



RESEARCH ARTICLE

Bureaucratic politics in customized implementation of the EU Single-Use Plastics Directive in France and Germany

Anna Simstich 

Hertie School, Berlin, Germany and Helmut Schmidt University/University of the Armed Forces, Hamburg, Germany

Email: simstich@hsu.hamburg

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Abstract

When implementing EU policies, national policy bureaucracies often face a goal conflict when national policy preferences are not aligned with the EU policy and they are granted little discretion in implementation: While customized implementation allows them to adjust EU policies to the national context, it also risks noncompliance with EU law and blame for unpopular EU policies. This bureaucratic politics perspective has received little attention in institutionalist and interest-based explanations of customized implementation. With a bureaucratic politics approach, this article argues that national governments pursue strategies of blame avoidance and reputation seeking when confronted with high goal conflict between timely and correct implementation and substantive (national) policy goals. This argument is illustrated in a comparative case study on the implementation of the EU Single-Use Plastics Directive in France and Germany. This article identifies bureaucratic strategies of blame avoidance and reputation seeking as an underlying mechanism of customized implementation.

Keywords: bureaucratic politics; customized implementation; EU waste policy; policy bureaucracy; transposition

Introduction

In the multi-level system of the European Union (EU), policies are frequently adapted to the national context during implementation (Thomann 2019). From a top-down perspective, customized implementation is a control problem of the EU level over national compliance and threatens the benefits of European harmonization (Thomann 2019, 197ff.; Zhelyazkova et al. 2024, 441). From a bottom-up perspective, customized implementation is an intended feature of multi-level systems of government (cf. Hill and Hupe 2014, 68–69), enabling the member states to adapt EU policies to the national context (Thomann 2019, 197ff.). It can therefore

potentially undermine or strengthen policy effectiveness and legitimacy in the EU (Zhelyazkova et al. 2024). To understand the causes and consequences of customized implementation is an important prerequisite for effective policymaking in the European Union.

Over the past decades, the EU policy implementation literature has identified various explanations for compliance with and differentiated implementation of EU policies (Thomann and Sager 2017; Thomann 2019; Zhelyazkova et al. 2024). Despite several comparative studies in recent years, it remains largely unclear under what conditions which factors prevail and how they interact in policy implementation. From an institutionalist perspective, the institutional misfit created by a EU policy arguably creates an external pressure on national bureaucracies to act (Börzel 2000; Knill 1998; Knill and Lenschow 1998). However, empirical findings suggest that institutional misfit is not a necessary condition for customized implementation (Brendler and Thomann 2024).

From an interest-based perspective, customized implementation is driven by responsiveness to domestic political demands. Customization needs a political driving force at the national level, either from stakeholders (Kaya 2018; Steunenberg and Rhinard 2010; Thomson et al. 2020) or the government (Falkner et al. 2004; Pircher 2017; Thomson 2010). Empirical findings are mixed regarding the role of stakeholder and government preferences and their interaction with other domestic or policy-specific factors in customized implementation (Steunenberg 2007; Thomann 2019, 94ff.; Zhelyazkova et al. 2024, 455).

A bureaucratic politics approach offers a more nuanced look at the domestic politics of EU policy implementation. From this perspective, national bureaucracies pursue their organizational goals in EU policy implementation using strategies of blame avoidance, reputation seeking, and turf protection (cf. Kriegmair et al. 2022; Logmani et al. 2017; Pollex and Ruffing 2024). This focus on bureaucratic strategies complements interest-based approaches to better understand how national governments weigh EU policy implementation against national political demands. Initial research in this direction underlines that the role of national bureaucracies, their preferences, and decision-making processes deserve further investigation (cf. Mastenbroek and Kaeding 2006; Pollex and Ruffing 2024; Steunenberg 2007; Steunenberg and Rhinard 2010).

This article addresses the role of bureaucratic strategies in customized implementation under conditions of limited national discretion. It argues that the implementation of EU policies often confronts national governments with a goal conflict depending on the alignment between the EU policy and national policy preferences. If domestic preferences are aligned with the EU policy, literal transposition can be expected. However, if domestic preferences are not aligned with the EU policy, national policy bureaucracies face a goal conflict: While customization allows national governments to adapt EU policies to domestic preferences, it also risks noncompliance with EU law. This goal conflict typically arises when the EU policy grants the member states only limited discretion or is highly ambiguous in implementation. Where the member states enjoy discretion in implementation, national policy preferences and compliance with EU law can be reconciled (Thomann 2019, 30f., 207ff.). EU policy implementation is therefore risky for national governments, if domestic preferences are not aligned with the EU

policy and the EU policy grants only limited member state discretion, as it can attract blame from the EU Commