context of EU's relations to one of its neighbours, Georgia? In *Rules for the World: International Organizations in Global Politics*, Michael Barnett and Martha Finnemore refer to global politics as inherently composed of a dense network of international organizations that do not only function as simple tools at the hands of powerful states, but also as autonomous agents, possessing their own special expertise and bureaucracies that allow them to shape and diffuse norms:

“International organizations exercise power in the world through their ability to make impersonal rules. They then use these rules not only to regulate but also to constitute and construct the social world. IOs, through their rules, create new categories of actors, form new interests for actors, define new shared international tasks, and disseminate new models of social organization around the globe” (2004:3).

Besides, not only do we see an increased number of international organizations after the World Wars I and II diffusing norms in the international system, the degree of *obligation* (whether states are legally bound to respect the norms in question), *precision* (whether norms unambiguously defined the conduct to adopt by state actors) and *delegation* (whether third parties have been granted the authority to implement, interpret and apply the norms) attached to those norm diffusion processes has increased over time, as seen by Abbott et al. (2000). International organizations are being increasingly legalized. International courts and tribunals, appellate bodies, or legally binding treaties containing own

monitoring and oversight mechanisms ensure that states not only respect the norms shaped, but also comply with them on the domestic level (Goldstein et al., 2000). This is also true of regional organizations such as the European Union, which developed its own legal order that has become the main source or origin not only of their Member States' national legislation, but also of third countries such as Georgia (Amtenbrink & Bernard Vedder, 2013:2).

Hence, the nature of the European Union as a global actor is to be a norm diffuser. On that note, the Normative Power Europe (NPE) theoretical framework (Manners, 2002, 2006), regards that "the EU exists as being different to pre-existing political forms, and that this particular difference predisposes it to act *in a normative way*" (Manners, 2002: 242, my emphasis). For instance, Bengtsson and Elgström have analyzed how the EU's role as a normative power has been performed throughout its interactions with the Union's eastern neighbors and with African, Caribbean and Pacific (ACP) countries, concluding that the Union was acknowledged as such by most European countries (except Russia and Belarus) and not by the majority of ACP countries, which mostly saw the EU as too patronizing and self-confident (2011). Others see the normative power of the European Union through the lenses of its single market, considering the way it diffuses norms through economic and social regulation, and coined the concept of Market Power Europe – MPE (Damro, 2012; Damro and Friedman, 2018). On the same line, Bradford (2012, 2020) denotes the capacity of the EU to export its standards and regulations with the term of Regulatory Power Europe or the Brussels effect.

This chapter aims at exploring the conditions by which international organizations are able to act as "conveyor belts" through which norms are diffused to national contexts, with a particular focus on how such norms are transferred from the European Union to countries participating in the European Neighbourhood Policy. It will start with a definition of the concept of norms, followed by a conceptual clarification, since the research on norm diffusion is divided into various disciplines and analytical approaches that have little interaction with each other (Tulmets, 2014a; Delcour & Tulmets, 2019). In order to better grasp the overarching characteristics and mechanisms behind norm diffusion, a second section of this chapter will look particularly at two different traditions that have attracted considerable scholarly attention: *Europeanization and policy transfer studies*. As will be argued, policy transfer studies have devoted increased attention to how interactions through which meanings, interests and behaviour are formed and changed, unfold in practice. This has not been fully considered in the Europeanization theoretical framework. Policy transfer studies allow, in that sense, to move down the ladder and encompass how norms are shaped and re-shaped in interactions with others, notably between experts involved in Twinning projects in Georgia. In fact, Europeanization

research needs to take into account better “the macro-level linkages between EU institutions [...] and microlevel interactions of the actors within the institutional context” (Neuman Stanivuković, 2017:2015), instead of being either a top-down or a bottom-up approach. Certainly, such research agenda has not sufficiently clarified how those iterative processes work in practice and what kind of mechanisms explain norm diffusion (de Flers and Müller, 2010). Besides, Europeanization studies have overlooked the fact that that norm transfer processes also occur at the micro-level (Grünhut, 2017), within the mundane, the everyday dimension of social interactions (Mannergren Selimovic, 2019), a point that I will come back to and clarify during the course of this chapter. In that sense, this thesis is very much in line with Maggi’s conception of actor-centred Europeanization (2016). Hence, this chapter will explore the role of local actors in *receiving, adapting and even resisting* norm diffusion processes.

Finally, this chapter will argue that the adoption of such norms by local actors does not necessarily imply that they will be correctly and voluntarily implemented at the domestic level (Lavenex & Schimmelfennig, 2009). Therefore, norm implementation should be analytically distinguished from norm adoption, since it “necessitates a different set of research questions to those posed by norm circulation theorists. The focus shifts away from ‘how norms spread’ to ‘who operationalizes norms and under what conditions’” (Holmes, 2019: 56). From looking at the compliance literature that has analyzed why EU law is diversely applied in EU Member States, I will finally discuss, using the compliance studies literature, different conditions that can affect norm implementation. I will finally problematize the relevance of the distinction between the *management approach to compliance* (through which compliance depends on the implementing actors’ capacity to do so) and the *political approach to compliance* (through which compliance depends on the implementers’ willingness) for a non-EU and post-soviet country such as Georgia.

On norms and international institutions: a definition

There is some degree of confusion in the scholarly literature around norms. Annika Björkdahl argues that “norms vary over time and are often context dependent, their elusive nature poses serious analytical problems” (2002a: 39). Such analytical problems are illustrated by the fact that a wide range of competing and overlapping definitions of the concept have been given by different scholarly traditions and philosophical approaches. However, I contend that norms are defined by three different dimensions: they are (a) *patterns of behavior*, (b) *prescriptions* and (c) *shared expectations*, thus creating regularity and

consistency as regards how states behave in the international system (Björkdahl, 2002b:39). Related to the first aspect, Raymond refers to international norms as “generalized standards of conduct that delineate the scope of a state’s entitlements, the extent of its obligations, and the range of its jurisdiction” (1997:217). However, the simple repetition of standard behaviour “does not necessarily create a norm of conduct” - the prescriptive aspect of norms needs to be present in order to turn such standard behaviour into a norm (Björkdahl, 2002a:40). Norms are as well general ascriptions of behaviour: by defining what specific appropriate behaviour actors ought to adopt in different contexts and proscribing other alternatives (Bernstein, 2000). In addition, those prescriptive standards of behaviour should be shared within a community (Finnemore & Sikkink, 1998). As Finnemore clarifies, a norm “exists only when some relevant group agrees with and holds particular beliefs about expected behaviour” (Finnemore, 2017). Thus, norms also entail collective expectations concerning the proper behaviour (Björkdahl, 2002a:40, Finnemore & Sikkink, 1998; Risse & Ropp, 1999), sometimes defining the identity of actors, or otherwise “operating as standards that specify the proper enactment of an already defined identity” (Katzenstein, 1996:5).

However, as seen in the introduction, norms are not solely shaped, shared, diffused and internalized by state actors, but also by international institutions. March & Olsen refer to international institutions as “structures of shared norms and expectations” (1998:947). That international organizations, defined as “formal, multilateral, and bureaucratic arrangements established to further cooperation among states” (Tallberg & Zürn, 2019:583) could be seen as “teachers of norms”, referring to “their role as an arena in which norms and convergent expectations about international behavior are developed” (Finnemore, 1993:594) has been advanced by the constructivist turn in international relations theory during the 1990s and 2000s (Checkel, 1998; Deitelhoff & Zimmermann, 2019). International organizations “often insist that part of their mission is to spread, inculcate, and enforce global values and norms”, as the “missionaries of our time” (Barnett & Finnemore, 2004:33) for both state and non-state actors in a wide range of policy areas so diverse as science policy (Finnemore, 1993), the chemical weapons taboo in armed conflicts (Price, 1995), market-oriented infrastructure reform (Henisz et al., 2005), gender quotas for the selection of candidates to political office (Krook, 2006) or the fight against corruption (Sandholtz & Gray, 2003). This aspect is well-reflected in the breadth of policy areas covered in the EU-Georgia Association Agreement, with its Annexes listing out significant parts of the EU acquis that Georgia has committed to transpose and implement. I will elaborate further on this in this dissertation’s background chapter. In order to fulfill their role as norm diffusers, international organizations not only need to achieve legitimacy (Buchanan & Keohane, 2006)

on financial and technical expertise (Barnett & Finnemore, 2004:24; Lenz and Burilkov, 2016), but also to present themselves as defenders of common norms in the international community (Barnett & Finnemore, 2004:20-25, Dellmuth et al., 2017; Donno, 2013:18).

Furthermore, international organizations rarely act alone in norm diffusion processes (Nilsson, 2017). Such organizations are often acting in concert with non-governmental organizations (Price, 1998; Betsill & Corell, 2001) or transnational advocacy networks (Kiel, 2011; Keck & Sikkink, 2018) in order to increase pressure towards national governments into adopting and implementing the norms they promote. But of more relevance for this dissertation, international institutions often lean on experts who enjoy recognized policy relevant expertise (Haas, 1992; Lidskog & Sundqvist, 2002) to influence the content and outcomes of policy processes. Experts are as well, as it will be explained later, tasked by domestic policy makers to implement such norms on the ground.

The next section examines how different conceptual approaches, Europeanization and policy transfer studies, have regarded the mechanisms, conditions and actors behind norm diffusion processes, so to advance the understanding of norm diffusion processes (Delcour & Tulmets, 2019:1) and to better situate this dissertation in a broader scholarly debate.

Building bridges between Europeanization and policy transfer studies

Norm diffusion processes from international organizations to countries in its Eastern neighbourhood have been studied through a variety of analytical approaches, which can be observed by taking into account the multiplicity of concepts that attempt to depict them: *regulatory convergence* (Langbein, 2011; 2015), *legal or regulatory approximation* (Harpaz, 2014; Petrov & Elsuwege, 2014; Petrova & Delcour, 2020), *rule transfer* (Schimmelfennig & Sedelmeier, 2004; Casier, 2012; Buscaneanu, 2016: 65; Nizhnikau, 2017), *policy transfer or policy adaptation* (Kelley, 2006; Tulmets, 2007; Sasse, 2008; Ademmer, 2016) and finally *norm diffusion, export, circulation or even transfer* (Börzel & Risse, 2011; Kleibrink, 2011; Tulmets, 2014a, 2014b; Gstöhl, 2017, Delcour & Tulmets, 2019; Heinrichs, 2019). As stated above, this section will investigate how two different scholarly traditions have conceived how and through which mechanisms international organizations diffuse their norms to domestic contexts - *Europeanization and policy transfer studies* – and see what theoretical clarifications could be brought about by bridging between those traditions.

The different “faces” of Europeanization.

Europeanization is a term that has been “applied in a number of ways to describe a variety of phenomena and processes of change”, it has therefore “many faces” (Olsen, 2002:921). Nevertheless, as announced in the introduction, this dissertation follows the definition of Europeanization given by Radaelli:

“processes of (a) construction, (b) diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’, and shared beliefs and norms, which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies” (2003:30)

The Europeanization theoretical framework has been used to explore four, non-mutually exclusive, dimensions: (1) Europeanization and domestic organization adaptation under EU accession, (2) Europeanization and domestic policy change in EU-Member States (3) Europeanization and enlargement countries (4) and finally Europeanization and countries of the Eastern Partnership. Since this dissertation regards Twinning projects only in Georgia, I will limit myself to the two latter aspects.

Europeanization and enlargement countries

As said, the Europeanization theoretical framework was initially conceived as a conceptual approach aimed at capturing both how Member States’ institutional structures adapted in the wave of EU membership and the penetration of European norms into domestic contexts. However, “the Eastern enlargement brought about the possibility to extending the research agenda and exploring Europeanization in the context of states that had to adopt their policies as a condition rather than as a consequence of membership” (Bolkvadze, 2016:411). Thus, Schimmelfennig and Sedelmeier define enlargement as “a process of gradual and formal horizontal institutionalization of organizational rules and norms” (2005:5). Earlier analyses of the EU’s Eastern enlargement focused on how Central and Eastern European countries (CEEC) prepared for EU accession, seeing Europeanization processes as mainly domestic-driven, resulting in the democratic transformation of their political institutions, national administrations and economies (Lippert, Umbach and Wessels, 2001), pushed by political consensus on EU membership (Pridham, 2000). Starting accession negotiations meant, however, that complying with EU norms and policies became an obligation rather than a simple aspiration for CEEC domestic elites. Thus, Europeanization studies shifted their attention from political institutions to various policy areas, through single case studies: on governance structures

(Grabbe, 2001), social policy (Cerami, 2011), labour markets (Sener & Savrul, 2011), private law (Cafaggi et al., 2013), foreign aid policy (Timofejevs Henriksson, 2015) or marriage equality (Forest, 2018). Some limited attempts to cross-sectoral comparison were made (Schimmelfennig & Sedelmeier, 2005b).

Schimmelfennig & Sedelmeier (2005b) suggest three main mechanisms through which Europeanization processes are likely to occur in enlargement countries: (1) *the external incentives model*, which captures the dynamics of conditionality, driven by rewards and sanctions that the EU applies in case of compliance/non-compliance with EU rules; (2) *the social learning model*, emphasizing how CEEC domestic elites adopt EU rules after being persuaded of their legitimacy and lastly, (3) *the lesson-drawing model*, by which those elites choose EU rules as effective remedies to domestic needs and policy challenges. As to the explanatory power of those mechanisms, a number of studies suggested that the success of norm diffusion processes depended not only on the presence of conditionality provisions but on also on the credibility of the EU's threat to withdraw rewards or impose sanctions in case of non-compliance, and of delivering the rewards in case of compliance (Andonova, 2004; Jacoby, 2004; Kelley, 2004; Schimmelfennig & Sedelmeier, 2004; Grabbe, 2006). Inconsistencies in the application of the conditionality principle are, in return, said to negatively affect compliance with EU rules (Hughes, Sasse & Gordon, 2004). Even after membership, the new Member States' records of compliance with EU law appear to outperform those of the 'older' Member States during the first four years of membership, with no backsliding on governance and democracy standards, hence proving the effectiveness of conditionality (Sedelmeier, 2008; Levitz & Pop-Eleches, 2010; Sedelmeier, 2016; Börzel & Sedelmeier, 2017; Börzel, 2022). This was as well confirmed by qualitative and comparative studies that particularly focused on some specific policy areas, such as in the field of state aid (Blauberger, 2009), author rights, advertising and sponsorship of tobacco products, status of third-country nationals and exposure of workers to vibration (Steunenberg and Toshkov, 2009) and trade- and environment-related legislation (Toshkov, 2008).

Nevertheless, recent findings point out that the domestic change induced by conditionality during pre-accession period might not always be sustainable in the longer run, with both variation among Member States and across policy areas (Epstein & Sedelmeier, 2008; Sedelmeier, 2012). A more recent scholarship has been pointed out at the weakening of the impact of the EU in accession and post-accession countries in recent years, using the concept of *de-Europeanization* (Agh, 2016a, 2016b; Aydın-Düzgit and Kaliber 2016; Rosamond, 2019; Ertugal, 2021). Therefore, the continuity of government orientation and presence of reform-friendly veto players (that are able to resist attempts to reverse Europeanization processes) are needed in order to "lock in" institutional change

(ibid). Besides, the more a government's hold on power depends on illiberal practices, the more EU influence decreases, due to the lack of credible sanctions towards Member States after accession such as the very weak application of the ones foreseen by Article 7 TEU (Sedelmeier, 2017; Schimmelfennig & Sedelmeier, 2020). Other instruments are therefore used by the EU to reverse the democratic backsliding witnessed in some of the CEEC countries, such as social pressure (public shaming and criticism), infringement procedures launched towards the ECJ and issue linkage (when EU institutions make more or less explicit links between non-compliance and the threat of pulling back rewards in another policy area). The threat of fines by the ECJ, specially combined with issue linkage tactics is deemed as the most effective tactics to elicit compliance (Sedelmeier, 2014).

As underlined earlier, compliance with EU rules, beyond cost-benefit calculation by domestic elites pressured by the conditionality principle, also occurs by “mechanisms through which, institutions in Europe socialize states and state agents, leading them to internalize new roles or group-community norms” (Checkel, 2005). Certainly, as expressed by Hughes, Sasse and Gordon:

“The capacity to adopt or implement the *acquis* requires not simply transposition through a domestic legislative gallop, but also a cognitive adjustment by elites who must not only learn to ‘speak European’ but also become acculturated and assimilated into European norms and ‘ways of doing things’” (2004:141)

Checkel (2005) identifies, on this topic, three different mechanisms through which the social learning and lesson-drawing models (Schimmelfennig & Sedelmeier, 2005b) unfold in practice: (1) *strategic calculation* (with actors seeking to maximize given interests, adapting their behaviour to rules and norms given by international institutions), (2) *role playing or Type I internalization* (with agents behaving according to certain rules because they are seen as appropriate in a particular setting, by learning to play a certain role) (3) and *normative suasion or Type II internalization* (with actor adopting the rules and even the identity of group in question). Examining how four CEECs (Bulgaria, the Czech Republic, Poland and Romania) approached the EU chemical regulation REACH and the Climate and Energy Legislative Package, Braun (2014) explored how Europeanization processes took place through two different routes: one route leading to the socialization of individual civil servants engaged in EU work and another route through the activities of domestic norm entrepreneurs that promoted similar norms as the EU, acting in transnational advocacy groups having the organizational capacity to influence state policies. The role of such groups has also been observed when studying Turkey's

compliance with EU asylum and competition law (Aydin & Kirisci, 2013). As for the socialization of civil servants in enlargement countries, the type of contacts such individuals maintain with European institutions matters: Meyer-Sahling, Lowe and van Stolk (2016) show, as regards to EU-supported public administration reforms in Eastern and Central Europe, that public officials involved in “reception-related activities” (i.e. the transposition and implementation of EU legislation) tended to more easily follow and adopt EU-standards as regards to introducing more meritocracy in public administration. However, those dealing with “projection-related activities” (preparation of national position on EU law proposals, being responsible for the coordination of such position with other Member States) did not show more positive attitudes towards merit-based civil service governance. Municipal health officials in Serbia were also more prone to condoning corruption practices where they were exposed to EU institutions through working with EU harmonization, whereas EU training or daily interaction with EU officials did not have any significant effect on such attitudes (Fagan & Sircar, 2020).

To sum up, the EU – through the application of conditionality and socialization mechanisms – “provides external governance. It projects its model and rules of governance to the outside and, if successful, contributes to the Europeanization of national and international governance beyond the borders of formal membership” (Schimmelfennig, 2010) and induces, at different levels and pace, institutional change in enlargement countries.

Europeanization in the EU's neighbourhood

The launch of the European Neighbourhood Policy (ENP) in 2004 represented “another challenge to scholars” (Bolkvadze, 2016:411) since EU norms were to be diffused to countries in the Union’s vicinity which lacked any credible membership prospects (at the time). Consequently, Europeanization studies devoted their attention to theorising the extension of EU’s *external governance* beyond enlargement and the “accession carrot” (Lavenex, 2004). However, the policy frameworks and tools for the ENP were ‘borrowed’ from the EU’s Enlargement strategy vis-à-vis the Central and East European countries (CEEC) – such as the promotion of liberal values and norms and the use of political conditionality, which was also reflected by the fact that the Commission officials in charge of the enlargement portfolio took the lead in setting up the ENP, before being transferred to the then DG for External Relations (Kelley, 2006; Moga, 2017). Such tools were even reinforced in the 2011 review of the ENP, which introduced the “more for more principle” under which “only those partners willing to embark on political reforms and to respect the shared universal values of human rights, democracy and the rule of law have been offered the most rewarding aspects of the EU policy” (European Commission, 2012), together

with incentives in terms of financial assistance, access to the EU's internal market and promotion of mobility (so-called the three 'Ms') (Langbein & Börzel, 2013; Bicchi, 2014a).

Yet, compared to the enlargement context, conditionality applied to ENP countries is more to be seen as “conditionality-light” (Sasse, 2008) with vaguer incentives and higher adoption costs for countries characterized by hybrid or semi-authoritarian regimes (Schimmelfennig, 2005). Various studies have, in that context, highlighted the absence of credible membership promises to explain EU's ineffectiveness in diffusing its norms to its neighbouring countries (Schimmelfennig & Scholtz, 2008; Lehne, 2014). Studying democratic promotion in the neighbourhood, Lavenex and Schimmelfennig (2011) conclude that the conditionality is strong at declaratory and programmatic level – with ENP strategy documents openly tying financial aid, support programmes, participation in EU agencies to the leverage of domestic reforms. However, the implementation of such conditionality principle is patchy, with strong sanctions being more likely to be applied with geographically proximate countries that are non resource-rich. Benchmarking procedures in the field of democracy promotion remain also unclear and arbitrary, for instance in the case of the ENP Action Plans concluded with Jordan and Tunisia (Del Sarto & Schumacher, 2011).

Furthermore, the EU seems to be trapped in what Börzel and Lebanidze (2017) call a *democratization-stability dilemma* in its relations with its neighbourhood – since the majority of the ENP countries are, as said, hybrid or semi-authoritarian regimes, democracy promotion through political conditionality risks triggering political instability, which is absolutely contrary to EU's interests in the region. Thus, the EU has failed to consistently impose sanctions in case of non-compliance with EU democracy norms, for instance, when it chose to intensify its energy and trade relations with Azerbaijan in spite of blatant non-respect for the basic principles of democracy and rule of law in the country. Moreover, the EU never made its technical and financial assistance conditional on the implementation of political reforms in Armenia. Hence, promoting effective governance, with the goals of stabilizing ENP countries and increasing their resilience to internal and external crises, enters into conflict with democracy promotion, conditionality and the strict monitoring of domestic political reforms (Hollis, 2012; Börzel and Van Hülen, 2014; Dandashly, 2015). Certainly, the inconsistency of the application of the conditionality principle does not entail that it is *never* applied. For instance, together with the US and NATO, the European Union put pressure on Georgia in order to secure the democratic conduct of the crucial 2012 parliamentary election. As Börzel and Lebanidze recall, the then High Representative for Foreign and Security Policy Catherine Ashton and the EU Commissioner for Enlargement and the Neighbourhood Štefan Füle explicitly linked the respect for democratic standards during such elections to the future of

Georgia's relationship with the EU in a joint statement published just a few days before the vote (2017).

That the EU is pursuing the (sometimes) contradictory objectives of both democratizing and stabilizing its neighbourhood has been interpreted by some studies as the evidence of the lack of internal coherence in the ENP framework (Pace, 2009; da Conceição-Heldt & Meunier, 2014). Noucheva (2015) for instance, underlines the institutional pluralism of European foreign policy-making – with agenda-setting and implementing powers over the ENP being shared by various EU institutional bodies and EU Member States – as a reason to why ENP instruments haven't been adapted in the aftermath of the Arab Spring. Thus, the ENP operated in “two parallel universes” towards ENP partner countries in the post Arab-Spring MENA region, an EU policy aimed at increasing its support for human rights and democracy promotion, and the bilateral policies of the southern Member States which focused on national interests, such as energy, investment, migration and security sector reform (Witney & Dworkin, 2012:39). Such institutional pluralism confirms “the endurance of the strained relationship between individual and common interests that has characterized EU foreign policy since its inception” (Schumacher, 2011). Consequently, the fact that the implementation of the ENP is split between a high number of actors (Bicchi, 2014b) negatively affects the possibility of the EU applying strict conditionality provisions when confronted with breaches of human rights or rule of law commitments by ENP partner countries, as has been observed with the disbursement of the European Neighbourhood Policy Instrument (*ibid.*), or the EU's sanctions against Russia imposed at the wake of the conflict in and around Ukraine, with Czech Republic, Slovakia and especially Hungary openly criticizing the EU sanction regime (Dostál et al., 2015).

Just like with enlargement countries, the EU functions as well as a “gigantic socialization agency which actively tries to promote rules, norms, practices, and structures of meaning” (Börzel and Risse, 2012:7) towards domestic actors in ENP partner countries, following a “logic of appropriateness”, through which they see such norms and rules as legitimate, natural, rightful and expected (March & Olsen, 2004). Petrova and Raube (2016) examine the functioning of the ENP regional inter-parliamentary cooperation assembly, Euronest, and conclude that socialization processes were limited to Euronest organizing a certain number of meetings and issuing declaratory statements and was not functioning as an effective platform for exchanging views and best practices. The same observation was drawn concerning the EU-Ukraine Parliamentary Association Committee (Wódka and Cianciara, 2019), as the parliamentarians involved had failed to discuss multilateral issues. Beyond inter-parliamentary cooperation, some studies have as well devoted attention to the EU's interactions with the civil society in ENP partner countries, such as with Armenia where socialization attempts were

hampered by the low level of EU engagement with NGOs in the country (Smith, 2011), as the EU prioritized maintaining relations with governmental actors. Yet, in Georgia NGOs were increasingly seen as acknowledged partners to the European Union and included them into networks working on the implementation and monitoring of the Eastern Partnership, which created new opportunities for them (Rommens, 2014), even if the EU's assistance to civil society remains limited in the South Caucasus region (Aliyev, 2016). The Eastern Partnership Civil Society Forum, on the contrary, provides a platform for NGOs operating in the EaP region in order to diffuse EU policies and norms among themselves (Kostanyan & Vandecasteele, 2013; Kostanyan, 2014).

Alongside EU's interactions with civil society organizations, the multilateral track of the Eastern Partnership Civil Society Forum is composed of four thematic platforms, under which more specific panels are placed - as seen in Figure 3. Such platforms and panels offer avenues for the socialization of domestic elites in EaP partner countries, due to greater intensity and frequency of their contacts between themselves and with EU civil servants (Kostanyan & Orbie, 2013), thus facilitating exchange of views and best practices, the presentation/explanation of EU legislation and standards as well as the monitoring of EaP goals and objectives (ibid.; Solonenko, 2015). The EU can also use political dialogues so as to socialize the domestic government into EU norms and rules (Börzel & Pamuk, 2011, see also Börzel and Risse, 2009), and also at the occasion of the yearly Eastern Partnership Summits.

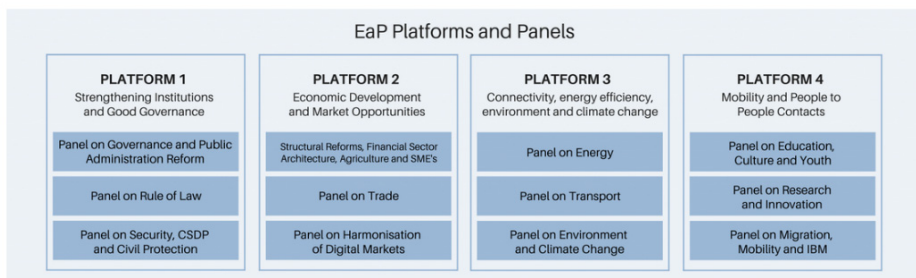


Figure 3. The EaP Platforms and Panels under the Eastern Partnership Civil Society Forum (Eastern Partnership Civil Society Forum, n.d.).

As a conclusion to this section on Europeanization, I have underlined how the Europeanization theoretical framework has considered norm diffusion processes aimed at exporting European institutions and policies beyond EU borders, both towards enlargement countries and partner countries under the European Neighbourhood Policy. However, as explained earlier, this dissertation will

follow the advice of Delcour and Tulmets and develop a “constructive interdisciplinary dialogue” among approaches that have conceived norm diffusion processes in varying and fragmented ways, so as to highlight the common “issues, questions and challenges” (2019:2). Hence, I will now examine a different scholarly tradition that has examined norm diffusion - policy transfer studies – so as to see how those two different frameworks could complement each other and give a broader picture of the phenomenon of norm diffusion. As explained later, bridging Europeanization and policy transfer studies will allow me to move down the ladder and consider the role(s) played by implementing actors, civil servants, in the implementation of European legislation in Georgia.

Policy transfer studies

The general framework of policy transfer studies gathers, under its “umbrella heading” (Evans, 2014:20), a wide range of different concepts, such as *policy diffusion* (as for example in Haider-Markel, 2001; Weyland, 2005; Shipan & Volden, 2008), *policy mobility* (Russell, 2012; Temenos & McCann, 2012), *policy translation* (Stone, 2012b; Mukhtarov, 2014), *policy adaptation* (Tulmets, 2007) and finally *policy transfer*. Those concepts display nuances in how policy transfers are conceived and apprehended: while the term diffusion tends to emphasize structure, the notion of transfer implies a greater focus on agency. Translation concerns the outcome of the transfer, while mobility, diffusion and transfer highlight the processes by which a policy is transferred, (Marsh & Sharman, 2009). However, their meanings tend to a large extent to be overlapping (Minkman, Van Buuren & Bekkers, 2018). In that regard, I define policy transfer with Dolowitz and March as a process:

“in which knowledge about policies, administrative arrangements, institutions and ideas in one political setting (past or present) is used in the development of policies, administrative arrangements, institutions and ideas *in another political setting*” (2000:5, my emphasis)

Therefore, policy transfer studies suggest that policies disseminate and disperse from a common point of origin to different contexts – hence they aim at tracking patterns of successful policy adoption (Eyestone, quoted in Stone, 2001). Transfers can occur both in coordinated and uncoordinated manner, where governments shape the choices of other governments but without necessarily exercising coercion or coordination between them (Elkins & Simmons, 2005). In order to investigate what theoretical gains could be achieved by bringing European studies and policy transfer studies, I will draw upon the seven questions

asked by Dolowitz and Marsh (2000) and will explore three topical themes: how policy transfers occur, what are the actors involved in policy transfer processes and what are the factors facilitating them.

Types of policy transfer

As stated by Dolowitz and Marsh (ibid.:13), policy transfer is not an “all-or-nothing process”. Following the typology proposed by Rose (1991, 1993), I distinguish *between copying, emulation, hybridization, synthesis and inspiration*. Copying, also referred to as mimicry, imitation or harmonization, occurs when “the policies are adopted purely as signalling device, to increase external legitimacy, without actual internalization of the underlying values” (Schnell, 2015: 278). Hence, mimicry is conceived as a tactic for policy-makers in urgent need of a “quick-fix” for solving domestic problems (Minkman, Van Buuren & Bekkers, 2018) and, as a result, associated with failed policy transfers, especially in the implementation phase (Toens and Landwehr, 2009). Toots (2007) demonstrates, for instance, that the transfer of Finnish educational policies to Estonia, focusing on decentralization and greater freedom for the schools to choose their students, proved - despite their attractiveness related to their top ranking in the comparative PISA study - to be extremely counterproductive, as it increased the vulnerability of slow learners. Failed policy transfers were observed as well in participatory urban planning models in Buenos Aires, imitated from Barcelona and Porto Alegre (Crot, 2010) and in educational policy reform in Romania after the fall of communism (Rușitoru, 2016). In that regard, Rose warned about the call of the siren that “may attract policy-makers to a programme that is likely to fail” (1991:26), since imitating a policy from elsewhere does not entail considering the specificities of the domestic conditions in which such policy needs to be implemented. The more successful a certain policy is, the more policymakers may be tempted to mimic it: Pritchett et al. (2012) demonstrate that mimicry of policies from functional states and organizations into developing countries, which lack substantial state capacity to sustain such policies, always leads to failure. Nevertheless, Krause (2013) argues that imitation strategies are not inherently deemed to be ineffective, as countries can still learn from each other, even if “copy-pasting” their most fruitful policies. Policy failure tends to happen, instead, when the adoption of reforms is insincere or if the imitating states are too weak to engage in purposeful action. Pressures for mimicry from international donors may also empower reform-friendly domestic actors and provide them further leverage to advance their cause, such as with transparency and anti-corruption policies in Romania (Schnell, 2015).

Hybridization occurs when learners combine elements of policies from different places (Rose, 1991, 1993). Bößner et al. (2020) analyse the implementation of EU-supported renewable energy policies in Thailand and conclude that the Thai

implementing actors were at first keen on copying Germany's feed-in tariff (FIT) policy, but the realities of local, institutional and market contexts obliged them to adjust it to the Small Power Producers (SPP) bidding scheme and net-metering regulations. When implementing public administration reforms within the China–Europe Public Administration program (CEPA), the Chinese authorities also opted for hybridization, merging ideas borrowed from study visits, internships and field trips of Chinese government officials in EU Member States and from EU agencies such as EC, ECD, EIPA, ENA, and BC with local cultural norms (Zhang and Yu, 2019).

Furthermore, *synthesis* resembles hybridization, but involves combining policy ideas from three or more places (Rose, 1991, 1993). Padgett (2003) considers the liberalization and re-regulation of the European electricity sector, following an initiative by the United Kingdom. However, during the negotiations in the relevant Council energy working groups, significant modifications were brought to the draft Directive, which resulted in the final text being merely a synthesis of national approaches. Implementation at national level showed varying solutions regarding energy liberalization. Bargaining results in transfer leads often to the synthesis of policies from different places (Bulmer and Padgett, 2005).

Emulation, on the other side, entails that political units aim to conform with their normative environment and adopt policies following a “logic of appropriateness” rather than seeking to copy-paste policies that have worked in the past (Rose, 1991; Bender, Keller & Willing, 2014). By adopting policies taken from a different context, policymakers also wish to sign their commitment to global norms, beyond their interest for effective policy solutions (Simmons, Dobbin & Garrett, 2006). For instance, Meyer et al. (1977; 1992) examined the universal growth of mass schooling between the 1950 and the 1970s and showed that variables at country-level (political ideology, political system and level of economic development) failed to account for such expansion of educational enrolment. I will now turn to which actors the policy transfer studies framework takes into consideration when analysing why policies travel from a specific context to another.

Actors behind policy transfers

Earlier studies have demonstrated the importance of both source and receiving actors for ensuring successful policy transfers. As for source actors, the transferability of policies, defined as “the ability of source actor to convey policies” (Minkman, Van Buuren & Bekkers, 2018), is particularly highlighted. In that matter, the positive image that receiving actors have of the source actors facilitates their interpersonal and institutional relationships, thus beneficially influencing policy transfer processes (Khirfan & Jaffer, 2014). Hence, the international reputation of source actors, as for example observed in the case of

Changi airport in Singapore, can both facilitate and hamper policy mobilities (Bok, 2014), as we have seen earlier when examining emulation as a certain type of policy transfer. To be able to diffuse their policies, source actors must display some levels of legitimacy amongst their receiving counterparts, as it is the case when the European Union aims to transfer its policies to non-Member-States (Radaelli, 2000).

Furthermore, the success of policy transfer processes also depends on the existence or not of institutional relations between source and receiving actors, such as membership in international organizations, like the European Union (Radaelli, 2000; Eberlein & Kerwer, 2004; Holzinger and Sommerer, 2011; Schmitt & Starke, 2011; Ayoub, 2014). Yet, when using non-EU-members as control cases, Fink (2013) found that OECD member states tended to imitate their peers and learn from their policy successes on the privatization of electricity companies, regardless of the question whether such peers were EU-members or not. Beyond membership in international institutions, membership in transfer networks also matter, as seen when West European social democratic parties (SDPs) attempted to provide a model for programmatic change for their sister parties in the East, the communist successor parties (CSPs) of Eastern and Central Europe (Sloam, 2005) or with transgovernmental policy networks in the 'Anglosphere' - that is, between policy elites from the Australia, Canada, New Zealand, the UK and the US (Legrand, 2016). Finally, cooperation within the framework of financial or technical assistance from source to receiving actors also facilitates policy transfer (Randma-Liiv and Kruusenberg, 2012), as well as trade cooperation (Jinnah and Lindsay, 2016).

On the other side of policy transfer processes, receiving actors also influence their success. Their lack of receptivity, defined as "the openness [...] to consider policies from elsewhere" (Minkman, Van Buuren & Bekkers, 2018:230) often limits the potentiality of engaging with policy transfer: as noted when examining the diffusion of German urban environmental and planning policies in the US, a strong belief in American exceptionalism inhibited policymakers to look elsewhere for policy solutions (Dolowitz & Medearis, 2009). The policy paradigm that is prominent in a particular domestic context also affects how policy transfers occur, with the concept of policy paradigm referring to the world views of domestic elites, as shown by Popp (2021) when studying the limited policy convergence of risk management tools in agriculture in OECD countries. On a similar note, policy convergence increases as well, when the policy to be transferred matches the core objectives and values of not only domestic policymakers (Chapman & Greenaway, 2006) but also of local bureaucratic agents, tasked to implement those policies on the ground (Clavier, 2010). Subsequently, reform-friendly domestic elites need to secure the support of potential veto-players in order to push through policy transfers, such as "street-

level bureaucrats” that were reluctant to HITRORez in Croatia, an initiative aimed at significantly reducing the regulatory burden for companies and improving the business climate (Šimić Banović, 2015).

Additionally, policy transfers are likely to be more successful if there exists a certain degree of domestic consensus on the policies to be transferred beyond the direct source agents (Lees, 2007; Müller and Slominski, 2016). Successful policy transfer depends, accordingly, not only on the domestic political leaders’ ability to build a strong enough political momentum to impose policies borrowed from elsewhere, but more importantly, personal features, such as their charisma, which can contribute to winning reform-adverse bureaucracies’ hearts, as in Ghana with public sector management reforms (Ohemeng, 2010). After highlighting the actors – both on the source and recipient sides of policy transfer processes -, the next section will particularly look into the factors that are likely to facilitate those.

Factors behind successful policy transfers

I have introduced earlier the need of the source and receiving actors to have developed strong interpersonal and institutional relations in order to secure the success of policy transfers. When both of those actors display certain degrees of mutual understanding and openness to their cultural differences, policy transfers are likely to be easier (Minkman, Van Buuren & Bekkers, 2018). Trust, respect and reciprocity are significant factors facilitating deliberate and effective communication channels between source and receiving actors, which is necessary when aiming for importing ideas from one context to another (Hoyt, 2006). Adjustment to cultural differences between the Netherlands and China, when transferring the higher-educational concept from the Technology, Policy and Management from Delft University of Technology to the Harbin Institute of Technology was also deemed of particular relevance (Jong & Bao, 2007), which explains why maintaining a two-way communication between “borrowers” and “lenders” is essential in policy transfer processes (Park, Wilding, and Chung, 2014; Chung, Park, and Wilding, 2016). Preventing miscommunication between source and receiving actors is, in that respect, dependent on their ability to use the same language, conceptual framework and policy discourses (Xheneti and Kitching, 2011; Fawcett and Marsh, 2012). However, when studying adoption of foreign-supported renewable energy policies in 112 developing/emerging countries, sharing the same language did not have a significant impact on the success of such transfers (Stadelmann and Castro, 2014).

The hierarchy structure in the relations between source and receiving actors is also underlined in policy transfer studies: in a Dutch-funded project on flood risk planning in Romania, the division of responsibilities between Dutch and Romanian experts remained unclear to the participants during the transfer process, which negatively affected its success (Vinke-De Kruijff, Augustijn, and

Bressers. 2012). However, the case of transferring the Vancouver model of sustainable urbanism in Abu Dhabi, that was mentioned earlier, shows that policy transfers function more effectively when hierarchies are more equally divided between stakeholders involved, and particularly with the gradual transfer of the ownership of the transfer from resident transferring agents to local acquiring agents (Khirfan and Jaffer, 2014). In that context, a significant factor facilitating policy transfers is the density of the network of actors involved, both personal networks maintained by domestic officials to foreign investors, institutionalized alliances of those officials with foreign governments that have co-invested in policy transfer projects and interactions with foreign consultants that own the technical expertise and know-how in order to correctly implement such projects (Chien and Ho, 2011). Informal relations with such source actors, as well as face-to-face exchanges, are essential parts of policy transfer processes (ibid., Vinke-De Kruijf, Augustijn, and Bressers, 2012).

Related to the hierarchy structures, the level of coercion imposed by source to receiving actors has, as well, an impact on the success of policy transfers – a point that I have emphasized in the section concerning Europeanization literature. As seen earlier, external pressures in form of trade agreements can accelerate policy transfer processes (Jinnah and Lindsay, 2016). However, policy transfer studies are somewhat less optimistic regarding the positive outcomes of coercive tactics for policy adoption in domestic contexts, which may result in transfers that do not fit the objective of the receiving country, such as with public administration reform in Bangladesh (Parnini, 2009), or in transfers that are vague or superficial (Webber, 2015). As pointed out by Minkman, Van Buuren & Bekkers, (2018), receiving actors engaged in coercive policy transfers are “merely interested in complying with the conditions for other purposes, rather than adopting the policy out of genuine interest”.

Alongside with the level of coercion, the institutional fit of the policies to be transferred in receiving countries is also relevant (ibid.). Policy transfer is likely to be unsuccessful if receiving countries lack the institutional capacity to adapt and implement the policies in question: as for example, when India reformed its electricity sector. Such reform was inspired by a British model of simultaneous privatization and unbundling, which did not fit the economic and political reality of the country, still lacking an energy regulatory agency (Xu, 2005). On the contrary, the already-existing institutionalization of parity within bureaucratic structures made possible the diffusion of gender quotas in France, which proves that such policy benefited from a high degree of institutional fit in the country (Lepinard, 2016). Besides institutional fit, policy transfer processes are likely to achieve their aim if the receiving agent has sufficient resources in order to carry out their implementation, such as with sustainable transport solutions in eleven cities of Northern Europe and North America studied by Marsden et al. (2012).

However, even with higher degree of institutional fit and sufficient resources, policy transfers can be hampered by the inability of receiving actors to induce institutional change. Previous adopted policies have the potential to create path dependency, which can also delay the adoption of borrowed policies in another context. Norwegian policy made in 2003 the choice of adopting a green certificate scheme (GCS) compatible with the one that already existed in Sweden, a prior decision that they were able to push through only in 2011 due to bureaucratic resistance (Gullberg and Bang, 2015). However, path dependencies may also have the potential to completely interrupt policy transfers (Zhang, 2012). Decision-makers might also change their mind during the process of transferring a policy from a different context, as shown with the case of Dutch railway officials, who remained sceptical on the lessons to be learned from the Japanese railways system, only to start implementing some of the policy solutions learned during study tours, reports and informal contacts with Japan some twenty years later, which proves that policy transfer can as well occur in “largely uncoordinated actions” (Van de Velde, 2013). Lastly, as I have further detailed in the section concerning the Europeanization processes, the ability of policy-makers to decide on which policies to transfer might be affected by the external environments in which they operate, as observed with the impact of Russia on policy transfer processes to the post-Soviet space (Dimitrova & Dragneva, 2009; Tolstrup, 2009; Ademmer, 2016).

Conclusion: why bridging Europeanization and policy transfer studies?

The exploration of the existing literature in policy transfer studies – although their application to the context of ENP countries remains at the time of writing limited – could highlight some factors that are likely to be relevant to this study. As Minkman, Van Buuren & Bekkers (2018) point out, two main factors facilitate the transfer of policies from one domestic setting to another. First, the selection of actors plays a crucial role in ensuring the success of policy transfers, and especially the interpersonal and institutional relations between source and receiving agents, which we will detail further in the section concerning experts and capacity-building projects. Those actors in receiving countries are, secondly, both empowered and constrained by the decisions they make (regarding, for instance, what type of policy transfers they wish to pursue, and which exact policies to be transferred, adapted and implemented) but also by a set of environmental factors circumventing them (hierarchy structures between “lenders” and “borrowers”, level of coercion applied by source actors and as well the external environment they are embedded in).

As we have seen, a certain number of studies within the Europeanization theoretical framework have pointed out how socialization processes are likely to

affect domestic elites' pre-existing norms and practices, resulting in the internalization of EU norms (Hughes, Sasse and Gordon, 2004:141; Checkel, 2005; Smith, 2011; Aydin & Kirisci, 2013; Kostanyan & Vandecasteele, 2013; Braun, 2014; Kostanyan, 2014; Rommens, 2014; Aliyev, 2016; Lowe and van Stolk, 2016; Petrova and Raube, 2016; Wódka and Cianciara, 2019). However, further clarification is needed as regards how such socialization processes unfold in practice and what mechanisms actually drive Europeanization (Alecú de Flers and Müller, 2010). How are norms transferred through socialization? How are domestic elites' preferences, interests and beliefs altered by their interactions with others? On the contrary, the policy transfer studies framework has identified a certain number of mechanisms explaining why policy transfer is facilitated by the interactions of source and receiving agents: for instance, it has underlined the importance of institutional relations between source and receiving agents, or the degree of receptivity of receiving agents, for successful policy transfers. Indeed, norm diffusion processes are influenced by the norms, attitudes, behaviour of domestic actors acting as "*catalysts of domestic change*" (Neuman Stanivuković, 2017). This dissertation will take into account such scholarly contributions by policy transfer studies and identify, in its chapter on the role of experts in the EU institutional structure, how distinct mechanisms impact the way such communities interact and achieve their tasks (norm implementation). Bridging Europeanization and policy transfer studies allow us, in that sense, to "move down the ladder" and comprehend the mundane face of Europeanization, that is how the nature of interpersonal relationships between EU and Georgian experts in Twinning projects impact on the implementation of EU legislation in the country.

Consequently, focusing on actors, this dissertation will follow an actor-centred view of Europeanization (Maggi, 2016). As Maggi argues, institutional change is triggered by the interplay between actors and institutions (ibid: 13). Actors are seen as engineers, interpreting and redirecting institutions in order to achieve their goals and interests, or contesting their rules and norms if they clash with them (ibid: 21). At the same time, actors encounter elements they cannot influence, which hinders their capacity to introduce domestic change (ibid.) Change is then seen as the result of the alteration of the perceptions and interests of actors, which occurs when they interact with each other (ibid: 26). In sum, actors both shape and are shaped by the institutional settings they are embedded in. They design such settings by their identities, norms and self-interests, but such domestic change is also conditioned by the frameworks provided by the institutions they operate within (Maggi, 2016:36).

Thus, the role played by interpersonal relationships that policy transfer studies have emphasized leads to considering the choice of domestic actors to respond (or not) to Europeanization pressures as a process, rather than an instance

(ibid:98), a process in which their perceptions, understandings and relations with actors at EU-level matter significantly (Delcour & Wolczuk, 2020). Rather than being an objective reality that constitutes either adaptational pressures or windows of opportunities for domestic political actors (Barbehön, 2016), the EU – as I will further explain in a later section – also induces domestic change through expert interactions, which has so far been neglected in Europeanization studies (Lyngaard, 2012:98). Investigating Europeanization processes by studying domestic actors’ interactions within those communities would allow us to “to break with the rigid structuralist and institutional interpretations which elaborate understandings on the notion irrespective of actors’ perceptions who are just semi-active, in fact rather passive agents for those studies”, argues Grünhut, referring to the Europeanization theoretical framework (2017:169).

Additionally, policy transfer and some strains in Europeanization studies share the same underlying analytical focus, as they focus on process patterns rather than on outcome, reflecting on which circumstances might result in domestic change (Knill & Tosun, 2012:267), which explains why concepts such as *convergence*, *harmonization* or *legal approximation* must not be used as a synonym for Europeanization (Vink, 2003). Such concepts also imply that a certain degree of policy similarity is achieved over time (Knill & Tosun, 2012:267), which has also been denoted by the notion used in sociology of *institutional isomorphism* (DiMaggio & Powell, 1983). Contrarily, both policy transfer and Europeanization studies admit that domestic actors make use of different transfer strategies that might result in policy similarity (mimetism) but also might lead to hybrid forms of policy convergence, where the policy to be transferred is adapted to local conditions. I will further detail this aspect in a later part of the dissertation, when examining the concept of resistance in Europeanization literature.

However, basic to this thesis is the understanding is that the focus adopted by Europeanization studies is to a certain degree broader than with policy transfer approaches. Europeanization, as we have seen with Radaelli’s definition mentioned above, attempts to explain the “process of change affecting domestic institutions, politics and public policy” (2012:1), concerning all together “formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’, and shared beliefs and norms” (2003:30) and not only policies. Domestic change cannot only be understood as the adoption of a new policy. As recalled by Radaelli:

“Sometimes the EU origin of change is a single decision, like the creation of a new piece of legislation. It can, however, also be a long process of discussion and deliberation, a chain of decisions, or, at the other extreme, a series of meetings and bargaining sessions that over the years do not end up with a final

agreement, yet they may change at least some opinions in some countries through socialization of national delegates” (2012:2).

In that sense, Europeanization is more to be considered as “political space with a distinct EU dimension wherein social interaction among elites [...] take place”, where “domestic change is processed, and patterns of adaptation can be more complex and creative than reactions to ‘Brussels’” (Radaelli & Pasquier, 2007). The next section will therefore explore the role played by domestic actors in shaping the “creative usages of Europe” defined by Radaelli and Exadaktylos (2010:194), that is, responding to, negotiating and adapting to the norms and policies diffused by the EU.

Bottom-up approaches to Europeanization: the role(s) of domestic elites from ENP countries in norm transfer processes

More recent contributions within Europeanization studies, assuming a bottom-up perspective, have attempted to “bring the domestic actors back in” (Delcour, 2018:5) in norm transfer processes, as previous accounts have the tendency to over-emphasize the role played by the EU (Börzel & Risse, 2012). Stressing the agency of norm-takers, Acharya emphasizes the significance of localization, defined as the “active construction (through discourse, framing, grafting, and cultural selection) of foreign ideas by local actors, which results in the former developing significant congruence with local beliefs and practices” (2004:245). Acharya singles out three different localization practices: *framing* (through which local actors actively construct linkages between a local norm and a global one), *grafting* (through which local actors associate a new norm with a pre-existing one in the same issue area) and *pruning* (through which a global norm is cut off in order to safeguard only the parts that suit the local normative system). Moving beyond the assumptions related to the passivity of the recipient of norms, Björkdahl et al. (2015:4) propose a conceptual framework organizing the different domestic responses to norm diffusion processes, stretching from *adoption* (referred to as a “conscious and unambiguous translation of exported norms into local policies, institutions and practices), *adaptation* (the adaptation and contextualization of European norms into local contexts), *resistance* (where few local practices are altered on the basis of European norms, with limited norm diffusion) to *rejection* (where European norms are fully rejected by local actors, leading to non-existing norm diffusion or the enactment of counter-norms).

Subsequently, norm diffusion processes are better seen through the metaphor of *friction*, used mainly in peace and conflict research, which captures “the diverse and unequal encounters between global and local agency, ideas and practices that produce new power relations”, revealing “how the ‘global’ and the ‘local’ are in constant confrontation and transformation” (Björkdahl & Gusic, 2015:266, see also Björkdahl & Höglund, 2013). Levitt and Merry refer to such process of local appropriation and adaptation of global norms with the notion of *vernacularization*, driven forward by vernacularizers that are “people in between, conversant with both sides of the exchange but able to move across borders of ideas and approaches” (2009:449). On a similar note, the concept of *hybridity* originally associated with anthropology, cultural and post-colonial studies, has also been applied in peace-building studies mentioning hybrid peace (Laffey and Nadarajah; 2012; Bernhard, 2013) and in political science, examining hybrid political orders or hybrid regimes (Albrecht and Wiuff Moe, 2015; Bogaards, 2009; Bolkvadze, 2016), capturing the same intertwined and complex relationship between the global and the local.

Coming to the role played by domestic actors in co-shaping norm diffusion processes in EaP countries, scholars have extensively paid attention to governments. Ademmer and Börzel find that the preferential fit between EU norms and the political agenda of domestic political elites, alongside with conditionality imposed by the EU side, account for the varying degrees of compliance regarding corruption, migration and energy policy in Georgia and Armenia. Delcour reaches the same conclusion concerning visa liberalization and food safety standards in Georgia (2013) and with the latter in Armenia (2018:105-109). Political elites might seek to seize state-resources in order to maintain themselves in power (Schedler, 2002; Bolkvadze, 2016). Drawing upon North, Wallis and Weingast’s theoretical framework, Ademmer, Langbein & Börzel (2018) find that political regimes characterized by Limited Access Orders, with rent-seeking of a small political elite, are unlikely to fully adopt EU-supported demands on greater civil and political rights, as it would entail curbing the power basis of such elite, although significant variation exist in the EU’s Eastern Neighbourhood. Elites in countries categorized as “unbalanced closure”, such as Azerbaijan and Belarus, have been successful in resisting such EU demands and maintain stability by restricting access to political and economic resources to the benefit of an elite who are a coterie close to the incumbent leader. On the other hand, countries considered with “unbalanced openness”, like Moldova (2005-2008) and Georgia (2004 2007) have to a greater extent co-opted EU norms on free and fair elections but resisted to open up the access to their economic resources to a wider public, as “political winners make sure that their office helps them to weaken competitors for economic rent-seeking (ibid.). Limited Access

Order regimes also limit their science and scientific cooperation with the European Union (Toshkov et al., 2019).

Alongside with domestic political elites, business actors also both facilitate and hinder norm diffusion processes from the EU to its Eastern Neighbourhood. Lower degrees of compliance with EU state aid rules are accounted for by Dimitrova and Dragneva (2013) by the presence of key veto players – oligarchs such as those linked to former President Viktor Yanukovich’s Party of Regions (*Partiya Regionov*). In the same vein, Georgia has chosen not to support the EU’s foreign declarations that criticize Armenia, Azerbaijan, Kazakhstan and Iran as these countries are important energy partners for the country and that any potential alignment to the EU Common Foreign and Security policy declaration on that matters could have brought damage to the country’s business interests (Mayer, 2014). That EU does not fully empower or engage with reform-friendly business actors, who can demand, shape and implement EU rules also explains why regulatory change have been patchy and incomplete in the shareholder rights, telecommunications, technical regulation and food safety sectors in Ukraine, compared to other international financial institutions and donors that pursue strategies of greater involvement with such actors (Langbein, 2014). Regarding Ukraine’s car industry, the EU has here as well failed to create opportunities for increasing compliance with its rules by displaying considerable degrees of disengagement with the oligarchs dominating the sector, preferring instead to protect its own car industry (Langbein, 2016). Promises of deeper economic integration with the EU and trade liberalization can act as strong incentives for business actors to comply with EU rules, even beyond the political agenda of the incumbent government. In that respect, Bradford distinguishes between the “de facto” and the “de jure Brussels effect”, the de facto referring to “how global corporations respond to EU regulations by adjusting their global conduct to EU rules”, “where no regulatory response to EU regulations is needed”; and the de jure to “the adoption of EU-style regulations by foreign governments”, especially when “multinational companies have adjusted their global conduct to conform to EU rules, and they have the incentive to lobby EU-style regulations in their home jurisdictions (2020:2). Business actors can not only adopt EU rules by themselves, counting on the fact that that it would provide them with greater market access to the EU, but can also pressurize their governments into compliance. Nevertheless, stakeholder-led private governance initiatives have acted as a catalyst for policy change concerning the implementation of EU forestry and chemical safety regulations in Ukraine, but Buzogány (2016) finds that political support is crucial in order to ensure the permanency of such change. Furthermore, civil society organizations also can promote the adoption of EU rules by domestic governments, such as with environmental standards in Ukraine (Buzogány, 2013). In conclusion, civil

society organizations can lead to high degrees of policy approximation, despite low policy saliency and vested domestic interests, especially if they operate in networks (Buzogány, 2022).

However, this dissertation argues that the previous contributions shedding light on factors behind ENP countries' non-compliance with EU norms have mostly devoted their attention to the earlier phases of the policy process, both regarding norm adoption, or what Finnemore and Sikkink (1998) denote as norm acceptance (whether third countries' governments accept or not EU norms) and regarding transposition (related to the incorporation of EU norms in the national legislative system of ENP countries), and have so far neglected the effective implementation of such norms, referring to the "administrative operations for the actual application of EU law necessary to ensure compliance" (Milio, 2010:5). Such scholarly tradition "did not systematically distinguish between factors that influence transposition and causal conditions that have an impact on enforcement and application. Typically, these contributions tended to treat the whole process of implementation as following a single theoretical logic (Treib, 2014:9). Or, as Langbein and Wolczuk point out, we need to maintain an analytical distinction between *rule selection* (when rules are accepted by domestic political actors), *rule adoption* (when rules are transposed into domestic legislation) and *rule application* (when rules are implemented on the ground), since "evidence suggests that domestic actors in neighbouring countries differ in their role in, and preferences for, the selection, adoption and/or application of EU rules" (2012: 864). Or, as O'Toole underlines "research performed in ignorance of the understanding that implementing actors have about their circumstances is likely to miss important parts of the explanation" (O'Toole 2000: 269).

The following section will address the specificities of norm implementation processes, which – as we have earlier explained – shift the focus of the enquiry of 'how norms spread' to 'who operationalizes norms and under what conditions' (Holmes, 2019:56).

From norm adoption to norm implementation

Norm acceptance and a timely transposition of EU norms into receiving countries' legal system is no guarantee for an effective and correct implementation of such norms on the ground, argue Bondarouk and Mastenbroek (2018): "the mere fact that a member state or local implementer lives up to a procedural obligation does not have any bearing on *the extent to which* the implementer really makes 'EU policy work'". As an example, Delcour and Wolczuk (2015) provide empirical evidence that Armenia enthusiastically accepted EU policies and institutional templates in four different sectors: sanitary

and physio sanitary standards, regulation of state aid, visa liberalization and reform of the gas market. Nevertheless, little is said about how those reforms were implemented at national, regional and local level. The same conclusions could be drawn regarding similar studies, such as Ademmer and Börzel (2013) and Delcour (2013).

Hence, transposition is just the first step towards implementation:

“Subsequent to transposition (sub-national) implementation agencies need to become familiar with their monitoring and supervising tasks, the target groups of the policies must be informed about their rights and obligations, their behaviour needs to be monitored and, in cases of non-compliance, sanctioned” (Haverland & Romeijn, 2007:760).

In that regard, Treib (2014) distinguishes between *legal and practical implementation*, as the “law in the books” is not necessarily the “law in action” (Versluis, 2004). Bondarouk and Mastebroek (2018) regard practical implementation as composed of two different sub-stages.

Firstly, *policy formation on the ground* - where significant decision-making is yet to be done - concerns, for instance, the more precise definition of policy objectives, the instruments to be used to implement such objectives, the establishment of new administrative agencies, the division of task between such agencies and the resources needed, involving negotiations with administrative agencies situated in between and as well with political actors, often situated at different layers; and finally procedural rules of monitoring and inspecting agencies by regulators (Hill & Hupe, 2005; Versluis, 2007; Hupe & Hill, 2016).

Secondly, *policy delivery* denotes “the actual putting in practice of the policy instruments” (Bondarouk & Mastebroek, 2018), where implementing agencies actually deliver the results that the policies in question are meant to achieve (Versluis, 2007; Treib 2014).

The empirical cases that lay the ground for this dissertation’s analysis concern both policy formation on the ground and policy delivery. However, as stated in the introduction, my ambition is not to provide examples for all of the aspects of implementation under those two umbrella stages. I will now turn to existing research on policy implementation.

Differentiated implementation

As highlighted earlier, there is a lack of studies concerning the practical implementation of EU norms in ENP partner countries. However, evidence from

the implementation of EU directives and regulations in EU Member States, especially the newer ones, show that while formal requirements have mostly been fulfilled in a timely and satisfactory manner (Knill & Tosun, 2009; Sedelmeier, 2011; Börzel & Buzogány, 2019), serious implementation challenges persist (Falkner & Treib, 2008; Falkner, 2010; Sedelmeier, 2011; Orru & Rothstein, 2015), with both country-specific and policy-specific variations.

However, policy implementation is never uniform within the EU, since EU law leaves room for Member States to make their own choices during the implementation phase. Hence, it is relevant for this dissertation to summarize the existing literature on differentiated implementation. Both case studies, as well as quantitative and qualitative comparisons between Member States have sought to explain why differences in implementation exist inside the EU. Firstly, implementation is always embedded within existing long-standing legal and administrative traditions that can hinder domestic change (Versluis, 2004). Implementation is dependent on specific departure points, which represent different degrees of policy misfit, adaptation pressures and costs for Member States' administrative apparatus (Borrass, 2014). In that sense, Member States often use the discretion provided by EU Directives to retain domestic measures that are already in place, as underlined by Princen et al. (2022) when studying the implementation of the Energy Efficiency Directive in Czechia, Germany, Ireland and the Netherlands. Moreover, the translation into practice of EU law is often left to local administrations, which in dialogue with distinct target groups, are tasked to further define how to operationalize EU law requirements and how those shall be delivered on the ground, as the study by Borrass et al. shows with the case of the implementation of the EU Habitats Directive in Germany and in the UK (2015). Nevertheless, the level of discretion left to local implementers varies significantly across countries and sectors (Dörrenbächer and Mastenbroek, 2019). In any case, domestic politics, focusing on the embeddedness of the institutions and the policy context, needs to be brought into our explanations (Mastenbroek, 2005; Mastenbroek and Kaeding, 2006). Legislative drafters, when drafting bills and measures to transpose EU into national legal systems, indeed take ministerial demands into consideration while ensuring compliance with EU requirements (Mastenbroek, 2020).

Secondly, saliency also matters. Versluis' study on the implementation of the Safety Data Sheets Directive in the Netherlands, Germany, the United Kingdom and Spain demonstrates that implementing agents devote different degrees of attention to implementing EU law (2007). Since enforcement agencies are responsible for implementing more EU directives than their number of inspectors can ever check, they need to prioritize. If the directive in question seems not to be important enough, its implementation is likely to be patchy. Monitoring is of particularly importance (Versluis, 2003, 2004; Bondarouk and Mastenbroek,

2018). This is also in line with Bondarouk et al. (2020), who analyzed the implementation of the EU Ambient Air Quality directive in four Dutch municipalities, and found that saliency, together with the political preferences of local government and policy entrepreneurship of implementing agents were the driving forces for a correct implementation of such Directive. I will therefore, as explained later, retain such factor in my analysis.

Policy entrepreneurship is indeed significant for EU law implementation. Strong coalitions of actors pushing for domestic change help to account for Member States' gold-plating, that is when they go beyond EU requirements (Bondarouk et al., 2020). NGOs can also resort to legal proceedings in order to oblige non-compliant domestic administration to enforce EU law requirements (Reiners and Versluis, 2023).

In conclusion, the varying implementation of EU law across the EU has been approached by the concept of *customization* (Thomann and Sager, 2017; Thomann, 2019; Zhelyazkova and Thomann, 2022) which "reflects the more fine-grained patterns of how countries use their discretion to adapt policies to local circumstances during transposition" (Zhelyazkova and Thomann, 2022: 430).

Falkner's and Treib's "worlds of compliance"

Another theoretical framework that has attempted to capture variations in implementation is Falkner and Treib's worlds of compliance (2008). When studying the application and enforcement of EU labour law directives, they singled out four "worlds" of compliance:

1. The *world of law observance*, where the transposition, application and enforcement of EU Directives is particularly successful, as such directives are well-adapted to the domestic contexts in question;
2. The *world of domestic politics*, where domestic veto-players might be able to block or delay the implementation of EU Directives, even if administrative and judiciary agencies typically work for an effective implementation of the *acquis communautaire*;
3. The *world of transposition neglect*, where "compliance with EU law is not a goal in itself", since both administrative and political actors make limited attempts to comply with the *acquis*;
4. The *world of dead letters*, where the implementation of EU law is not sufficiently supported by domestic administrative capacity, unable to effectively monitor and enforce the *acquis*.

However, Börzel – studying compliance with the EU *acquis* in a wide range of policy sectors, demonstrates that political actors, such as national parliaments or domestic leaders, are increasingly marginalized in issues related to EU law implementation (2021:138). Notwithstanding the fact that the implementation of EU law is never politicized within EU member states, it is to be seen more as “policy without politics” (Schmidt, 2006): depoliticized and under the dominance of bureaucrats, both at EU and domestic levels. Thus, I will only consider the two latter words in Falkner’s and Treib’s framework.

Concerning the *world of transposition neglect*, earlier studies within the Europeanization theoretical framework has used “goodness-of-fit”, that I have underlined earlier regarding norm resistance, to explain implementation gaps as well. In this context, the wider the gap between EU law and domestic legislation is, the more likely it is that national governments and administration would resist implementing such legislation. Angelova et al. (2012), synthesizing both quantitative and qualitative research on compliance, find the goodness-of-fit argument to have robust results. Nonetheless, a wide range of either single-case studies or quantitative studies provided evidence for the goodness-of-fit arguments only when such argument was complemented by adding actor-related variables (Duina, 1997; Duina and Blithe, 1999, Knill and Lenschow, 1998; Börzel, 2000). Consequently, further studies confirmed the limited explanatory power of the “goodness-of-fit” argument, as regards, for instance, to the implementation of the Packaging Waste Directive (Haverland, 2000), the Parental Leave Directive (Falkner et al., 2001) and Labour Law Directives (Falkner et al., 2004). Since the “goodness-of fit” argument leaves no room for domestic actors and is to a very little extent supported by empirical results, Mastenbroek and Keading (2006) argue that compliance research should move beyond analysing the degree of fit in order to better grasp occurrences of poor implementation of EU legislation. Yet, Börzel and Buzogány (2019) have recently underscored that implementation gaps have narrowed over the past 25 years, since legislative proposals tend to amend existing rather than propose new legislative provisions, which have decreased the degree of misfit and facilitated implementation. Amending EU Directives is less likely to lead to delayed or incorrect transposition (Mastenbroek, 2003; König & Luetgert, 2009; Haverland et al., 2011).

Finally, the *world of dead letters* refers to the insufficient administrative capacity at domestic level, which negatively impacts the implementation of EU legislation. Mbaye (2001) points at the efficiency of domestic bureaucracies and the availability of fiscal resources as decisive factors to shed light on variations in the enforcement of EU law across EU Member States (2001). Studying the implementation of food legislation in the Netherlands, Germany, the UK, Spain and Greece, Berglund et al. (2006) maintain that such implementation is

facilitated by the presence of administrative departments in Member States which have the special task to specialize in transposition, with the time and resources to develop routines and procedures to enforce and monitor the *acquis*. Similar conclusions were reached by Hille and Knill (2006) analysing the implementation performance of 13 EU candidate countries between 1999 and 2003. Concerning the ENP, Wolczuk concludes that it has had a “tangible empowering impact” on reform-oriented civil servants in Ukraine, which facilitated the implementation of the EU-Ukraine Action Plan (2009). Besides, Keading (2006) finds a positive correlation between low levels of corruption within EU Member States’ administrative apparatus and correct implementation of EU law. Administrative inefficiency and coordination problems between ministries are as well strongly associated with transposition delays for Haverland and Romeijn (2007), Linos (2007), Perkins and Neumayer (2007), Knill and Tosun (2009) and Börzel et al. (2010). Experience within the domestic administrative apparatus of transposing and enforcing EU law also matters (Berglund et al., 2006; Kaeding, 2006; Steunenbergh and Rhinard, 2010; Haverland et al., 2011), as does issue salience for the national administrations, as in the case of the later phases of the implementation of chemical safety legislation or environmental Directives (Versluis, 2004, 2007; Spendzharova & Versluis, 2013). Administrative culture also impacts compliance: state machineries can devote attention to legal implementation while ignoring the significant problems on the ground, such as during the implementation phases of the EU Drinking Water Directive in Estonia and Lithuania (Orru & Rothstein, 2015). The administrative agencies in those countries disregarded the concerns expressed by domestic scientific experts, inspectors and civil society groups and pushed for a strict enforcement of the requirements laid in the Directive, even if they were ill-fitted to the realities on the ground, thus creating a “*world of turning a blind eye*”.

It is, however, worth mentioning that both the empirical fit and the theoretical underpinning of such model have been questioned (Thomson et al., 2007; Toshkov 2007a). Such typology is based on the existence of a “specific pattern of reacting to EU-induced requirements” (Falkner, Hartlapp, Leiber, and Treib, 2005:318), that is different compliance cultures allowing to classify EU Member States into “cluster of countries” (Falkner and Trieb, 2008) or “family of nations” (Falkner, Hartlapp, Leiber, and Treib, 2005: 341) in order to explain variation in compliance patterns. While there exist significant difficulties regarding how the concept of compliance culture should be operationalized and at which level (the level of the general public, of administrative actors, or political elites), Thomson et al. (2007) regret the rigidity of Falkner’s and Treib’s typology, which does not allow for considering more than one explanatory variable behind the phenomenon of non-compliance. As explained in the next section, elucidating the phenomenon of non-compliance necessitates considering several causal mechanisms.

Therefore, this dissertation will consider that a specific country *might simultaneously belong to different worlds*.

Operationalization of the external scope conditions behind EU law compliance in Georgia

What kind of conclusions can we draw from the ,compliance studies literature? The contribution by Falkner and Treib (2008) helped us to distinguish between different worlds of non-compliance and therefore identify different conditions affecting norm implementation in EU Member States, which could be of importance when analysing it in ENP countries such as Georgia. Bondarouk, Liefferink and Mastebroek (2020), when summarizing the compliance studies literature differentiate between the *political approach* (where non-compliance is voluntary) and the *management theoretical approach* (non-voluntary compliance).

The world of transposition neglect (Falkner, Hartlapp, Leiber, and Treib, 2005; Falkner and Treib 2008) suggest that incomplete norm implementation depends on the *willingness* of implementing actors (Bondarouk, Liefferink and Mastebroek, 2020). Two conditions are of particular relevance regarding such political approach:

Policy saliency

I have demonstrated in an earlier section that policy saliency regards the importance implementing actors attach to a certain issue (Versluis, 2003, 2004, 2007; Bondarouk, Liefferink and Mastebroek, 2020). A high level of salience is associated with higher degrees of norm implementation (Thomson et al., 2012), whereas a lower degree of saliency relates to insufficient norm implementation. Implementing actors are confronted with a significant number of tasks related to putting legislation into practice (Lipsky, 2010); they tend, therefore, to select which tasks they will devote their attention to (Bondarouk, Liefferink and Mastebroek, 2020). Although saliency is sometimes empirically difficult to distinguish from resistance, I still argue that an analytical distinction between saliency and resistance is to be maintained: saliency refers to the fact that implementing actors need to prioritize certain issues amongst others, and do not denote their active resistance to implementing EU law. Thus, the level of attention they attach to certain tasks will depend on the importance they attach to those (ibid.). Subsequently, policy saliency will affect norm implementation.

Bureaucratic resistance

As suggested by Falkner, Hartlapp, Leiber, and Treib (2005), the degree of fit between the policy goals of European legislation and pre-existing domestic policies is also impacting norm implementation. Implementing actors may at times resist the policy directives of their governments (O' Leary, 1994; Cooper, 2018). Theoretical links can be drawn here with historical institutionalism, that sees resistance to change as an inherent characteristic of organizations, notably with the concept of path dependence (Pierson, 2004). Besides, Dent and Golberg argue that individuals do not resist to change per se but fear the consequences that such change might bring about to their organization (1999). Therefore, the changes that European legislation might imply for Georgian bureaucratic agencies could lead to some degree of bureaucratic resistance. Patterns of bureaucratic resistance is therefore linked to insufficient norm implementation.

As for the management approach, insufficient norm implementation is not associated with the willingness of implementing actors, but rather depends on the "implementers' capacity to do so" (Bondarouk, Liefferink and Mastenbroek, 2020). As seen earlier, Falkner, Hartlapp, Leiber, and Treib (2005) denote such aspect by their conception of the *world of dead letters*. One main variable within that approach concerns the implementers' administrative capacity. Papadimitriou and Phinnemore (2003) show that norm implementation is rendered difficult by the high level of legislative changes required in receiving countries involved in the EU enlargement process. As argued by Brosig (2012), "there can logically be no compliance without administrative capacity". With such view, norm implementation is related to the implementers' resources and knowledge to comply with the law (Hille and Knill, 2006; Berglund et al., 2006; Toshkov, 2007b, 2008; Haverland and Romeijn, 2007; Knill and Torsun, 2009; Börzel et al., 2010; 2012). Several dimensions are associated with administrative capacity of implementing actors, such as:

Policy experience and knowledge

Human resources, their knowledge and policy experience with European legislation affect norm implementation (O'Toole and Meier, 2009, 2010; Bondarouk, Liefferink and Mastenbroek, 2020). In that sense, some implementing actors are better trained than others in putting European law into practice. Experts with the proper education and years of experience can improve the implementation record of receiving countries (Treib, 2014).

Personnel stability

Norm implementation performance is also affected if there exists a high turnover of personnel in the receiving country's ministries and administrative agencies

(Walker and Andrews, 2013; Meijerink and Huitema, 2010; Bondarouk, Liefferink and Mastenbroek, 2020). Such turnover also disrupts cooperation patterns between implementers (Andrews et al., 2012), which is particularly relevant to our case as this dissertation analyses internal dynamics between experts involved in Twinning projects. Too frequent changes in personnel also leads to the loss of knowledge and skills as well as imposes higher costs in training new staff (Walker and Andrews, 2013).

Resources

Material resources also pressure implementers into making priorities and neglecting certain implementing tasks (Lipsky, 2010). Undeniably, implementing European legislation not only requires trained and stable personnel, but also requires the receiving country's administrative apparatus to be well equipped: the implementation of food and safety standards legislation demands, for instance, a sufficient number of laboratories.

Can Bondarouk's, Liefferink's and Mastenbroek's framework be applied in post-Soviet contexts?

I have argued elsewhere that the distinction made by Bondarouk, Liefferink and Mastenbroek (2020) between a management and a political approach poorly reflects the realities of post-soviet countries where the domestic administrative apparatus is not entirely separated from its political sphere (Anderlini, forthcoming¹). Indeed, after the collapse of the Soviet Union in 1991, the newly independent states were faced by the tremendous challenge to reform their governance structures. Indeed, the Soviet administrative apparatus was more focused on implementing the agenda of the Communist party than on delivering public services to the population (Baimenov and Liebert, 2018). Civil servants were therefore to serve the interests of the ruling party, and politicians saw bureaucracy as an extension of party politics rather than a public good (Verheijen, 2007; Mussagulova, 2021). Hedin mentions in that regard that "the most significant feature of communist-type administration is the Communist Party's aspiration to merge politics and administration in all spheres of society" (2021:1).

Although significant improvements have been made to the state apparatus in post-soviet countries, significant challenges related to governance still remain today, and particularly as regards to links between politics and bureaucracy in a country like Georgia (Muhhina, 2020). The Institute for Development of Freedom and Information, an NGO monitoring public administration reform, writes in its 2022

¹ Parts of this section are reproduced in an 'Original Manuscript' of an article published by Taylor & Francis Group in *Problems of Post-Communism* on 01 Sept 2023, available online: [10.1080/10758216.2023.2245546](https://doi.org/10.1080/10758216.2023.2245546)

report: “In the field of civil service policy, the state declares such ambitious values as professionalism, efficient and effective civil service, good faith, meritocratic and career-based system, equality, accountability, and more. However, the given values remain *largely neglected at the level of policy implementation*” (IDFI, 2022, my emphasis). The lack of independence of civil servants in Georgia is clearly visible during government transitions or re-shuffles: when the current ruling party, Georgian Dream, came to power in the autumn of 2012, and more than 5,000 civil servants were dismissed (Urushadze, 2018). Top-officials are regularly swapped when a new minister or deputy minister enters his functions, as political appointments are significantly more frequent in hybrid regimes (Meyer-Sahling, Toth, 2021). Illegal dismissals of civil servants are a recurrent issue in Georgia as well (IDFI, 2022). In addition to such challenge, the Georgian civil service suffers from a shortage of knowledgeable staff, high degree of staff turnover, nepotism, lack of motivation and of sufficient remuneration for civil servants, complicated recruitment procedures and scarce resources in public agencies (Ghonghadze, Dolidze and Edner, 2017; Urushadze, 2018; IDFI, 2022). To get a closer idea of staff turnover in Georgia, the figures are quite unambiguous: in 2019, 1580 officials left the Georgian public service (out of 40,141, which represents 3,9%). In 2020, 2108 civil servants quit their position in 2020 (out of 39,292, 5.3%). As summarized in Figure 4:

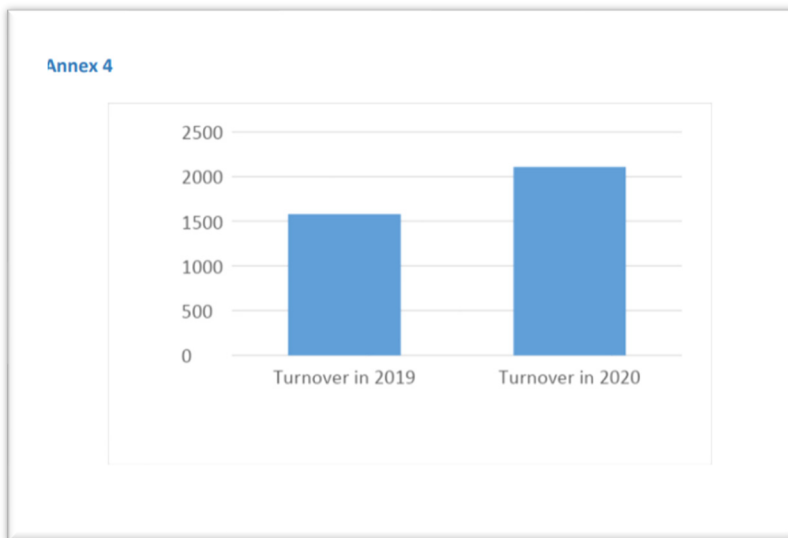


Figure 4. Staff turnover in the Georgian public service in 2019 and 2020 (IDFI, 2022; Khuroshvili, 2021)

But what does it mean for EU law compliance?

Firstly, since the lines between politics and public administration are blurred, the above-mentioned conditions under the management approach (policy experience and knowledge personnel stability and resources) are not only issues related to the capacity of the public service to implement EU law but can also be dependent on the willingness of its political masters. Providing resources or staff to a public agency or a ministry, staff turnover is either an administrative issue (insufficient budget, staff or remuneration of civil servants) or the sign of resistance/lacking policy saliency amongst the domestic political actors (deciding not to provide an agency with sufficient staff, resources or dismissing employees). Secondly, resistance to EU compliance comes both from domestic bureaucracies and political actors in a wider extent than in EU Member States. Politicians can instruct bureaucrats to implement an EU Directive in a certain way, or not to comply with certain of its provisions, or they can demonstrate low degrees of interest in implementing certain parts of the EU acquis. This certainly does not mean that domestic bureaucracies are automatically bound to obey their political masters, but in systems where their career paths aren't entirely meritocratic, they might do so due to the fear of being sacked. As Urushadze argues for the case of Georgia, "the commitment of the ruling party's senior political leadership to the establishment of a genuinely independent civil service remains *doubtful*" (2018, my emphasis). In conclusion, this dissertation is in line with Hille and Knill's conclusions as regards to the alignment with EU in candidate countries: "Where bureaucratic strength is high and bureaucratic action is less dependent on possibly unstable political input, the process of alignment towards the EU, once started, can go ahead smoothly" (2006:549).

I have therefore proposed in Anderlini (forthcoming²) to revise Bondarouk's, Liefferink's and Mastenbroek's framework and add another factor that could affect domestic compliance with EU law in post-soviet countries: *political saliency and resistance*, or in the words of Falkner and Treib, *the world of domestic politics*. Figure 5 summarizes the mutually reinforcing scope conditions impacting compliance with EU law examined within this study:

² Parts of this section are reproduced in an 'Original Manuscript' of an article published by Taylor & Francis Group in Problems of Post-Communism on 01 Sept 2023, available online: [10.1080/10758216.2023.2245546](https://doi.org/10.1080/10758216.2023.2245546)

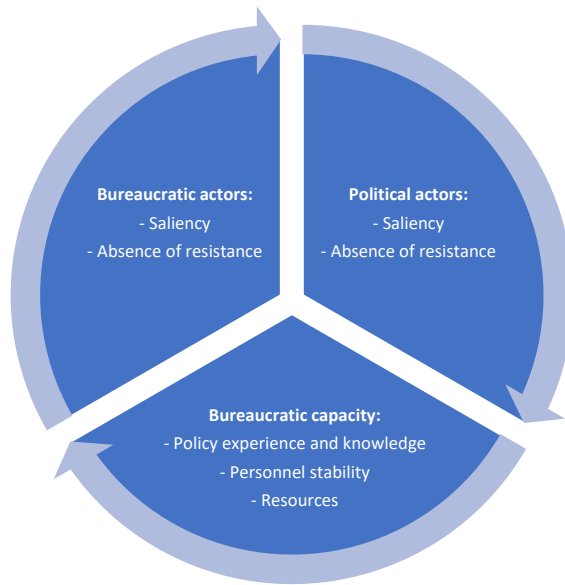


Figure 5. Scope conditions affecting norm implementation with EU law in post-soviet countries

Conclusion

After defining the concept of norms, this chapter has compared two different scholarly traditions that have examined the mechanisms, actors and hindering/facilitating factors behind norm diffusion processes: Europeanization and policy transfer studies. While those approaches to a large extent echo each other as regards to the “issues, questions and challenges” in the study of norm diffusion, a comparison between those two has enabled us to “learn more about the way in which these transfers operate in practice” (Delcour & Tulmets, 2019:2). Even if this dissertation prefers using the concept of Europeanization, since its focus is broader than the framework provided by policy transfer studies, I have argued that the conceptual approach of Europeanization needs to be complemented by one of the significant lessons from the transfer literature, that is, the entanglement of how socialization processes unfold in practice, and what kind of mechanisms drive Europeanization processes. Subsequently, such processes should be seen as resulting from a “dialectical interplay between the reproduction and contestations of the European normative structure by the agency in a given social context” (Neuman Stanivuković, 2017:3). Building linkages between Europeanization and policy transfer studies should, in that context, allow us to shift our attention to how the “microlevel interactions of the actors within

the institutional context” (ibid.), or the “mundane processes” “can produce an extraordinary outcome” (Olsen, 2002:923) and move down the ladder to examine the role(s) played by implementing actors, that is to say, bureaucrats in charge of implementing EU law in practice.

In order to do that, this chapter has also provided an analytical distinction between norm acceptance, legal and practical implementation. As argued earlier, norm acceptance and a timely transposition of EU norms into the receiving countries’ legal system is no guarantee for a correct implementation of such norms on the ground. A review of the compliance literature has provided us with useful insights into the specificities of the practical implementation of norms in receiving contexts: as they involve further actors, they are more likely to be adapted and resisted by local actors. From such literature, I have identified five external factors that affect norm implementation: policy saliency and bureaucratic resistance, through which compliance depends on the willingness of implementers, and policy experience and knowledge, personnel stability as well as resources, through which compliance is affected by the implementers’ capacity. However, in order to better reflect the realities of post-soviet countries, where the domestic administrative apparatus is not entirely separated from its political sphere, I added additional factors of interest: *political saliency and political resistance*.

In conclusion, we need to go back to those “agentive and embodied subjects who shape norm implementation processes” (Holmes, 2019:57) in order to better grasp how EU norms are translated, enforced and monitored in ENP partner countries such as Georgia, which I will discuss in the next chapter.

CHAPTER 2 – EXPERT INTERACTIONS AND NORM IMPLEMENTATION

Introduction

Why should we consider the role(s) of experts in norm implementation? Experts “are at the forefront of recognised trends towards transnational governance, and they are a major means by which knowledge translates into power” (Cross, 2013:138). Given the high degree of uncertainty and complexity of the issues they aim at solving, and that scientific knowledge confers authority to its holders (Herbst, 2003), international institutions rely significantly upon trustworthy sources of expertise (Rimkutė & Haverland, 2015). On a broader note, the use of scientific expertise in public policymaking has been the subject of numerous studies (Weiss, 1979, 1999; Wittrock, 1991; Hjorth, 1994; Radaelli, 1995; Haas, 2004; Meikerink, 2005; McNie, 2007; Holmes & Clark, 2008; Juntti, Russel & Turnpenny, 2009). International institutions, according to Boswell (2008), tend to adopt three different ways of using scientific knowledge: *an instrumental use, a substantiating use and a legitimizing use*. As regards the instrumental use, international institutions lean on scientific knowledge because it helps them deliver their goals and policies or perform specific tasks (ibid.; Schrefler, 2010). Weiss (1979) relates such instrumental use to the need for policymakers to base their decisions on the best information available and the analysis of the impacts of the different policy options on the table. Hertin et al. (2009) recall that this view of policy-making assumes that ‘better’ information leads to more rational policies.

Secondly, expert knowledge can be used in order to substantiate policy positions adopted by international institutions, which have been pre-determined before any consultation with experts (Boswell, 2008). Policymakers tend to seek allies “with people who hold similar policy core beliefs among [...] researchers, and

intellectuals from multiple levels of government” in order to gain superiority over alternative policy options advocated by other actors (Sabatier and Weible, 2007:196). Scientific knowledge is, in that context, not used in a neutral way or as a basis for decision-making, but as a way to justify policy preferences (Boswell, 2009). Schrefler (2010) distinguishes between two sub-categories of the substantiating use of scientific knowledge, a political use where expert knowledge serves to strengthen the position of the international institution in question, through increasing its political leverage, mandate, power or resources; and a strategic substantiating use when such knowledge is linked to the actual content of policies. Such political use of scientific knowledge is also legitimising, since it occurs when international institutions seek to convince others that they dispose of the necessary competencies and agency in order to solve complex policy challenges (Boswell, 2008). There, the fact that such international institutions hold and maintain such knowledge is more important than using the knowledge itself (Weiss, 1979; Rimkutė & Haverland, 2015).

Rhinard (2002) shows that during the early debates over European integration, intense debates were ongoing about the extent to which the institutions of the European Communities should rely on expert knowledge. The advocates for an “elite-led gradualism” emphasized the need for effective and efficient decision-making processes at Union level and supported the Monnet method of integration (Wallace & Smith, 1995). According to Monnet, the policy fields transferred to the European level would be developed and decided among “national experts working intimately with European civil servants and other directly affected interests” (Rhinard, 2002:187). European decision-making processes would then be considered as an exercise in consensus-building between experts and national administrators, not to be influenced by public support that would come afterwards (Marquardt, 1994). Expert knowledge would be used to rationalise decisions along predictable lines (Radaelli, 1999:147). Thus, even if close interactions between experts are far from being the only features of EU decision-making processes, European institutions could be seen, following the words of Åse Gornitzka and Ulf Sverdrup as involving “the extensive use of specialized expertise in various stages”, and as “organized systems of consultative connections” with experts (2015:401).

The purpose of this chapter is to elucidate the role(s) of experts and of scientific knowledge in European Union decision-making processes, in relation to our research questions. Its first section will be dedicated to clarifying where experts are located in the EU institutional structure and how they interact with each other in policy-making processes. It will then propose a framework to analyse those expert interactions, with Cross (2015), three different indicators: (1) that the expert group seems to act as more than the sum of its parts, (2) whether the members of the group have worked in previous settings or met in informal

settings and finally (3) whether the group shares a particular culture and professional norms. Secondly, I will consider how experts contribute to domestic change, in form of the implementation of the norms enshrined in EU law. Finally, this chapter will give examples of one type of expert network with the EU institutional structure, *European Administrative Networks (EANs)* and then introduce the distinct role(s) of experts in norm implementation processes in non-EU Member States, that is, through Twinning and capacity-building projects.

Experts in the EU institutional structure

The use of expert knowledge in policy-making processes has been captured by a wide range of conceptual frameworks: *epistemic communities* (Haas, 1989, 1992, 2004), *transgovernmental regulatory networks* (Slaughter, 2004a), *transnational advocacy networks or organizations* (Keck & Sikkink, 1999; Magrath, 2015) or *communities of practices* (Adler, 1992; Adler & Pouliot, 2011). Agreeing with the assessment of Claire Dunlop, who notes that the existing literature on expert knowledge reveals “superficial engagement” with the concept of experts (2012:233), this section will dedicate its attention to clarifying “where” experts are located in the EU institutional structure and who they are.

Parts of the administrative capacities of the European Union derive from “the extensive use of specialized expertise in various stages and institutions at European level” (Gornitzka & Sverdrup, 2015:401). Given the different compositions and roles of the expert groups present at EU level, this section will aim at unpacking “the [...] nexus that has been established between the European executive and external actors that are counted as experts” (ibid.). Those expert networks are present at different institutional levels within the European Union’s administrative apparatus: *the Commission’s own expert groups* (Rhinard, 2002; Gornitzka & Sverdrup; 2011; Metz, 2013, 2015; Chalmers, 2014; Rimkutė and Haverland, 2015), *the Comitology committees* (Steunenbergh, Koboldt and Schmidtchen, 2000; Egeberg et al, 2003; Trondal, 2002; Brandsma and Blom-Hansen, 2012; Brandsma, 2015; Siderius and Brandsma, 2016); *the Council working groups* (Beyers and Dierickx; 1998; Niemann, 2004; Lewis, 2005; Aus, 2008; Wessels et al., 2015; Kaniok, 2016) and finally *the transgovernmental administrative networks (or European administrative networks, EANs)*. Since Twinning share many characteristics with EANs, with regular and intensive exchange between civil servants of the EU Member States and the receiving countries, I will come back to those in a later section of this chapter. But who are those experts?

According to Gornitzka and Sverdrup (2015), there are three types of expertise systems within the European Union’s institutional structures: *scientists, social*

actors and associations, and finally government administrations of EU Member States. Since experts involved in Twinning projects belong to the latter category, I will concentrate on this. In government-oriented expertise systems, “the Commission is seen as inviting national government administrations into the decision-making process in order to access information as well as to promote administrative integration” (Gornitzka and Sverdrup, 2015: 406). Since the Commission is dependent on additional expertise to fulfil its tasks (which is, for this dissertation, to enhance effective implementation of the EU acquis in an associated country like Georgia), it is in its interests to cultivate networks of experts that can enable administrative interaction and advance further European integration (ibid., Bauer and Trondal, 2015). The administrations of the 27 EU Member States dispose indeed of a considerable pool of experts with highly specialized expertise. Hence, the “typical” expert involved in a Twinning project would be a civil servant working in a public agency or a ministry from an EU Member State, with specialized knowledge on a specific area of the EU acquis communautaire. Its counterpart would be their equivalent in a candidate or associated country. Experts are invited to be involved in policy-making processes such as EU law implementation for two broad reasons that concern the legitimacy of governance (Ambrus et al., 2014). Firstly, involving experts contribute to enhancing the quality of policy solutions, as such are based on (presumably neutral) knowledge and not on political considerations (ibid., see also Trondal, Murdoch and Geys, 2015). Relying on knowledge to solve policy challenges contribute then to bringing credibility to policy-making processes and depoliticize them. Secondly, the participation of experts increases the legitimacy of governance as it allows for more transparent and participatory decision-making. In the words of Nanz and Steffek:

“Well-informed and consensus-seeking discussion in expert committees that are embedded in international decision-making procedures has been suggested as an effective remedy to the legitimation problems of international governance” (2004: 318).

In that sense, being invited as an expert in policy-making processes is related to them having discretionary power to design policy solutions. As Diane Stone argues, “knowledge agents have intrinsic governance capacities in their *power* to define problems...or engage in standard-setting, rule-making, or other *regulatory activity*” (2012a: 329, my emphasis). Political actors increasingly *recognize the knowledge of experts and learn from them*, which is why they enjoy behavioural discretion to prepare dossiers, propose solutions and negotiate on the basis of their professional competences and not on political considerations (Trondal, Murdoch and Geys, 2015). I will now present the theoretical framework that will allow me to answer my first sub-question.

Expert interactions

In order to address my first sub-research question, “*How does the interactions between EU and Georgian experts affect the process of implementing EU norms?*”, I will use the three different indications suggested by Cross (2015), indications that aim to assess the strength and effectiveness of expert networks. Although Cross’ framework is embedded in the epistemic community literature, which this dissertation is not (since Twinning projects involve so little participants), I am still confident that such framework is useful to analyse how expert interactions lead to domestic change. The three indicators are as follows: that the group seems to act as more than the sum of its parts, whether the members of the group have worked in previous settings or met in informal settings and finally whether the group shares a particular culture and professional norms. Such indicators are summarized in Table 1 below.

Table 1. The internal dynamics of expert networks (Cross, 2013, 2015).

Types of expert interactions	Evidence	Implications
Its members act as more than the sum of their parts	Going beyond formal expectations as a group	Persuading others of policy initiatives that were not previously on the table
Its members have had previous professional encounters with each other	Working together in past jobs, holding the same position at various times, interacting informally outside of work, etc.	Developing an esprit de corps more readily, sharing professional goals, etc.
Its members share a distinctive culture and shared professional norms beyond the bureaucracy they inhabit	Meeting quality is high and effective, i.e. more time is spent on the substance of issues, interactions are relatively frequent	Agreements and common positions are found more readily than in similar bureaucracies, and these are not simply lowest common denominator outcomes

Coming to the first of three dynamics, the fact that the members of an expert network act as more than the sum of their parts, Cross emphasizes that such network should be able to “go beyond the formal expectations of its formal functions” (Cross, 2015:92), and show innovation and creativity when considering complex policy issues, issues that decision-makers often lack knowledge of. Secondly, knowing each other from previous professional encounters or meeting in informal settings often allow group members to deliberate and develop a certain esprit de corps and facilitate the development of a common basis of understanding of the policy issues they are tasked to solve (Cross, 2013, 2015). Finally, sharing a common culture, understood by both “a

body of shared professional norms that concern the protocol, procedure, and standards of consensus-building” and a “sense of identifying each other” permit group members to work more effectively towards the achievements of their common goals (2013:150). This is particularly relevant since power dynamics might as well be present within expert networks, a point I will come back to later in the dissertation. In their study of the convergence of German, Austrian and Dutch competition policies towards EU anti-trust norms, van Waarden and Drahos conclude that expert networks are hierarchically structured, that is “it matters not only what some member says, but who says it” (2002:930). Hierarchical structures might impact on how a group’s esprit de corps and common culture are perceived and experienced by its group members.

It is worth noticing that those dynamics should not be considered as distinguished from each other, but as complementary. The fact that expert networks might develop a distinctive culture and shared professional norms is more likely to occur if those have had previous professional encounters, particularly when interacting outside of work. As Cross notes, “the overall strength of these variables *together* says more about the strength or weakness of a given epistemic community” (2013:150, my emphasis). Cross’ conception of expert networks can be seen as an example of a multidimensional, multilevel concept in which “dimensions can have interdependencies” (Goertz and Mazur, 2008:39, see also Goertz, 2006).

In sum, by devoting her attention to the interactions within expert networks, Cross invites us to consider that effective expert networks are better fit to achieve their goals (in our case, norm implementation), which fits to answer my first research question, “*How does the interactions between EU and Georgian experts affect the process of implementing EU norms?*” and uncover the mundane face of Europeanization. I will now discuss how experts can influence policy-making processes.

The influence of experts towards policymakers

How do experts gain influence towards policymakers? Since Twinning experts are tasked by domestic political actors to implement some parts of the EU acquis, I argue that we need to understand those experts’ relationship with policymakers so as to grasp how domestic change can occur. In that regard, Haas clarifies that:

“[experts’] professional training, prestige, and reputation for expertise in an area highly valued by society or elite decision makers accord them access to

the political system and legitimize or authorize their activities. Similarly, their claims to knowledge, supported by tests of validity, accord them influence over policy debates and serve as their primary social power resource” (1992:17).

Zito (2001) summarizes the conditions according to which expert networks might be able to persuade decision-makers more effectively. Certainly, Haas’ “conceptual premise is that world politics faces extremely complex problems. These problems are often linked to other complex issues, leading to a range of ambiguous choices and uncertain outcomes” (ibid.:587). Thus, expert networks are more likely to exert influence over decision-makers in conditions of uncertainty, where those lack sufficient knowledge to address complex policy issues (Haas, 1992; Radaelli, 1995). Such influence is deemed to be higher if the policy issue in question is salient, and if decision-makers are unhappy with past solutions and the way present problems are framed (Radaelli, 1995; Hall, 1993).

Nevertheless, as pointed out by Dunlop (2009), insisting on uncertainty leads to considering that the only form of learning from experts is when policymakers need advice in uncertain times. Such view tends therefore to overemphasize the influence of experts by solely examining extreme cases (Dunlop, 2011). Since Twinning projects are so common, both in Georgia and in the broader context of ENP partner countries and candidate countries, arguing that they represent extreme cases would be an overstatement. Again, as expressed by Dunlop and Radaelli, “how the lesson is understood or manipulated, and whether it is the right lesson to learn, is another question” (2018:259). Clarifying the variation in how experts are able to persuade their policy options needs to take into account the different forms of learning interactions between decision-makers and expert networks, that is, how those actors exert and control knowledge, and over whom. In that context, the ‘deficit model of learning’ proposed by (Dunlop, 2009) – underlining the various gaps in decision-makers’ knowledge that experts are asked to fill – distinguishes between *self-directed learning* (where the learner remains in control of both the teaching content and the ends to which it is directed), *informal learning* (describing “circumstances where experts have a moderate role in the policy process, by designing targets and goals to meet policies already designed), *formal learning* (where the knowledge diffused by experts is privileged by decision-makers over the knowledge produced by other actors) and *non-formal learning* (where decision-makers interpret the policy issue, but require experts in order to provide them with information on how to solve it). For the purpose of clarity, I reproduce here the visual representation over such four modes of learning provided by Dunlop (2009):

		DECISION-MAKERS' CONTROL OVER LEARNING OBJECTIVES / ENDS	
		HIGH	LOW
DECISION-MAKERS' CONTROL OVER LEARNING CONTENT / MEANS	HIGH	<p>Self-Directed Learning</p> <p>Epistemic communities' role is weak</p>	<p>Informal Learning</p> <p>Epistemic communities' role is moderate</p>
	LOW	<p>Non-Formal Learning</p> <p>Epistemic communities' role is moderate</p>	<p>Formal Learning</p> <p>Epistemic communities' role is strong (ideal type – Haas 1992a)</p>

Figure 6. Dunlop's typology of the different forms of epistemic learning (2009)

In that sense, Dunlop's typology is consistent with Haas (1992) and Drake and Nicolaïdis (1992) who underline that it is the experts' abilities to access top decision-makers that significantly increases their chances of pushing through their ideas and policy options. Being able to anticipate decision-makers' preferences and actions also allows experts to exert greater influence (Richardson, 1996). Besides, considering the temporal dimension of policy-making processes is relevant as well: while Raustiala (1997) argues that experts seek to influence the initial stages of the policy processes more than the decisions themselves, Peterson and Blomberg (1999) contend that they are to a wider extent tasked to contribute to the technocratic phase of implementing and enforcing decisions on the ground – which is relevant to the attention that this dissertation devotes on experts and norm implementation in Georgia. However, the focus of this dissertation is slightly different from Dunlop's analysis (2009), since such analysis concentrates extensively on explaining decision-makers' learning and does not fully examine how individuals within expert networks actually learn (Carroll and Common, 2013:3). How do experts learn from other experts? I argue instead that the three internal dynamics underlined by Cross (2013, 2015) better allow clarification of those learning processes "from within" networks. In that

sense, Twinning advisors and Georgian experts could represent an example of what Dunlop and Radaelli name “micro-to-micro learning”, where “ideas however do not necessarily move from the centre of the system to the periphery”; but ideas and beliefs are diffused within and among groups in various patterns” (Dunlop & Radaelli, 2017:311). Micro-to-micro interactions finally move back up to the macro-level when experts trigger policy change in governmental agencies or international organizations (ibid.).

Finally, understanding experts’ influence requires us to interrogate their micro-foundations, that is to say, the conditions of their emergence. Dunlop (2011) distinguishes between two different types of expert networks: *evolutionary entities*, composed of experts existing “out there”, mostly from the academic and the research world that have entered the political arena in order to offer their policy advice; and *governmental entities*, selected by decision-makers in order to justify a pre-determined policy position or depoliticize an issue (Dunlop, 2010). An example of a governmental epistemic community is provided by Verdun (1999) when examining how the Delors’ Committee was assembled by the European Council during the Hanover Summit in June 1988 in order to propose concrete steps to the creation of the EMU.

Against this background, I contend that EU and Georgian experts working within the framework of Twinning projects form *governmental entities* tasked with the implementation of the norms enshrined in European legislation. Dunlop (2011) characterizes such governmental entities with their lower degree of interdependence with their principals. Although examining principal-agent relations per se is beyond the scope of this dissertation, I recall that the second sub-research question concerns the external environment in which Twinning expert networks are embedded: “*What scope conditions affect the work of EU and Georgian experts in the process of implementing EU norms?*”. One of the dimensions examined concerns indeed the saliency and resistance of political actors. I will now turn to one example of expert networks within the European Union’s institutional structure, European administrative networks, since such networks share common features with Twinning projects.

Expert interactions within the European Union: the role(s) of transgovernmental administrative networks

Some transgovernmental administrative networks are networks of civil servants from domestic agencies or ministries that are tasked to improve the implementation and enforcement of EU law. As Anne-Marie Slaughter underlines:

“In enforcement networks, members help each other enforce national laws by exchanging information and actively assisting one another in tracking down criminals, monopolists and unfair competitors, polluters, and other violators of the web of national and international regulations. Some members, from the advanced industrial democracies, consciously export their structure, organization, and mode of operation through technical assistance and training in developing countries. Replicating these basic features then makes enforcement cooperation that much easier. It also builds governance capacity in many countries (2004b: 63).

Examples of such networks within the European Union are the European Migration Network, the Enterprise Europe Network, the European Network of Equality Bodies, the European Network of Cultural Centres, SOLVIT or the European Competition Network. Following Mastenbroek and Martinsen (2018), I will explore three aspects as regards to those transnational administrative networks: their functioning, the impact they might have on EU law compliance and finally the normative aspects attached to them. Even if such networks share common features with Twinning projects, it is however worth insisting on the fact that Twinning is an EU instrument in its own right, as we have seen, by the Twinning manual.

The functioning of EANs

Hofmann (2008) points at the *variety* regarding how EANs function: some of them include the European Commission alongside with national authorities, while others extend to European agencies and even to private parties (which is, for instance, the case of SOLVIT through which citizens and businesses report instances of EU law non-compliance to the network). While the majority of networks are limited to EU Member States, some of them do include EEA countries, such as Norway, Lichtenstein and Iceland (ibid.). The existing literature has been examining two different aspects of the functioning of the

networks: cooperation and interaction patterns within the networks, and the networks' independence vis-à-vis the European Commission and their domestic regulatory agencies.

As for the *communication and cooperation patterns* within EANs, Cengiz (2010) finds that the European Competition network produces successful outcomes, with no significant conflicts between national authorities and an intensive informal communication culture between them that allows trust-building, open information sharing and fruitful cooperation. Interaction patterns between SOLVIT centres were also stable and took precedence over contacts with the respective national administration when dealing with breaches of internal market law, whereas conflicts were reported by such centres with their national political leadership (Casula Vifell and Sjögren, 2014). Trust is indeed seen as a crucial factor in facilitating the work of EANs (Börzel and Heard-Lauréote, 2009). In the cases of Europol and Frontex, the exchanges of those agencies with national authorities depended on the eventual reputational impact of such exchanges for them (Busuioc, 2016), whereas a degree of professional homogeneity is impacting positively on the frequency of contacts and coordination in administrative networks on data privacy and energy (Eberlein and Newman, 2008). Lastly, interactions between experts are likely to be more intense if countries share similar agency characteristics (Van der Heijden, 2019), national policy values (Martinsen, Schrama and Mastebroek, 2020), epistemic authority (Papadopoulos, 2018) and degrees of government effectiveness (Mastebroek, Schrama and Martinsen, 2022). Levels of distributive conflicts between EU Member States are also likely to affect the effectiveness of EANs (Eberlein and Grande, 2005).

Coming to *their independence vis-à-vis the European Commission and their domestic regulatory agencies*, Coen and Thatcher (2008) use a principal-agent perspective so as to analyse why such actors have accepted to delegate some of their powers to EANs. The authors argue that EANs are created when responding to a need to harmonize the implementation of EU law across EU Member States. However, formally both the European Commission and the Member States maintain many control mechanisms over the networks, such as material resources, membership or decision-making rules. As a result, the EAN's possibilities to innovate or to evolve into strong regulatory bodies are limited, leaving them in weak institutional position within the broader European governance architecture (ibid.). On a similar line, Eberlein and Newman (2008) see the establishment of EANs as an instance of "double delegation": EU Member States have delegated some of their competences to both supranational institutions and national regulators, who then interact with networks due to the difficulties inherent to international policy coordination. In their words, "supranational organizations have embedded substate actors into processes of

rule development and rule enforcement. These transgovernmental networks rely on authority granted to member agencies at the domestic level to implement and enforce agreements reached at the European level. They formulate rules, which become binding owing to the two-level mobilization of delegated authority” (2008:32). On the contrary, Kelemen and Tarrant (2011) consider that EU Member States either decide to delegate their regulatory authority to an EU agency, or to cooperate through loose, decentralized networks. EANs are, in that context, seen as a non-delegation (ibid.). In that sense, Blauberger and Rittberger (2014) posit that the principal-agent framework fails to understand that interactions within EANs are not based on hierarchy, but on voluntary cooperation. Secondly, the principal-agent framework assumes that principal and agents have incompatible goals, which is why agency slack and slippage might occur. In the case of EANs, voluntary cooperation would be almost impossible without goal compatibility. Hence, EANs are better conceived with the concept of *orchestration*, with actors collaborating without hard and formal control mechanisms by the principal, but through soft and informal governance so as to achieve common policy goals (ibid.).

EAN’s impacts on EU law compliance

To what extent can EANs redress non-compliance with the EU *acquis*? Several authors point at EANs as a successful tool to promote compliance with hard and soft law at domestic level, in the energy sector (Maggetti and Gilardi, 2011; Maggetti, 2014), internal market law (Hobolth and Martinsen, 2013) or in finance, telecommunications and competition (Maggetti and Gilardi, 2014). Compliance with EU law is reported to be higher if domestic regulatory agencies have a central role in the network (Maggetti and Gilardi, 2011) and if networks use various compliance strategies to address different implementation issues on the ground (Versluis and Tarr, 2013). The internal structures of the networks also play a certain role: regulatory agencies should have similar opportunities for agenda-setting, sharing expertise and alike perceptions of effectiveness if such networks are to improve correct implementation of EU law (Vantaggiato, Kassim and Wright, 2021). However, non-compliance is efficiently addressed if members of the networks are willing to learn from one another (Hobolth and Martinsen, 2013). Socialization processes amongst the networks’ members might lead to mutual understandings, shared norms and practices which might work better than coercive enforcement (ibid.; Versluis and Tarr, 2013). Learning can occur either horizontally, with equal participation and involvement of each member within EANs, or vertically, when one particular member becomes the “teacher of norms” (ibid.). As stated in the previous section, they also need to be formally independent of their ministries of attachment if they are to design innovative solutions to complex compliance issues, such as with the case of the Dutch Data

Protection Authority (Yesilkagit, 2011). Thus, the capabilities of networks to redress compliance issues varies amongst EU Member States and across policy sectors.

Normative aspects attached to EANs

Despite their efficiency, EANs raise issues as regards to their legitimacy and accountability towards elected representatives (as the European Parliament), civil society organizations and citizens. Undeniably, there is a “tension between citizen participation and expertise in multi-level governance in the context of the European Union” (Cengiz, 2016:826). If EANs are directly tasked to implement certain parts of the EU *acquis*, international experts tend to become policy-developing actors that design policies without the oversight of domestic politicians and citizens (Bach, Ruffing and Yesilkagit, 2014). Several studies have demonstrated that the multiplication of EANs result in the empowerment of national regulatory agencies towards their parent ministries (*ibid.*, Bach and Ruffing, 2013; Danielsen and Yesilkagit, 2014). According to Papadopoulos (2007), four core features of EANs cause a deficit of democratic accountability of such networks: (a) the lack – or absence – of citizen representation in EANs, (b) the lack of visibility and their decoupling from democratic national decision-making structures; (c) the multilevel aspect and (d) the prevalence of “peer” accountability. To conclude, if EANs have unquestionably improved rule compliance within the European Union, they might have seriously damaged EU legitimacy, as expressed by Mastebroek and Martinsen (2018). There is indeed no system or no forum to monitor the activities of EANs and rendering them accountable to the general public. They are also not accessible to citizens: neither the agenda nor the minutes of their meetings are published. Policy solutions that experts formulate amongst themselves are also not discussed with circles not directly involved in policy-making processes (Martinsen and Jørgensen, 2010). I will now turn to the experts involved in Twinning projects.

Experts and Twinning projects

Scholarly attention to experts in the field of European foreign and security policy has been rather limited, at the exception of Howorth (2004), Adler (2008), Faleg (2012) or Cross (2014, 2015). This is particularly prominent as regards their role in the European Neighborhood Policy, on which it exists, to this day, only one study (Kourtelis, 2021). Studying the cases of anti-corruption measures in the Eastern Partnership countries and of rural development in the Arab Mediterranean countries (AMCs), Kourtelis shows that the European Commission sought expert knowledge in order to mitigate uncertainty. However,

the foundations of such uncertainty and scope factors had a differentiated impact of knowledge use: regarding anti-corruption measures in the Eastern Partnership, the Commission used expert advice since the related EaP Panel lacked internal templates and innovative solutions concerning how such measures should be practically shaped. Such expert advice served to reinforce already existing solutions that the Commission wanted to promote. In the case of rural development in AMC countries, the uncertainty was associated with the operation of previous initiatives in the context of the Arab revolts. There, expert knowledge contributed to shaping the direction of the new programme for the development of the Arab Mediterranean countryside and was therefore successful in introducing new tools and working methods, that better fit local circumstances – at the exception of sanitary and physiosanitary standards (SPS) and food controls.

Nevertheless, Kourtelis' study on experts in the context of the European Neighbourhood Policy focuses on their role(s) and influence on the *norm adaptation side of norm transfer processes*, that is the adaptation and contextualization of European norms into local contexts (Björkdahl et al., 2015:4) and, as a result, neglects to examine the use of expert knowledge in norm implementation. Furthermore, Kourtelis (2021) is more interested in explaining why the European Commission sought expert advice in different ENP partner countries, and how those uses varied from one context to another. This research argues that expert advice in norm implementation processes principally occurs through Twinning and other long-term capacity-building projects. As we have seen, expert knowledge is used during the implementation phase of policies (Peterson and Blomberg, 1999).

Existing literature on Twinning projects

Despite their extensive use as an instrument to facilitate the implementation of the acquis in ENP partner countries, Twinning projects have received only a very modest attention in the existing literature. Examining the broader context of the EU's sectorial cooperation with third countries, Freyburg et al. (2011) compared democratic governance rule transfer between two countries in the Eastern neighbourhood and two countries in the Southern neighbourhood (Jordan and Morocco) and concluded that sectorial cooperation with the EU has led to norm adoption (legislative convergence) but not norm implementation. Norm implementation was facilitated by the absence of high adoption costs, and the codification of rules to the transferred, as well as the degree of institutionalization of such cooperation (ibid.). The overall conclusions drawn from the Europeanization literature, as detailed earlier, apply as well as regards to the factors that hinder sectorial cooperation with the EU: the presence of powerful veto-players, the degree of misfit between EU and domestic rules and the uneven application of the conditionality principle also affect the ability of assistance

projects to transfer EU rules to ENP countries (Lavenex and Schimmelfennig, 2011; Hollis, 2012; Ademmer and Börzel, 2013; Dimitrova and Dragneva, 2013; Börzel and Van Hülen, 2014; Langbein, 2014, 2016; Dandashly, 2015).

Moreover, a limited number of studies have focused directly on Twinning projects and examined the degree of their effectiveness on achieving legal or institutional convergence of EU norms in partner countries. Regarding candidate countries, Papadimitriou and Phinnemore (2003) conclude that Twinning has led to instances of administrative reorganization in CEEC countries, such as the strengthening of executive decision-making branches of the government and the emergence of “Europeanized expert elites”, to facilitate legal approximation (2003). However, convergence with EU norms will be hampered by the volume of legislative changes required during accession negotiations (*ibid.*); which is in line with the conclusions drawn by Bailey and De Propriis (2004). The lack of inter-institutional coordination between different ministries, their varying degree of politicization and reform commitment, as well as the absence of specific blueprints provided by the EU on how administrative reforms should be implemented in practice have also affected the effectiveness of Twinning projects in Romania (Papadimitriou and Phinnemore, 2004). Institutional transfer between the EU and enlargement countries are rarely straightforward, since their “tolerance capacity” is of significant importance for the success of the Twinning exercise, as shown by Tulmets on the basis of sectorial case studies in Estonia and Hungary (2005). Insufficient administrative capacity in receiving countries leads to the results not necessarily being sustainable in the long run (Bailey and De Propriis, 2004). Finally, Grabbe (2001) blames the ineffectiveness of the Twinning instrument on the fact that the EU lacks common benchmarks on administrative reform. Thus, the advice diffused by Twinning advisers depends mostly on their individual assumptions and experiences, rather than reflecting a consistent and coherent European model.

As for ENP partner countries, Tulmets (2011) assessed the effectiveness of Twinning projects in the EU’s neighbourhood as limited, as such instrument is at times not sufficiently adapted to the needs and the institutional history of each partner country, a conclusion that has also been drawn by Roch, (2017) when looking at a sample of Twinning projects in Moldova. Examining the extent to which EU norms of democratic governance (such as transparency, accountability and public participation in decision-making) are present in 117 Twinning Fiches, Panchuk, Bossuyt and Orbie (2017) find that Twinning projects in the EaP region promote such norms only moderately, with substantial variation across countries and policy sectors. Twinning projects involved the EaP “front-runners” (Georgia, Moldova and Ukraine) include more provisions on democratic governance than projects concluded in cooperation with Armenia and Azerbaijan. Moreover, more technically complex policy sectors are less likely to embrace democratic

governance provisions (*ibid.*), thus limiting the EU's ability to transfer democratic norms to its Eastern neighbourhood.

Such findings can be compared with Taffoni's study on Twinning projects in the judicial sector in the EU's Southern Neighbourhood, which has extensively focused on enhancing the management side of justice – at the expense of strengthening the independence of judicial systems (2021). Panchuk (2019) claims that approximately half of the Twinning projects implemented in Ukraine between 2007 and 2017 triggered some kind of legal or institutional convergence, while the other half produced no visible effects. Institutional convergence rather than legal occurred to a greater extent, since it does not require any transposition of EU legislation and can be achieved through governmental decrees or administrative reorganization. The degree of success of Twinning project depends, as a single condition, on the high policy fit between such capacity-building exercise with the needs and technical capacities of the beneficiary administration (*ibid.*). Legal approximation has been more frequent in sectors with low sector politicization.

Nevertheless, the above-mentioned studies aspire at assessing the effectiveness of Twinning projects by examining whether they have resulted in domestic change, without thoroughly addressing the concept of effectiveness. Are Twinning effective when they have reached the mandatory results mentioned in the Twinning fiche? Or if they have been able to transform the “styles, ‘ways of doing things’, and shared beliefs and norms” referred to by Radaelli (2004)? Roch (2017) adopts an outcome-based perspective and approaches effectiveness by looking at “the difference between the established and the expected outcomes” (Papadimitriou, Baltag and Surubaru, 2017). Panchuk regards Twinning effectiveness as related to either legal or institutional convergence, the former being characterized as “the passage by the beneficiary country of a new law, secondary legislation, relevant amendments, or decrees that draw on the EU *acquis* and bilateral agreements between the EU and the ENP country”, while the latter refers to “organisational or policy changes in the beneficiary administration in line with EU policy recommendations incorporated in a Twinning project” (2019:487-488). However, measuring the effectiveness of Twinning projects by the extent to which their mandatory results are achieved raises two sorts of questions. Firstly, as we have seen earlier, domestic change does not always occur through legislative or institutional approximation with EU norms, but also takes place – as seen earlier – “through a long process of discussion and deliberation, a chain of decisions [...] a series of meetings and bargaining sessions that over the years do not end up with a final agreement, yet they may change at least some opinions in some countries through socialization of national delegates” (Radaelli, 2012:2). Adopting an outcome-based view of compliance would, in that case,

result in neglecting processes of norm implementation that do not count as legal or institutional convergence.

Secondly, examining the effectiveness of Twinning projects in achieving domestic change risks over-emphasizing the importance of scope conditions such as administrative or tolerance capacity (Papadimitriou and Phinnemore, 2003; Bailey and De Propris, 2004; Tulmets, 2005). As said earlier, I argue that interaction patterns in expert groups involved in Twinning projects also need to be taken into account in order to bring a more complete and nuanced picture of how norm implementation processes play out in the EU's neighbourhood (Cross, 2013, 2015).

Conclusion

As Julia Metz recalls, European institutions rely “strongly on the assistance of external experts” in order to find appropriate solutions to complex and multilevel policy challenges (2015:2). This is also true for the challenges related to EU's external affairs, such as enabling norm transfer processes from the EU to countries participating in the European Neighbourhood Policy. As we have seen, Twinning and other capacity-building projects form expert networks, linking civil servants from EU Member States and its partner countries, which are tasked to solve problems linked to norm implementation in domestic contexts. Firstly, this chapter has defined “who” an expert is within the EU institutional structure, and how and why experts gain influence towards political actors. I clarified that the existing literature has so far focused on how political actors learn from experts but overlooked how experts learn from each other within expert networks. To fill that gap, I have provided three indicators that help determining the degree of strength of the interactions within an expert network: that the group seems to act as more than the sum of its parts, whether the members of the group have worked in previous settings or met in informal settings and finally whether the group shares a particular culture and professional norms. Secondly, I have argued that expert groups involved in norm implementation in the EU partner countries represent a specific type of networks, that is governmental entities (Dunlop, 2010, 2011) that have so far attracted limited scholarly attention. Although Twinning projects are an instrument in their own right within the EU institutional structure, they share common features within European administrative networks (EANs). Yet, the studies devoted to Twinning projects have focused on evaluating their effectiveness by examining the degree of legal or institutional convergence they have been able to bring about, which results in neglecting norm implementation processes that do not fit within those two broad categories. Also, they have overlooked investigating how interaction within expert networks can affect norm implementation, Considering such interactions will allow us to uncover the mundane face of Europeanization.

CHAPTER 3 – EPISTEMOLOGY AND RESEARCH METHODOLOGY

Introduction

This chapter spells out this dissertation's research design, as well as epistemological and methodological assumptions. Aiming to explore how distinct scope conditions facilitate or hinder norm implementation in expert networks within Twinning projects in Georgia, this dissertation is grounded in critical realism. Such scope conditions that generate or trigger events if they are activated are defined as enablers (Archer, Bhaskar, Lawson, & Norrie, 2013). It also relies on Rom Harré's critique of critical realism, which holds that those social structures can only be studied through people's discourses. Secondly, this chapter will detail the research design of this dissertation - a medium-N study comprised of twelve different cases - and discuss its case selection strategy as well. Further, my data collection strategy will be addressed, that is, semi-structured interviews with experts involved in the Twinning projects I have selected. Last, my coding strategy will be mentioned, and especially the use of a computer-assisted data analysis software, NVivo.

A critical realist account

The transitive and intransitive dimensions of science

Critical realism (CR) emerged during the 1970s following a series of books by the English philosopher Ram Roy Bhaskar (1978, 1979) and was further expanded by Sayer (1992), Collier (1994), Archer (1995) and Lawson (1997). Since then, CR has proven to be influential both within and outside academic circles, since it provided a scientific alternative to both positivism and

constructivism (Denzin & Lincoln, 2018), as well as functions as a general ontological, epistemological and methodological framework and is not associated with specific methodologies (Nielsen, 2002; Fletcher, 2017).

CR holds that there is an (objective) world existing outside of our perceptions, ideas or imagination, but maintains at the same time that parts of that world consist of subjective interpretations which impact the way it is perceived and experienced. As argued by O'Mahoney and Vincent (2014:3), one of the distinct features of CR is that it aims at escaping the dichotomy between positivism and constructivism, dichotomy that creates a false illusion that two distinct worlds exist independently from each other, the world of objectivists, composed of hard facts, and the world of constructivists, related to individuals' meaning systems. This is related to Bhaskar's distinction between the intransitive and transitive dimensions of science. The intransitive dimension is formed by the objects studied by science, such as "the specific gravity of mercury, the process of electrolysis, the mechanism of light propagation" that do not depend on human activity (Bhaskar, 2008:21). On the other hand, the transitive dimension includes the artificial objects that are turned into items of knowledge by science (ibid.), such as facts, theoretical frameworks, paradigms, models or methodologies, though those also can be treated as objects of science (Sayer, 1992:10). While we can imagine a world of intransitive objects without any transitive dimension (objects that exist independently of our theories and knowledge of them, where causal laws would still prevail, although unknown), we cannot imagine a science without transitive objects, otherwise there would not have been any knowledge-like materials to build our understandings upon (Bhaskar, 2008:22). In other words, rival theories touch upon different transitive objects (concepts, methodologies, etc.) while the world they seek to explain is the same, otherwise they would not be rivals (Collier, 1994:51).

However, in social sciences, we also need to admit that the social world is, as seen above, socially constructed and cannot be said to exist independently of at least some knowledge (Sayer, 1992:11). In a broader context, while it is possible to distinguish, in natural sciences, intransitive objects that do not depend on any human activity, in social sciences, beliefs, meanings and perceptions are not abstractions from the actual behaviour of individuals, and therefore are subject to change (Maxwell, 2012:16).

Archer clarifies, on the matter, that:

"The existence of intransitive entities, which is independent of their identification, is a condition of the possibility of social science. Without this there could be no explanatory programme. Explanation of social matters requires the generic assertion that there is a state of the matter which is what it

is, regardless of how we do view it, choose to view it or are somehow manipulated into viewing it”

“However social things are not immutable: indeed, one of the defining features of society is its morphogenic nature, its capacity to change its shape or form” (1998:195).

Bhaskar notes that no individuals or groups satisfy such requirement of continuity, however, relations endure (2008:45), which include relations between people and nature, people and social products, or interpersonal ones (ibid.). It is through the study of such relations that social sciences are able to uncover “the properties possessed by social forms” that “may be very different from those possessed by the individuals upon whose activity they depend” (ibid:38). It is therefore important to distinguish analytically between people and societies (Archer, 1998:200), although some points of contact between the two is required. For instance, the positions (roles, places, tasks, duties) occupied by individuals must be linked to their daily practices, in which they engage in virtue of their positions (ibid.), bound together by what Bhaskar names a mediating system (2015:44). Before detailing further the linkage between structure and agency in critical realism, I will first explore its ontological assumptions, and especially the distinction between the real, the actual and the empirical, and then look into the properties that critical realism aims at revealing: scope conditions.

The real, the actual and the empirical

Despite this linkage between social structures and the way we experience them, critical realism should not be confused with empirical realism (Sayer, 1992:11) but distinguishes between the real, the actual and the empirical. The real consists of whatever exists, be it an object of natural or social sciences, but also such objects’ structures and causal powers, which are distinct from how individuals perceive them. (Bhaskar, 2008:46). Objects have certain structures and causal powers that lead to them behaving in certain ways or being susceptible to certain kinds of change (Sayer, 1992:11). As seen before, it is in the transitive dimension of science that such structures and causal powers are attempted to be identified and understood. The actual is defined by what happens when and if those structures and causal powers are activated, meaning the patterns of events unfolding (Bhaskar, 2008:2) (ibid:37). The empirical, in its turn, relates to the domain of experience and in so far can refer both to the real and to the actual (Sayer, 1992:12). Nevertheless, in social sciences, social structures are hardly observable, but the empirical contains the data or facts on which we build and refine our theories (Danermark et al., 2002:21). However, the empirical is also incomplete and insufficient to elevate our understanding to the domain of the real.

The empirical is composed, according to Elder-Vass, “single-levelled abstractions from a multi-levelled reality” (2004:160). This is partly because we can experience only parts of the world surrounding us, due to the limitations of our perceptual tools, but also because our experience is filtered – as we have seen before - by previous theories or conceptions. Experiences are in that sense, social products and can therefore also be the object of a scientific inquiry (Bhaskar, 2008:47; Danermark et al., 2002:21).

The stratified ontology between those three overlapping, closely connected domains applied in critical realism aims to avoid the epistemic fallacy (Bhaskar, 2008:28) of empirical realism, reducing the real and the actual to empirical realism, thus limiting what it is to what we can perceive. Again, Bhaskar regards the concept of experience as:

“anthropocentric. The world is what men can experience [...] Experiences are a part, and when set in the context of the social activity of science an epistemically critical part, of the world. But just because they are a part of the world they cannot be used to define it. An experience to be significant in science must normally be the result of a social process of production; in this sense it is the end, not the beginning of a journey” (Bhaskar, 2008:48).

How can we conceptualize the connection between those three domains, and what do we exactly mean by social structures? As stated above, the empirical is just a partial reflection of events occurring, the actual. Events are influenced by social structures and mechanisms belonging to the real dimension of the social world – human activity presupposes the existence of pre-determined social structures. Archer argues that structures and agents must be not only analytically but also temporally distinguishable (Archer, 1995:71), thus making the interaction between structure and agency an “inherently historical or ‘tensed’ process” (Lewis, 2000:250). Bhaskar exemplifies that pre-existence of social structures by referring to the “every present condition of human activity [as] Speech requires language; making materials; action conditions; agency resources; activity rules. Thus, if the social cannot be reduced to (and is not the product of) the individual, it is equally clear that society is a necessary condition for any intentional human act at all” (2008:38). It follows that human agency must be understood in the context of such antecedent structures that both constrain and facilitate the actions, beliefs and roles undertaken by individuals (Lewis, 2001). Nonetheless, if social structures pre-exist and are ontologically irreducible to human agency, a certain degree of autonomy is implied as humans are not only fated to reproduce the social structures they are embedded in – they are not, in the words of Archer, “puppets of social structures” (1995:71).

Subsequently, if at any moment people resist to given social structures that would both limit and enable their actions, such structures are dependent on human activity; they are the product of human action undertaken in the past, not in the present (Lewis, 2001). It is our human condition, underlines Archer, to be born in a social context which depended on the activities of our predecessors, but the reproduction of such context is also dependent on current human agency – as humans are able to transform it instead of simply replicating it. (Archer, 1995:72).emphasizes such argument by adding that social structures are either to be continually reproduced and/or to be transformed, and only exist in virtue of human agency (1979:44). Hence, the causal powers of social structures are mediated through human agency (ibid:28), what Bhaskar names the “transformational model of social activity”, where society is seen as both the “ever-present condition (material cause) and the continually reproduced outcome of human agency” (ibid:37), even if people, to a greater extent unconsciously reproduce rather than intentionally transform the social structures in which they are embedded (Ibid:38). Society is therefore to be defined as:

“People do not create society. For it always pre-exists them and is a necessary condition for their activity. Rather, society must be regarded as an ensemble of structures, practices and conventions which individuals reproduce and transform, but which would not exist unless they did so. Society does not exist independently of human activity [...] but it is not the product of it [...] It is important to stress that the reproduction and/or transformation of society, through for the most part unconsciously achieved, is nevertheless still an achievement, a skill accomplishment of active subjects, not a mechanical consequent of antecedent conditions” (ibid:39).

In sum, for critical realists, society belongs to the realm of the real, although it is unperceivable (Bhaskar, 2008:49), meaning that it exerts causal powers on agents. Agents, though, are constantly engaged in the process of reproducing and (sometimes) transforming those social structures, which Archer represents by using the concept of morphogenesis (1995:75). But how does one know social structures?

Rom Harré and the concept of social structures

How can social sciences study human agency, that is both enabled and constrained by social structures? As Bhaskar argues, “society, as an object of inquiry, is necessarily ‘theoretical’, in the sense that, like a magnetic field, it is necessarily unperceivable” (2015: 45). For Rom Harré, it is in individuals’ discourses that the interplay between human agency and social structures manifests itself:

“Social phenomena are to be considered to be generated in and through conversation and conversation-like activities. [...] We think of the social world as consisting of one basic realm, that of conversations and analogous patterns of interaction, in which psychological and sociological phenomena are generated, including such complex interpersonal relations and belief systems as social class” (Harré and van Langenhove, 1999:2-10).

Analytic concepts such as administrative capacity or bureaucratic resistance are, according to that view, thought of as taxonomic categories used to label and classify different kinds of people and practices (Lewis, 2001). Consequently, social life is regarded as discursive constructions, through which individuals make sense of the world surrounding them. Harré portrays people as “rhetoricians who create social activity through symbolically mediated interpersonal interaction” (Harré, 1980, quoted in Lewis, 2000:255). Macro-social concepts are viewed as rhetorical devices, portraying events as having a particular meaning (ibid.). Therefore, the principal task of social sciences is to analyse interpersonal interactions between individuals, through which they engage in conversations in order to constitute their social world (ibid.). Harré and Varela conclude, on that note, that social sciences are to be seen as the study of the “grammars of the many imbricated and shifting story lines we live out” (1997:189). Arguing that social life is composed of people’s discursive activities avoids reifying human agency and viewing individuals as pure objects to abstract social structures (Lewis, 2001). Rom Harré’s posture on critical realism is therefore consistent with this dissertation’s methodological stance, which is to study interpersonal dynamics of expert groups and a limited number of scope conditions impacting their work through semi-structured interviews, as will be explained in a later section. Considering that both scope conditions have been inspired by the work of Falletti and Lynch, for whom mechanisms “tell us how things happen: how actors relate, how individuals come to believe what they do or what they draw from past experiences, how policies and institutions endure or change, how outcomes that are inefficient become hard to reverse, and so on” (2009:1147). As such, mechanisms operate in different contexts, and institutional factors do affect how those mechanisms operate (ibid.). This relates to the point I have made earlier about how social structures both enable and constrain human agency.

Nevertheless, are social structures irreducible to discourses? Here, critical realists differ from empiricists in the sense that they do not limit reality to observable facts (such as discourses). Lewis (2001) criticized Rom Harré’s critical realist account and underlined that those social structures are not to be entirely collapsed to discursive practices:

“What this implies is, that the commitment made by Harré and his colleagues to explain socio-economic life in terms of interpersonal discursive interaction leaves them unable to do justice to the way in which the latter is conditioned by historically given and therefore relatively impersonal social structure. While investigating the dynamics of interpersonal encounters is an important part of social research, then, it is unwise to allow it to monopolise social science, for a myopic concentration of attention on discursive interaction can lead to the neglect of factors that are potentially of considerable importance” (Lewis, 2001: 260-261).

Referring to social structures explains why individuals choose to respond to a particular narrative in the way they did. To take an example relevant to this dissertation, a Georgian bureaucrat might be tempted to delay compliance with a certain piece of the EU *acquis* not just by simply listening to the orders of his political master, but also due to their location within those structures: as argued earlier, the politicized nature of the public administrative apparatus in the post-soviet region might place bureaucrats in position of inferiority towards domestic political elites. Individuals in position of authority within social structures are more likely to impose their meanings and narratives on others (Lewis, 2001). Thus, the possibilities for individuals to act are not only facilitated or restricted by people’s rhetorical skills: other factors (material, non-rhetorical) influence, consciously or unconsciously, individuals’ ability to steer a conversation to their preferred outcomes. Antecedent social structures, composed of people’s previous actions, constitute the context within which social life occurs. Discursive practices are then to be seen as only one layer of such context. Social structures are not ontologically reducible to current discursive interaction, although we can only study them through such interaction.

Critical realism and the concept of causation

Radulescu and Vessey (2008) clarify that critical realism has developed three different frameworks regarding the issue of causality which have dominated critical realist studies: the realistic explanation (Pawson and Tilley, 1997), the morphogenetic approach (Archer, 1995) and the explanatory model of social science (Danermark et al., 2002). This dissertation will lean on the latter version of causality developed by Danermark et al. The goal of social sciences, according to them, is to produce explanations of particular phenomena, that is, answering the questions what “makes them happen”, “what produces”, “generates”, “creates”, “determines”, or “what enables”, “or leads to” (Sayer, 1992: 104). It is therefore a matter of uncovering what scope conditions there are in certain objects or relations, conditions giving them certain powers (Danermark et al., 2002: 54). In my dissertation, I understand scope conditions as enablers that make a

particular phenomenon more likely to happen. Those scope conditions can be both located in social structures or relationships between individuals (ibid.), existing, as we have seen above, only through the activities of actions of agents that they partially govern (Bhaskar, 2015: 41). Consequently, they may be exercised or not, triggered by circumstances that pertain or other related mechanisms. Danermark et al. underline that the relation between causal mechanisms and their effects is not determined, but external and contingent:

“The fact that a generative mechanism only operates when it is being triggered indicates that it does not always operate – and that, if it is ever triggered, or when it is, the present conditions or circumstances determine whether it will operate. And if it does, the actual effect is also dependent on the conditions” (2002: 55).

Thus, the scope conditions in the social world are better characterized by the concept of tendencies rather than causes (Bhaskar, 2015:10, Danermark et al., 2002: 55). Events occurring in the real world are produced by a wide range of influences drawn from different mechanisms and circumstances, which is why social sciences may only uncover that a certain object tends to behave in a certain way (Danermark et al., 2002: 56). Whether the object in question will actually behave in such a way is another question (ibid.). The same condition may produce different outcomes in different circumstances (ibid: 58). Hence, Bhaskar conceptualizes those tendencies as transfactual, as they operate independently from the actual outcome and are analytically separated from the factual events they are partially producing (2015:10).

Another significant difficulty faced by social sciences is that it needs to examine scope conditions deriving from social structures that operate at different levels, following that our reality is stratified:

“Let us immediately clarify, however, that the concept ‘structure’ does certainly not refer only to social structures. Structure refers to the inner composition making each object what it is and not something else [...] And in relation to social phenomena, structures not only refer to macro conditions, despite the fact that much of social science literature gives that impression. We can analyse social structures at all levels and in any area” (Danermark et al., 2002: 47).

Besides, human societies are what Bhaskar denotes as open systems (2015: 23), where people are capable of learning and self-change, but also where people’s behaviour continuously influence the objects and mechanisms they interact with

(Danermark et al., 2002: 68). That is why explanations in social sciences cannot be predictive but only explanatory (ibid: 69). How then can we isolate the scope conditions that are just relevant for our object of study, since they are merely unobservable? And how can we make sure that those mechanisms are – at least – partially regular?

Danermark et al. suggest a two-step analytical programme, composed of structural and causal analysis. Structural analysis is conceived as a conceptual abstraction aimed at identifying the internal and necessary properties of social objects, and more importantly in social sciences their relations with other objects (2002: 45-47). Sayer explores the significance of structural analysis by arguing that:

“[In order to] grasp the differentiations of the world; we need a way of individuating objects, and of characterizing their attributes and relationships. To be adequate for a specific purpose it [knowledge] must ‘abstract’ from particular conditions, excluding those which have no significant effect in order to focus on those which do. Even where we are interested in wholes we must select and abstract their constituents” (1992: 86).

Structural analysis is therefore interested in answering questions such as “What does the existence of this object presuppose?”, “Can it exist on its own as such?”, “If not, what else must be present” and more accurately “What cannot be removed from this object without making it cease to exist in its present form?” (ibid: 91). Structural analysis is, according to Danermark et al. (2002), always grounded in theory: since structures and scope conditions are not directly observable, we need theoretical assumptions in order to identify how they are played out in reality (Radulescu and Vessey, 2008). Theoretical assumptions “freeze the moment” of a concrete phenomenon and isolate its necessary inner properties and relations with other objects in order to begin our scientific investigation. However, since different structures and conditions operate in our reality, a phenomenon can be examined through a variety of angles, and therefore, structural analysis involved a double movement: from concrete to abstract, and from abstract to concrete (Sayer, 1992: 87). Structural analysis needs to constantly re-examine its conceptual abstractions in order to ensure that we can provide a thorough and sufficient explanation of the phenomenon in study (Danermark et al., 2002. 51). Structural analysis has, subsequently, no given end until we stop the analysis (ibid.). Scientific inquiry must therefore satisfy itself with explaining reality through incomplete abstractions that are likely to uncover only some aspects of the phenomenon in question. In other words, it seeks to provide a correct explanation of reality, but not a complete one (Bhaskar, 2015:53).

Coming to this dissertation, our structural analysis has been the topic of its second chapter, which has led us to consider norm implementation processes as facilitated by social interactions between experts mandated by the European Union and experts from the beneficiary country – in our case Georgia. Taking inspiration from the literature on expert interactions, I have also identified three different characteristics in order to describe the conditions that make those social interactions successful, which leads to more effective norm implementation. However, providing a correct and satisfactory explanation of social objects does not cease with structural analysis. Explaining why a certain social object happens the way it does requires a second step, defined by Danermark et al. as causal analysis (2002: 58).

Identifying scope conditions that allow to draw general conclusions from the observations of social objects occur through four different modes: induction, deduction, abduction and retroduction (ibid: 79). While abduction and retroduction have both been associated with critical realism, the emphasis of this section will be on abduction, which will be used in this dissertation. The aim of abduction is to interpret and re-contextualize social phenomena within a specific theoretical framework or a set of ideas (Danermark et al., 2002: 96) In other words, abduction enables us to understand something in a new way. The fundamental question at the centre of abduction is “What meaning is given to something interpreted within a particular conceptual framework?” (ibid: 97). Hedström and Swedberg (1996) distinguish between situational mechanism (linking the macro-level to the micro), individual action mechanisms (at the micro level) and transformational mechanisms (from micro-level to macro). Coming to this dissertation’s research topic, the question this thesis therefore needs to ask is: What kind of external scope conditions do the experts working in norm implementation in Georgia see as impacting their work? This has been the object of the first chapter. Based on the compliance studies literature, I argue that in order to understand under which conditions norm implementation through expert interactions occur, external scope conditions should also be considered.

This study also keeps in mind that explanations in social sciences can never fully contain the complexity they aim to describe (Williams, 2009) Even when singling out scope conditions, critical realists – as seen above - hold the assumption that such conditions might or might not be activated, depending on the particular circumstances they are embedded in. They are *enablers*. Their conception of necessity is a nomic necessity, which is based on the assumption that “the world displays regularity it must follow, this does not come about by chance, but this is not to say that things must always happen in the same way on every occasion” (ibid.). As argued by Gerrits and Verweij:

“Inevitably, each research attempt draws artificial boundaries around its subject. Those boundaries may be negotiated, perhaps based on common sense in the most literal sense of the word, but they are boundaries, nevertheless. The real world, however, is unbounded. The choice to focus on certain variables invariably brings with it the choice to ignore others. Unavoidably, it also means that the observer’s normative stances are (implicitly or explicitly) embedded in the research, thus translating into what is being researched” (2013:173-174).

This echoes with O’Toole’s remark that “as has been widely recognised dozens of variables are relevant to implementation action’ (O’Toole, 2017: 377, quoted in Bondarouk, Liefferink and Mastebroek, 2020). However, through comparative analysis, social sciences are able to point at (relatively) stable patterns of scope conditions as “variate traces of the character of open system” (Byrne, 2005).

To sum up, Figure 7 summarizes both the structural and causal analysis applied in this dissertation:

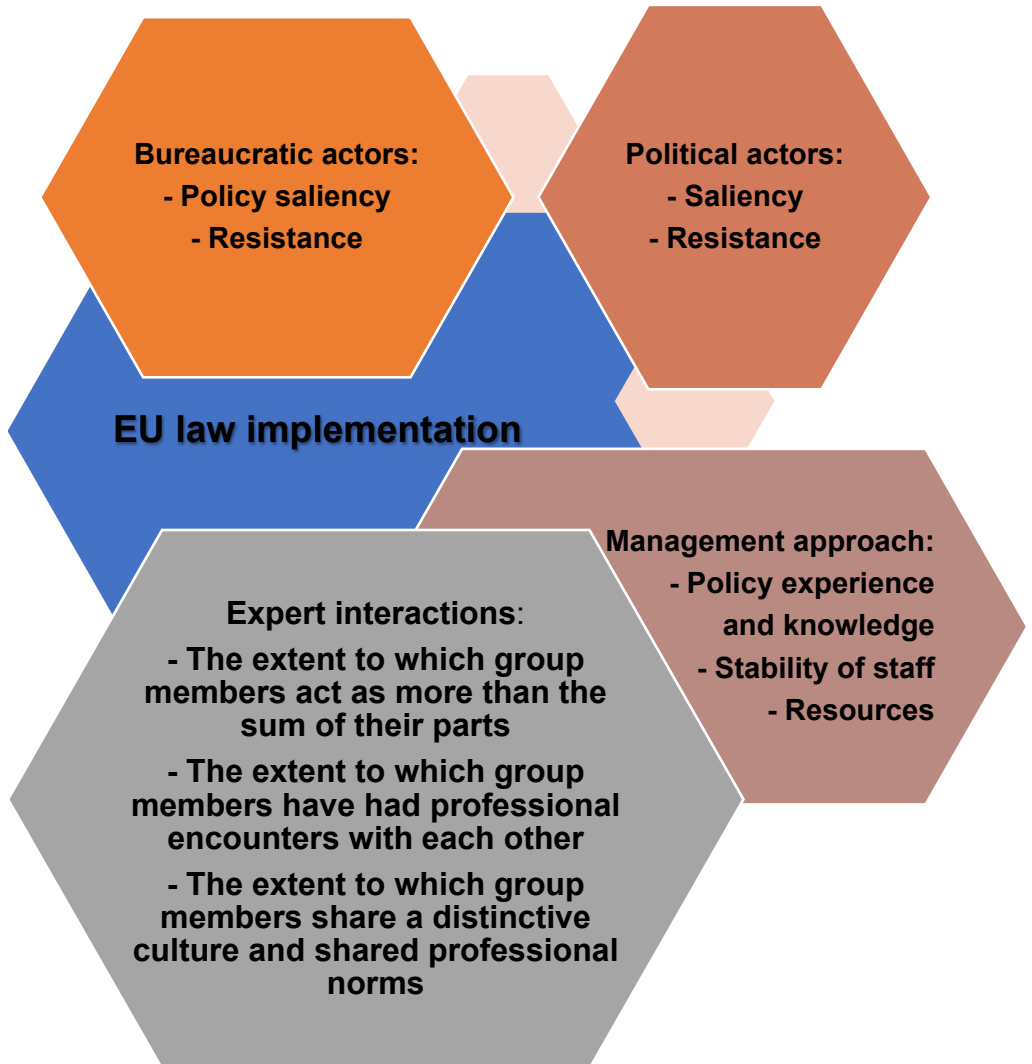


Figure 7. Scope conditions between EU law compliance in the post-soviet region

The next section will then address cross-comparison as a way to uncover such scope conditions.

A medium-N study: cross comparative methodology

Gerring finds that case studies are particularly useful for elucidating scope conditions and “peer into the box of causality to locate the intermediate factors between some structural cause and its purposed effect” (2007:42, 45), which – as I have detailed earlier - is in line with this dissertation’s research aims. Thus, the medium N-study conducted throughout this dissertation could be described as heuristic, as it seeks to identify new or unstudied scope conditions and refine theory (Eckstein, 1975; George and Bennett, 2005:75), such as the conditions behind norm implementation through expert interactions in a non-EU Member state like Georgia. Moreover, in the nomenclature used by Lijphart (1971), my research could also be characterized as “hypothesis-generating”, since it seeks to contribute to the process of theory construction through the examination of a limited number of cases (twelve expert groups in Georgia) for the purpose of refining more general propositions (Kaarbo and Beasley, 1999). In the words of Eckstein, heuristic case studies

“tie directly into theory building and therefore are less concerned with overall concrete configurations than with potentially generalizable relations between aspects of them” (1975:137).

Therefore, the cases I am going to analyze within the framework of this dissertation will be entrenched in an ongoing dialogue between evidence and theory before developing a solid theoretical framework that could be tested on a larger N-sample and in other settings than Georgia (Levy, 2008). As explained earlier, norm implementation through expert interactions is an instrument widely used not only by the European Union, concerning both enlargement and neighbourhood, but also partnership countries, but also by other major international institutions such as the Council of Europe, Organization for Security and Co-operation in Europe (OSCE), the Organisation for Economic Co-operation and Development (OECD) and so on.

Consequently, my research is following what Della Porta describes as the *variable-oriented approach*, where the focus lies on “establishing generalized relationships between variables” by analysing a medium number of cases (2008:198, see also Ragin, 1997, 1999). The generalization provided for variable-oriented research produces patterns of relations amongst distinct variables, variables that are trans-historical in nature and not attached to a specific context (ibid:205). In that matter, the homogeneity of the cases is crucial so as to draw sound theoretical conclusions: I have, in that sense, chosen twelve

Twinning/capacity-building projects implemented in Georgia during a period of governmental stability. Having now defined the type of cross-comparative methodology I am going to utilize in order to reach my research aims, I will now address why I have decided to study EU law implementation in Georgia, then pursue a medium-N study and finally discuss case selection.

Selecting the context: why Georgia?

As my research aim became clearer to me (analyzing the scope conditions behind successful EU law implementation beyond the EU), I was faced by an empirical challenge: which setting(s) should I choose to study it in? I was hesitant between two possibilities: exploring it in candidate or non-candidate countries. Two primary reasons led to the choice of Georgia. Firstly, Georgia was an easier choice for me, personally, as I have worked as a trainee in a Georgian NGO during the summer of 2014. I therefore have retained many contacts in the civil society sectors that I could then reach out to for my data collection. I also know better the Georgian context, which made it simpler to relate to the answers of my interviewees. But more importantly, Georgia is also an interesting case of EU law implementation. Georgia hosted the highest number of Twinning projects since 2009 amongst the ENP participating countries (European Commission, 2019b, see figure 1 in the introduction). Georgia is also one of the main recipients of EU assistance in the European Eastern neighbourhood (European Parliament, 2020). Additionally, Georgia has been traditionally considered by European Union institutions as the “front-runner” amongst the Eastern Partnership countries (Russell, 2021), with the vast majority of the population taking a pronounced pro-Western stance and sharing aspirations to quickly join the European Union and NATO. As indicated by a recent poll by the International Republican Institute’s (IRI) Center for Insights in Survey Research (CISR), 85% of Georgians either “fully support” or “somewhat support” joining the EU in 2022 (IRI, 2022). Even if the country’s political leadership have recently been using divisive and aggressive rhetoric towards the European Union and its decision-makers and deep polarization continues to be the defining feature of Georgia’s political environment, Georgia still submitted its bid for European Union membership on March 3rd, 2022. Consequently, this means that EU rules are not extensively contested in earlier phases of policy processes, when rules are accepted or not, and transposed into national legislation. This will allow me to clearly focus on *how EU law is implemented* and not on whether EU law is accepted or not in the earlier phase of policy-making processes.

Secondly, Georgia shared many similar features, as regards to the nature of its bureaucracy and the close links between the political and administrative spheres, with other post-soviet countries, as well as with hybrid regimes in the EU’s Southern neighbourhood. As all of the ENP participating countries are using the

Twinning instrument to enhance EU law implementation, both the framework developed by Mai'a K. Cross and the model that I proposed concerning the external scope conditions in which those Twinning experts are embedded could be tested beyond the context of Georgia. Although such endeavor is outside of the scope of my dissertation, it might be posited that Georgia could be considered as *a representative unit for a larger set of units (post-soviet countries and hybrid regimes)*. However, further research would be needed in order to draw more general conclusions. As Gerring argues:

“Single-unit studies provide cases that are likely to be *comparable* to one another. After all, they are all drawn from the same unit (by definition). [...] Yet, the strength of the case study also suggests a corresponding weakness. Single-unit research designs often fall short of their representativeness – the degree to which causal relationships evidenced by that single unit may be assumed to be true for a larger set of (unstudied) units” (2004: 349).

Why a medium N-study?

Europeanization is interested in exploring the conditions between “a process of change affecting domestic institutions, politics and public policy [occurring] when political behaviour at the European Union (EU) level has a transformative effect on domestic politics behaviour” (Radaelli, 2012:1), as we have seen in our section on the Europeanization theoretical framework. However, establishing a causal relationship between causal mechanisms situated at EU level and domestic change remains a challenge (ibid.), which is why causality has become a pressing issue in Europeanization studies (Haverland, 2007).

Firstly, studying norm implementation through expert interactions runs the risk of overestimating the effect of such instrument, located at EU level, on processes of domestic change in Georgia. As Radaelli claims, “learning mechanisms involving communities of experts [...] may have transformed domestic policy. In yet another conjecture, the domestic outcome may be the result of domestic corporations [...] [or] economic rather than political pressure [...] For the researcher engaged in establishing causality, these alternative options provide *serious challenges of research design*, compounded by the fact that more than ‘one’ cause may be operating at the same time” (2012:4-5, my emphasis). In that context, prejudicing the importance of one cause compared to alternative explanations has been identified as a pitfall in Europeanization research (Radaelli and Pasquier, 2007:41). One research strategy proposed by Radaelli (2012:5) is to start our enquiry from the effect at domestic level and not from the cause, to start from the “actors, problems, resources, policy style, and discourses at the domestic level (that is, the system of interaction at the domestic level)” and

examine “how the EU provides a change in any of the main components of the system of interaction” (Radaelli and Pasquier, 2007:41). As stated earlier, this dissertation follows abduction as a way to draw the scope conditions behind EU law implementation, and it does this through studying the discourses within those expert groups in Georgia.

Secondly, this research builds also on Börzel and Risse (2003) and considers that domestic change is not purely the effect of a cause X but that there are several causal mechanisms behind it. However, two different challenges are associated with the task of unravelling causal mechanisms between a cause and an effect. First of all, articulating all the possible mechanisms that lie in any given X-Y relationship is merely impossible, and we constantly risk omitting factors. As Gerring explains,

“We] will never answer the question of causal mechanisms definitely and completely because of the potential – which can never be entirely overcome – of additional causal mechanisms that one has not contemplated. Indeed, the situation is worse still, that omitted factors may serve as confounders for the causal factors that one has thought to confirm. (2010:1510).

Thus, my research design incorporates a limited amount of scope conditions selected from the existing literature on expert interactions and on compliance that have never been tested on a non-EU member state such as Georgia. This also allows us to further insist on the fact that this dissertation has no pretention in identifying necessary and sufficient causal mechanisms behind norm implementation but aims only at carefully investigating a selected range of such mechanisms.

The second challenge is related to the risk of “ending up with a long, and perhaps useless, shopping list” of causal mechanisms when showing how X and Y are linked (Radaelli, 2012:11). Radaelli (ibid.) suggests using theory in order to group mechanisms. Therefore, I have in my previous chapter divided the selected causal mechanisms into two broader categories, internal dynamics (drawn upon the literature on expert interactions) and external scope conditions (from the compliance studies literature).

Against this background, case studies “allow one to peer into the box of causality to the intermediate causes lying between some cause and its purported effect”, provided that the N-question is properly addressed (Gerring, 2004:348). In that sense, a cross-comparative study (otherwise called medium- or intermediate N-study) seems to best fit our research aims. Gerring and Cojocaru (2016) warn against medium-N samples, which they refer to as comprising ten to more cases, both for practical purposes (such samples demand more time and resources from

researchers) and also because they lack the efficiency of single case studies (the in-depth description of a single case). They also fail to achieve the higher degree of representativeness associated with large-N studies. However, I will argue with Lindemann, that although medium-N research designs have been underexplored in social sciences:

“[medium-N research] retains some of the strengths of case studies, including close attention to internal (or conceptual) validity, a capacity to trace causal mechanisms and account for causal complexity, and sensitivity to case-specific factors and new hypotheses. On the other hand, it also preserves some of the main assets of statistical analysis, including a concern with generality, a replicable method, and the use of well-defined and consistently-applied theoretical assumptions about causal relationships” (2011).

Since this dissertation’s research aims seek to identify how scope conditions play out in a new setting (a non-EU member state), it is therefore of importance, both to devote attention to the context surrounding the cases selected, while also ensuring the generalizability of our findings. Hence, medium-N studies try to find a balance between “depth and breadth”, that is, between increasing the number of observations while staying in the framework of in-depth comparative research (Levi-Faur, 2004, 2006). Consequently, multiple-case designs are regarded as being more robust, since the evidence they present from multiple cases is more compelling (Yin, 2014:57). Nevertheless, in order to reach such degree of robustness and generalizability, each case must be selected according to what Yin denotes as the replication logic, according to which each case is selected so that it predicts either (a) similar results (a literal replication) or (b) contrasting results but for predictable reasons (ibid.). The next section will then address this research design’s case selection.

Case selection

“Certain kinds of cases may be regarded as more instructive for theory building than others” argues Eckstein (1992: 146). Given the scope conditions that this study aims to investigate may impact on norm implementation through expert interactions in Georgia, our case selection will be drawn upon the latter alternative proposed by Yin - alternative (b) stated above. Gerring (2007) and Seawright and Gerring (2008) identify nine techniques: typical, diverse, extreme, deviant, influential, crucial, pathway, most-similar, and most-different in order to select cases. Small or medium-N studies generally adopt the two last strategies, most-similar and most-different, originating from J.S. Mill’s seminal work, *System of Logic* (1834[2011]). The most-similar method employs cases that are similar on all aspects except the variable(s) of interest, while the most-different

method is the reverse image of the previous strategy, meaning that cases that have in common the same dependent variable(s), while all the other possible aspects show different values (Gerring, 2007:139). Nevertheless, both the most-similar and most-different methods face a significant methodological obstacle, as they demand every variable in the analysis to be of dichotomous nature. As Gerring underlines:

“Differences across cases must be sizeable enough to be interpretable in an essentially dichotomous fashion (e.g. high/low, present/absent), and similarities must be close enough to be understood as essentially identical (e.g. high/high, present/present). Otherwise, the results of a Millian-style analysis are not interpretable.” (2007:143).

As explained earlier, the scope conditions that this study wishes to examine are, by nature, qualitative ordinal variables, with an order implied in the levels (such as higher or lesser levels of administrative capacity).

Besides, Lieberson warns against using Mill’s methods of agreement and difference in social settings where the phenomenon under investigation may originate from multiple causes and causal mechanisms:

“Complex multivariate causal patterns operate in the social world, such that a given outcome can occur because of the presence of more than one independent variable and moreover, may not occur at times because the influence of one independent variable is outweighed by other influences working in the opposite direction. Under such circumstances, the influence of X1 is only approximate (even without measurement errors), unless we can consider all of the other independent variables, through controls or otherwise” (1991:309).

Since this dissertation aims at identifying the scope conditions explaining norm implementation through expert interactions in Georgia that are ordinal qualitative variables in nature, selecting cases by following Mill’s two different methods then remains impossible.

Hereafter, this dissertation will follow one of the case selection strategies proposed by Levi-Faur (2003, 2004): the policy sector approach. The policy sector approach “emphasizes the autonomous political characteristics of distinct policy sectors, hence the multiplicity of political patterns in any single country” (Levi-Faur, 2004:181) and claims therefore that scope conditions, in a defined institutional setting, may vary across sectors. Such approach relies on a disaggregated view of the state, which assumes that policy networks and policy

communities are organized differently from sector to sector within a specific country (Levi-Faur, 2003); which fits particularly well with our research focus on expert groups. Subsequently, the cases selected within this research touch upon different policy areas, and none of the Twinning or capacity-buildings studied belong to the same sector. I have also particularly paid attention towards selecting projects that concern the EU technical acquis as well as the value-based acquis (or hard law/soft law) since difficulties in norm implementation can arise in both (Saurugger and Terpan, 2016). However, a majority of the projects selected aim at implementing the technical acquis side of EU legislation, since Twinning projects are rarely directed towards the value-based acquis.

Furthermore, I have selected cases that are situated in the time span between October 2012-October 2020, which corresponds to the entry into power of the Georgian Dream coalition (GD) and to the parliamentary elections of 2020 (I obviously did not know when I started collecting my data that the GD would win those elections). I choose those particular two dates since any change in political leadership, in hybrid regimes, can affect the preferences, attitudes and behaviour of bureaucratic agents (Bolkvadze, 2017; Charkviani, 2019). All the projects selected had then started at the latest in October 2020, but some of them are still ongoing after that date. However, information that regards the period after October 2020 is outside of the scope of this dissertation.

Along these lines, the case selected within the framework of this study can be summarized as follows:

Table 2. Twinning/capacity-building projects investigated in this dissertation

Project	Policy sector	Time of implementation	Nature of the acquis
1	Energy regulation	2012-2014, 2016-2017, 2019-2021	Technical
2	Market surveillance	2018-2020	Technical
3	Civil aviation	2015-2017	Technical
4	Judicial training	2017-2019	Value-based
5	Auditing	2018-2020	Technical
6	Spatial planning and infrastructure	2018-2019	Technical
7	Food safety and standards	2012-2019	Technical (non-Twinning)
8	Metrology and standards	2017-2019	Technical
9	Customs	2018-2020	Technical
10	Gender equality	2017-2020, 2020-2021)	Value-based (non-Twinning)
11	Statistics	2019-2021	Technical
12	Research and innovation	2020-2022	Technical

Twelve cases were then retained for the purpose of this study. As Stebbins reminds us (2008), in qualitative research, the exact number of cases has to be determined when theoretical saturation is reached, meaning when no information is produced from additional cases. It is my confident opinion that saturation has been attained after examining these twelve cases.

Measuring EU norm implementation: a methodological challenge

Studying the implementation of EU norms and standards, even within the European Union, always constitutes a methodological challenge related to the lack of available data. As is the case when measuring corruption, non-implementation of EU legislation is only measured when it is discovered by the European Commission: “the Commission is neither capable nor willing to legally pursue all violations it detects and therefore consistently focus on cases of systemic and persistent non-compliance” (Börzel and Buzogány, 2019: 319) in EU Member States. Consequently, measuring non-compliance is about measuring “the tip of the iceberg” (Hartlapp and Falkner, 2009). In this context, it is therefore worth devoting attention to such methodological challenges and then explaining why I have chosen to study EU norm implementation through interviews of individuals involved in Twinning projects. By doing so, I also want to raise awareness of the limits of my methodological approach and of my data. I will now come to the different methodological frameworks that earlier research has used when investigating implementation and non-implementation of EU law within the EU.

Implementation studies within EU research have used two distinct data sets to measure EU law compliance: statistics on transposition notification and on infringement proceedings (Hartlapp and Falkner, 2009; Börzel, 2021).

First, several studies have used the timely transposition of EU directives as a measure of compliance (see for example Mastenbroek, 2003; Steunenberg, 2006; Berglund, Grange and van Waarden, 2006; Toshkov, 2007b, Steunenberg and Kaeding, 2007; König and Luetgert, 2009; Haverland, Steunenberg and van Waarden, 2011). Since the 1990, the European Commission has gathered statistics on national transposition measures of EU Directives and other information regarding the transposition process, statistics that are publicly available in the EUR-lex database (Börzel, 2021). Those above-mentioned studies identify important transposition deficits (that is to say, delayed transposition) and list a number of explanatory factors behind those: the legal instrument used, the responsible ministry and the EU decision-making procedure

(Mastenbroek, 2003), the number of actors involved in transposition processes (Steunenberg, 2006), administrative capacity and resources (Berglund, Grange and van Waarden, 2006; Toshkov, 2007b), government support for EU integration (Toshkov, 2007b), the political sensitivity of the directive and the number of the national measures needed (Steunenberg and Kaeding, 2007), the level of conflict between EU Member States during the negotiation process (König and Luetgert, 2009) as well as the nature of the EU instrument used – Council or Commission directives (Haverland, Steunenberg and van Waarden, 2011). For a non-EU Member State as Georgia, transposition statistics are not published in the EUR-lex database but are often (and not always) available on the website of ministries or public agencies. Some statistics are also available in different strategies or actions plans, that I will list in chapter 4. Nonetheless, there is little evidence that timely transposition is a good indicator for measuring compliance (Hartlapp and Falkner, 2009; Börzel, 2021). To begin with, transposition statistics rely on national governments self-reporting that they have actually taken national measures so as to comply with EU requirements. They could therefore be tempted to embellish and exaggerate their actual compliance, so as to avoid any monitoring from the side of the European Commission (Börzel, 2021:17-18). Earlier research has also shown that EU Member States have the tendency to report pre-existing measures, which are domestic measures enacted before a specific Directive enters into force, as a way to disguise the fact that such measures are not fully compliance with EU law requirements (Zhelayzkova and Yordanova, 2015). This is in line with the study by Falkner et al. (2005) on the implementation of 90 cases of social policy Directives that has demonstrated that some Member States have the tendency to notify the Commission before they correctly transpose EU law. In sum, timely transposition is rather an indicator of non-compliance than compliance (Börzel, 2021:18). I have therefore chosen not to study the implementation of EU norms in Georgia through their timely transposition.

Secondly, scholars of EU law compliance have used data related to infringements proceedings as a way to work around the biases of transposition statistics. When the European Commission suspects a Member State of violating EU law, it can decide to start an investigation on its own initiative. Sometimes, such suspicions can be based on complaints by citizens, businesses or non-governmental organizations. The SOLVIT network, for instance, accepts complaints from individuals and businesses when free movement rights within the EU internal market are breached. Infringement proceedings, when launched, are composed of several stages:

- *An unofficial administrative stage*, when the European Commission sends a letter of formal notice to the EU Member State in question in order to indicate that it suspects an EU law violation and gives the

opportunity to the national administration to come to terms with the situation. Information about letters of formal notice are only available if they relate to cases of delayed transposition but are otherwise regarded as part of a confidential process where the European Commission consults and negotiates with the EU Member State concerned so as to regularize EU law violations. The European Commission has at several occasions even refused to give public access to such information, a refusal that has even been upheld by the European Court of Justice (Börzel, 2021:19).

- Data on infringement proceedings become *available to the public* when such proceedings are officially launched, with the issuance of a reasoned opinion (art 258 TFEU). A reasoned opinion is a formal request to comply with EU law and obliges the EU Member State in question to notify the European Commission of the national measures to be taken in order to rectify the breach of EU law, with a time limit of usually two months (European Commission, 2022d).
- If an EU Member State *still does not comply* with EU law requirements after such deadline has passed, the European Commission can decide to refer the matter to the European Court of Justice, which can impose financial penalties (art 258 and 260 TFEU).

Data on infringement proceedings are widely used in compliance research (see for example Börzel, 2000, 2001, 2002, 2021; Börzel and Sedelmeier, 2017; Börzel and Buzogány, 2019; Tallberg, 2002; Thomson, Torenvlied and Arregui, 2007; Perkins and Neumayer, 2007). However, that does not mean that infringement data is free from bias. First of all, it represents only a small segment of all instances of non-compliance, since it refers to non-compliance only when it is detected (by individuals, businesses, or the European Commission itself). In that regard, Tanja Börzel compares it to the “tip of the iceberg”, “the visible part” of non-compliance. Secondly, even if detected, the European Commission might choose not to act on it. For political reasons, but also because of limited administrative capacity, the Commission prioritizes which cases it will launch infringement procedures for. In the words of Falkner and Hartlapp:

“Most of the scholarly research on compliance with EU law is in fact research on the reaction to non-compliance on the part of the European Commission. The central question is therefore to what degree the data on Commission infringements distort and whether this occurs systematically across countries, across sectors, across forms and across stages of (non-) compliance” (2009: 293).

Another problem that adds to this methodological difficulty is that such infringement data is not available for non-EU Member States like Georgia. The gradual approximation of EU legislation in Georgia is monitored by the EU-Georgia Association Council (art 404 of the EU-Georgia Association Agreement), assisted by the Association Committee (art 407), the Association Committee in Trade Configuration (art 408) as well as by all the sub-committees under them (art 409). I will come back to the institutional structure of the EU-Georgia Association Agreement in the next chapter. Those joint bodies (JBs) act as fora for monitoring, supervision, dispute settlement, interpretation of the AA, updating or revising the AA – all of this without needing new or amended provisions that would be negotiated between the parties (Tyushka, 2022). However, the discussions held in such fora are merely intergovernmental and as such, remain confidential. Agendas for the meetings of the Association Council, for the Committee and the Committee in Trade configuration can be found on the website of the European Commission, and they are so general that no information about non-compliance of EU law in Georgia can be found in them. As for the subcommittees, the availability of agendas and minutes of meetings is sporadic.

Moreover, in case of disputes over non-compliance between the EU and Georgia, an arbitration panel is set up within the framework of the AA (chapter 14 of the AA) with experts from both parties, which is tasked to rule on any dispute between the Parties concerning the interpretation and application of Title IV (Trade and Trade-related Matters) of this Agreement with a view to arriving at, where possible, a mutually agreed solution” (art 244). A similar panel can be set up in case of conflict on the implementation of the non-DCFTA part of the agreement (art 421). But here again, the discussions held between the parties, or any document linked to them are not made available to the public. Even though such arbitration panels exist, a recent study underlined that the EU to a wide extent uses informal compliance instruments such as statements, informal meetings or letters transmitted by the EU chief of delegation so as to pressure associated countries like Georgia to comply with EU law requirements (Rabinovych, 2022). Such instruments are, as by nature informal, not accessible for researchers.

In that context, this dissertation is in line with earlier research that has used expert interviews as a way to measure EU law implementation (Falkner et al., 2004, 2005; Falkner, Hartlapp and Trieb, 2007; Verluis, 2004, 2007). Surprisingly, such studies have not reflected on the benefits and the pitfalls of expert interviews as a methodological tool to approach compliance with EU legislation. Expert interviews do permit access to first-hand and in-depth knowledge from professionals whose working tasks are exactly related to making EU law work in their own domestic context. However, what is being measured with such interviews is the experts' *perceptions and experiences of (non-)implementation*.

It can therefore not be excluded that a certain level of disparity between those perceptions/experiences and the actual degree of implementation of EU legislation might exist. Experts are not exempt from inaccurate recollections of events, memory cues, oblivion or misunderstandings. I will discuss this in further detail in the next section of this chapter. However, interview data reveals the answer to the puzzle of implementation of EU legislation at least partially, to partially uncover the “visible part” of the iceberg. And as we have seen, it is probably the only accessible data researchers can access in case of an associated country like Georgia. It is therefore imperative to reflect on the bias (but also on the value) related to such data.

Semi-structured interviews

My empirical material consists of semi-structured interviews with experts involved in the above-mentioned Twinning or capacity-building projects. Semi-structured interviews have been selected since they combine both open-ended and more theoretically driven questions, thus “eliciting data grounded on the experience of the participant as well as data guided by existing constructs in the particular discipline within one is conducting research”, allowing for an in-depth study of the phenomenon in question (Galletta, 2013:45). Hence, the interview guide used within the framework of this study reflects the need to find such balance, between creating a space for participants to narrate their experiences, but at the same time keeping a very deliberate focus that is tied to my research aim (ibid: 47) – exploring the scope conditions behind norm implementation through expert interactions in Georgia. The interview guide is found in Annex I. Here I feel that it is pertinent to emphasise that such an interview guide only partially reflects the actual conversation that has taken place, since semi-structured interviews allow to use follow-up questions and prompts, depending on the direction the interview in question is taking (Kvale and Brinkmann, 2015:156). Some questions have also been refined/slightly modified during the course of my data collection period, especially after the initial interviews.

Within critical realism, interviews are seen as theory-driven, with the researcher trying to investigate the scope conditions of interest for his/her study. They are also conceived as a dialogue between interviewer and interviewee in which “I’ll show you my theory if you’ll show me yours” (Pawson, 1996: 307). On that matter, Smith and Elger argue that:

“The researcher/interviewer is seen as having particular expertise in characterizing wider contexts and the outcomes of action, so discussion of these features ‘should be led by the researchers’ conceptualization [...]

Meanwhile the expertise of the interviewee is likely to be greatest in relation to explanatory mechanisms that focus on ‘reasoning, choices, motivations’, so ‘the researcher will often assume that the balance of expertise lies with the informant in describing the detailed way in which reasoning contributes to social change’ (2014:117).

Henceforth, the researcher/interviewer builds on the attitudes, motives, reasons evoked by the interviewees and proposes different accounts of those attitudes and reasons for the interviewees to reject, accept or refine (ibid: 118). Again, Smith and Elger clarify that:

“For realists, however, interviews provide one route for gaining access not only to the attitudes and emotions of informants but crucially to richly textured accounts of events, experiences, and underlying conditions or processes, which represent different facets of a complex and multi-layered social reality. From this vantage point interviewers should always be interested in listening to and exploring the subjective experiences and the narrative accounts provided by their interviewees, but this does not mean that they should suspend their critical analytical faculties in the process. Knowledge about events and processes, let alone causes and underlying conditions, is not simply the transparent product of a conversation between interviewer and interviewee. For interviews to yield insights into these features, then, the interchange between interviewer and interviewee has to be informed by an appropriate analytical framework, which can guide questions, frame answers, and suggest probes and directions for further discussion, so as to enhance the depth, texture, and complexity of the accounts being developed” (ibid: 119).

Thus, to take another view, semi-structured interviews could be characterized as a form of jazz where the interviewers improvise on the interviewees’ answers, in order to confirm, question or refine the theoretical framework proposed (Dance, Guitérrez and Hermes, 2010). This section will discuss both the sampling of this study, the specificities of expert interviews, my positionality as a researcher as well as my data transcription and coding strategy.

Sampling

Within the framework of this study, I adopted a purposeful sampling, which involves identifying and selecting individuals that are especially knowledgeable about or experienced with a phenomenon of interest (Cresswell and Plano Clark, 2011). Thus, before starting my first data collection, I contacted experts that are

or had been involved in Twinning or capacity-building projects in Georgia between October 2014 and October 2020. I started with national experts from EU Member States, and the number of those is quite limited: as seen earlier, there were for instance 19 ongoing Twinning projects in 2020. Finding the contact details of those experts has proven particularly difficult, since the information available online is limited – with many of those projects lacking any kind of information after their date of completion. Therefore, I contacted only the national experts who projects have at least some kind of information online or on social medias. Again, I was particularly careful to choose projects in different policy areas.

Subsequently, due to those difficulties of gaining access to such information, I used in a second time a snowball sampling, where my first participants recommended other potential participants that could fit my research purpose (King, Horrocks, & Brooks, 2019:62; Fujii, 2017:40). However, in order to reduce some of the biasing effects associated with snowball samplings (such as participants recommending individuals sharing their own views, thus creating echo chambers), I specified again one criterion - the recommended experts should have worked in a policy field different from and other than their own (ibid.). Thus, the sample is heterogenous, as “there is a deliberate strategy to include cases which cut across variety of cases or people” (Ritchie et al., 2013: 114). Yet, these echo-chambers bias cannot be completely eliminated since the world of experts working on norm implementation in Georgia is quite small, and participants may know each other and may have debated on the issues I asked about between themselves. I also contacted the Programme Administration Office (PAO), which is a unit within the Ministry of Foreign Affairs of Georgia having the overall responsibility for the planning and implementation of all Twinning projects conducted in the country. The PAO provided me a list of some Twinning projects realized between 2012-2020.

In a second batch of interviews, I interviewed the Georgian experts matching the Twinning projects whose EU national experts I had already interviewed. I got their contact details via the EU national experts or the PAO.

In total, the response rate was of approximately 50% among the experts. I also conducted, before the expert interviews, several rounds of background interviews that are included only in order to deepen my understanding of the policy area in question, 9 of them during a field trip in Brussels in February 2020 and 12 remotely. In total, sixty-one interviews have been conducted (40 experts, 21 background interviews).

The interviews conducted are detailed in Tables 3 and 4. Expert interviews are classified by project. Since expert groups working on those projects consist of a limited number of participants, I do not specify my respondents’ exact role and position. Due to the Coronavirus (COVID-19) pandemic, the wide majority of

my interviews were realized remotely, which I will later discuss. Some interviews were, however, conducted in Georgia during the autumn 2022.

Table 3 and 4 summarize the expert and the background interviews. In table 3, the affiliation of the experts interviewed are marked as either EU (from a ministry or a public agency located in the EU Member State, or even the EU Delegation in Georgia) or Georgia (from a ministry or a public agency belonging to the Georgian administration). In both tables, the interviews are numbered in the chronological order of being conducted.

Table 3. Expert interviews

Project	Interview number	Affiliation	Date	Language of the interview	Mode of conduction	Recorded?
Energy regulation	11, 12 40	EU Georgia	24/03/2020 16/09/2021	English English	Remotely Remotely	Yes Yes
Market surveillance	13 14 38	EU EU Georgia	26/03/2020 15/04/2020 07/09/2021	English English English	Remotely Remotely S Remotely	Yes Yes Yes
Civil aviation	15 41 58	EU Georgia EU	16/04/2020 20/09/2021 16/11/2021	English English French	Remotely Remotely Remotely	Yes Yes Yes
Judicial training	16 37 50	EU EU Georgia	21/04/2020 01/09/2021 08/10/2021	English English English	Remotely Remotely Remotely	Yes Yes Yes
Auditing	17 34	EU Georgia	27/04/2020 25/06/2021	English English	Remotely Remotely	Yes Yes
Spatial planning and architecture	18 44 49	EU Georgia Georgia	30/04/2020 24/09/2020 06/10/2021	English English English	Remotely Remotely Remotely	Yes Yes Yes
Food safety standards	19 59 61	EU EU Georgia	08/05/2020 25/11/2021 16/11/2022	English English English	Remotely Remotely Face-to-face	Yes Yes No
Metrology and standards	20 23 35	EU EU Georgia	19/05/2020 28/05/2020 31/08/2021	English English English	Remotely E-mail Remotely	No No Yes
Customs	21 25 26 30 43	EU EU EU EU Georgia	12/06/2020 31/08/2020 09/09/2020 22/10/2020 23/09/2021	English English English English English	E-mail Remotely Remotely Remotely Remotely	No Yes Yes Yes Yes
Gender equality	22 24 47 56	EU EU Georgia EU	27/05/2020 04/05/2020 01/10/2021 03/11/2021	Swedish English English English	Remotely Remotely Remotely Remotely	Yes Yes Yes Yes
Statistics	28, 29 51 54 57	EU Georgia Georgia Georgia	13/10/2020 11/10/2021 22/10/2021 26/10/2021 09/11/2021	English English English English English	Remotely Remotely Remotely Remotely Remotely	Yes Yes Yes Yes Yes
Research and innovation	27 52	EU Georgia	06/10/2020 13/10/2021	English English	Remotely Remotely	Yes Yes

Table 4. Background interviews

Interview number	Interviewee's affiliation	Date	Language	Mode of conduction
1	European Commission	17/02/2020	English	Face-to-face, non recorded
2 and 3	European Commission	17/02/2020	English	Face-to-face, non recorded
4	European Parliament	19/02/2020	French	Face-to-face, non recorded
5	Committee of the Regions	20/02/2020	English	Face-to-face, non recorded
6	European Commission	20/02/2020	English	Face-to-face, non recorded
7	European Commission	20/02/2020 04/06/2021	English	Face-to-face, non recorded E-mail exchange
8 and 9	European Commission	24/02/2020	English	Face-to-face, non recorded
10	Previous affiliation: European Commission	23/03/2020	Swedish	Telephone, non recorded
31	European Commission	11/06/2021	English	E-mail exchange
32	European Commission	23/06/2021	English	E-mail exchange
33	Eurostat	09/07/2021	English	E-mail exchange
36	European Commission	31/08/2021	English	Remotely, non recorded
39	Public Defender of Georgia (Ombudsman)	15/09/2021	English	Remotely, recorded
42	NGO on judicial independence	20/09/2021	English	Remotely, recorded
46	NGO on judicial independence	29/09/2021	English	Remotely, recorded
48	NGO on judicial independence	05/10/2021	English	Remotely, recorded
53	NGO on women's rights/ LGBTQA+ rights	21/10/2021	English	Remotely, recorded
55	Expert on judicial independence	26/10/2021	English	Remotely, recorded
60	NGO on public administration reform	10/01/2022	English	Remotely, recorded

As explained in both tables, the majority of expert interviews were conducted remotely, due to the location of the participants (in different EU Member States) but also due to the ongoing Coronavirus (COVID-19) pandemic. Only a limited number of interviews occurred onsite, in different buildings of the European Union institutions in Brussels and in Georgia. As pointed out by King, Horrocks and Brooks (2019:72), the “physical space in which an interview is located can have a strong influence on how it proceeds”. In that matter, it is of particular interest to compare the interviews that I conducted face-to-face with the interviews organized remotely. The privacy of the interview setting is vital (ibid.).

In the offices of the European Commission buildings, I felt that my participants did not see any danger of being interrupted or overheard by colleagues, which created a trustworthy and relaxed environment where they could open up and share their experiences as experts. With remote interviews, it happened quite often that my participants were interrupted by their own family members, pets, phones or other household distractions, which contributed to them being more unfocused and losing the thread of the conversation (ibid.:136). Uninvited guests were sometimes appearing on our Zoom session, a phenomenon called “Zoom bombing” (Hern, 2020). Nevertheless, I felt that being in the comfort of their homes allowed my participants to be more personal in their answers and expand on more non-work-related experiences as experts than with face-to-face interviews.

Besides, the use of online technologies such as Zoom compared to more traditional face-to-face interviews had an impact on data generation. On some occasions, the poorer quality of my (or the interviewee’s) broadband connection and of the audio-recording equipment led to some parts of the interviews being inaudible, which was also true for the only telephone interview I conducted (Kvale and Birkmann, 2015:205; Hewson, 2007:5-7). Some studies point out that during the Coronavirus (COVID-19) pandemic, the quality of internet connection particularly affected data quality and the nature of the interaction between interviewer and interviewee (see for instance Boland et al., 2022). However, experiencing technical difficulties can also have the effect of increasing the bond between the interviewer and the interviewee, as they attempt to solve the issue together (Archibald et al., 2019). I noticed that such was the case of several of my interviews. Facial expressions and non-verbal language were also, sometimes, hardly visible (Novick, 2008). Earlier research has emphasized that face-to-face interviews help to “create an environment where the interview can respond in a free-ranging and fulfilled way and where the researcher is able to take non-verbal communication into account” (Ritchie et al., 2013:182). Face-to-face interviews, as being characterized by synchronous communication have the advantage of enabling the interviewer to create a good interview ambiance, and permit a deeper analysis of social cues, such as voice, intonation, body language, etc. (Opdenakker, 2006). However, even if my transcripts after face-to-face interviews contain less inaudible and invisible elements, the difference between the two batches should not, according to my experience, be overestimated, as more recent research has pointed out (Irvine et al., 2012). Krouwel et al. argue, in that sense, that even if researchers were forced to use online tools to conduct interviews during the Coronavirus (COVID-19) pandemic, videoconferencing most closely replicated face-to-face interviews (2021). On the other hand, my interviewees tended to check on the adequacy of their answers more frequently during remote interviews, which allowed for more reflections, clarifications and

additions (ibid.). The following part will address the specificities of expert interviews.

Expert interviews

“Expert interviews [...] like all other accepted methods of gathering data – require careful validation and a solid theoretical basis”, argue Bogner, Littig, and Menz (2009:6). In this section, we will interrogate the notion of expert and discuss the specificities of expert interviews. In scientific research, expert interviews are commonly used in social sciences, since researchers assume that experts have knowledge which is not accessible to the field of action under study (Meuser and Nagel, 2009:18). Experts are, in that case, viewed as a “institutionalized authority to construct reality” (Hitzler, Honer and Maeder, 1994, quoted in Meuser and Nagel, 2009:18), and is thus distinct from common sense-knowledge. Since my research aims directly at investigating the scope conditions influencing how expert interactions work towards norm implementation in Georgia, the choice of interviewing experts was quite straightforward. Experts are, in that view, considered from a social-representational approach (Bogner and Menz, 2009:50) and regarded as such as following societal processes, where anyone who is recognized as an expert by others is an expert. Expert is the term used by European Union institutions in order to describe the individuals I have interviewed.

Bogner and Menz identify three different types of expert interviews: the explanatory, systematizing and theory-generating interview (2009). While the explanatory serves to “establish an initial orientation in a field that is either substantively new or poorly defined”, the systematizing aims at accessing knowledge possessed by the expert (2009:46). On the other hand, the goal of theory-generating expert interviews is orientated towards the experts’ interpretative meanings through which they construct the social world (ibid: 48). In that context, this dissertation uses expert interviews as theory-generating, where the actions, perceptions and behaviors of experts are the starting point of investigating the scope conditions that I have identified. In theory-generating expert interviews, add Bogner and Menz, “we consult experts because their action orientations, knowledge and assessments decisively structure, or help to structure, the conditions of actions of other actors, thereby showing that expert knowledge has a socially relevant dimension” (ibid: 54), such as when studying the internal dynamics of expert groups and their influence on norm implementation.

In order to acquire such knowledge, Meuser and Nagel recommend the use of open interviews (or otherwise called semi-structured) as experts generally reveal more about their positions, functions and reasons for acting in a particular way (2009:31). Open-ended questions allow for the experts to expand on unforeseen aspects, which can be utilized in subsequent interviews (ibid: 33). In that matter,

the researcher should find a proper balance between being (or pretending to be) naïve, so that the experts reveal more (Blandford, 2013) and proving to be a competent interlocutor (Meuser and Nagel, 2009:34), since experts might be skeptical about talking to individuals outside of their field of expertise.

So as to triangulate my data, I also analysed through the same coding scheme post-project reports. Post-project reports are written at the end of every Twinning project to summarize the activities performed, how the project results were reached, partially reached or unreached and the lessons drawn from the projects. Those are not public documents: their access was therefore dependent on the willingness of my participants to share them with me. I could access those reports for four of the projects retained in my dissertation: the project on SPS/food safety, on market surveillance, on statistics and on gender equality. The post-project report on food safety is divided into three sub-reports.

Positionality and critical reflection

Positionality also matters for the generation of data through interviews. Building a working relationship with participants “starts with becoming aware of how the researcher and interviewee “see” one another – what assumptions they are making about who the other person is, what he or she is after, or what that other person might know” (Fujii, 2017:15). From my experience, two factors enabled the establishment of such working relationship: the fact I have previously worked in the EU institutions in Brussels and that I have lived in Georgia before. Consequently, the beginning of the interviews was often spent by exchanging common experiences about living in Georgia, mentioning common professional acquaintances or talking on a more general level about the EU. I was therefore often seen as an insider, which on one hand facilitated access to experts’ experiences, but on the other hand, led to them not bothering articulating what they assumed I already knew (Fujii, 2017:20). This was the case for both EU and Georgian experts. As a result, I sometimes spent a lot of time deepening my knowledge on a certain area after transcription (such as technical pieces of EU legislation), with often needing additional background interviews. I did not feel that establishing such a working relationship was more difficult with remote interviews (King, Horrocks and Brooks, 2019:115).

During the first expert interviews, I discovered that the first question has proven to be very useful and allowed my participants to both provide valuable background information and to partially answer the topics on the challenges they have met during such projects (“Can you tell me about the project you have been involved with?”). Their answer to my first question generated for me lots of probes and prompts that led to the participants expanding on their first thoughts (King, Horrocks, & Brooks, 2019:69). Besides, I quickly realized that some questions were a bit redundant, particularly the two initial final ones and therefore

modified my interview guide accordingly (“What kind of follow-up actions do you imagine after the conduction of the project? To what extent do you think that EU institutions will take those follow-up actions into account? and « according to you, how will the achievement of the mandatory results/outputs be safeguarded after the conduction of the project? »).

As regards to digressions, I noticed that such became more common during remote interviews, since my participants were not facing the time constraints they would have normally had, because they were working from home during the Coronavirus (COVID-19) pandemic. Digressions are particularly valuable in studies based on critical realist assumptions, since they can represent “windows into unusual circumstances worthy of exploring in greater depth” (Stall-Meadows & Hyde, 2010). This generally led to long interviews (sometimes 1 hour) which demanded more time for transcription. It was during digressions that I learned in which areas my participants paid attention to and gave importance to the administrative capacity in the receiving country. After the first interviews, I added some questions in my interview guide on such topic, which proved to be beneficial to answering my second research question: *“What scope conditions affect the work of EU and Georgian experts in the process of implementing EU norms?”*.

Against such background, when reflecting on the transcripts after this batch, I have followed the advice of Kvale and Brinkmann (2015:207) and asked myself “are the transcripts useful for my research purposes?”. I have identified several strengths in that regard. Firstly, the open-ended questions really allowed my participants to freely develop themes and challenges that mattered to them, instead of just answering closed questions generated from specific theoretical frameworks. I had not anticipated several of these themes and challenges before conducting the interviews, and I am therefore confident that my research will contribute to a refinement of Europeanization theoretical framework. My interviewees reported also that I am quite skillful at using probes and prompts, which led to more elaborate answers on their side. Furthermore, I was afraid that the interviews conducted remotely because of the Coronavirus (COVID-19) pandemic would lead to less meaningful interactions with my participants, but this has not been the case.

Feedbacks from my participants allowed me to identify valuable improvements I will work on in the future. I needed to discipline myself into saying less “thank you” or “ok” at the end of each answer, as it risks interrupting the natural flow of the conversation. I will also need to avoid asking leading questions that could influence the trustworthiness of the data generated.

Additionally, the fact that I am affiliated with a university located in the EU affected my data collection. I felt that sometimes, and more particularly with the

Georgian experts I have interviewed, the experts needed to “show up” and demonstrate the country’s willingness to implement certain parts of the EU acquis. I occasionally had the impression that my Georgian participants wanted to “outperform”, especially at the beginning of the interviews, which surely had an impact on my empirical results. They somehow acted like I was a member of the European Commission that would monitor how well and effectively they implemented EU law. I had often to clarify my professional affiliation to my Georgian respondents, and especially to underline that my study was not commissioned by any European Union institution. On the other hand, I feel that their answers were generally quite open and transparent on the challenges they are facing in their daily professional life. I did not feel that my nationality, and the fact that I am coming from one of the “older” EU Member States influenced the responses of my interviewees.

Undeniably, social desirability bias – referring to the fact that respondents may alter their reality so as to present it in what they perceive is a more socially acceptable manner – can never be excluded in qualitative research (Pauls and Stemmler, 2003). As expressed by Bergen and Labonté, “social desirability bias is problematic because it can lead to *overestimation* of the positive and diminished heterogeneity in responses, resulting in a questionable appearance of consensus” (2019: 784). However, qualitative interviews allow researcher to clarify respondents’ answers with the help of probes (Kelly et al., 2013), which I used extensively when I conducted my interviews. I had, for that reason, to underline several times that Malmö University is an academic institution not affiliated to any of the EU institutions and that producing new knowledge was the ultimate goal of my research – not monitoring the country’s progress towards EU membership.

Computer-assisted quantitative analysis

When coding my empirical data, I used a computer-assisted qualitative analysis software, NVivo. Coding is, in the words of Silver and Lewins, “the process by which segments of data are identified as relating to, or being an example of, a more general idea, instance, theme or category [through] [...] searching for similarities, differences, anomalies, patterns and relationships” (2014). Several approaches to coding exist, such as induction, deduction or abduction. My coding strategy will employ an abductive coding strategy. As Gibbs argues:

“A lot of qualitative research explicitly tries to generate new theory and new explanations. In that sense the underlying logic is inductive. Rather than starting with some theories and concepts that are to be tested or examined, such research favours an approach in which they are developed in tandem with data collection in order to produce and justify new generalisations and thus create new knowledge and understanding. However, it is very hard for analysts to eliminate completely all prior frameworks. Inevitably qualitative analysis is guided and framed by pre-existing ideas and concepts. Often what researchers are doing is checking hunches; that is, they are deducing particular explanations from general theories and seeing if the circumstances they observe actually correspond” (2007:5).

Abduction combines features of both induction and deduction, as it tests theory-grounded explanations against empirical data, which may result in further theory-building (Vila-Henninger et al., 2022).

The use of software enabled the use of abductive approaches in a more dynamic way than it is possible with manual coding (Silver and Lewins, 2014). I therefore created a priori codes (before data analysis) and codes that are grounded in the data (during data analysis), which permitted me to explore further how the scope conditions I have identified earlier unfold in practice. Abduction, in that sense, “refers to the iterative process between theoretically surprising cases and tentative explanations” (Vila-Henninger et al., 2022: 7). C

The a priori codes were directly related to the questions I have developed in my interview guide, so classifying the data produced during the interviews under the relevant code(s) was rather easy. After analyzing the first set of interviews, and after having generated new (and unexpected) codes, I added questions related to those codes in my interview guide. I discovered that those new codes, that were particularly speaking for my first interviewees, were equally significant for the next set of interviewees (if not even more).

Amongst the codes that were created during data analysis, informality and similar experiences from the socialist camp were outstanding. Indeed, as will be explained later, such categories were not included in Mai’a K. Cross’ theoretical framework on expert interactions but were very relevant for my respondents so as to explain why certain expert groups are more effective than others. In order to ensure the consistency of the coding scheme throughout the data, a reliability check of the scheme was conducted when 50% of the data was analyzed (Drisko and Maschi, 2016:105). Very small differences were noted from the first to the second coding. I therefore concluded that my coding strategy did hold against my empirical data.

CHAPTER 4 : THE EU-GEORGIA ASSOCIATION AGREEMENT

Introduction

The aim of this chapter is to clarify how norm diffusion is defined and conceived within the framework of the EU-Georgia Association Agreement. The first section will be dedicated to the history of EU-Georgia relations, so as to account for the developments, actors and processes that led to the signature of the Association agreement. Secondly, I will explore the method by which the EU exports its *acquis* in the EU-Georgia Association Agreement, legal approximation. Thirdly, I will discuss the assumption on which such agreement is based, namely the belief that legal approximation necessarily leads to an improved human rights and rule of law records. Then, I will continue with underlining that “implementation is the hardest word”, when it comes to the diffusion of EU norms in partner countries (Petrov and Van Elsuwege, 2014: 8; Anderlini, forthcoming). Finally, I will conclude this chapter by some remarks concerning the challenges in implementation relating to the policy areas of the twelve Twinning projects I have chosen as cases within the framework of this dissertation.

Indeed, as argued by Petrov and Van Elsuwege, “the external action of the European Union is based on a belief that the export of the norms and values that shaped its internal legal order is crucial to safeguard the prosperity, security and stability in Europe and in the world at large” (2014: 1). Article 3(5) TEU is, to that regards, is formulated as follows:

“In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth,

solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter” (Official Journal of the European Union, 2012 C 326/13).

Article 21 TEU echoes such wordings by stressing that the “Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms” (ibid.). The EU’s transformative agenda, based on the diffusion of its *acquis communautaire*, is particularly pronounced as regards to the Union’s relation with its neighbours. Article 8 TEU places the obligation on the EU to:

“develop *a special relationship with neighbouring countries*, aiming to establish an area of prosperity and good neighbourliness founded on the values of the Union and characterised by close and peaceful relations based on cooperation” (ibid., my emphasis).

To this aim, the Union is encouraged to conclude specific agreements with its neighbouring countries (ibid.). This is on such legal basis – Article 8 TEU – that the EU-Georgia Association Agreement was signed on June 27th, 2014, on the margin of the European Council meeting (Civil.ge, 2014). I will now consider how legal approximation is conceived in the EU-Georgia Association Agreement.

Legal approximation in the EU-Georgia Association Agreement

Legal approximation clauses can be found in various parts of the Agreement. Firstly, a general approximation clause is placed in Article 417:

“Georgia *shall carry out gradual approximation of its legislation to EU law* as referred to in the Annexes to this Agreement, based on commitments identified in this Agreement, and in accordance with the provisions of those Annexes. This provision shall be without prejudice to any specific principles and obligations on approximation under Title IV (Trade and Trade-related Matters) of this Agreement” (my emphasis) (Official Journal of the European Union, 2014).

A similar general clause of the DCFTA part of the Agreement is to be found in Article 271, which states that Georgia shall approximate its legislation to Union law in trade-related areas, as well as repeal provisions in its domestic legislation and remove administrative practices that are inconsequent with Union law (Article 272).

Secondly, there exists sectorial approximation clauses that relate to each of the Annexes of the Agreement. For instance, Article 291 regulates legal approximation regarding EU statistics standards), which are relevant to this dissertation since one of the capacity-building projects concerns such standards. Article 291 is worded as follows:

“Gradual approximation of *Georgian legislation wherever relevant and applicable to the EU acquis in statistics* shall be carried out in accordance with the annually updated Statistical Requirements Compendium which is considered by the Parties as annexed to this Agreement (Annex XXIII)” (my emphasis) (ibid.)

Sectorial approximation clauses concerning Title IV, which is the DCFTA part of the Agreement are included in Article 55 (sanitary and physiosanitary standards), Article 75 (customs legislation), Articles 103, 113 and 122 (establishment of trade in services and electronic commerce), Article 126 (transport services) and Article 146 (public procurement). Besides, Georgia shall also implement European Union technical regulations as regards to metrology, accreditation, conformity assessment, corresponding systems and market surveillance systems, as well as follow the principles and the practice laid down in the relevant Union acquis (Article 47). Article 47 also states that Georgia should strengthen its administrative and institutional capacity in order to provide an effective and transparent system necessary to ensure the correct implementation of the DCFTA. Georgia shall as well refrain from amending its horizontal and sectorial legislation in way that would contradict EU legislation. Finally, Georgia’s ministries and administrative agencies shall maintain and increase their participation to European and international bodies in the areas of standardization, metrology, conformity assessment and accreditation so as to facilitate the application of EU law and standards at domestic level.

The Agreement also establishes a monitoring system, above which is the Association Council, whose role is to “supervise and monitor the application and implementation of this Agreement and periodically review the functioning of this Agreement in the light of its objectives” (Article 404). The Association Council meets at ministerial level, at least once a year (ibid.) and can meet in various configurations. It is chaired by turn, by a representative of the European Union

and a representative from the Georgian government (Article 505). It has the power to take decisions within the framework of the Agreement and also issue recommendations, but also function as a forum for exchanging information on new developments regarding European and Georgian legislation (Article 406). It can also amend the Annexes of the Agreement, taking into account new developments in EU law. In order to assist the work of the Association Council, an Association Committee is also established (Article 407), which meets at a senior official level. It also meets at least once per year (Article 407) and also has the power to take decisions and issue recommendations relating to the implementation of the Agreement. An Association Committee in Trade Configuration is also established (Article 408), as a way to particularly monitor the implementation of the DCFTA part of the Agreement. Special committees, sub-committees and bodies are formed as well, with the aim of assisting the work and duties of the Association Committee (Article 409). Such special committees are subordinate to the Association Committee, which is placed under the Association Council, but are not subordinate to each other. A Parliamentary Association Committee, gathering representatives of the European Parliament and of the Georgian Parliament, is tasked to exchange views on, amongst other issues, the implementation of the Agreement (Article 410). A Civil Society Platform is mandated to be informed of and give input to such implementation (Article 411). Figure 7 summarizes the institutional framework established by the Agreement (Interview 7):

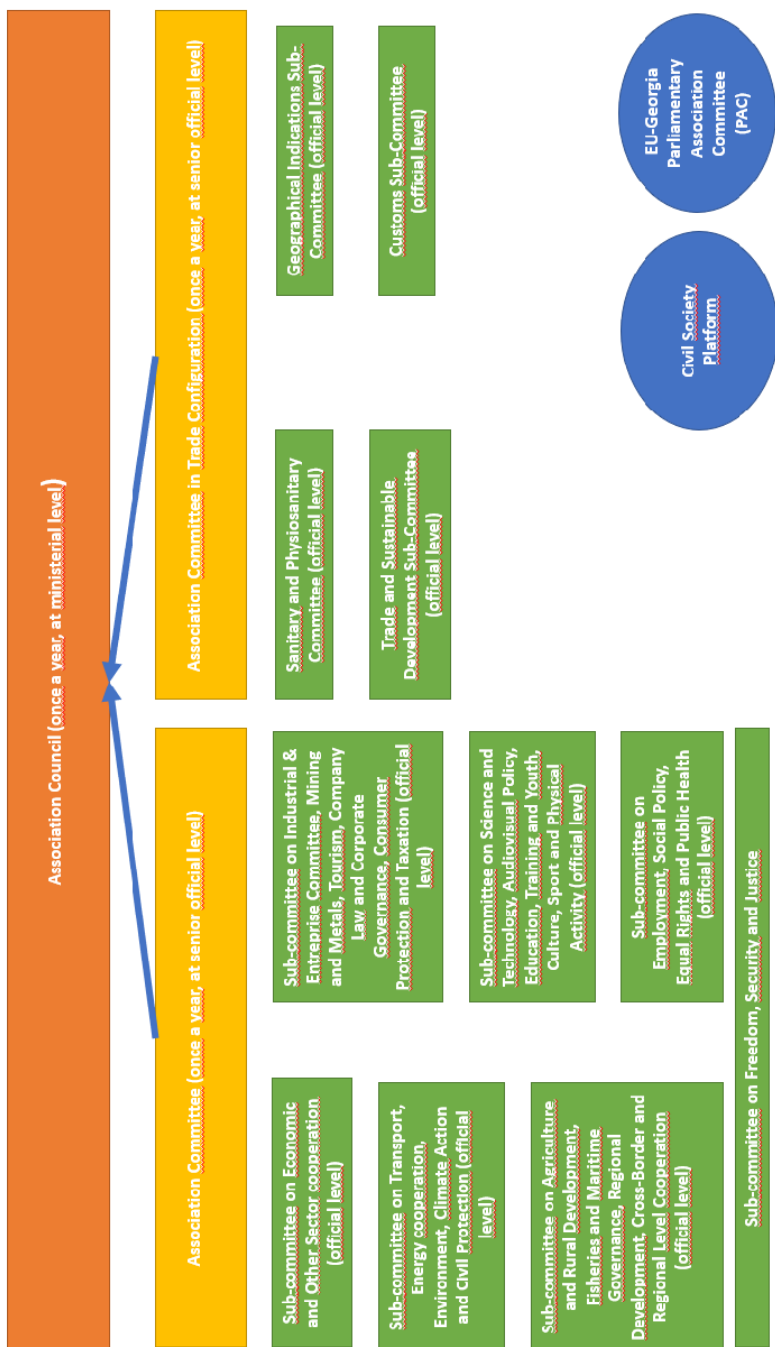


Figure 8. The monitoring structure of the EU-Georgia Association Agreement

Furthermore, the Freedom, Justice and Security sub-committee is meeting back-to-back with the annual Human Rights Dialogue, which is the dialogue that the EU holds with approximately more than 40 non-EU Member States, with the objective of discussing and cooperating on “human rights issues in multinational organizations, such as the United Nations, or gathering information on and registering concern for human rights issues” (Council of the European Union, 2008, Interview 7). Outside of such institutional framework, the European Commission publishes a yearly report assessing the implementation of the Agreement. The European Parliament also prepares its own yearly reports on such topics, which are discussed, drafted and negotiated within the Foreign Affairs Committee (AFET). Other than that, non-governmental assessments from think-tanks, research centers, trade unions and civil society organizations exist as well. The following section will look into the difficulties associated with the implementation phase of the Agreement and will particularly problematize the assumption that legal approximation necessarily leads to an improved human rights and rule of law records.

Implementation of EU legislation beyond the EU

Before the start of the negotiations of the AAs, ambitious agreements based on the export of the *acquis* to non-member states had been concluded with two categories of countries: (a) members of the European Economic Area, such as Norway, Lichtenstein or Iceland, and (b) candidate countries that were offered the prospect of EU membership. Consequently, “there is no precedent for promoting the *acquis* as a template for development and modernization without a concurrent offer for membership, let alone in countries lacking the capacity to implement the complex, wide-ranging and sophisticated corpus of EU rules” (Wolczuk et al., 2017:9). To that aim, the European Union and Georgian government have drafted strategies, road maps and actions plans in order to keep implementation on track:

For the DCFTA part:

- Georgia’s Action Plan for the Implementation of the DCFTA 2014.2017, 2018-2020 and 2021-23
- Trade and Sustainable Development Work Plan 2018-2020
- Roadmap and Action Plan for the Implementation of the Public Procurement Chapter of the EU-Georgia Association Agreement

- The Comprehensive Strategy and Legislative Approximation Programme in Food Safety
- Comprehensive Strategy in Competition Policy
- Strategy and Programme of the Georgian Government in the Field of Standardization, Accreditation, Conformity Assessment, Technical Barriers and Metrology (DCFTA.ge, n.d.).

For the AA as a whole:

- Association Agenda between the European Union and Georgia 2014-2016 and 2017-2020
- The Social-Economic Development Strategy of Georgia – Georgia 2020
- Visa Liberation Action Plan
- Anti-corruption National Strategy and Action plan
- Human Rights Strategy and the National Human Rights Action Plan
- SME strategy and action plans
- Rural Development Strategy of Georgia
- Market Surveillance Strategy
- Low Emission Development Strategy
- Georgia's Migration Strategy 2016-2020 and Georgia's State Integrated Border Management Strategy 2014-2018 and action plans
- Judicial Strategy and its action plan
- Public Administration Reform Roadmap
- Anti-torture Action Plan
- Action Plan on the Fight against Trafficking in Human Beings
- National Drug Strategy and Action Plan
- National Environmental Action Programme of Georgia
- National Radioactive Waste Management Strategy
- Regional Development Programme (Association Agenda between the European Union and Georgia 2017-2020, 2017)

According to the European Commission's Association Implementation Report on Georgia from 2021, Georgia "remains committed to the implementation of the

EU-Georgia Association Agreement”, although making a note of the need for further reforms on the judicial field and combatting political polarization (European Commission, 2020d). Nevertheless, as remarked by Petrov and Van Elsuwege, it is quite difficult to assess the “true effectiveness of legislative approximation efforts in the Eastern neighbourhood countries” (2014:6). The association implementation reports extensively focus on the transposition of EU law into Georgian legislation, and to a limited extent on the actual implementation of EU law at domestic level (ibid.). They then conclude that:

“Hence, it is not excluded that partner countries perform a *‘façade’ legislative approximation* in order to achieve internal and external gains from their so-called pro-European policy without, however, ensuring a real convergence to EU rules and standards in practice” (2014:6-7, my emphasis).

For instance, studying the implementation of LGBT+ rights in Kosovo, Musliu shows how local politicians and government officials have been supportive of, and attending, pride parades for the International Day Against Homophobia, Transphobia and Biphobia (IDAHOT) in order to perform theirs and Kosovo’s Europeaness, as well as to seek to enhance their legitimacy in front of European institutions (2021:62). In that sense, they attempt to perform Kosovo as a modern, tolerant, democratic, LGBT-friendly, and secular, and thus, worthy of EU membership (ibid., Slootmaeckers, 2017), despite using homophobic language in public settings, or refusing to include LGBT+ activists in public institutions’ working groups and consultations (ibid:71). Domestic political elites, both in enlargement and neighbourhood countries, learn by socializing with the European counterparts, to speak the language of Europe, while demonstrating limited commitment to the effective implementation of the *acquis communautaire*. I will come back to this point in my empirical chapters, and introduce the concept of “creative compliance” with EU law (Lindstrom, 2021).

Besides, as we have seen earlier, façade implementation of EU legislation does not only depend on the lack of commitment of ministers and government officials in enlargement and neighbourhood countries, but also on insufficient administrative capacity (Papadimitriou and Phinnemore, 2003). Delcour and Duhot note, as regards to Georgia, that:

“While the institutional framework for EU integration and ENP implementation is well developed, it is affected by weak administrative capacities and frequent staff turnover. Although progress has been made over the past two years, Georgia still needs to strengthen its administrative capacities for a more effective ENP implementation” (2011:3).

The European Commission has, in those matters, dedicated financial and technical assistance so as to enhance Georgia’s administrative capacity and ensure effective implementation of the acquis. A dedicated Twinning project – “Twinning & Technical Assistance Facility to the EU-Georgia ENP AP implementation” was launched in 2011 (European Commission, 2011). After the signature of the Association Agreement, such Twinning project was followed by a series of initiatives dedicated to the same aim:

- Technical Cooperation Facility II (2016-2014)
- Support for the Implementation of the EU-Georgia Association Agreement (2018-2024)
- Partnership for Good Governance, jointly funded by the EU and the Council of Europe
- Support for Improvement in Governance and Management, a joint initiative by the EU and SIGMA (OECD)

(European Commission, 2018)

Despite such efforts, implementation remains patchy both in enlargement and neighbourhood countries. In its 2020 resolution on the implementation of the EU-Georgia Association Agreement, the European Parliament clearly underlines “the need to continue implementing and monitoring reforms under the AA and DCFTA” (2020). Even if such a report is beyond the scope of this study, the European Commission notes in its opinion on Georgia’s application for membership of the European Union that implementation varies significantly from policy area to policy area (European Commission, 2023). In that context, the next section will examine the state of implementation of the acquis in the policy areas related to the Twinning projects examined in this dissertation.

The twelve policy areas considered in this dissertation³

In order to analyze the state of the implementation of the EU acquis in the Twinning projects of interest for this dissertation, I will lean on the background interviews conducted with officials from the EU institutions in charge of those

³ As the implementation of the EU acquis is constantly evolving, this section is to be regarded as a “moving target” and only reflects the state-of-play of such implementation in the time period considered by this dissertation (2012-2020). It therefore does not include any reflection or development after Georgia submitted its application for membership of the European Union in 2022.

dossiers, but with civil society organizations relevant for those policy areas. I will also utilize reports from such organizations and non-governmental analysts in order to depict the context in which those Twinning projects operate.

Energy regulation

The Twinning project of this dissertation's interest is the third Twinning on the EU energy regulation acquis taking place in Georgia. Its aim was to:

“develop the institutional framework for the implementation of regulation of Georgia’s energy market in line with the European Union acquis and to strengthen the capabilities of the Georgian National Energy and Water Supply Regulatory Commission (GNERC) as the independent national regulatory authority through the development of tools and mechanisms based on the best European Union practice with regard to designing incentive-based regulation for service quality and developing regulatory strategy to support roll-out of smart metering” (E-twinning.at, 2021) (my emphasis)

Smart metering is a requirement laid down in the EU Directives concerning common rules for the internal market for electricity and gas (2009/72/EC and 2009/73/EC) as well as in the EU Directive for energy efficiency (Directive 2012/27/EU, later amended by Directive 2018/2002/EU), which require EU Member States to “ensure the implementation of intelligent metering systems that shall assist the active participation of consumers in the electricity supply market” as well as “prepare a timetable with a target of up to 10 years for the implementation of intelligent metering systems” (Annex I, Article 2, 2009/72/EC). Smart or intelligent meters record the individual consumption of energy electricity, voltage levels and power factors per household and communicate such information almost real-time to the consumers (so that they can monitor their energy consumption) and to the energy company (for system monitoring and more effective billing). The responsibility, drafting and implementation of such roll-out shall lie in the energy regulatory authority of EU Member States, which is why such Twinning project aims at strengthening the capacity of GNERC.

Market Surveillance

Product safety and market surveillance were ensured, in the Soviet Union, by defining *GOST-standards* (coming from Государственный Стандарт), which are technical regulations and standards to be followed by manufacturers so as to meet quality and safety requirements. GOST-standards were developed by the National Committee for Standardization as early as 1926. However, after the

collapse of the Soviet Union, the vast majority of the GOST-standards were progressively removed in Georgia and replaced by national standards harmonized with the EU's. For instance, 103 GOST standards were removed in 2013, 111 in 2014 and 23 in 2016 (Nadirashvili et al., 2017), which occurred on the basis of ongoing negotiations with the EU for a future DCFTA agreement. The then government of Georgia adopted several policy documents aimed at drafting and implementing reforms in the field of standardization: The Technical Barrier to Trade Strategy as well as the Supervision Strategy of Production Market (ibid.). The law on Product Safety and Free Movement Code was adopted in 2012 and contributed to the approximation of Georgian legislation with the EU.

Nonetheless, the adoption of the Product Safety and Free Movement Code contributed to the lessening of consumer rights in Georgia. Indeed, consumer rights were already enshrined in the Constitution of Georgia of 1995 and were laid down in the 1996 Law on Protection of Consumer Rights (GIZ, 2019). However, such law was repelled by the law on Product Safety and Free Movement Code which regulated product safety on the market but failed to define the economic rights of physical persons related to their legal relations with a trader (ibid.). It resulted in consumers being placed on an unequal position vis-à-vis the trader (ibid.). The European Commission concludes that:

“Currently, there is no consolidated framework for consumer protection in Georgia. The regulatory bodies covering financial, communication and energy implement consumer protection measures in their respective sectors. The Market Surveillance Agency enforces the technical regulations on safety of consumer products. Georgia has drafted a consumer rights protection law, which is pending adoption as of end 2020” (2020e).

It was finally adopted in March 2022.

Within such context, the EU has been providing financial assistance to the further development of market surveillance in Georgia:

- Twinning project “Strengthening accreditation infrastructure according to the best practice in the EU Member States” from January to June 2013, which supported the Georgian Accreditation System to meet the requirements necessary to apply for full membership of the European cooperation for Accreditation (EA) and the International Laboratory Accreditation Committee (ILAC);
- Twinning project “Support to Technical and Construction Supervision Agency (TCSA) to upgrade the national Market Surveillance in Georgia in line with EU best practices”, mainly aimed at identifying institutional

and legislative gaps in Georgian legislation as regards to the EU market surveillance acquis;

- And finally, the Twinning project of interest for this dissertation, “Strengthening the Capacities of the Technical and Construction Supervision Agency (TCSA) in Development of the Market Surveillance System in Georgia, whose overall objective was to “assist the Government of Georgia to comply with EU’s best practices in Market Surveillance on industrial and consumer products as required under the AA/DCFTA”

(European Commission, 2014b). The specific aims of such Twinning project include the drafting, transposition and implementation of both horizontal (such as the General Product Safety Directive 2001/95/EC) and sectorial market surveillance legislation (as for instance the Toy Safety Directive 2009/48/EC). Sectorial legislation is listed in Annex III-A of the Association Agreement, whereas horizontal legislation is listed in Annex III-B.

(European Commission, 2014b).

Civil aviation

Gradual approximation with the EU air transport acquis is regulated in the Common Aviation Area Agreement signed with Georgia in 2010, which is mentioned in Annex XXIV of the Association Agreement. The Common Aviation Area Agreement covers various policy areas such as aviation safety, environment, social aspects or consumer protection (Official Journal of the European Union, 2012). A new Common Aviation Area Agreement entered into force in August 2020. A first TAIEX mission took place between 2008 and 2009 and aimed at identifying legislative gaps between Georgian and EU law on civil aviation matters. The conclusions of the TAIEX mission were used in the drafting of the Twinning Fiche of a first Twinning project that was implemented under 2012 (interviewee 15). Such Twinning project was completed by additional technical assistance from the European Union, initiated by aircraft manufacturers present in Georgia, although not being formally a Twinning project. The Twinning project in the interest of this dissertation started after that.

Judicial training

The purpose of the Twinning project on judicial training was, according to the Twinning Fiche, to enhance the:

“Approximation of judicial training practices with European standards through strengthening the capacities and the effectiveness of the High School of Justice (HSoJ) and further development of the quality of training programs delivered by the HSoJ” (European Commission, 2014a).

Such Twinning project concerns the implementation of the EU soft acquis on justice, which is mentioned in Article 4 of the Association Agreement:

“The Parties shall cooperate on developing, consolidating and increasing the stability and effectiveness of democratic institutions and the rule of law; on ensuring respect for human rights and fundamental freedoms; on making further progress on judicial and legal reform, so that the independence of the judiciary is guaranteed, strengthening its administrative capacity and guaranteeing impartiality and effectiveness of law enforcement bodies” (Official Journal of the European Union, 2014).

Several other technical assistance activities on the topic were taking place alongside such Twinning project:

- Developing the capacity of the HSoJ, implemented by the Council of Europe;
- Supporting the Reform of Criminal Justice System in Georgia (European Union);
- Judicial Independence and Legal Empowerment Project (USAID/EWMI)
- Programmatic Cooperation Framework (Council of Europe/European Union)

(European Commission, 2014a).

Accounting and Auditing

The EU acquis on accounting and auditing is listed in the Annex XXVIII of the Association Agreement. The Twinning project studied under this dissertation had two separate objectives:

- a. To support the transposition and implementation of such EU acquis;
- b. To strengthen the capacity of the Service for Accounting, Reporting and Auditing Supervision (SARAS), which is the administrative entity in Georgia responsible for licensing auditors, setting standards for auditing,

quality control and maintaining a register of authorized auditors/audit firms (European Commission, 2016a).

Two programmes implemented by the World Bank were seen as complementary to this project:

- Strengthening Auditing and Reporting in the Countries of the Eastern Partnership (STAREP);
- Economic and Business Development in Georgia (ibid.).

Spatial planning and infrastructure

The Twinning project on spatial planning and infrastructure took place on the basis on Article 373 of the Association Agreement, which states:

“The Parties will cooperate to consolidate the institutional and operational capacities of Georgian institutions in the fields of regional development and land use planning by, inter alia:

[...]

(c) sharing knowledge, information and best practices on regional development policies to promote economic well-being for local communities and uniform development of regions” (Official Journal of the European Union, 2013)

In that context, the main objective of the Twinning project retained by this dissertation is to:

“support transfer of the EU methodology and standards to the relevant Georgian authorities on all levels (national and local) through approximation of legislation in the field of spatial planning, prepare local spatial development plans and enhance skills of Georgian administrations in identification and preparation of investment portfolios and projects aiming at infrastructural development” (European Commission, 2013b).

The project aims at implementing EU soft acquis on spatial planning and infrastructure standards and had, as its main partner, the Ministry of Regional Development and Infrastructure (MRDI). Other partners were the Vano Khukhunaishvili Center for Effective Governance System and Territorial Arrangement Reform (which supports reforms in the field of decentralization and de-concentration of management systems in Georgia), the Municipal Development Fund of Georgia, the Roads Department of Georgia, the Solid

Waste Management Company of Georgia, the LLC United Water Supply Company of Georgia as well as the State Construction Company LTD (European Commission, 2013). Some projects activities were also implemented in two municipalities, Zugdidi and Gori.

Other international partners were conducting related projects in Georgia, such as the UNDP, GIZ, Council of Europe, but also through international financial institutions (EIB, ADB, EBRD, KfW) via credits and loans (European Commission, 2013b).

Sanitary and Physiosanitary standards (SPS)

The project on SPS is, as underlined earlier, not formally a Twinning project. Consequently, there is no Twinning Fiche for us to refer to. The project was implemented between 2012 and 2019, and was preceded by a similar technical assistance activity, to which the Swedish National Board of Agriculture (Jordbruksverket) participated (interviewee 19). A formal Twinning was launched after the completion of the project and had officially started in the beginning of 2021.

Such project is of particular importance for Georgia, as the country's agricultural sector is productive and represented 7.2 % of GDP in 2017 (European Commission, 2019a). Here as well, under the Soviet Union, food safety was ensured with the establishment of GOST-standards on food products. For each group of products, a nomenclature of specific parameters was drafted, such as quality attributes like the presence of chemicals, microbiological condition, shelf-life, storage condition, solid/liquid phase ratio, moisture content, fat, protein, sugar, salt but also other relevant characteristics (World Bank, 2015). After the collapse of the Soviet Union, each of the independent countries developed their own laws and standards as regards to SPS. In 2005, the parliament of Georgia adopted the Law on Food Safety and Control, which shifted the emphasis from the establishment of standards for each group of food products to risk mitigation during the production process (Delcour, 2013). The National Agency for Food Safety was founded as foreseen by the law. However, artisan production and the food processing sector were left outside of the scope of the law (ibid.), which led to Georgia moving away from respecting EU standards. Besides, in 2006-2007, the law was amended, which suspended core articles of the law, and state responsibility was restricted to a purely monitoring function (ibid.). As a consequence, the European Union launched a fact-finding mission on SPS and came with a list of requirements for opening DCFTA negotiations (ibid.). That fact-finding mission concluded that there were serious deficiencies in Georgia's implementation of SPS standards, which could have led to an exclusion of agriculture and food products from the DCFTA (Rinnert, 2011). It was only in 2010-2011 that the government of Georgia showed commitment in such policy

areas and started to implement new laws on the traceability of food and the registration of food business operators (ibid.). The National Agency for Food Safety, which had been renamed as the National Service for Food Safety, Veterinary and Plant Protection was reorganized into the National Food Agency (NFA), which is the main beneficiary of the project on the interest for this study (European Commission, 2019a). A Code for Food/Feed Safety, Veterinary and Plant Protection was adopted (ibid.).

Under the Association Agreement, Georgia has committed to transpose and implement 272 EU legal instruments on SPS. 173 new normative acts need to be approximated between 2019 and 2027 (ibid.). Furthermore, from 2020 the NFA is required to start performing mandatory inspections to smaller food business operators, including the ones engaged in primary production and raise the number of entities to be inspected from 21,000 to 150,000 (ibid.). As of 2021, Georgia had adopted 169 out of the 272 SPS standards (European Commission, 2021b).

Metrology and standards

The Twinning project on metrology and standards aimed at “support[ing] the strengthening of administrative, human and technical capacities of Georgian National Agency for Standards and Metrology to further implement the requirements of the DCFTA through the gradual approximation of the Georgian legislation” (European Commission, 2016b). Metrology and standards are mentioned in the Article 44 of the Association Agreement, which places an obligation on Georgia to transpose and implement the standards, technical regulations and conformity assessment procedures as laid down in the Annex 1A to the WTO Agreement Technical Barriers to Trade (The TBT agreement). Before the signature of the Association Agreement, reforms on such policy area were undertaken in 2005, with the purpose of approximating Georgian legislation on standards and metrology with international best practice (European Commission, 2016b). Despite those changes, the system of mandatory standardization was later on replaced by a voluntary one, which led to the European Union insisting on the obligation of Georgia to transpose and implement the EU metrology and standards acquis during the negotiations ahead of the DCFTA.

Therefore, the government of Georgia drafted the Strategy in the Areas of Standardization, Accreditation, Conformity Assessment, Technical Regulations and Metrology in 2010 as well as the Program on Adoption of Legislative Reforms and Technical Regulations in the Areas of Standardization, Accreditation, Conformity Assessment, Technical Regulations and Metrology (European Commission, 2016b). As mentioned earlier, the Free Movement Code was adopted in 2012. Interviewee 6 described, as seen earlier as regards to the project of market surveillance, that the Georgian authorities are very eager to

implement the DCFTA requirements of the AA, since implementing those is a necessary condition in order to gain access to the EU internal market (interviewee 6).

Technical assistance on metrology and standardization was provided by the European Union at several occasions:

- Support to Implementation of Article 51: TACIS project implemented between 2008 and 2010, which covered metrology, standards and accreditation;
- Strengthening of the Metrology and Standardization Infrastructure According to the Best Practice in EU Member States: Twinning project carried out between 2011-2013, with GEOSTM as the main beneficiary;
- EU-funded project Comprehensive Institutional Building Programme (first phase 2012 – 2015, second phase 2015 – 2017)
- Procurement of Measuring Instruments for Development of National Measurements Standard Base of Georgia, provided within the framework of the second CIB;
- Strengthening the Quality Infrastructure in the South Caucasus countries Azerbaijan, Armenia and Georgia with emphasis on Food Testing (2011 – 2016, with the goal of strengthening the technical capacities of the GEOSTM chemical laboratory);
- Support to the Public Administration Reform in Georgia (2016 – 2019), project aiming to improve the policy planning and coordination capacities of the Georgian public administration and agencies;
- Facility for the implementation of the Association Agreement in Georgia, project providing policy advice and capacity building support to the Georgian government and administration related to the implementation of the Association Agreement;
- Legislative Impact Assessment, Drafting and Representation (2015 – 2017), with the goal of improving the legal drafting process at the level of government.

(European Commission, 2016b).

Customs

The European Commission commended also Georgia for the pace of reforms regarding the approximation of customs legislation, with the new Customs Code entering its implementation phase in 2021 (European Commission, 2021b).

Indeed, the Government Platform 2016-2020 as well as the Revenue Service Strategy 2017-2020 underlined the Georgian government's strong support and commitment to implement DCFTA requirements and increase its trade flows with the EU. Customs and trade facilitation are to be found in Article 66-75 of the Association Agreement, while the list of the EU *acquis* to approximate is listed out in Annex XIII. The European Union has provided technical and financial assistance in the field of customs through several projects:

Support to the Development of Red Bridge border crossing point between Azerbaijan and Georgia (2016-2017)

The Eastern Partnership Integrated Border Management Capacity Building Project (2014-2017), focused on enhancing the administrative capacity and training capabilities of customs authorities in EaP countries;

- Comprehensive Institutional Building, CIB program support to the National Food Agency (phase II and III, 2015-2017), through which equipment for border inspection posts was provided;
- Strengthening Administrative Capacity of the Georgia Revenue Service in Taxation (2014-2015)
- Strengthening the National Customs and Sanitary and Physio-Sanitary Border Control System in Georgia (2011-2013);
- Enhanced Cooperation for Secure Borders and Safe Migration (2014-2016)

(European Commission, 2016d)

Other international donors also assisted Georgia in transposing and implementing DCFTA customs requirements and other parts of international customs law: USAID, International Finance Cooperation and the US (*ibid.*).

Within such framework, the Twinning project of the interest of this study intend to “facilitate Georgia's connectivity with existing EU customs systems in line with the provisions envisaged under AA/DCFTA”, and its specific objective is to “assist Customs Administration of Georgia in setting up the relevant legal, administrative and technical environment in support of Accession of Georgia to the Convention of 20 May 1987 on the Simplification of Formalities in Trade in Goods, the Convention of 20 May 1987 on a common transit procedure and preparing for the implementation of the New Computerised Transit System (NCTS) (*ibid.*)”.

Gender equality

Issues related to gender equality, such as the prevention and elimination of all kind of gender discrimination in all spheres of social life, equal rights and freedoms of women and men, the fight against domestic violence and women's political and economic empowerment have been sensitive in Georgia. The European Parliament, in its own report of the implementation of the Association Agreement from 2020 notes the need for further reform in the field:

“Underlines that gender equality is a key precondition to sustainable and inclusive development; commends the work of the Georgian Parliament's Gender Equality Council and its efforts to identify and raise awareness about sexual harassment as a form of discrimination; urges the Georgian Government and authorities to further improve women's representation and equal treatment at all levels of political and societal life; requests that the Commission mainstream gender equality into all its policies, programmes and activities in relation to Georgia; calls for the full implementation of the Istanbul Convention” (2020).

The Global Gender Gap Score 2020, developed by the World Economic Forum, places Georgia at the 74th place out of 153, with a score of 70,8%, which is just above the global average of 68,6% (WEF, 2020) – noting a certain progress towards gender parity. The share of women amongst senior officials is underlined as high, whereas women's participation in the political sphere remains lower (*ibid.*). Nonetheless, the amendments to the Constitution and Electoral Code of Georgia in June/July 2020 introduced the quota of 25% of the proportional party candidate list at local and national level. However, only 31 women were elected in the parliamentary elections of 2020, for 150 seats (European Commission, 2021a).

Girls and women enjoy wide access to primary, secondary and higher education, and more women than men are enrolled in higher education (World Bank, 2021). Despite that, the UNDP Women points out at a significant gender gap in labour force participation with the gender wage gap reaching 35% (UNDP, 2018). The average monthly earnings of men were 1,473 GEL, whereas for women they amounted to 978 GEL in the third quarter of 2020 (European Commission, 2021a). Women entrepreneurship remains limited, and female-led households, women belonging to marginalized groups among the internally displaced and conflict affected populations or other excluded groups experience poverty to a greater extent (*ibid.*). Close to 40% of women received pension or public transfer, whereas it was the case for 25% of men (World Bank., 2021).

Amongst women participating in Georgia's labour force, 40% of them were employed in the agricultural sector, and one quarter was employed in health and education services (compared to 4% for men) (World Bank, 2021). Women are generally excluded from the industrial and scientific sectors (ibid.). Only 16% of Georgia's firms had a female top manager.

Limited data is a major barrier to estimating the rate of gender-based violence, since it is often underreported. The World Bank reckons that 6% of Georgian women suffers severe physical and/or sexual intimate violence from their partners (ibid.).

Due to deeply-rooted gender stereotypes, as well as the media outlets, the domestic political elite and the Georgian Orthodox Church diffusing conservative values and promoting the traditional roles of women, promoting gender equality has very often been difficult in Georgia. One of the major reforms in such policy field was the adoption of the Law of Georgia No 2394 on Gender Equality of 2 May 2014, which was preceded by large protests in Tbilisi and Kutaisi. When the law was debated in the Georgian Parliament in April of that year, clerics were attending the debates inside the parliament building and warned about including the terms "sexual orientation" and "gender equality" in the text (Institute for War and Peace Reporting, 2014). Patriarch Ilia II declared that "believers view non-traditional sexual relations as a mortal sin, and in its current form, this legislation provides propaganda and legality to this sin" (ibid.). However, the law was passed under constant pressure from the European Union. Firstly, passing the law was an explicit condition in order to grant Georgian citizen visa freedom for travelling to the European Union (interviews 7 and 10). Interviewee 7 declared that "if we take the example of the anti-discrimination law, with the Church going to the Georgian Parliament as they were adopting the law, I can easily say that it would never have gone through without this strong leverage. This leverage also could support those in the administration that wanted a change, it was easier for them to convince those that were reluctant to change, that change was needed". Several visits from European Commission high-level officials were conducted prior to the adoption of the law (interviewee 10), with Commissioners Malmström and Hahn visiting the country on several occasions and coordinating their message (ibid.).

Within such context, the Association Agreement mentions in several Articles the need for Georgia to implement the EU acquis on gender equality and anti-discrimination, such as in Article 348:

"The Parties shall *strengthen their dialogue and cooperation on promoting the Decent Work Agenda, employment policy, health and safety at work, social dialogue, social protection, social inclusion, gender equality and anti-*

discrimination, and corporate social responsibility and thereby contribute to the promotion of more and better jobs, poverty reduction, enhanced social cohesion, sustainable development and improved quality of life” (Official Journal of the European Union, 2014, my emphasis)

Annex XXX lists some Directives of relevance for gender equality and equal opportunities for men and women, such as the Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

The project under study within this dissertation is, as seen earlier, not formally a Twinning although it shares many characteristics with one (length of the project, long-term presence of an advisor in the country, etc.). It was implemented through NIRAS, a Danish international consultancy on development issues, which has implemented so far approximately 7,000 projects (NIRAS, n.d.). Its main beneficiary was the Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence, although it worked with a wide range of sub-beneficiaries, such as different Ministries and two municipalities, Gori and Zestafoni (interview 24). It had four sub-components:

- To support the Inter-Agency on gender mainstreaming policies and programmes;
- To introduce and strengthen gender responsible budgeting;
- To improve the collection of data on gender-related issues;
- To conduct and promote awareness-raising campaigns on gender equality and the prevention of gender-based violence (ibid.).

Statistics

The project in question aimed to strengthen the capacity of the National Statistics Office of Georgia (GEOSTAT) and align Georgian statistics standards with the ones of the European Union (EU4Georgia.ge, 2021). It had four different areas of focus:

- The development of External Sector Statistics (ESS);
- The enhancement of the methodological soundness in the National Accounts in line with EU standards;
- The further development of business statistics;
- The strengthening of labour market statistics, living conditions and tourism statistics.

The collaboration in the domain of statistics is mentioned on several occasions in the Association Agreement: in Article 239(h) (labor market statistics), in Article 278(b) (economic statistics), and in Article 286-291 (horizontal collaboration). Of notable importance is Article 289, which mentions that:

“The Parties shall, inter alia, exchange information and expertise and shall develop their cooperation, taking into account the already accumulated experience in the reform of the statistical system launched within the framework of various assistance programmes. Efforts shall be directed towards *further alignment with the EU acquis in statistics*, on the basis of the national strategy for the development of the Georgian statistical system, and taking into account the development of the European Statistical System” (Official Journal of the European Union, 2014) (my emphasis)

Annex XXIII clarifies that the relevant acquis in statistics should be annually updated by the Parties in a Statistical Requirements Compendium (SRC) considered as annexed to the Agreement (ibid.). The SRCs are produced by EUROSTAT.

Research and Innovation

The last Twinning project considered by this dissertation has the objective to “address the priorities and challenges in Georgia’s Science, Technology and Innovation (STI) system” and to ensure “interdisciplinary approach, collaborative research and promote evidence-based policy implementation in line with the EU-Georgia Association Agreement” (European Commission, 2018). The main beneficiary of the project is the Shota Rustaveli National Science Foundation of Georgia. The collaboration between the EU and Georgia regarding research and innovation is regulated in Chapter 12 of the Association Agreement, with article 342 stating that:

“The Parties shall promote cooperation in all areas of civil scientific research and technological development and demonstration (RTD) on the basis of mutual benefit and subject to appropriate and effective levels of protection of intellectual property rights” (Official Journal of the European Union, 2014).

CHAPTER 5 : THE INTERACTIONS BETWEEN EU AND GEORGIAN EXPERTS

Introduction

This chapter aims at answering the first sub-research question of this dissertation: “*How does the interactions between EU and Georgian experts affect the process of implementing EU norms?*”. It analyzes how the internal dynamics of expert groups, or the mundane face of Europeanization, impact on how they work towards norm implementation of EU legislation in Georgia, based on the empirical data collected through semi-structured interviews with experts involved in the twelve Twinning projects retained. As stated earlier, internal dynamics of expert interactions are composed of three different dimensions underlined by Cross’ theoretical framework (2013, 2015): (1) whether the group shares a particular culture and professional norms, (2) whether the members of the group have worked together previously and finally (3) whether it acts as more than the sum of its parts (Cross, 2013, 2015).

Working culture and professional norms

As stated by Mai’a K. Cross, expert groups can work ineffectually or effectively, depending on their internal cohesion and of the degree of professionalism (Cross, 2013). One of the scope conditions that explain such variation is the development of a specific working culture and professional norms, which was supported by the empirical data gathered both from EU and Georgian experts. But how does sharing a particular working culture and professional norms affect norm implementation of EU legislation in Georgia? As Cross puts it, there are different

dimensions attached to the concepts of working culture and professional norms, as it “comprises the sense of purpose, identity, symbolism, and heritage within the community. It is more than simply esprit de corps, but a sense of identifying with one another” (2013: 150). But what exactly are those dimensions? Through the empirical data⁴, I identified four enablers that facilitate the development of such working culture: (1) mutual understandings as regards to working schedules and working pace, (2) mutual understandings on Twinning rules and project priorities, (3) mutual understandings on how to communicate and (4) similar experiences from the socialist camp.

Working schedule and pace

In my empirical data, it is quite clear that experts reflected a lot about the similarities between EU and Georgian experts as regards to how to organize their working schedule and pace, and how such aspects affected the effectiveness of their work. Mutual agreements according to when to deliver deadlines, and when to start implementing the project’s activities improved EU norm implementation. Interviewee 28 did not have any previous working experience in Georgia before being involved in a Twinning project, and was surprised by the working schedules of Georgian experts, and also by the way they regarded deadlines:

“Because I29 and I and... project has a very decided deadline. That is normally after August 21 that we have to be finished. But for GEOSTAT staff, that’s not their deadline. They have some deadline that they have promised the government, that they have promised someone else, that we need to get unit-value index working by this date, because it is in our strategy” (Interviewee 28).

Interviewees 28 and 29 felt, in that context, that Georgian experts did not fully respect the project’s deadlines because they considered that they could always reach the project’s objectives even after the project was formally finished. Such different view on deadlines created sources of tension in the Twinning project concerning judicial training, which impacted on the implementation of the different activities planned (Interview 16), particularly at the beginning of the project. While it was being conducted, respondent number 16 reported that he/she had learned to accept it, that it was a part of the “Georgian mentality”. From the Georgian side, the wide majority of my respondents did not report any major issues as regards to agreeing on a shared working schedule and pace (interviews

⁴ The importance of a common working culture and professional norms was taken up in 22 of out 39 interviews: interviews 11 and 12, 13, 15, 16, 17, 18, 19, 23, 34, 35, 37, 38, 40, 41, 43, 49, 50, 51, 54, 57, 58 and 59.

34, 35, 38, 40, 41, 43, 44, 47, 49, 51, 52, 54). Interviewee 41 noted the importance of agreeing on a common working schedule, and particularly that such agreement was a “building process” that was far from obvious at the beginning of the project. Interviewee 47 calls such agreement a “working process”. Interviewee 43 referred to the need of the agency they worked for to show some flexibility as regards to the schedule and the activities, as short-term experts are extremely busy and are not able to come to Georgia in the days requested by such agency. In the project concerning auditing, the Georgian expert involved pointed out the need to foster a certain flexibility on the working schedule, as the Service for Accounting, Reporting and Auditing Supervision was a “very fast-developing agency” which wanted to move forward quickly in implementing the Directives retained in the Twinning Fiche. Nonetheless, “we just need[ed] to slow down, because maybe in Georgia it’s possible to make things very fast, but for Europeans it’s maybe not so easy, to re-schedule your work” (interview 34). In that context, having the RTA hosted in the beneficiary institutional was crucial to develop common understandings on the working schedule and pace of the project, which facilitated the planning of the activities related to the implementation of EU law (interviews 35, 38, 40).

Mutual understandings as regards to Twinning rules and project priorities

The lack of mutual understandings as regards the rules governing Twinning projects is also likely to prevent expert groups from functioning effectively. Such aspect was taken up by respondents 13, 20, 28 and 29, 34, 35, 38 and 40. Respondent 13 claimed that the Georgian experts involved in a project on internal market legislation did have a good understanding of the Twinning manual, but it was higher-level officials within the Ministry of Economy and Sustainable Development that ignored the rules attached to Twinning projects. This manifested itself when the experts involved wanted to organize a conference on how to implement the EU Toy Safety Directive 2009/48/CE. The conference was meant to spread good practices to manufacturers and stakeholders on how to ensure that toy safety rules are respected and was initially planned as a half-day event in Tbilisi. Nonetheless, not only did the Ministry wish to organize the conference during a weekend (EU experts are not paid during weekends), it also wanted to locate the conference in a resort in Tsinandali, which is at two hours car distance from the Georgian capital. It also requested that the EU would pay for the whole event. Although the EU expert interviewed reminded the Ministry that the Twinning Manual did not provide such possibilities, the Ministry contacted directly the head of the EU Delegation, who ultimately agreed to its requests. Such misunderstanding negatively impacted the expert’s working relationship with the Ministry. Excessive demands from the Georgian experts of

the Twinning project on metrology and standards were also reported (Interview 20). On the contrary, respondent number 28 was particularly happy that the Georgian counterparts had a relatively good understanding of the Twinning rules and did not expect an excessive amount of study visits to Copenhagen, under which they would receive per diem allowances and get the possibility to “take pictures in Copenhagen [during] three-four days”. The Georgian experts were described as “dedicated”, as they would never think of sending anyone to Copenhagen if it wasn’t imperative or valuable for their work. Some Georgian experts involved in three different Twinning projects underlined that the Twinning manual is too inflexible and that they lacked mutual understandings about Twinning rules with the EU Delegation. For instance, interviewee 34 mentioned that:

“To be honest, some rules were quite strange for me, especially very big limitations for hiring local professionals, with the EU budget, I wouldn’t encourage to continue this policy to be honest, I think it’s worth to hire local professionals, of course with competences, and the proper selection process” (interview 34).

Another limitation that was emphasized by the Georgian experts was the cap on the number of study visits that could be organized within the framework of Twinning projects. Interviewee 38 argued that it would have been more beneficial if Georgian experts could travel more to EU Member States rather than having EU experts coming to Georgia, since “expert coming here with his presentation cannot bring with him all the pictures, all the data, all the electronic instruments they have in those countries, in the institutions. And etc. There are many things you have to find out and see on site” (interview 38). Furthermore, interviewees 35 and 40 explained that making changes in the Twinning Fiche is a complicated process, as every change needs to be approved by all parties involved through a side letter. Interviewee 35 was particularly vocal on the subject:

“the Fiche is even... usually written... not even two, even more years because Twinning was two years and Fiche was developed even earlier, like the year or some more period of time before. So for this huge period of time, really many things are changing in institution itself, priorities might be a little bit changed and demands can be... in some things new, but as I said, we were not very inclined to find obstacles, or to find things that something is not possible to implement”. (interview 35).

Interviewee 35 mentioned, as a conclusion, that they had to sign “so many side letters” so as to implement those changes in the Fiche, which created an

administrative burden for them – time that they would rather have spent on the “content” of the project and not on its “bureaucracy” (interview 35). Consequently, such aspect echoes earlier research underlining that norm implementation is indeed facilitated if the members of an expert group share the same conceptual framework (Xheneti and Kitching, 2011; Fawcett and Marsh, 2013). Transgovernmental networks represent, in that sense, a:

“site of socialization, as they bring together specialists from the administrations of both EU member states and neighbouring countries in order to implement policy solutions and carry out legal requirements that approximate legal and administrative standards in the ENP countries to those of the Union” (Freyburg, 2011:1004).

Expert groups learn together to shape mutual understandings as regards to Twinning rules and find solutions to work around the limitations related to such rules so as to concentrate better on their norm implementation tasks.

Also, on the need to develop mutual understandings on Twinning project priorities, respondents number 14, 15, 20, 27, 28 and 29 mentioned that not agreeing on the priorities that would direct the work during Twinning projects has a negative impact on their implementation. During the Twinning on civil aviation, the EU expert involved noticed a “very interesting approach” shown by the Georgian experts, defined as “we want to do everything”. The EU expert strongly opposed such approach, that s/he considered as ineffective, since in a Twinning project “you need to focus on certain areas”. For interviewee number 20, the expectations of the Georgian experts were too high, since they expected that the Twinning project would lead to aligning completely Georgia’s implementation of the EU metrology legislation with the practices seen in EU Member States and drastically improving the capacity of the country’s laboratories. Interviewee 27 had, for the same reason, to encourage his/her Georgian counterparts to prioritize their work, and not let them think that s/he, as an EU expert, would “do everything”. On a similar note, interviewee 29 became “extremely skilled at stopping people doing things”, in order to obtain the work that the Georgian experts had promised to do. Encouraging the Georgian experts to concentrate on the priorities agreed was said to be more recurrent as the project unfolded (Interview 28 and 29). Since respondent 29 had never been involved in a Twinning project in his professional life, s/he said to be quite surprised how often he/she had needed to “push” the Georgian experts to deliver the results they had agreed upon, and not only to talk about new ideas and new ways to implement the project.

The fact that Georgian experts often come with new priorities leads to the projects changing directions on many occasions, which results in less effective norm implementation (Interviews 11 and 12, 13 and 17). This at times clashes with the inflexibility of the Twinning instruments, since the Twinning manual requires that any changes made to the Twinning Grant Contract must be formalized by an addendum signed by all the parties involved in the Twinning project in question, which also has to be approved by the EU Delegation (European Commission, 2017). Several reports evaluating the effectiveness of the Twinning instrument have pointed out the lack of flexibility as an issue (Tulmets, 2011; Bouscharain and Moreau, 2019). Flexibility is described by the experts interviewed as a requirement for exercising their professions and meeting the changes demanded by their counterparts, with still respecting the terms of the Twinning grant contracts (Interviews 13, 15, 28 and 29). Therefore, finding ways to efficiently communicate between experts is considered as essential, as well as listening to the needs of the beneficiary (interviews 11 and 12, 13, 17, 23). As described by respondent number 13:

“I did learn that it’s very important to listen to the beneficiary. What they need, and what they want, and sometimes what they want isn’t what they need, but you need to listen to them. They are under pressure to deliver, they have their own objectives and so targets, they want the project to help so it’s important to communicate with them on a regular basis and to listen to what they want and what they need. To progress and so develop. So, communication is all important. Look, I had a good relationship with my RTA counterpart, I basically spoke to her every day, and because we had this good contact, we would discuss issues and problems quite early on and try to resolve them. So you know, listening and communication is very, very important”

On that note, Georgian experts generally noted that their priorities were in line with the EU experts involved (interviews 35, 38, 40, 41, 43, 44, 47, 50, 51, 54) and referred to the fact that such priorities are agreed to in advance while drafting the Twinning Fiche. However, they also mentioned the lack of flexibility provided by the Fiche, since it is common practice that a gap of two years runs from the final agreement on the Fiche and the beginning of the project. Some priorities might change over such long period of time. For instance, interviewee 49 commented on that:

“Actually, but during the program... so it is a usual thing for the Twinning actually to *reshuffle some*, I don't know, not so, uh, it was really, it was not really easy for me and for Georgia to very precisely plan of course. And we had like 12 side letters and two amendments to the program because we

usually... we were, let's say shuffling the main days among the components of the project, because some of the components were not in need to have, let's say 25 days... And the other components, uh, had to have more than 25. And we were just reshuffling experts in the main days to other components. *That was the main challenge for, for sure*" (interviewee 49, my emphasis).

Interviewee 34 alludes to the need to reshuffle or modify some implementation activities that were not really adapted to the local context, and that the process of writing side letters was burdensome and took time and energy that could have been spent on directly working with implementing EU law:

M – The same ideas, the same thinking about the project priorities?

I34 – Ahh, you know, I would say that mostly yes, although again there are differences [...] They were some, you know, minor things, I would not say, important disagreements, strong disagreements between us. For example, there were some items which they suggested as amendments, *again following the European directives, where we did not... where we were not very enthusiastic*. And why? Because you know, we know the local environment better, we know how the people would react to certain changes here. And we need to explain to Greek colleagues that you know, Greece, *it would be too much at the moment, maybe later*" (interviewee 34).

Therefore, adapting and modifying activities requires efficient and truthful communication between EU and Georgian experts, which will be the theme of the next section in this chapter (Interviews 11 and 12, 13, 17, 18, 23, 34, 35, 37, 38, 40, 41, 43, 47, 49, 51, 54 and 57).

Mutual understandings on how to communicate with each other

The need to develop proper and effective communication routines has been taken up in the majority of interviews, both from the EU and the Georgian sides, as underlined earlier. Summing up what they learned working in Georgia during three different Twinning projects with the same beneficiary institution, interviewee 12 argues that:

“Yeah, from the first project I learned that communication is the most important thing, when you are working with people. So communication, communication, communication, that's the issue. If you are not communicating enough, that can cause problems, if you are not communicating to everybody or spread information to everybody, that can

cause problems so *all the problems we had were only because of wrong or false communication*. So that's the lessons learned, I would say" (interview 12, my emphasis).

Effective communication channels should be established from the beginning of the project and experts should communicate with each other on a regular basis. The Georgian experts pointed also out at the very importance of effective communication and mentioned that it should happen through different means. For instance, interviewee 34 contended that:

"Nowadays, there is a number of ways on how to communicate, yes. And perhaps, it's a written contract that you should have this e-mail. Of course, we use emails, we use telephone calls, we use WhatsApp, Viber, other things like Messenger. (inaudible). *There was never a problem of communication*" (interview 34, my emphasis).

Mutual understanding on how to communicate with each other also matters when dealing with changes and adaptations needed for the proper functioning of the project (interviewees 35, 37, 51, 54). Such understandings require time and commitment from both parties to be developed: interviewee 40, a Georgian expert involved in energy regulation that has been part of three different Twinning projects with the same EU-based agency, remarks that:

"Yes, yes. Because we know each other since a long time and also RTA is always... is present in GNERC office, that makes the communication much easier, because we could have everyday communication where I just would go ten times per day to RTA and talk about different issues and we had very strong communication, formal and so on" (interview 40)

By establishing strong communication channels, EU experts have an easier task to convey their knowledge to Georgian agencies and ministries, since they will no longer be considered as "foreign experts" teaching lessons to countries that are not part of the European Union, but as experts discussing and finding solutions to implement EU legislation in Georgia:

"to really support, to help and it's also very important, I think, how they communicate with the beneficiary, this is crucial. Once the beneficiary has like well-established communication and trust, and they see the competence, *not just the foreign experts coming, then they are more motivated to work with you, you know?* So, this was something that I think happened and it's also a crucial

for any Twinning, to have this interaction, in a way that they feel that it is not only you teaching us but we also share experience with you” (interview 57).

Such results are in line with Panchuk (2019), who argues that a lack of communication might impede the well-functioning of Twinning projects. Sources of miscommunication might, according to him, arise from the personalities of project participants, local cultural contexts and language barriers. However, Panchuk concludes that he did not find the quality of socialization to lead to either effective or ineffective Twinning projects, which is in contradiction to this dissertation’s empirical results. Or, in the words of Head and Alford:

“Communication amongst the parties increases the likelihood of them engaging in problem-solving behavior and finding ways forward, for example, by identifying “win-win” solutions, which typically depend on contending parties revealing pieces of information about their own situation and preferences. Communication also assists *in the processes of mutual adjustment as problems arise in implementation*. Where parties are far apart, an intensive process of facilitated dialogue may be necessary to allow these views to be adequately voiced as *a basis for further negotiation and common ground*” (Head and Alford, 2015:727, my emphasis).

Similar experiences from the socialist camp

Shared experiences and common understandings regarding the Soviet past are also facilitating the flourishing of a working culture and professional norms. Indeed, institutions that belong to those countries that joined the European Union since 2004 are favored by Georgian beneficiaries. Interviewee 15 notes that:

“and on the one side, Croatia was the younger member of the European Union, so they had the *fresh memory* of their own transition programme and process”

“and of course the Georgians wanted to have especially the Croats in the boat, because they have a comparable size of the country, comparable problems, they also have this transition from old, let’s say, “*Eastern bloc philosophies*” *in the legal system, especially in aviation, so they both had their common memories of socialist country and the centralistic systems working*, and this is especially in aviation a thing that is deeply rooted on the technical side. And so, this decentralization in the production and in the maintenance of aircrafts was a vital part, vital difference between Soviet and Western aircrafts”

(interview 15, my emphasis).

This is also seconded by interviewee 18:

“Because when you think from the perspective of Poland as a country, which has the same background, maybe we were not part of the Soviet Union, but we were on the other part of the Iron curtain, and on the background that is similar, and maybe this is what this, *something that maybe we understand each other better*” (interview 18, my emphasis).

This is also an aspect that the Georgian experts mentioned on several occasions. Interviewee 41, also working in the field of civil aviation, emphasized that:

“Deliberately we had idea, and also European union was engaged from DG MOVE experts, from the DG MOVE in Brussels, that we wanted somebody, a newly joined member, state of European Union because... ok with getting expertise of France or Germany or say (inaudible) it's, um... really valuable expertise, but the path, which was gone by both the Baltic states or with Croatia was very interesting for us. So that's why, I mean, we asked Austrian colleagues to get in cooperation and in consultation with, uh, Croatian colleagues”

Furthermore, interviewee 49, involved in the Twinning project on spatial planning, highlighted that coming from a Soviet background and the ability to speak Russian were enabling the EU experts to better establish a sound working relationships with the Georgian experts located in the regions of Georgia (as a reminder, the Twinning project on spatial planning had local components in Gori and Zugdidi). Interviewees 58 and 59 repeated such aspect: “*understanding the local context to me is 90% of the success* in terms of the relations between the experts that you are bringing and the local experts” (interview 59, my emphasis).

In a sense, this echoes a broader academic discussion on the role of socialist legacies in the creation of new norms and institutions, that is to say, “how institutions and practices of the past influence the contemporary institutions and practices” (Libman and Obydenkova, 2017: 11). In a way, those reflections and comments shared by some experts involved in such Twinning projects can be compared to what Kotkin and Beissinger denote as a legacy relationship, which is almost “genetic”:

“Legacy arguments assume that particular practices or beliefs became embedded by a deep and formative historical experience that no longer exists

(much like a gene might be passed on by a parent to a child and remain potentially influential in a child's development beyond the life of the parent). In a legacy relationship, these "genetic" attributes grow salient in the life of the offspring society through a variety of causal mechanisms, some of which might come into play *only in interaction with the environment of subsequent historical experience*" (2014:8, my emphasis).

Being involved in frequent and intensive relationships with experts that share similar experiences from the socialist camp, both EU and Georgian experts re-interpret their mission and tasks as accompanying Georgia in its path away from the "negative inheritance" of such historical legacies (Kotkin and Beissinger, 2014:6). The presence of experts from Poland or the Baltic countries is indeed strengthening the effectiveness and well-functioning of expert groups as they can share how their domestic administrations took the same path and serve as guides in that difficult journey. Past experiences from the socialist camp are acting in that way as "mental frames generated by past regime practices that make certain sorts of conduct" more desirable (Kotkin and Beissinger, 2014:16). Panchuk and Bossuyt noted that the participation of CEECs countries in Twinning projects with Ukraine and Azerbaijan offered "country-specific advantages", such as "recent transition and accession experience", "personal participation in democratic and market transformations in their home countries", as well as "better understanding of the local situation", regarding the "cultural and administrative parameters of the Eastern neighbours" (2017:350-351).

As a conclusion to this section, our empirical material has allowed to further clarify how a well-functioning working culture and solid professional norms lead to expert groups working better together, something I will come back to in the ending of this chapter.

Having worked together before and meeting in informal settings

Previous professional encounters

Firstly, as we have seen before, previous professional encounters might bring together and strengthen the cohesion of expert groups (Cross, 2013, 2015). However, this is only moderately supported by this dissertation's empirical data. It was brought up in interviews 11 and 12, 13, 15, 16, 18, 19, 20, 23, 26, 28 and 29, 30, 34, 40, 41 and 51.

Regarding the Twinning project on energy regulation, respondents number 11 and 12 reported that it was the third Twinning that they were involved with in Georgia, and that they also conducted a scoping mission before those. Therefore, they had the “best contacts” with the Ministries concerned and with the Programme Administration Office, which helped them face obstacles and difficulties that arose along the way. Interviewee 13 reported that the project leader of the Twinning had also been in the same position for a previous project:

“The Member State project leader had been the Member State project leader on the previous project. So, it was a continuation. When the project started, I obviously did not have his knowledge and experience, I read his final reports, and I met him, and he told me and described what it was all about etc. So we had that benefit of some previous knowledge and experience of the agency, what it was about, where the responsibilities and duties were. So that certainly helped”.

Interviewee 15 said that his superior had been working on an earlier project. Consequently, the superior “knew those guys for some years already”, “knew how they work”, “about the mentality of the people”, which he considered as “good” and enabled him to be aware of the problems to be encountered and how to solve them. Moreover, interviewee 15 was invited to come back to Georgia after his Twinning project in order to continue his work, although in another position. This was due to the “personal ties, still very good relationships between the parties”. On a similar note, respondent number 18 told that his Ministry had been involved on related projects in Georgia, which made his experience as an expert easier.

From the Georgian side, professional encounters were also mentioned, although in only 4 interviews. For instance, the Georgian experts involved in the Twinning project on energy regulations, when asked if his working history with their EU counterparts facilitated an effective work environment, replied as following:

M – Is [the EU-based agency] involved in the fourth project? The new one?

I40 – Yes. First, second, third and now in fourth.

M – Yes.

I40 – So we find it very effective to work with E-control. Because if we had some problems, and let’s say we were not satisfied with them, we would not continue with them but we are quite happy to work with them.

On a similar note, interviewee 51 declared that:

M - Uh, and had you met your counterpart before the project started?

I51 – Well, good question. I had met one... key experts. I knew him before I met him. Actually, a couple of experts I knew. I met them at international meetings where they also had been and I knew (him?)

M – And was it easier to work with them because you had already met them?

I51 – Well (inaudible) so we had quite good relationship. When we first met, and then when we continued with the Twinning project. Actually, it was nice point, that we knew each other before... We had met at a couple of meetings, international meetings. So that was our... knowledge about each other.

On the other hand, not having a previous working relationship is also reported not to strongly affect norm implementation. Interviewee 16 did not have any experience of working in Georgia before s/he became an expert in the Twinning project on judicial training. Supporting the development of online training modules was described to be difficult in the beginning, since s/he did only know very little about the school and what was needed there. Respondent number 23 did not have any previous experience with Twinning projects in Georgia either, which implied that s/he had to learn by working at it from the beginning of the project. Interviewees 34, 35, 38, 43, 44, 47, 49, 50 and 54 had not met their counterparts before the projects started but did not report any difficulties when working together from the beginning. I posit therefore that the effects of having worked together in previous settings are to be seen as inconclusive in my empirical data, which I will come back to in the conclusion of this chapter. Previous professional encounters are also more unlikely to occur in a context where the Georgian administrative apparatus suffers, as we will see later, of a high degree of staff turnover.

Informal contacts outside of work

Informality, such as meeting outside of work, help expert groups to grow stronger and allow for the development of more robust working culture and professional norms. For instance, interviewee 15 comments that:

“Not only the professional but only *the personal ties* and there is also something to be said for the mentality because the Georgians are, they have overall the mentality of one course one thing is to work and the other things is

how to live your life, to relax, to have a good food and wine and all that stuff and Austrians are very close to the Balkans, we can work like Germans but we can also party like the Balkans. So this is not just some standard term, some topology but it's really, I found it that there is something to it. They told us with some of the German experts, they didn't have the spark of humor flying between them, they took everything too literally and too serious, and it was from the personal view it was very good and also as you understand each other, you know the most things, *you can discuss about the most things*, you learn at a coffee or at the glass of wine in the evening, they can do some deals, *they can bring along a topic much more than in the business or in the meeting room*" (interview 15, my emphasis).

Interviewee 38 underlines that informal contacts lead to establishing a sense of "brotherhood", of "Twinning family" between all experts involved:

"Yeah, I mean, it serves the connections between the people, obviously. We shared with them our culture, some interesting parts... I mean (laughter). We gained some knowledge about British humor, it was fun [...] Khinkali and wine were also members of our Twinning" (interview 38).

Almost all projects pointed out the importance for informal contacts to bring closer the members of the capacity-building project (interviews 15, 18, 34, 35, 38, 40, 41, 43, 44, 47, 49, 50, 51). The lack of informal contacts during the Coronavirus (COVID-19) pandemic was described as negatively impacting the relationships between the experts involved, which therefore affected the quality of the project (interviews 28 and 29, 54). Interestingly, interviewees 43 and 49 describe informality and meeting outside of work as an integral part of Georgian culture:

"Yes, of course it is. It's a part of the relationship between every human, you know, you need to meet, even if you are working with someone, you need to build the relations with (inaudible) it's not smooth if you just concentrate with work and you do have the outside relations... It might complicate something...I think you really need the good relations with everyone whom you are working together with... So this was one of the major points... *In every activity, everything that we are doing in Georgia... we consider that there is the need to have other external activities out of work for our colleagues who are coming from their own administration...* So there is always... always the need for, for more close relations, I think" (interview 43, my emphasis)

“All the time it is, it is very important... It’s for Georgia... And when someone is coming to Georgia, (inaudible) [showing] what type of people we are. So we do like.. this kind of people-to-people contacts... all the time... and this is very, it’s very important for us. And, uh, you know, uh, as we can understand...” (interview 49).

“When flags are down in informal meetings, discussions are more open, and the milreps [military representatives, my clarification] can express their ideas as professionals, rather than just as transmission belts for states. They can rely on their personal expertise, and distance themselves more from their instructions. The point is for them to *achieve consensus as quickly as possible*” argues Mai’a K. Cross when picturing European diplomats in the defense and security policy area (2014, my emphasis). A similar conclusion could be drawn from my empirical data as regards to the importance of informality in expert groups within Twinning projects. Those remarks have to be related to a burgeoning literature on informal international relations or informal governance (see Stone, 2013; Tiekou, 2019, 2021), defined as “socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels” (Helmke and Levitsky, 2004:727, my emphasis). Informal rules and norms are often complementary to official channels of communicating and working together, as they allow a circumvention of the rigidity of formal practices (ibid.), which is clearly formulated in my empirical data. I will come back to this aspect in the conclusion of this chapter.

Acting as more than the sum of its parts

According to Mai’a K. Cross, acting as more than the sum of its parts entails finding policy solutions that were not initially on the table. Surprisingly, such dimension was the least brought up in my empirical data and was mentioned in only 5 projects (Twinning projects on civil aviation, on judicial training, on auditing, on metrology and standards, on energy regulation⁵). Respondents 11 and 12 explained the high degree of motivation of the beneficiary by the fact that it wanted to be the leading energy regulator in the region, that the experts were “motivated”, “very active” and willing to find new policy solutions that were not agreed on initially in the Twinning Fiche. Involved in three consequent Twinning projects, the respondents noticed changes in how the beneficiary administration approached the objectives of the project. During the first Twinning, interviewee 12 felt that she needed to act as a “teacher” towards his/her counterparts, by

⁵ Interviews 15, 16, 34, 35, 40, 41

exactly indicating to them how to implement the project. However, with time, s/he realized that the Georgian experts became on the same level as him/her, which were qualified as “very very good”. They could, then, within such expert group, discuss new ways and ideas on how to fulfil the tasks of the project, ways and ideas that were not included from the beginning. Interviewee 13 qualified working with Georgian experts as “very productive and satisfying”, as they were able to modify activities planned within the project according to the wishes and needs of the beneficiary. Respondent number 15 resonates on the same lines:

“It was clear that we have still some budget available, and there is always something to do, so you cannot say, after 18 months, that’s it, we did everything, there is nothing more, there could be room for another five years of Twinning if you like, in this case we said ok, we have the budget, we should do, put as much effort into Georgia”

Interviewee 16 was happy that the expert group he was a member of solved “more Twinning problems that we thought”, as they changed the project and found more internal resources to make the results more sustainable.

From the Georgian experts, interviewee 40 mentions new activities that were not planned in the Fiche, which improved the implementation of the EU energy efficiency acquis:

“For example, there is a new reality and we could come up with some ideas for instance, not always related to the Fiche objectives etc., for instance to go to schools and let’s say explain students about energy efficiency... To prepare clip (?) for tv about energy savings... We had quite innovative activities that we could come up with discussions and as a result of discussion and some initiative it was not directly mentioned in the Fiche. Also there might be some savings during the project and we could always discuss how to re-use those savings for such... initiatives that we could” (interview 40)

Interviewee 35 reflects on the inflexibility provided by the Fiche, and the bureaucratic procedures needed to make any revision or addition to the project description:

“We had a? number of side letters, but that allows us to modify and to adjust Twinning and project to our emerging needs, let’s say” (interview 35).

Nevertheless, there is in my empirical data very little evidence that acting more than the sums of its parts prevents expert groups from developing a well-

functioning and effective way of working together and reaching the objectives mentioned in the Fiche. Indeed, such internal dynamic seems to have very limited effect on the quality of the activities related to EU law implementation, which is a dimension that would need to be further explored in a larger N-study.

Conclusion

My first sub-research question is: how does the interactions between EU and Georgian experts affect the process of implementing EU norms? This chapter has allowed to unpack Mai'a K. Cross' theoretical framework depicting such dynamics: (1) whether the expert group shares a particular culture and professional norms, (2) whether the members of the group have worked together previously and finally (3) whether it acts as more than the sum of its parts (Cross, 2013, 2015). I have demonstrated that communication, informal meetings and similar experiences from the socialist camp contribute significantly to the development of an effective working culture, which facilitates tasks related to EU law implementation in Twinning projects. There is, undeniably, a mundane face to Europeanization. The projects that lacked those dimensions suffered from delayed activities, misunderstandings, and a certain resistance from Georgian experts, which impacted negatively the completion of the project's objectives, that is to implement certain parts of the EU acquis. However, not all of Cross' dimensions matter equally for the fostering of a sound working culture within expert groups, which allows me to revise Cross' theoretical framework. Clearly, previous professional encounters and acting as more than the sum of its parts did not significantly strengthen the effectiveness and well-functioning of expert groups, which is contradictory to the framework developed by Mai'a K. Cross. Consequently, the following three main conclusions can be drawn from my empirical data: the importance of communication, of the similar experiences from the socialist camp and of informal practices in expert networks.

Communication

The vast majority of my respondents underlined the importance of communication within expert groups, regardless of whether it concerned the working schedule and pace, Twinning rules or project priorities. Certainly, entering a group with a different working culture and professional norms from what you have known can cause culture shocks and impede the effectiveness and well-functioning of expert groups (Nikulina et al., 2019). Establishing efficient communication channels within a group is therefore an entire part of its working culture (ibid., Head and Alford, 2015). If the epistemic communities literature has paid attention to the conditions under which decision-makers learn from

experts (see Dunlop, 2009, Dunlop and Radaelli, 2017), which includes communication, less focus has been devoted to explaining how experts learn from each other. What facilitates and hinders epistemic learning between experts? As argued by Dunlop and Radaelli, “the most skilled teachers have more than just cognitive authority, they have the soft skills – notably, communication and leadership” (2017:259, my emphasis). Sonja Boehmer-Christiansen explored the role of communication during the preparations of the Framework Convention on Climate Change (FCCC) within the Intergovernmental Panel on Climate Change (IPCC) and underlined how the then IPCC chair Professor Bart Bolin had managed to establish clear and operational communication channels so as to convince decision-makers to step up on decreasing carbon emissions (1994a, 1994b). Further research on communication within expert groups could therefore depart from Dunlop’s and Radaelli’s observation that “the style of interaction [has] causal effects on the presence or absence of the mechanism of dialogue” (2017:264). As seen in my empirical data, open and well-functioning communication has allowed for better solutions in policy problems, develop shared understandings as regards to Twinning rules and project priorities, and tailor the project to the beneficiary’s needs, which has facilitated EU norm implementation. The policy transfer literature has, as underlined previously, moderately examined how communication enables policy transfer: in the words of Park et al., “communication processes [...] help to ensure practical usefulness of policy, increase legitimacy, help leaders to understand contexts, and test the feasibility of policy” (2014:410; see also Chung, Park, and Wilding, 2016). Undeniably, it is too early to generalize such conclusions to settings other than this study’s twelve capacity-building projects or even beyond Georgia, but there is need to examine if those conclusions could hold in a larger N-sample.

Similar experiences from the socialist camp

An aspect that was overshadowed by Mai’a K. Cross’ framework is the importance of similar experiences in the development of working culture and professional norms within expert groups, which facilitated EU norm implementation. As seen, several of my respondents pointed out that they preferred working with experts from the CEE countries which were part of the former Eastern bloc, as they could better understand the local context of Georgia and what kind of policy solutions could be designed to implement EU law, taking into account Georgia’s Soviet past. There, further research regarding the impact of historical legacies on EU norm implementation could be inserted into a broader discussion on the power of narratives through which policy solutions travel (Rodgers, 2014). For some of my participants, drawing lessons from domestic bureaucrats from Poland, Croatia or the Baltics was easier as such countries were successful, or even considered as post-soviet models, in their way to the European

Union. Such narrative can have a significant impact on EU norm implementation. As Rodgers note with regard to how social policies travel around the world:

“The networks of policy communication carry not simply an array of projects and plans, or prefabricated responses to perceived social problems. They convey not only agendas and social diagnoses, policy frames, or even ideologies [...] they carry something looser and more broadly generative. *They carry stories*. They surround everything that moves successfully through them with narratives and social fictions. *It is by virtue of those narratives* that social policies become transportable, that something embedded in one place – with all the legal, institutional, historical, and administrative specificity that that entails – can travel elsewhere” (2014:308, my emphasis).

Is that equivalent to saying that EU norm implementation is facilitated if policy solutions travel within the post-soviet space? As stated earlier, Bossuyt and Panchuk (2007) tend to draw such conclusion regarding Twinning projects in Ukraine and Azerbaijan:

“Recent transition and accession experience of MS partners from Central and Eastern Europe contributes to their added value during the implementation of Twinning projects” (2017:344).

The CEEs countries that acceded to the European Union in 2004, 2007 and 2014 are characterized by good records of EU law transposition (Steunenberg and Toshkov, 2009; Zhelyazkova et al., 2015; Zhelyazkova, Kaya and Shrama, 2016, Börzel and Sedelmeier, 2017; Börzel and Buzogány, 2019; Börzel, 2021), with however, serious violations of EU law when it comes to its practical application and enforcement (Buzogány, 2009, Falkner and Treib, 2016; Börzel, 2021). Additionally, *de-Europeanization* has more recently occurred in specific CEEs, particularly regarding the EU-value based *acquis* (with Hungary and Poland defying compliance with the EU rule of law, media freedom and anti-discrimination norms and standards) (Ágh, 2016; Szymanski, 2017; Leontitsis, and Ladi, 2018; Hettyey, 2021). To which extent is the narrative of CEEs’ successful way into the European Union facilitating EU norm implementation in ENP partner countries? Knowing the above-mentioned context of poor implementation records and *de-Europeanization*, would this narrative keep influencing the internal dynamics of expert groups in ENP countries? A very recent study by Burlyuk, Dandashly and Noutcheva (2023) unpacks the consequences of the current intra-EU rule of law crisis for the EU’s external democracy promotion in its neighbourhood and finds such crisis has not yet had effects on the legitimacy and the credibility of the European Union as a

democracy promoter. But will that last? Those are crucial questions that further research would need to address.

The importance of informality for expert networks

Finally, Mai'a K. Cross' theoretical framework (2013, 2015), as stated in the beginning of this introduction, overestimated the importance of previous professional encounters in the well-functioning of expert groups. Meeting in informal settings matter more for most respondents in this dissertation than having similar working culture and professional norms from the beginning of the project. As I have demonstrated in chapter 1, such aspect has been, to a limited extent, highlighted by scholar within the policy transfer studies framework (see for instance Vinke-De Kruijf, Augustijn, and Bressers, 2012).

Further research should, in that context, look more broadly into which kind of informal settings, norms or practices help expert networks to be more cohesive and effective. Bridging the literature on experts in international institutions with the literature on informal international relations could lead to valuable insights on how such networks work from within. Tiekou (2021) mentions the role of informal *international norms*, which are norms that are accepted and enforced by a majority of actors within a given institution, in international relations. Such aspect might enrich the discussion on why certain expert networks function better than others and on how informality leads to the development of the working culture and professional norms that are crucial for experts to accomplish their work, which in this case, is improving EU law implementation.

CHAPTER 6: SCOPE CONDITIONS AND NORMS IMPLEMENTATION

Introduction

This chapter aims at uncovering the scope conditions faced by expert groups when working on norm implementation in Twinning projects. It answers the second sub-research question of this dissertation: “What scope conditions affect the work of EU and Georgian experts in the process of implementing EU norms?”. As named earlier, those external scope conditions are inspired and revised from the theoretical framework of Bondarouk, Liefferink and Mastenbroek (2020) and concern a management approach to non-compliance, a bureaucratic approach and finally a political approach. Firstly, this chapter will explore the factors related to the management approach, according to which, insufficient norm implementation depends on the implementers’ capacity to do so. Several dimensions associated with administrative capacity of implementing actors will be studied: the policy experience and knowledge of experts, personnel stability and their resources. Secondly, the bureaucratic approach will be examined, which connects insufficient norm implementation with the implementers’ unwillingness to work towards such aim. Lastly, I will examine whether non-compliance depends also on the bureaucrats’ political masters in Georgia.

The management approach

Policy experience and knowledge

Policy experience and knowledge on how to implement EU legislation affects how norm implementation processes will unfold (O’Toole and Meier, 2009,

2010; Bondarouk, Liefferink and Mastebroek, 2020). Therefore, having experts with the right educational and professional background is of significant importance for the success of Twinning projects. The lack of such policy experience and knowledge amongst Georgian experts has been reported as the most central factor hindering effective implementation of the EU acquis: it was mentioned in 25 interviews : 11 and 12, 13, 14, 15, 16, 17, 19, 20, 22, 24, 27, 28 and 29, 30, 34, 35, 38, 40, 41, 43, 47, 49, 50, 54, 56, 58 and 59. For instance, concerning the Twinning project on market surveillance, interviewee number 13 witnessed that on his/her arrival in Georgia, Georgia's market surveillance agency had not even been established, and was a department located in the Technical and Construction Supervision Agency (TCSA), which was in charge of issuing construction permits. Besides, only two market surveillance officers were working at the beginning of such Twinning project, which led to major delays in the delivery of the activities and trainings planned. Such shortage of staff was explained by lengthy and complex recruitment procedures, which required the potential candidates to undergo a one-week training in the agency, after which their performance would be assessed in order to find out if they had the necessary qualifications and professional experience needed to be a market surveillance officer. As explained by respondent number 14:

“the main reason was the agency was not able to recruit as many officials for special inspectors, they need to do this work of inspecting market surveillance as it was foreseen in the project fiche. It was foreseen that *at least five persons* in those areas which are now covered with new laws and need to be inspected are available, but in fact in most of the time of the project *there were only two* [...] The reason was that the recruitment procedures are very lengthy, and quite complicated, and I was just a bit surprised that those who applied were all, not all but most of them considered not compliant, and new rounds of recruitment needed to be established” (Interview 14, my emphasis)

Furthermore, interviewee 13, after arriving to Georgia, drew the conclusion that the few market surveillance officers that were working in TCSA did not fully understand the concept of market surveillance, as it is defined in EU legislation. Directive 2001/95/EC, on general product safety, places an obligation to manufacturers to ensure that the products they place on the market are in conformity with the relevant EU standards. It is then the responsibility of the market surveillance agencies to inspect products after their placement on the market, according to a risk-based assessment methodology. However, in the Soviet Union, products were inspected by market surveillance agencies before they had even reached the market, so as to ensure they were meeting the Soviet GOST (Gosstandard) standard system (Delcour, 2013). Relying on such end

product testing is contrary to the EU market surveillance legislation, which the Georgian market surveillance officers did not entirely grasp at the beginning of the project (Interview 13).

However, at the end of the project, the Georgian government decided to establish a new and separate market surveillance agency and did manage to recruit at least five market surveillance officers, in accordance to the objective stated in the Twinning fiche (Interviews 13 and 14). The activities and trainings intended in the Fiche were then postponed to the end of the project.

The same shortage of knowledgeable staff was reported in the Twinning project on judicial training (interviews 16), on sanitary and physiosanitary standards (interview 19), on metrology (interview 20), on gender equality (interviews 22 and 24) and on statistics (interviews 28 and 29). Regarding the capacity-building project on gender equality, interviewees 22 and 24 underlined that the Inter-agency Commission on Gender Equality, Violence against Women and Domestic Violence, the main beneficiary of the project, was only composed of one commissioner, whose role was to “be out talking, travelling around to all these meetings around the world”, which was “not so practical”, as she wasn’t “super knowledgeable on the topic” (Interview 22). Only a couple of interns were assisting the commissioner. Such situation did not change during the whole conduct of the project, as the government did not have sufficient resources to establish a full separate agency that would focus on all aspect of gender equality policy (ibid.). In the line of ministries targeted by the project, gender equality was a “non-question”, since nobody had previously worked in that area. Such a project was also implemented at the local level, in the municipalities of Gori and Zestaponi and focused more particularly on gender-budgeting. There, the capacity was said to be non-existent, which means that the project “started from scratch” (Interview 24). However, with time, local bureaucrats slowly acquired the knowledge and experience in order to incorporate a gender perspective in budget drafting processes (ibid.). Including a local NGO in such expert group had been helpful, since they could more easily transfer that knowledge when speaking the same language and being aware of the local conditions (ibid.). Improvements in the gender statistics component of the project was also witnessed by respondents 22 and 24, as officials in GEOSTAT had been actively participating in trainings.

Additionally, as regards to the project on sanitary and physiosanitary standards (SPS), the shortage of experts is aggravated by the fact that Georgia still does not have veterinary educational programmes providing sufficient knowledge on EU sanitary standards. Future veterinary candidates are obliged to study abroad, and few are willing to come back and work in Georgia after their studies. As highlighted by respondent number 19:

“And for example, there is absolutely at this day no veterinary education possible, to have a veterinary education in Georgia. Because the universities are not accredited, there is absolutely no accredited university according to any educational system in Europe. Unfortunately. And that makes also the shortage of experts.”

Such situation does not improve the general low level of professional knowledge on how to implement EU legislation on SPS in the country. Interviewee 19 reported that in Georgia, the political system is slightly “different”, and does not promote highly-educated individuals. Individuals with the proper educational background and policy knowledge were, according to him, a minority, which hindered the well-functioning of the project. This explains that the need for relevant knowledge was imperative in Georgia, and that the project lasted seven years. During 2020, a call for a new Twinning project was launched in order to continue such knowledge transfer processes (European Commission, 2020c). The same conclusion is reached in the third sub post-project report of that project, this time concerning laboratory analysis:

“CIB Phase 3 provided substantial support to the LMA in terms of provision of different laboratory equipment and supplies; however, it is not only the type of equipment that determines the accuracy and reliability of analytical results, but also the *qualification and skill of the analyst*” (Comprehensive Institution Building Programme, 2019: 6, my emphasis).

From the Georgian side of my respondents, the lack of knowledge of EU law was also considered as a significant obstacle to EU law implementation. For instance, interviewee 34 witnessed that:

“Ehh... I don't think so because you know, European legislation *is not an area of our expertise*. Of course they learned through, from these (inaudible). Of course there are couple of lawyers who were involved in drafting of our laws, and by the time we had to learn this European legislation, ehhh we had to transpose this legislation into ours, but this help was provided by the World Bank. [...] We have lawyers of course, *but it's a limited staff*, some lawyers. But we learned much more before... after the project was completed. During the project.” (Interview 34, my emphasis).

However, some of the Georgian participants were more nuanced in their answers as regards to the administrative capacity of their domestic agencies (interviews 35, 50, 51, 54, 57). The Georgian experts working for GEOSTAT reported not

having any issues concerning staffing and their current knowledge of EU standards on statistics (interviews 51, 54, 57). Interviewees 35 and 50 underlined that they would generally wish recruiting new staff members to their domestic agencies, but that they had enough staff to implement the objectives of their respective projects. For instance:

“Yeah we have quite big staff, or I think *it is enough in order to implement the EU legislation but also the recommendations that our counterparts gave us...* We have about 40 people in our staff, I wish we had more in teaching sector and also in analytical sector, but it is not our thing to do because it is related to budgeting, and because we are a governmental organization, the government decides on our budget” (Interview 50, my emphasis).

Nevertheless, out of all the twelve Twinning projects retained in this dissertation, the project on gender equality suffered from the direst staffing situation:

“So speaking about capacities... At first it was like one person, without even a secretariat... There are some people, secretariat of the human rights council... But there is no... proper... like it was one secretariat for the human rights council and the gender equality commission *but actually it was just one person, advisor to the prime minister, she was running from meetings to meetings...* like not having resources to even send out some invitations... of something... So this is why UN Women allocated one person... to help... Then maybe the government allocated one person and then the technical assistance project really helped” (Interview 56, my emphasis).

I will come back to that point, which is also related to political saliency and resistance.

On the contrary, working with experts with sufficient knowledge of the EU acquis and policy experience leads to more effective norm implementation. On the Twinning project aiming to implement EU civil aviation legislation, respondent number 15 mentioned that the experts s/he was working with had “a very good level of professionalism” and “knew some of the Regulations”. Therefore, they were able to overcome the challenges that adapting to EU standards implicated. For instance, the way Georgian legislation was drafted was not compatible with EU law. According to Georgia’s law on normative acts, Georgian legal texts are divided into articles, which in their turn are composed of paragraphs and sub-paragraphs. Articles and paragraphs are numbered by Arabic numerals, while the sequence of sub-paragraphs is marked with the Georgian alphabet (Law on normative acts, No 3047, Article 16, 2010). EU civil aviation law follows, on the

other side, a completely different nomenclature: every paragraph begins with an acronym related to the policy area concerned. For instance, FCL.900 refers to paragraph 900 of the Flight Crew Licensing Regulation. This created significant difficulties for the experts involved in such Twinning project to find out solutions in order to incorporate the EU civil aviation law nomenclature into the Georgian legislative system. Interviewee 15 contacted the Ministry of Justice and organized a special workshop dedicated to the issue:

“And we had identified this as a big problem already and escalated this problem up to the Ministry of Justice, which was not one of the partners originally in the project but we made it to a partner, and also together with the EU Delegation and with the other ministries they even had a conference after one year that was set up from the Ministry of Justice together, all the Twinning and all the European entities that were present in the country, and they had a big conference in a hotel about this situation. So, they identified this already on their own and we had a special workshop for them, even the TV was there, especially for the Ministry of Justice people to tell them how the EASA system and the legal nomenclature is working.” (Interview 15)

Thanks to the policy knowledge and the experience of the experts involved in the project, such challenges could be solved by inserting EU civil aviation regulation as technical regulations in Georgian legislation, which do not have to follow the Georgian nomenclature.

Policy knowledge and experience often increase throughout the conduction of Twinning projects. Respondents 11 and 12 noticed changes in the beneficiary administration, after having worked on three consecutive projects with them. As underlined earlier, during the first Twinning project, interviewee 12 thought that s/he acted as a “teacher” of how to implement EU legislation on energy regulation, “a foreigner”, “somebody who tells how it will be done”. However, with the second and third projects, she noticed that she had become a “colleague” with his/her counterparts, that she defined as “very very very good experts”. His/her position was more, then, to work as a “separate unit within the beneficiary administration, I am like a department of the beneficiary”. The Georgian expert associated with this project on energy regulation also shared the same image:

“I40 – Ehh... Yeah... I could say that GNERC at the time being is quite (inaudible) and... with the full capacity to implement the project, the Twinning project successfully and *our capacity has increased over the years by other employees and by qualification of the colleagues...* So I would say that compared to other regulators with the same size of population and etc.... It is

my observation that compared to Eastern partnership countries, to Energy Community GNERC is (inaudible) strong and competent” (Interview 40, my emphasis).

Similar remarks were made by respondents 22, 41, 49 and 59.

Concluding the argument, I have underlined how having staff with sufficient policy knowledge and experience of the EU acquis impacts norm implementation processes and the extent to which Twinning project would reach their objectives – a conclusion reached both by EU and Georgian experts. However, policy knowledge and experience often improve during the conduction of such projects, which means that norm implementation becomes more and more effective. Nonetheless, higher degrees of turnover might deprive Georgian ministries and administrative agencies of such qualified staff, and this will be the subject of the following section.

Personnel stability

Insufficient personnel stability affects how legislation is being implemented, as it disrupts both communication and cooperation patterns between implementing agents (Walker and Andrews, 2013; Meijerink and Huitema, 2010; Bondarouk, Liefferink and Mastebroek, 2020). High degree of turnover is reported as a challenge to EU law implementation by respondents 15, 16, 17, 19, 24, 27, 34, 35, 38, 40, 41, 43, 47, 49, 50, 51, 54, 56, 57, 58, 59 and 61, although with a significant degree of variation amongst Georgian ministries and public agencies. For respondent 15, such turnover is explained by the low salary levels within Georgian administration, which leads to bureaucrats leaving their position and applying for jobs in the private sector or abroad. Training experts in how to implement EU legislation is therefore less valuable if such experts wish not to stay and work in the administrative agencies involved. As explained by interviewee 15:

“Of course these guys, they have very good background, very good education, and the market, the free markets will snatch them away if you don’t pay them [...] Ok, what will you do them? But those inspectors don’t grow on trees, so you have to train them, and the same with engineers of course, if you have a good engineer, who is an airspace engineer, then he will in short term run away for a better salary and a more interesting job, in actually designing aircrafts, so the staffing is always a problem.” (Interview 15, my emphasis).

Such turnover implies, therefore, that new staff has to be re-trained, which results in extra costs for the project and additional work for the EU experts involved.

Interviewee 16 made similar remarks, as s/he had two different counterparts and noticed that staff turnover was quite significant during the whole duration of the project. Interviewee 17 claimed that the agency had difficulty in retaining their staff. Because of insufficient personnel stability, respondent 19 drew the conclusion that “basically, we had to implement the project at least three times”, which made the overall implementation process “slow”. Despite his/her attempts to convince the Georgian National Food Agency (NFA) to step up its efforts to make experts’ working conditions more acceptable to them, the staff turnover remained unchanged during the seven years of the project. This resulted in local experts preferring to work for international organizations active in the country rather than for national ministries and agencies. As explained by interviewee 19:

“[the] experts we trained in the office were not considered, we didn’t manage to make the administration understand that they are the best ones, you have to employ them. The reason is also, as I said already, that is also because, if I work in Georgia with projects, like financed by the EU, the United States, (?) salary levels will be even better than similar experts in EU countries. That means that in Georgia, that is very very good income. To work in international projects. *So, they immediately run to find next project [...]* And that’s also very bad side, but that is created by the donors. Because even if some new donors’ programme starts, we had many of them starting other projects in the related areas, they kind of consume, how do we call it, we call it *cannibalism*. In the National Food Agency, they started a new project in some area, and the project “cannibalizes” the experts working for the NFA before, taking them on the project salary” (Interview 19, my emphasis)

From the Georgian side, interviewee 43 shared the same picture of the high staff-turn over within the Georgian administration:

“Yes, this is always the problem. You know, usually you are training someone, you are spending a lot of resources to, to, to train him, to give him all the knowledge that is needed for the work. And in a couple of years, they are leaving because the salary is not for, uh, higher in the state agencies than in the private sector of course. They are paid much more salaries...So, listen, this is always a problem [...] a big part of employees that are coming, they are leaving in a couple of years, it's a big problem, of course *this creates a big problem but we don't have any solution because of the budgeting. It's impossible to have the highest salaries in the administration right now*” (Interview 43, my emphasis).

If not working for the private sector or for international organizations, local experts tend to establish their own training companies in order to disseminate the knowledge gained during the Twinning or capacity-building projects they were involved with, companies that then end up being hired by international donors in order to train the new staff recruited by local ministries or administrative agencies (interview 19). At the municipality level, local bureaucrats were also changing quite significantly, which made implementation processes on gender-equal businesses harder (interview 24).

It was not only the local experts who decided to leave their work and end their involvement with the project. Even the chair of the Inter-Agency Commission on Gender Equality, Sophie Japaridze, left Georgia and took the position of Deputy Permanent Representative of Georgia to the Council of Europe (interview 24), which resulted in the project being stranded for months, as the government failed to quickly nominate a new chair. When a new chair was finally recruited:

“it took time again to start working together, for this person to understand her position, to connect different donors because we are not the only one supporting them, so to say that the Commission is strengthened thanks to the project... Difficult to say. I would say that the previous Commission, yes, definitely because it was created and administrated through the project, so we were hand-to-hand with the previous chair, but with this one, it’s not about personal relations, it’s about that we didn’t have time to begin working with the new chair. Because as I said, she has started in November, so it took a couple of months for her to be aware of what she was doing” (Interview 24)

For instance, at the time of the interview, the new chair had not had the time to approve the draft strategy for gender equality that the EU and Georgian experts had been working on (*ibid.*). Such delay in recruiting the new chair of the Inter-Agency led the EU Delegation in Georgia to protest against the Georgian government in order to intensify such recruitment: “Indeed, this is something, as a EU Delegation, we were not very happy about, and we were really pushing... the Head of the Delegation was passing the messages... to the Prime Minister, also to the government administration... and had... in the context of other meetings... like really emphasizing this issue, that this post was vacant and encouraging to hire somebody but of course, it’s not... And also UN Women was very concerned” (Interview 56).

The Director General of the Shota Rustaveli National Science Foundation also changed after three months of project implementation, which was described as “time-consuming”, since new channels of communication with the new Director-General had to be established (interviews 27 and 47). Besides, the loss of

institutional memory due to high staff turn-over was reported as particularly challenging, and interviewee 27 advised the EU to develop a strategy on how to tackle such problems (ibid.).

However, as said earlier, there is still a high level of variation amongst agencies and ministries in Georgia as regards to staff-turn over. Respondents 34, 35, 38, 40, 41, 49, 57, 58 and 59 did not witness a lot of change of staff during the duration of the Twinning projects in question. From my empirical data, I can primarily draw the hypothesis that staff turnover is lower at agencies or ministries that require a *very specific competence* from their staff members, such as veterinarians or statisticians. For instance, respondent 59 declared that the top-level leadership at the National Food Agency was changing often, but not at middle-management lower management levels:

“Not that much in terms of managers, because this a very specific field. And they don't have that many people in Georgia with that expertise... So you know, the veterinarian, the phyto-sanitary experts, the safety experts... These people are the same... They went through all different phases, they were working during Soviet times, they were working late” (Interview 59).

Interviewee 57 shared the same view, and related the low degree of staff-turn over with an explicit management strategy at GEOSTAT, the Georgian statistical agency:

“And I have to say that the salaries in GEOSTAT are not high, they are still understaffed... but, as I said, they are very *committed and motivated*... I mean, the sector is *very specific*, right? And you really need experienced people, but... what... they... I think one of the positive... side of GEOSTAT is that their management is very... appreciate of their staff... And you know... like for example every year... they have this reward ceremony... they reward concrete staff members... Like you see that like this management has a very good interaction with their staff and I think it's also pays off... Because when you see that your work has a value and you're working on concrete statistics, this pays off... So I think there is... this appreciation from the management... And people who work there are really like statisticians and it's *quite specific*... Um...because I've been attending to their events and I feel there is... this like team spirit and maybe they are less been trying to leave (inaudible) at all... In this specific case, we did not meet that problem” (Interview 57).

This was even a conclusion of the post-project report on the Twinning on statistics, which is very straight to the point on the issue:

“However, all government institutions are sensitive to staff turnover and loss of key staff. The issue of staff retention cannot really be addressed by Twinning Projects but the project and Geostat has tried to work on and pay attention to process documentation as part of the project” (European Commission, 2022c: 36).

In conclusion, as argued by Walker and Andrews, “changes in personnel can be especially harmful to governmental performance because of the loss of investment in skills it represents and the costs of training new members of staff to replace those with experience and know-how” (2015: 115). This was also the case for the selected Twinning projects in Georgia: high staff turnover regarding both lower-ranking bureaucrats as well as higher officials both delayed the implementation of such projects as well as entailed extra costs and efforts related to the re-training of the new staff recruited. However, we have seen that staff turnover varies significantly amongst Georgian ministries and agencies and tends to be lower when staff members need to have a special competence that is not in demand outside, a hypothesis that shall be tested in a larger N-sample. The next section will examine how insufficient material resources affect the extent to which Twinning project can achieve their results.

Resources

Lipsky (2010) argues that material resources pressure implementers into prioritizing certain aspects of implementation and neglecting other tasks (see also Walker and Andrews, 2013). The lack of material resources was underlined by my respondents to a lesser degree than the first above-mentioned factor, policy experience and knowledge – it was mentioned in interviews 13, 17, 18, 19, 20, 22, 24, 30, 34, 35, 38, 40, 41, 50, 54, 57, 59 and 61. Interviewee 13 confirmed that the Technical and Construction Supervision Agency “didn’t have a lot of resources in terms of time and money”, and that its budget was therefore limited. This was confirmed by the Georgian expert involved in the same project:

“Laboratory resources, we as a country... experiencing the *lack of laboratory resources*. For laboratory *infrastructure is not developed in our country yet*. For some construction products, we have laboratories, for physical analysis of reinforcement steel, or for physical analysis of concrete and cement, for example. But some laboratory infrastructure, including the chemical... laboratories, is a problem, an issue for our country. That’s why we are forced

to demand additional budgeting from the central budget, in order to send some samples. And our solution at this time, we are quite often sending samples for investigations, laboratory investigations abroad” (Interview 38, my emphasis).

Budget was also an issue for interviewee 17, whose project concerned auditing and was directed to support the Service for Accounting, Reporting, and Auditing Supervision in Georgia (SRAS). Respondent 18 implemented a project on spatial planning and infrastructure both at national level (with the Ministry of Regional Development as the main beneficiary) and also at local level (in the municipalities of Gori and Zugdidi). For both cases, s/he maintained that insufficient financial resources had been a hinderance to the effective regulation and actuation of the project. On metrology, interviewee 20 remarked as well that the Georgian National Agency for Standards and Metrology did not have resources to purchase enough equipment for its laboratories, which led the EU to issue a call for tender to procure for the agency modernized measurement standard base and new metrology equipment (European Commission, 2016). The Inter-Agency Commission on Gender Equality did not have sufficient resources either in order to secure correct implementation of gender equality policies (interview 22), which led interviewee 24 to underline that:

“Last, the allocation of budgets, you know it is really easy to define activities but when it comes to the budget allocation, I am not sure. So some activities they have budget allocated, but others they don’t have budget that they are looking for budget here and there” (Interview 24).

Finally, interviewee 30 mentioned that GEOSTAT lacked enough computers, which was a hindrance for the agency when it came to quickly producing new statistical products. Interviewees 54 and 57 shared the same assessment and were worried about the quality of the technical equipment at GEOSTAT.

As a conclusion for the whole section, following a management approach to non-compliance has shown us that norm implementation processes are hindered by insufficient policy knowledge and experience, personnel stability and material resources, an approach that had not yet been applied to an EaP country. Those conclusions are in line with Papadimitriou and Phinnemore (2004) who studied Twinning projects on administrative reform in Romania before the country’s accession to the EU. They describe the experiences of Resident Twinning Advisors (at the time called pre-accession adviser, PAA) as follows:

“All of them were faced with an administration suffering from a severe lack of resources, low levels of expertise and very poor cross-departmental coordination. Internally, the iron discipline and rigidly hierarchical structure of

the administration stifled innovation and deterred junior staff from taking initiatives. Pay was also very poor. With the average salary of a civil servant well below €100 per month, the administration was constantly hemorrhaging well-qualified staff to the private sector where both pay and working conditions were better” (2004: 630).

Besides, our empirical analysis has allowed us to see that the importance of those three factors vary from project to project. While the lack of personnel’s policy knowledge and experience were reported by 29 interviewees, personnel stability was underlined only by 22 respondents and material resources by 18.

Bureaucratic saliency and resistance

Bureaucratic resistance

On the question of whether local implementing actors showed patterns of resistance towards EU law, the empirical data collected unequivocally demonstrate that such is not the case. Instead of resistance, Georgian experts were praised for their “knowledge”, “professionalism”, “hard-working”, “willingness” or “enthusiasm” or “interest” to comply with EU law in the majority of the interviews. The overambition of Georgian bureaucrats to comply with EU law was even reported in certain Twinning projects, as in the project on civil aviation:

“The main lessons that you drew from being an RTA in this case, it was a lesson for the whole Twinning, was that if you, of course, every field is interesting, but you need to focus on certain areas before” (Interview 15)

The EU and Georgian experts interviewed described their working relationships as non-conflictual and between equal partners but filled with “discussions”, “re-orientations”, “changed circumstances”, “re-arrangements”, “changes”, sharing ideas”, “re-shufflings”, “no major disagreements but minor things”, thus showing that EU and Georgian experts adapted the Twinning instruments to fit with domestic realities. As expressed by one EU experts on customs legislation:

“This is the question related to the needs of the beneficiary. Because it is one of key actors on this, on this scene. Because this is the beneficiary that should decide on the needs, because the project is just for them. This is not for the Commission, not for the experts, this is for the beneficiary. So, the beneficiary should decide in what way we could help, we could assist to spend this EU money in the best possible way” (Interview 26).

EU experts were on several occasions praised for their flexibility to adjust the different activities planned in the Twinning fiche (which lists the overall objectives of each specific project and how to reach those), equally because there tends not only to be a gap of one-two years between the drafting of the Fiche and the start of the project but also because domestic implementing actors in Georgia adapted those activities to their needs. A Georgian expert experienced in the management of Twinning projects in the country declared, in this regard:

“[what] I loved on this project is that they are really flexible. You have terms of reference in general, with main outputs and main outcomes you should achieve at the end of the project, but how you organize and how you structure the project is quite open. Which gives you a lot of role for improvements, back and forth, depending on the needs basically and the situation [...] So we are adapting the project to basically the situation” (Interview 24).

Any lack of flexibility shown by EU experts were rejected by Georgian as signs of “mentorship” (Interview 50), which risked to negatively impact project implementation. A Georgian expert supervising the Twinning on statistics clarified, on that note, that “[...] in many cases you see that Georgians...are a bit hesitant... or because when they see that there is not... there is more... this like so-called like *preaching or teaching approach rather than the competence...* Then they become a bit avoidant” (Interview 57, my emphasis).

Such picture was confirmed by the background interviews with different European Commission officials. Even if such officials are not directly involved in the Twinning/capacity-building projects analyzed in this dissertation, they have a general and broad view on EU law implementation in the policy areas of those projects. Thus, those interviews are still useful in order to triangulate my main empirical data and inquire whether bureaucratic resistance is a limited phenomenon in Georgia or not. On energy regulation, interviewees 2 and 3 remarked that the Georgian energy regulator GNERC is “quite active, their work is often praised by the Energy Community Secretariat” (Interviews 2 and 3). Consequently, the implementation of the EU acquis related to the Twinning project examined within the scope of the dissertation has been a rather smooth process. Georgia’s commitment to implement the EU energy acquis is also monitored by the Secretariat of the Energy Community. In its Annual Implementation Report, the Energy Community notes that 66% of the acquis concerning electricity has already been transposed, while only 3% as regards to infrastructure aid has been so far enacted. At the moment of writing, GNERC “demonstrate profound technical expertise and independent execution of responsibilities” (Energy Community, 2021). On trade-related topics (which

concerns both the projects on customs and on SPS), there is “would say that there is a lot of willingness in the country to do the best that they can”, “Georgia is seen as very willing to implement the acquis on TBT/SPS since they know that it will give Georgia further market access” (Interview 6). On the internal market acquis, Georgian bureaucrats are described as “very motivated, there is a lot of willingness, lots of political interest to show such willingness” (Interviews 8 and 9). On statistics, the approximation to the EU acquis in statistics has progressed positively in Georgia, since Georgia has proved to be very active in further developing its statistical system in line with European and international standards (Interview 33). Outside of the Twinning project of the interest of this dissertation, Georgia is also actively engaged in the EU-funded regional programme, Statistics Through Eastern Partnership (STEP), through which expert assistance in drafting a new statistical law was provided (ibid.). The relations with Georgian colleagues were described as “very positive, professional and good. There is real drive within the Georgian statistical institute, Geostat, towards improvements and good cooperation with Eurostat” (ibid.). Finally, on research and innovation, Georgia was seen to have made significant progress in implementing EU standards related to research and innovation (interviewee 31). Institutional changes were considered as the easiest part of implementation. Georgia is fully participating in Horizon Europe since December 7th, 2021 (European Commission, n.d.). Cooperation with Georgia was, according to the European Commission, very “cooperative, constructive and perfect” (interviewee 31).

As stated before, willingness and motivation are not synonymous with copy-pasting the EU’s demands. Implementing EU law means adapting it to local circumstances. Adaptions to Twinning projects concerned, for instance, the addition of unplanned activities (the project on judicial training developed an e-learning platform that was not envisaged in the Fiche), the withdrawal of others (the project on civil aviation ended up not implementing EU regulations on the design of aircrafts since Georgia has no aircraft manufacturers) or their rearrangements due to the choices made by Georgian implementing actors. On that latter matter, the project on market surveillance is worth mentioning. The Twinning Fiche had envisaged activities around the implementation of the EU General Product Safety Directive in the early phase of the project. However, the Georgian market surveillance agency demanded that the implementation of sectorial directives would come first, a demand that EU experts responded positively to:

“Anyway, in Georgia, they decided that it wouldn’t do it that way, they wouldn’t adopt the General Product Safety Directive – they have it in parts, but not fully – they would approximate and implement these product sector directives first. It’s a little bit vice and versa to what we recommended [...].

And then they were moving on to toys [...] we had a lot of seminars for businesses and consumers, that's how they chose to do it, implement these product specific sector [legislations], and then later on they would move to the general product safety directive which covers everything else, so to speak. So, this all plan had to sort of change" (Interview 13).

Demonstrating that Georgian implementing actors mainly showed a willingness to implement EU law in the country does, however, not mean that resistance to EU law did not exist. However, resistance was displayed in the very minority of the Twinning projects studied: resistance from Georgian implementing actors was only experienced by EU experts in one Twinning project out of twelve (the one on judicial training):

"The worst part was really setting a relationship with the beneficiary, a relationship where also my work is respected, and my knowledge and experience is respected, because at the beginning, this is not what I experienced. And also, I experienced actually something that is a really bad behavior towards other short-term experts. A real hostility, because experts dare to say something which the beneficiary doesn't like. If experts say, "you have to change this, you have to change [...] so you have to do something about it, the beneficiary was extremely hostile"

"And even in those trainings, people with experiences were telling like, 'you may expect that you will be welcome and then you face what I faced', you are sort of welcomed, but you were welcomed at the extent that you do not bother them with your project, because that's your project, but not their project" (Interview 16, my emphasis).

Such resistance is to be put in context of the overall judicial reform in Georgia: although the ruling party during the period analyzed in this article has made repeatedly declaratory pledges to implement EU standards in terms of judicial reform, the Georgian judicial system still suffers from lack of transparency, independence, accountability and insufficient quality (interviews 42, 46, 48 and 55). Thus, it is not unexpected that resistance from Georgian implementing actors would be met just on this precise Twinning project.

Bureaucratic saliency

As proved earlier, higher degrees of policy saliency are positively associated with more effective norm implementation (Thomson et al., 2012). Indeed, the more focus and efforts implementing actors put into a certain part of the EU acquis, the

more likely domestic change will be triggered (Bondarouk, Liefferink and Mastenbroek, 2020). Interviewee 11, for instance, confirmed the importance of policy saliency for the implementation of the EU *acquis* on energy regulation:

“The initiative was the beneficiary’s initiative, as it is foreseen, and also, actually to mention this, without the beneficiary’s initiative, it makes no sense to make a Twinning project. Because if the beneficiary doesn’t want to have a topic or doesn’t wanna have other experts, doesn’t wanna have workshops and more work (because it is more work for the beneficiary itself as such) *then it makes no sense, of course*” (Interview 11 and 12, my emphasis).

The Georgian expert on civil aviation was on the same line:

“The most, I mean, the main reason I would say is two parts: the engagement of CAA and having the sense of ownership towards the project, because the second project, when we launched the second project, it was kind of... *it was our baby already*, and the Fiche itself was drafted even without our participation or European union support was there. [...] the overall idea was that together with my colleagues. I was engaged personally with drafting the Fiche... what was the expected outcomes, possible outcomes then based on that Fiche, *we knew what we were looking for and based on that Fiche...*” (Interview 40, my emphasis).

The same was reported in the first sub post-project report for the capacity-building project on food safety: “The NFA [Georgian National Food Agency] ownership of the CIB Phase 1 activities [first phase of the capacity-building project] and achievements is very high and the political support for such changes in the SPS sector should ensure suitable support for the intervention” (Comprehensive Institution Building Programme, 2014: 21). The second post-project report is even clearer:

“As a result, the beneficiaries of the capacity building events were not only appreciative of the opportunities to improve their skills and qualifications, but many credited the CIB as a reason for them achieving their departments’ mandates and objectives, stating that they could not have achieved their goals without the CIB program” (Comprehensive Institution Building Programme, 2017: 7).

Faced with a significant number of tasks related to putting legislation into practice (Lipsky, 2010), implementing actors tend therefore to select which tasks they will

devote their attention to (Bondarouk, Liefferink and Mastenbroek, 2020), and especially when their involvement within Twinning projects is only one out of several working assignments for them.

However, the lack of bureaucratic saliency was witnessed only in the projects on judicial training and gender equality, which are both related to the value-based side of the EU *acquis*. On gender-equality, policy saliency varied especially on the local level:

“And then there are groups of people in the administration who have gone through training to understand what it is, and there are parts of it that work with specific issues [on gender equality]. So you can say that it is kind of “okay” in some places, they do an absolute beginners’ work, and in other places it does not happen much” (Interview 22).

On judicial training, an EEAS official noted that the management of the High School of Justice did not particularly “push” for the implementation of EU standards in such policy areas, especially as regards to the reform of the structure of the school, to the possibility of inviting NGOs as speakers during training sessions of judges and as well prolonging the training periods for justice listeners (judges in training) in the country (Interview 37). However, for their Georgian counterpart, the non-implementation of such recommendations is due to subsequent misunderstandings. Inviting representatives from the Georgian civil society was regarded as problematic, since several of the judges invited to those trainings might have ongoing cases against them, and therefore were not allowed to interact with them before those cases were concluded (Interview 50). As regards extending the training period of justice listeners, interviewee 50 declared that it was mostly a problem of resources. However, interviewee 50 showed no interest in including the modules that the EU counterpart proposed (judgecraft and communication skills). Interviewee 50 wanted instead more training on civil law, criminal law, administrative law and also European law. This had to do with the fact that “you need to be *universal*, because in small cities and small courts they will have maybe one or two judges sometimes and *you need to know everything*” (interview 50, my emphasis). Such misunderstanding emerged, according to interviewee 50, because some of the EU experts proposed “solutions that do not fit our realities... Uh... Not realities of the country”. They should focus on policy solutions that fit the “realities of the court system” in Georgia (interview 50).

On gender equality, the post-project report is straightforward: “engagement of targeted institutions should be ensured; this raises ownership of the products developed and introduced by the project” (NIRAS, 2020: 37).

Political saliency and resistance

Political saliency

However, as argued earlier, implementation with EU law is likely to be more difficult if it meets insufficient policy saliency from political actors. Political actors from Georgian ministries were showing a willingness to comply with EU law in the Twinning concerning auditing, civil aviation, statistics, food safety, and market surveillance. For instance, the Georgian expert involved in the project on auditing reported that:

M – Then the next question will be that your ministry thought that this project was important, and they put much effort into it?

I34 – You mean our ministry.

M – Yes, the Ministry that you are attached to.

I34 – You know the Ministry of Finance did what else was on them. For example, the material, the office for the Twinning, all expenses because we don't have our own procurement function so all expenses were provided by it. Whenever we had for example important meeting, we needed high officials from the Ministry of Finance to be present or meet somebody, do welcome speeches or closing speeches, whatever, they were present. So I can't say, yeah. *There was due attention from the Ministry of Finance* (Interview 34, my emphasis).

The project on market surveillance was said to be on the Ministry's "high level of priorities" (Interview 38). The engagement from the beneficiary's relevant ministries is the key to achieving success in Twinning projects, as noted by interviewees 41 and 44. Showing saliency to the food safety project was also sending a strong message to the Georgian population as coming closer to European standards would signify a "come back to the European family":

M – Do you think that this motivation was kind boosted up by the DCFTA, the trade aspects?

I59 – I think that in real terms it was not much the trade, but *the political implications*... Because they knew that trade towards the EU wouldn't be significant, but you know Georgia is located where it is located in a map, it's

a little bit far away and they will always still need trade with Russia, and with Turkey and with that and that non-EU countries, so of course the trade dimension was important, but I think it was more important politically... They needed to demonstrate *success towards the population*, in terms of saying yes, we're Europeans, Europe matters to us, and it is extremely important in Georgia, politically but even culturally [...] So anything that can bring them closer to Europe really matters and is super motivational... *That's why sometimes things were moving really very fast, really very fast...* So the motivation was really very high" (Interview 59, my emphasis)

However, insufficient policy saliency was demonstrated in the areas of energy regulation, spatial planning and gender equality. On energy regulation, the Georgian government delayed the decision to introduce massive roll-out smart metering, which led to the fulfilment of the objectives of the Twinning being delayed (Interview 40).

In spatial planning, the Ministry of Regional Development and Infrastructure did not take ownership of the project and let local actors in Zugdidi and Gori bear the responsibility to implement the project:

"Because as you already know probably, Twinning projects are quite... let's say... difficult for internalization (?), for the beneficiary country, because they have to be really involved... And this is, I think, a big obstacle for the Ministry I worked with regarding the implementation of the project, the Ministry I worked with was the Ministry of Regional Development in Georgia, and you know, it was quite, I don't know, it was a little bit about responsibility and if you know that someone else can be responsible for something, you don't care or you pretend I was responsible but at the very end I am not" (Interview 18).

Finally, on gender equality, the saliency showed by political actors was varying a lot:

"So... during this thing, this course... I saw quite a commitment... So there were the ministry of labour, ministry of internal affairs, I think... ministry of justice... Then the prosecutor's office was represented... the government administration of course... I think the ministry of agriculture, because one programme maybe was in the countryside... So from my... what I saw... really... (inaudible) and the willingness... *But of course it depends on the political as well...* the administration of the ministry... the top management... and how ready they were to allocate time for these topics... Speaking of gender

responsible budgeting, *it was obvious that the ministry of finance was not willing... to take the lead of these topic*” (Interview 56, my emphasis).

Political resistance

Nevertheless, Twinning projects were often met by a certain degree of resistance from political actors in the areas where the government had vested interest. Such resistance could be manifested in several ways: (1) *not providing sufficient resources to public agencies*, (2) *blaming the EU* or (3) *pushing for a re-interpretation of EU Directives to favour vested interests*. Firstly, on refraining from providing adequate resources to Georgian public agencies, the Inter-Agency Commission for Gender Equality was staffed only by a Commissioner and several interns during the duration of the capacity-building project, an agency tasked to advance gender-mainstreaming in the country. UN Women ended up financing a permanent position in the Agency’s secretariat due to the government’s inaction in the matter. Besides, when the then head of the Inter-Agency resigned, the Georgian government delayed the decision to appoint a new Commissioner. As a result, the capacity-building project on gender equality had to be on hold for weeks (Interviews 22, 56). Furthermore, the Commissioner is not only responsible for gender equality, but also functions as an advisor to the Prime Minister on human rights:

“So, yes... And plus and minus, and this is one person, physically, even... And this person is responsible for human rights and for gender equality... So it’s two... two topics which in Georgia there is no willingness to step up... And this is very unfortunate” (Interview 56).

Additionally, as argued earlier, no gender equality strategy had been approved as of 2023, which is not only an issue related to personnel stability, but also of a certain resistance from the Georgian government that do not prioritize advancing on the challenged related to gender equality in Georgia. As said by Interviewee 56:

“Because also gender equality in Georgia... is... like this strategic document... Like the strategy on gender equality would be the human rights strategy... So there is a chapter... Now there is no strategy because the previous one expired and the new one was not approved... I think the reason is *because of these political changes and turbulences* [...] So... at the end of the day we slowly try to negotiate... to like present it as an idea that there should be a separate gender equality strategy... *But so far nothing promising*... And it would be another strategy on human rights... With action plan on

gender... (internet broke)... And yes ,but other gender equality related issues, *I would say rather no*" (Interviewee 56, my emphasis).

Secondly, governmental actors in post-soviet countries may blame the EU when being pushed to introduce unpopular reforms. On SPS, the Georgian government decided to comply with EU standards on slaughter and stunning, which will require farmers to slaughter animals in slaughterhouses before placing the meat on the market – and not in farms anymore. Such decision was likely to increase meat prices as there were only few slaughterhouses in Georgia at the time of the project, slaughterhouses that were all located in Tbilisi. The Georgian government introduced such requirement in order to open up the EU market to Georgian meat as a part of the EU-Georgia Association Agreement but also to favour the slaughterhouses that were owned by oligarchs, and blamed the EU for the decision:

“But the thing is they just announced it from one day to the next. So people were complaining, because the meat prices were soaring, because it was much more expensive for the farmers, because there were very few slaughterhouses, they had to bring everything to Tbilisi, etc. And they said, yes, we are doing this because of the EU. The EU is asking us to do it, so we have to do it, so blame the EU, not us.”

Lastly, governmental actors may push for an interpretation of EU law that would favor vested interests, which happened in the case of EU market surveillance legislation on cement products. International cement companies present in Georgia, such as Lafarge or Heidelberg Cement had complained to government officials and members of the Georgian parliament over cheap imports from Turkey and Iran, that represented unfair competition to them. Similar complaints were raised about steel reinforcements, plastic pipes and electric co-wiring. Therefore, the government pressured TCSA to prioritize the implementation of the Construction Product Regulation No 305/2011 so as to establish harmonized rules and standards for the production and the import of construction products to Georgia. However, the TCSA used such Regulation in order to check all cement products brought to Georgia, which is not what the EU concept of market surveillance is about (according to which it is the responsibility of the manufacturer to check the products it produces before placing them on the market). Georgian political actors pushed for complying with EU law while at the same time challenged its very substance, in order to eliminate foreign competitors and benefit local compagnies. In the words of an EU expert on market surveillance:

“Yeah, so our plan for toys, electrical products and so on had to get put to the back and construction products came to the front, it was a priority, we did training on it, we did some quality studies on it, we had experts coming over and train the inspectors that they were, we went out to a cement plant and they did some checks on cement and so on [...] But because of the pressure on the Agency, that they implemented their construction regulation products in October 2019, which was earlier than expected, they had to focus on it, they were doing one hundred percent inspections of cement, steel reinforcement, plastic pipes and electric cables being brought in in the country, which isn't market surveillance by the way, *that's, 100% inspections isn't what the concept of market surveillance is about*” (Interview 13, my emphasis).

This is confirmed by the post-project report of the Twinning on market surveillance: “There are still some areas where improvements are needed and there remains *resistance* to some modern approaches to market surveillance that must be addressed” (European Commission, 2020c: 7).

A similar case of “re-framing” of the EU acquis occurred as well in the case of food safety. Regulation (EC) No 178/2002 places restrictions on which business operators may proceed to the slaughter of animals (that is, if the final product is intended for trade) and Council Regulation (EC) No 1099/2009 imposes rules for the protection of animals during the time of slaughter. We have seen just previously that the Georgian government had to re-build the food safety system in Georgia and particularly re-establish slaughterhouses. However, the Georgian government used the requirements laid down in the EU acquis in order to favor domestic vested interests in the country:

“And the reasons why the Georgian authorities at that time acted and imposed it earlier, is because the single only slaughterhouse that existed at that time in Tbilisi was managed by some cronies [inaudible], so it has nothing to do with EU regulations, it was just a corruption scheme. So we said no, this is not correct, Georgian authorities are lying. We said it very upfront. *So it a good example of how these things that are very technical can turn very political*” (Interview 59, my emphasis).

Such arguments relate to the concept of *Vzяткоемкост*, defined as the “potential of a piece of legislation to create opportunities for bribery” (Timm, n.d.). Indeed, the UNDP often views legislative texts that are vaguely formulated, leaving civil servants flexibility and discretion with respect to its implementation, sequence and delegation as a possible venue for corruption (UNDP, 2013). This is often the case with EU legislation as both EU and non-EU Member States routinely

interpret and re-shape EU policies when transposing them into national law, a process that we refer to as *customization* (Thomann, 2019; Zhelyazkova and Thomann, 2022). I can then very cautiously argue that customization provides greater opportunities for favoring domestic vested interests in hybrid regimes such as Georgia, as political actors are more closely tied to domestic veto-players.

Conclusion: an uneasy environment for EU norm implementation in Georgia?

This chapter has considered how the policy environment, otherwise named as scope conditions impacts on the work of expert networks in Georgia, based on the compliance studies literature and on the distinction between *the management and the political approach*. On the political approach, we have seen that bureaucratic resistance and the lack of saliency are margin phenomenon in the twelve Twinning projects examined within the scope of this dissertation. For most cases, both EU and Georgian bureaucrats acted as *policy champions, or policy entrepreneurs* committed to correct EU norm implementation. Enforcing EU law in a non-EU context requires adaptation, negotiation and brokerage amongst the wide range of parties involved, and – as underlined in my empirical data, many of my respondents have been indeed talking about “re-arrangements”, “changed circumstances”, “sharing ideas” or “re-shuffling”. As remarked by Kingdon:

“Calling attention to the special role entrepreneurs play in joining the streams highlights two rather different types of activity. Advocacy is involved, but so is brokerage. Entrepreneurs advocate their proposals, as in the softening up process in the policy stream, but they also act as brokers, negotiating among people and making the critical couplings. Sometimes, the two activities are combined in a single person; at other times, entrepreneurs specialize, as in the instance of one pushing from an extreme position and another negotiating the compromises” (2003:183).

However, coming back to the difficult policy environment they are embedded in, policy entrepreneurs do face significant challenges in their work can be predicted using the *management approach in compliance studies*. The lack of knowledgeable staff, of personnel stability and of material resources negatively affect EU norm implementation. However, the effects of such scope conditions vary from project to project, as we have seen earlier. How to explain such variation? Of course, insufficient administrative capacity and resources are issues of concern in a wide variety of countries in the world, but more particularly in the

post-soviet space (Papadimitriou and Phinnemore, 2004; Verheijen, 2007). However, providing its domestic apparatus with enough personnel and resources is also, in some cases, a *political choice*. While there exist “pockets of efficiency” in states with lower levels of administrative capacity (Dumitrescu, 2021; Gel’man, 2022), political actors in Georgia could also strip off budgets, delay the appointment of top-level bureaucrats or even show little political saliency in policy areas that they do not prioritize or in areas where they resist EU law implementation (see the examples of the Inter-Agency on Gender Equality or on smart metering).

Nevertheless, adequate administrative capacity does not necessarily mean that EU rules will always be respected and complied with. Nicole Lindstrom’s study (2021) on the implementation of state aid rules in Hungary and Estonia shows how strong administrative capacity can foster what she denotes as *creative compliance*, that is when knowledgeable public officials assist governments in formally following EU rules while circumventing their substance. Hungarian officials, due to their superior knowledge of EU law, were to a greater extent able to advise the government on which types of aid fall under the ‘General Block Exemption Regulation’ (GBER), which allows state aid if it fulfills horizontal goals such as research and development, training or infrastructure in underdeveloped regions (ibid.). By doing so, they challenge the spirit of EU state aid rules. On the words of Lindstrom:

“Adept administrators are not only important to implementing EU rules; they play a crucial role in aiding governments in complying creatively when governmental ideological preferences conflict with the substance of core EU rules [...] National administrators are important but hitherto *understudied agents* in navigating growing tensions between the uniform application of supranational free market rules and increased domestic politicization of the core incentives and obligations underlying the single market project.” (2021:1802).

We have seen examples of such creative compliance, or *Vzyatkoemkost* with both market surveillance and food safety standards in Georgia. I recall here the empirical examples of the implementation of the product safety standards on cement, or on the standards around slaughterhouses in Georgia, where political actors were clearly pushing bureaucrats to implement EU law so as to favor domestic vested interests.

CONCLUSIONS AND AVENUES FOR FURTHER RESEARCH

Summary of the empirical findings

This dissertation has sought to answer the following research question:

What facilitates as well as hinders the work of EU and Georgian experts in the process of implementing EU norms in Twinning projects?

This dissertation has argued that we need to look into both the personal interactions within expert groups as well as into the external environment in which they operate in order to understand why some of those communities are more efficient in implementing EU law than others. Therefore, in order to answer that broader main research question, two sub-research questions guided my analysis:

First sub-research question: How does the interactions between EU and Georgian experts affect the process of implementing EU norms?

Second sub-research question: What scope conditions affect the work of EU and Georgian experts in the process of implementing EU norms?

This dissertation has *demonstrated that there is a mundane face of Europeanization*. It has argued that bridging Europeanization with policy transfer studies has allowed us to move down the ladder of analysis in order to capture how implementing actors, such as civil servants and officials working in the domestic administrative apparatus of third countries, are involved in day-to-day interactions with their counterparts from EU Member States and how such

interactions could either facilitate or hinder EU law implementation. As seen in the introduction chapter, Europeanization research assumes a “rather reductionist top-down research model focusing on domestic convergence in response to the EU’s normative and material pressures identified with the EU’s institutional integration”, although a certain number of studies have underlined the importance of socialization processes for producing domestic change (Neuman Stanivuković, 2017:12). Indeed, approaches leaning on sociological institutionalism have captured how domestic actors in the EU’s Eastern neighbourhood are being *socialized* into EU norms (see for instance Kostanyan & Vandecasteele, 2013; Kostanyan, 2014; Rommens, 2014; Petrova and Raube, 2016; Wódka and Cianciara, 2019). However, those approaches have not sufficiently clarified how those socialization processes work in practice and what kind of mechanisms explain norm diffusion (de Flers and Müller, 2010), which the policy transfer literature has done as it has concentrated on how exactly norms, behaviors and practices are altered by socializing with others.

Moreover, one of the theoretical assumptions that have steered my research is that Europeanization is a *multidirectional process occurring through interactions between EU and domestic actors* (Neuman Stanivuković, 2017:3). The Europeanization theoretical framework has been divided into either top-down (measuring the impact of EU instruments, such as conditionality, on domestic change) or bottom-up approaches (analyzing how domestic actors, such as national governments, business or civil society actors react to EU’s demands). I argue, on the contrary, that such division does not reflect the complexity of Europeanization processes, and for three different reasons: (1) it disregards that EU norms are constantly *negotiated, adapted and resisted upon* in interactions between EU and domestic actors, (2) it neglects that norms still have to *be implemented* when adopted in the receiving country’s institutional and legal framework, and (3) it does not consider the role of *civil servants* in norm transfer processes. Hence, I have selected twelve Twinning projects implemented in Georgia between 2012-2020 and interviewed civil servants, both from EU Member States and Georgia in order to grasp how their interactions lead to domestic change.

Consequently, to analyze how those interactions mattered for the experts involved in Twinning and capacity-building projects in Georgia, which is the first sub-question of this dissertation, I applied the theoretical framework developed by Mai’a K. Cross (2013, 2015) in her studies on European security communities. This theoretical framework underlined the role(s) played by three distinct factors when experts collaborate with each other: (1) whether the expert group shares a *particular culture and professional norms*, (2) whether the members of the group have worked together *previously* and finally (3) whether it acts as *more than the sum of its parts*. Through my empirical data, we learned that those factors did not

have a similar explanatory power when analyzing expert interactions: a shared working culture and norms and informal interactions did characterize well-functioning expert groups more than whether the groups acted more than the sum of its parts. Previous professional encounters did not seem to be relevant for both EU and Georgian experts when reflecting upon whether expert networks work effectively or not, which also depends on the high degree of staff turnover that characterizes the Georgian administrative apparatus.

Furthermore, I also contributed to refining Mai'a K. Cross' theoretical framework by unpacking what exactly lies behind those three broad factors. What illustrates exactly a strong working culture and professional norms? How do informal interactions help to foster such culture? We learned that efficient communication channels do not only allow alleviation of conflicts and misunderstandings concerning working schedule and pace, Twinning rules and priorities but also communication with each other, which improves the well-functioning of expert groups (Head and Alford, 2015; Panchuk, 2019). Miscommunication can pose major problems in the day-to-day running of Twinning projects. Those major problems have the potential to severely delay workshops, seminars, study visits and other kinds of activities related to EU norm implementation in recipient countries. On the other side, open communication channels enhance EU norm implementation in the sense that they foster shared understandings, consensus in how to solve policy problems and help experts to tailor project activities to the needs of the beneficiary country, as we have seen in my empirical data.

Additionally, I have demonstrated how shared past experiences from the socialist camp also enhance the well-functioning of expert groups. Surely, for some of my respondents, the presence of Polish, Croat or Baltic experts enabled them to find solutions on how to implement EU legislation more simply as such experts shared socio-linguistic proximity and historical legacies with countries such as Georgia. Such presence has also worked as a powerful narrative for some Georgian experts, as it represented that countries from the post-soviet space could be successful in their way to the European Union (Rodgers, 2014). Does it necessarily mean that we can describe the post-soviet space as a site where policies and norms travel more easily? It is certainly a question that would be interesting for further research to analyze more closely. Also, we have also learned that informality matters for a more effective EU norm implementation. Informal encounters also become sites where EU law is negotiated and adapted to local contexts, which Mai'a K. Cross hinted at when she talked about informal meetings being moments "when flags are down" (2015), which leads to consensus being reached more swiftly. Meeting outside of work, such as in restaurants, cafés, study visits, or communicating through WhatsApp, Facebook Messenger outside of working hours mattered a lot for both EU and Georgian experts. Informal contacts helped to have more relaxed and open discussion about

the policy challenges to solve and enhanced the sense of cohesion in expert groups. As seen earlier, my respondents felt that informal contacts shaped “more close relations” between the EU and the Georgian side (interview 43). Consequently, I can propose the following refinement of Cross’ theoretical framework:

Table 5. Mai’a K. Cross’ revised theoretical framework

Expert interactions facilitating effective norm implementation	Evidence	Implications
Its members share a distinctive culture and shared professional norms beyond the bureaucracy they inhabit	Effective communication channels help experts to agree on project priorities, project rules and on how to communicate with each other	Agreements and common positions are found more readily as effective communication channels lead to less conflicts and misunderstandings
Its member share similar historical legacies	Similar historical legacies help experts to understand better local contexts. They can also serve as powerful narrative for experts to show that there is a way to overcome negative experiences from the past.	Agreements and common positions are reached more readily as experts can better fit policy solutions to local contexts
Its members have informal encounters with each other	Meeting quality is more high and efficient, as consensus is reached more easily in informal settings and experts can have more open and relaxed discussions about policy solutions. The cohesion of the group is also strengthened.	Agreements and common positions are found more readily in informal settings, and these are not simply lowest common denominator outcomes

Needless to say, further research needs to examine whether such revised framework can hold in settings other than Georgia.

Besides, I have demonstrated that expert groups operate in a difficult policy environment, which affects their ability to implement EU law in Georgia. This has been the focus of my second research question on the external scope conditions that facilitate or hinder EU norm implementation. From the distinction proposed by Bondarouk, Liefferink and Mastebroek (2020) between the *management and political approaches to compliance*, I have shown that the lack of knowledgeable staff and of personnel stability largely hinders EU norm implementation in Georgia. To a lesser degree, the lack of material resources did the same. In fact, the lack of personnel’s policy knowledge and experience were reported by 29 interviewees, personnel stability was underlined only by 22 respondents and material resources by 18. However, it is worth mentioning that staff shortages were a more salient issue for my EU than for my Georgian respondents. Often, my Georgian respondents were more nuanced in their answers: although they certainly wished for more staff, they often underlined that they had enough staff to implement the different activities of the project. Were

they trying to “outperform” and overshadow the readiness of their public agency to implement EU law towards me? Is it more the sign of a disagreement between EU and Georgian experts? My empirical data does not allow me to draw such general conclusions, but those are definitely questions that are worth looking into further.

Coming to the political approach to compliance, my empirical data did not demonstrate evidence of particular lack of saliency, or even of resistance from domestic bureaucrats in Georgia. They were rather described as “policy champions” or “policy entrepreneurs” (Kingdon, 2003; Bondarouk et al., 2020) committed to finding policy solutions so as to implement EU legislation in Georgia. Policy entrepreneurship matter for the correct implementation of EU law (Bondarouk et al., 2020). Both EU officials involved in the Twinning projects analysed in this dissertation, and also European Commission officials overlooking EU law implementation within the projects’ policy sectors described the Georgian administrative apparatus as motivated and dedicated to implement EU law in Georgia. Bureaucratic resistance is a marginal phenomenon in Georgia. Describing how negotiations between EU and Georgian experts unfolded in practice, the words used by both EU and Georgian experts were not expressing any sign of resistance, but of “re-arrangements”, “changed circumstances”, “sharing ideas” or “re-shuffling” or “discussions”. Adaptation is the customary mode of EU norm implementation, which empowers bureaucrats to look for policy solutions and discuss them with their EU counterparts. In the words of Zhelyazkova and Thomann, “EU policies will induce *changes* in the behaviour of decentralised implementers, which are needed to *solve* shared policy problems” (2022:427-428, my emphasis). However, such conclusion does not mean that bureaucratic resistance is a complete non-phenomenon in Georgia: the capacity-building project on gender equality is an example where some bureaucratic actors did not seem to be willing to implement parts of the EU *acquis*.

Lastly, we can hypothesize that the *politicization* of EU norm implementation is likely to be higher in post-soviet contexts, as the domestic public apparatus of the many hybrid regimes that inhabit the post-soviet space may be more closely linked to political actors (Verheijen, 2007; Ghonghadze, Dolidze and Edner, 2017; Urushadze, 2018; Mussagulova, 2021; IDFI, 2022). That is why the distinction between a management and a political approach to compliance is blurred in hybrid regimes in the EU’s Eastern neighbourhood (and probably in hybrid regimes in general). Consequently, we have found in my empirical data instances of insufficient political saliency (particularly in the areas of energy regulation, spatial planning and gender equality) but also of *political resistance to EU law implementation*. In certain projects, political actors resisted such implementation by using three different resistance strategies: (1) *not providing*

sufficient resources to public agencies, (2) blaming the EU or (3) pushing for a re-interpretation of EU Directives to favour vested interests. Those instances of resistance have concerned both the technical *acquis* and value-based projects. In that sense, there is no significant variation whether activities related to EU law implementation concern EU values or EU standards: in my empirical cases, I have found politicization both in food standards, market surveillance legislation, judicial training or gender equality. Political resistance occurs in the implementation phase when domestic veto players have the power to block the necessary changes to comply with EU law (Börzel, 2022:54) whether it is powerful cement producers or veto players resistant to the implementation of the EU gender equality *acquis*. Domestic veto players from non-EU-Member States are even more likely to be present in the implementation phase of EU law since, contrarily to veto players within the EU, they cannot influence the shaping phase of EU legislation, that is, when EU legislation is negotiated upon in Brussels. Georgia has indeed no representation in the Council of the European Union and its working groups shaping EU law. Consequently, such veto players resist EU demands in the implementation phase. In addition, my empirical results contradict the assumption often made in compliance studies that, domestic politicization is “more likely in Member States where public support for the EU is low” (Börzel, 2022:54). As I have mentioned earlier, Georgia has the highest level of EU support amongst the ENP countries with 85% of Georgians that either “fully support” or “somewhat support” joining the EU in 2022 (IRI, 2022). Political resistance occurs in Georgia when governmental actors choose to avoid the costs of compliance in order to favor domestic veto players, even if it might be contrary to citizens’ demands.

I will come now to the theoretical conclusions that could be inferred from my dissertation.

Theoretical implications

The everyday making of EU law implementation

« In the parlance of traditional integration theories, the propensity of European policy-makers to overcome disagreements and find compromises has been understood as constituting the engine of deepening integration. However, these perspectives have rarely incorporated the *daily actions* of European diplomats and civil servants as part of the explanation for how *the engine of integration is moving forward* » (Bremberg et al., 2022 :4, my emphasis).

My dissertation inserts itself in a burgeoning academic discussion on how policy-making actors, through their daily interactions, design and shape policy solutions that implement the EU's international role (ibid.). How to conceive the everyday of expert groups involved in capacity-building projects? There is a growing literature within International Relations (IR) that has made a serious attempt to "move away from extant 'grand' frameworks towards approaches that hold much potential for seeing abstracted global systems and structures through the lenses of lived, embodied and experiential everyday processes" (Solomon and Steele, 2017:275, see for example Enloe, 1989; Dufort, 2013; Jarvis and Lister, 2013; Holland and Solomon, 2014; Mannergren Selimovic, 2019). However, those studies often lean on anthropological or ethnographic methodological approaches, which is not the case for my dissertation. Furthermore, my focus is rather on defining interactions within expert groups and how those affect their well-functioning rather than on how individuals experience the structures they are embedded in. Instead, I understand everyday interactions as:

"the formal and informal practices [that] reveal how communities of practice are forged and how they sustain their efficiency and working environments [...] These practices also develop through a strong willingness by the participants to make European foreign policy work, sometimes because there is a realization that a certain way of working does not function and needs to change, and sometimes through a more gradual, non-reflective process of simply trying to increase the efficiency of the group" (Bremberg et al., 2022 :3).

Even if Bremberg et al. book analyzed the practices of EU diplomats engaged in CFSP working groups, I contend that exploring how experts develop formal and informal norms on how to work better together is of importance for the study of the EU's external influence. The effectiveness of expert groups, or the lack of it, impacts how well EU law is implemented not only in the EU's neighbourhood, but also certainly within the EU and amongst its candidate countries. In that sense, as we will see later, well-functioning expert networks are also engines of European integration, as Bremberg et al. hinted in the quote that introduces this section.

However, further research needs to look at whether those formal and informal rules depend on the context expert groups are rooted in. Do those rules look alike for experts beyond Georgia? Does the EU's *carrot of membership* influence how those rules and shaped and developed? What about networks of regulators within the EU, such as with European Administrative Networks (EANs)? A cross-

comparative study could compare Twinning projects in candidate countries contra in non-candidate countries or could as well compare expert groups within the EU with expert groups beyond the EU. Empirical examples of such expert groups are, as I have underlined earlier, numerous (Twinning projects, EANs, the Commission's expert groups, comitology committees, Council working groups etc.). Could it be that those formal and informal rules governing expert groups are similar? Could it be that informality and effective communication channels, which were particularly relevant for my EU and Georgian participants, are equally actual for expert groups within the EU or in candidate countries? Previous professional encounters did not matter that much for my respondents – is it also the case for EU expert groups? There is a need for a new research agenda examining what kind of interactions are facilitating the work within expert groups beyond Georgia.

Power inequalities within expert groups

Even if Mai'a K. Cross' framework does not incorporate issues related to power inequalities between experts and seems to assume that each expert is equally important in the group, it is worth reflecting upon such inequalities based on my empirical data. As I have recalled earlier, expert groups can be *hierarchically structured*. In that sense, “it matters not only what some member says, but who says it [...] [some] leaders have a certain authority and independence, which some [...] can and do use to be a catalyst, a source of ideas, precedents and decisions” (van Waarden and Drahos, 2002: 930).

One of the questions that I often asked my Georgian respondents was whether they felt a certain sense of authority from their EU counterparts, and whether they felt they were considered as equal. The wide majority of them replied in the negative and affirmed that the EU experts were treating them as equal partners (interviews 34, 35, 38, 40, 41, 43, 44, 47, 49, 50, 51, 52, 54). As discussed earlier, Georgian experts often described the daily activities of the project as composed of “discussions”, “sharing our experiences”, “small disagreements”, “healthy arguments”, “flexible discussions”, “some misunderstandings and discussions”, “working together” but did not report any conflicts related to possible power inequalities between experts. However, it is quite evident that there is an implicit *we/they distinction* when both EU and Georgian experts responded to my questions. I will provide here some examples:

From EU experts:

“In Georgia, they decided that it wouldn't do it that way, they wouldn't adopt the General Product Safety Directive – they have it in parts, but not fully – they would approximate and implement these product sector directives first. It's a little bit vice and versa to what we recommended” (interview 13, my emphasis)

“I mean, I have the opening, and we are preparing the small leaflets of what the project is intended to do, and we have to do it in Georgian and in English, and I have my text developed, and I am waiting two weeks, two weeks for the beneficiary to approve the text” (interview 16, my emphasis)

“We also translated other documents that were not directly linked to SARAS, but had to do with public interest, I mean, accountants’ and auditors’ interest. To help them reform. But I think that the beneficiary staff is trained and has to have the resources to be trained” (interview 18, my emphasis)

“Yes, it quite changed. Because the idea is that the Georgians are running the project, we advise them. Very easy task. Georgians did run the project [...] That was the easy part. But the substance part. It kind of fall on the international advisors’ shoulders. We made to make the choices of experts, we run that part completely.” (interview 19, my emphasis)

“No for example, this is this legislation. They have certain secondary customs legislation, and then when they started to work with the legislation [we proposed?], we got information that they had actually total reform of their customs legislation going on (interview 25, my emphasis).

From Georgian experts:

“So, on dynamic approximation I would say that it was achieved, so *our* colleagues from Greece thought, as much as possible, *they* worked with *our* lawyers, with *ourselves*, so *they* provided ideas and suggestions on how the law should be amended. And *we* actually already have drafts according to *their* suggestions” (interview 34, my emphasis)

“In some cases, maybe *they* were kind of imposing directions, *they* said that we need to do this in order to you this result” (interview 43, my emphasis)

“And I hope that *they* learned something from *us* as well” (interview 49, my emphasis)

“So they are sharing their experience, *they* are providing *their* recommendations and so on and we are working together... So *we* tell them about *our* work, about what are *we* calculating and how *we* are calculating and what methodology *we* use and so on, and so *we* have discussions” (interview 54, my emphasis)

What does such power imbalances say about expert groups within Twinning projects? What is the importance, if any, of the *absence of a joint “we”*? And what does this implicit distinction mean for the interactions between the experts? The policy transfer studies framework has hinted that coercion might negatively impact the success of policy transfers: coercion results in transfers that do not fit the reality and the needs of domestic contexts, in transfers that are superficial and indefinite (Parnini, 2009; Webber, 2015). Is learning within Twinning projects

occurring horizontally, with equal participation and involvement of all experts involved, or vertically, with some of the members acting like “teachers of norms” (Versluis and Tarr, 2013)? Further research should look at the impact of those power imbalances on such interactions and at the end, on norm implementation. There are stronger links to be built between the Europeanization literature and the literature on epistemic violence or epistemic injustice as regards to Twinning or capacity-building projects. As pointed out by Merlingen (2007), the EU projects a “Janus-faced character” when diffusing its norms abroad. When trying to encourage new policies, institutional designs and modes of conducts in third countries, the EU is at the same time entailing arbitrary constraints and limiting how domestic change should unfold in its partners (ibid.). EU’s norm diffusion necessarily implies hierarchies of knowing where the EU ‘knows better’ how policies should be designed and implemented (ibid.). Consequently, the “expert-based implementation of seemingly apolitical norms of good governance” could be seen as a “means of control that imposes a series of social, cultural, political or other constraints on human agency” (ibid., 2007: 441) that third countries do have limited say upon, especially when engaging in enlargement negotiations (related to the Copenhagen criteria) or Association Agreements. Is that what is revealed in this distinction between us/them in my empirical data? Since revealing power imbalances in expert groups involved in Twinning project was not my research focus, I do not have enough evidence to verify or falsify such hypothesis. Still, there is a need for further scholarly work on power imbalances within expert groups between the EU and third countries. In their daily interactions, who gets to speak? Who gets to be listened to? Who remains silent? And what effect does it have on which policy solutions are chosen? How do power imbalances influence the outcome of those interactions, that is, EU norm implementation?

Towards more durable European Administrative Networks (EANs) ?

Even if this is beyond of scope of my dissertation, I noticed during my data collection that the formal and informal rules developed by expert groups in Georgia contribute as well to their longevity (even after the completion of the Twinning projects). Some of my respondents have underlined how not just shared norms revolving around communication, working schedule and pace but also how informality led to them continuing their cooperation in different settings. Out of the 11 projects, 6 continued in another form and institutional set-up: the projects on *energy regulation, civil aviation, auditing, SPS, customs and gender equality*.

Firstly, a majority of experts involved in those six projects point out the importance of previous professional encounters and informal meetings during the project to develop trust within the expert group involved. For instance, two EU

experts involved in energy regulation notice a certain change of how the domestic public agency regarded them through time:

“What has changed is the beneficiary administration. For example, when we were doing the first project, we were, mostly, teachers. It sounds not so nice but it is how it is. And in the second and the third projects, we are *colleagues*. That’s how it changed during time. At the moment we are absolutely on the same level, they are very very good experts so *it’s not anymore teaching but it’s more develop a discussion of topics*” (Interview 12 and 13, my emphasis)

“[It] is also at the beginning, in the first project I think I was more somebody who tells how it will be done and now I am more a separate unit within the beneficiary administration, I am like a *department of the beneficiary*, already. So, in the first project it was more I was a foreigner and I had to tell what they had to do” (my emphasis).

Such expert group of energy regulators is, at the moment of writing this dissertation, completing their fourth project together, a fourth project that started in February 2021.

Similar remarks were made by the EU expert working on the civil aviation Twinning, when talking about how the project has been extended:

“Of course you need the personal talking and especially all *those talks under four eyes are extremely helpful*, but the basic work, like I send you a document, you send it back, you comment it, these standards, this can be done electronically as well. Yeah, then, after some time, it was clear that we have still some budget available, and there is always something to do, so you cannot say, after 18 months, that’s it, we did everything, there is nothing more, there could be room for another five years of Twinning if you like, in this case we said ok, we have the budget, we should do, put as much effort into Georgia, it was the second Twinning we were in” (Interview 15, my emphasis).

The same expert was hired as a consultant by the Georgian Civil Aviation Agency at the end of the Twinning, and now a Memorandum of Cooperation has been signed between the Agency and its Austrian counterpart – thus proving that such Twinning has evolved into a more formal EAN. The same is true for the Twinning on Auditing, with the Georgian Service for Accounting, Reporting and Auditing Supervision (SARAS) having now a memorandum of cooperation with the Hellenic Accounting and Auditing Oversight Board. Personal ties between the

chair of such Greek authority and its Georgian colleagues, and their personal involvement in the project were described as crucial for the signing of the memorandum between the two authorities.

Informal meetings were viewed as essential for further cooperation in several Twinning: on energy regulation and food safety standards. Other projects, due to close personal ties and professional history between EU and Georgian experts, continued in a more informal manner. The project on customs was not extended to a new project or did not lead to a memorandum of cooperation, but due to having previously met its Georgian counterparts within the EU-Georgia Strategic Framework Group for customs issues, the project continued in an ad-hoc manner:

“Of course we are still in contact with the colleagues from the GRS and if they need some assistance, some explanation, some additional material we are ready, we developed it during the project and on informal ways we also provide assistance to the GRS experts, without any special procedure, this is just, let’s say, as colleagues who are experts in a particular areas. *It’s without the Commission, it’s informal, traditional human relations with colleagues in Georgia*” (Interview 26).

I argued earlier that Twinning and capacity-building projects shared similar features with European Administrative Networks (EANs). From my empirical data, I can then (cautiously) advance the argument that formal and informal rules lead to increased cooperation between the EU and Georgia, which makes those expert networks resemble semi-permanent EANs more than ever. Further research could therefore look into bringing the literature on expert groups to studies concerning the evolving nature of EANs. Indeed, a few studies have examined why certain EANs turn into having more permanent institutional set-ups. Mathieu (2020), for instance, points at EU Member States’ priorities so as to explain why certain networks evolve into being EU agencies in their own rights: if Member States perceive that regulatory integration is the adequate response to pressing policy problems, they are more likely to delegate more regulatory powers to the EU. Vantaggiato (2019, 2022) demonstrate that EANs are social networks that adapt to changes in their regulatory environment: since the purpose of collaboration within EANs have shifted from learning to finding compromises in order to influence EU policymaking, EANs such as the European energy regulators changed and became a forum to monitor each other’s contribution to the goal of reaching such compromises. However, little is known about the impact of the interactions between network members on their evolution, an impact that this section modestly hints at. Norms such as informal and intensive communication culture, professional homogeneity, national policy values or agency characteristics do affect the extent to which national experts collaborate

within EANs (Cengiz, 2010; Eberlein and Newman, 2008; Martinsen, Schrama and Mastenbroek, 2021). Further research needs therefore to examine such impact as regards to expert groups beyond the EU.

Additionally, there is a broader theoretical conclusion that could be drawn from such insight, which is partially beyond the scope of this dissertation and a bit more prospective. It is a well-known fact that Georgia has submitted its application for EU membership in March 2022. Georgia has however, at the time of writing, still not been granted the EU candidate status. I do not here wish to speculate how such application will process and how long the accession negotiations will last, but it is of no surprise that there is little appetite amongst EU Member States to accept new members in the near future (Anderlini, 2022). France's "no" to opening negotiations with North Macedonia and Albania in 2019 has certainly not given positive signals to the current candidate countries that any of them was likely to join the European Union anytime soon. In the context of accession negotiations between the EU and Georgia (hypothetically) being very lengthy, could then Georgia's European integration occur mainly through Twinning and capacity-building projects being more or less semi-permanent? Could those enduring and dense networks of experts between Georgia and EU pave a way for the country to informally join the EU's club without being formally part of it? Sandra Lavenex describes the third countries' participation in the EU sectoral bodies as "the external face of differentiated integration":

"The differentiation of governance modes in the European Union and the proliferation of transgovernmental co-ordination have opened up new opportunities for the differentiated integration of non-member states. Below the surface of the EU's central decision-making bodies, third country regulators have gained access to a plethora of committees and regulatory agencies that contribute to the development and implementation of EU policies. Combining the projection of the *acquis communautaire* with third countries' inclusion in pertinent fora, this transgovernmental outreach amounts to an *external form of differentiated integration*" (2015:850, my emphasis).

Is that differentiated integration already happening for Georgia's case by its participation in Twinning and capacity-building projects? If so, this raises important questions concerning the nature of Georgia's relations to the European Union: if such accession proves to be drawn-out, Georgia will be - during an extensive period - excluded from the EU formal decision-making processes as it cannot participate in the shaping of the EU policies that are still binding upon it, which shows clear "*democratic deficiencies of third country integration without membership in the EU's policies*" (Öberg, 2023:13). In that case, differentiated

integration through more or less permanent networks of experts could be a way to allow European legislation to be more adapted to local contexts in the implementation phase, a kind of “flexible European integration” (Lavenex, 2015; Gstöhl and Frommelt, 2023).

Regime variation and norm implementation

To conclude, I will allow myself to draw a fourth theoretical implication from my dissertation. We have seen how the domestic public administrative apparatus in hybrid regimes like Georgia is more closely linked (and dependent) political actors (Verheijen, 2007; Ghonghadze, Dolidze and Edner, 2017; Urushadze, 2018; Mussagulova, 2021; IDFI, 2022).

Two main empirical conclusions could be drawn from that. To start with, insufficient administrative capacity is not only an issue of management or of budget, it could also be a *political choice not to provide agencies and ministries with sufficient staff*. I have underlined that particularly in the project with the Inter-Agency Commission for Gender Equality, where the Georgian government has shown very low commitment in advancing the implementation of the EU gender equality acquis (notably by not replacing the Commissioner chairing this Inter-Agency for months or by delaying the signature of a new Gender Equality Strategy). As argued earlier, the distinction proposed in compliance studies between *a management and a political approach to compliance* is, without any about, to be maintained analytically but is empirically difficult to apply in hybrid regimes such as Georgia. Political actors are, once again, involved in the implementation phase of EU legislation if such implementation is hurting vested interests in the country. Far from being a “policy without politics” (Schmidt, 2006), EU law implementation is resisted upon by political actors in such contexts (I am not implying here that it does not happens within the European Union).

Lastly, a strong administrative capacity is not, as seen earlier, necessarily likened to more correct EU law implementation: in that sense, the study already quoted by Lindstrom (2021), examining how Hungarian bureaucrats were pushed to “*creatively*” *comply with EU law, that is to formally comply with EU requirement while challenging their substance*, could be an inspiration for further research on how widespread such phenomenon is in the EU’s neighbourhood. A cross-comparative study would, in such matters, examine if creative compliance is more common in the ENP partner countries, or even with that within the European Union or with candidate countries. Is it even more common in more authoritarian regimes within and beyond the ENP? In short, a promising research avenue would be to examine if regime variation impacts norm implementation. Vladimir Gel’man’s newly published book on the *Politics of Bad Governance in Contemporary Russia* could serve as a starting point for such inquiry. As he

explains, some regimes are characterized by bad governance, which he defines as a combination of four factors:

- a. A lack of rule-of-law and/or perversion of its basic principles
- b. A high degree of corruption, which penetrates all levels of governance
- c. A combination of high density, poor quality and selective implementation of state regulations (labeled here as the phenomenon of the “overregulated state”)
- d. General government ineffectiveness, except for certain crucial policy areas and/or priority projects and programs (often conducted under special conditions) (Gel’man, 2022 :10).

All those features impact the implementation of reforms in contemporary Russia. As he writes:

« Post-soviet bad governance implicitly assumes the aspiration ruling groups to successfully implement policy reforms. They aim to achieve a high degree of socioeconomic development and to *accomplish at least some policy reforms oriented toward attaining these goals*. This agenda is shared not only by the ruling groups of post-soviet Russia but also by significant parts of the citizens. However, under the conditions of bad governance this agenda faces numerous obstacles. First, policy reforms must be implemented by the state bureaucracy with all its problems and vices [...] Second, policy reforms that may infringe on the interests of influential rent-seekers will be curtailed, *especially if their implementation is not endorsed by a powerful coalition of supporters [...]* Third, in these circumstances policy reforms often lead to *unintended and undesired consequences*. These consequences depend not only on specific policies in certain areas but also to a great degree on the hierarchical mechanism of governance within the framework of the power vertical and its institutional constraints on policy reforms” (2022:40, my emphasis).

Even if Gel’man’s book concerns only political reforms in Russia, his conclusions are undeniably significant for EU law implementation in countries both in the EU’s Eastern and Southern neighborhoods. Further research could investigate how regime variation affects norm implementation by selecting EU partner countries, and not necessarily only in the post-soviet space, that vary on Gel’man’s four features of bad governance. Are instances of “creative compliance” more common in authoritarian regimes, such as Azerbaijan or Algeria? Are political actors even more involved in EU law implementation in such contexts? How do experts, both from the EU and domestic agencies, operate

in such harsh political environments? How does the mundane face of Europeanization look like in more authoritarian regimes? Very few studies within the Europeanization framework compare the EU's Southern and Eastern neighborhoods: studying the impact of regime variation on EU law implementation could be the start of such comparative inquiry.

ANNEX I – INTERVIEW GUIDE

1) Could you describe, in your own words, the Twinning project you were involved in?

2) According to the Twinning fiche, the overall objective of the Twinning project was to [...]

Whereas the specific objective of the Twinning project was [...]

Were those objectives reached/partially reached/ not reached during the project? Why?

3) What were the easiest/most challenging parts of the project implementation?

4) During the conduction of the capacity-building project, to which extent did you have contacts with:

- Sectoral DGs of the European Commission
- DG NEAR
- European External Action Service
- Individual EU Member States
- Other international institutions involved
- STE (Short-term experts)
- RTA counterpart and beneficiary institution

How would you describe those contacts?

5) Before the conduction of the capacity-building project, did you have knowledge of earlier similar project that were implemented in Georgia? If yes, how was that knowledge incorporated before/during the conduction of the project?

- 6) Did you receive any training from EU institutions? If yes, did it help you to understand the realities on the ground?
- 7) During the conduction of the project, did your ideas about how to implement the project changed? How?
- 8) What about your ideas about your own role as [...] as regards the conduction of the project? Did they change over time?
- 9) Now that the project is finished, what are the main lessons that you have drawn from being a [...] in that Twinning project?
- 10) What kind of follow-up actions do you imagine after the conduction of the project? To what extent do you think that EU institutions will take those follow-up actions into account?
- 11) According to you, how will the achievement of the mandatory results/outputs be safeguarded after the conduction of the project?

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Numerous studies, using the Europeanization theoretical framework, have looked into why and how EU-supported norms and policies are adopted in non EU-Member States, focusing either on the mechanisms through which they are diffused or on the local actors' responses to such demands. However, the practical implementation of such norms and policies in third countries has only received modest attention in academic and policy-related studies. Indeed, the "law in the books" is not necessarily the "law in action".

Going beyond the top-down approach that have extensively characterized Europeanization studies, this dissertation will operate a return to the "mundane face" of Europeanization and looks into how expert interactions matter for EU law implementation. It shows that those experts are highly enthusiast and willing to implement EU demands and adapted them to fit in their domestic context. They act as policy champions and show high degrees of policy saliency when fulfilling their tasks. Nevertheless, those champions operate in a difficult administrative and political environment that complicates EU law compliance, with low administrative capacity, high degree of staff turn-over, shortages of knowledgeable staff and political actors that might hinder EU law implementation if it is too costly or in contradiction with domestic vested interests.

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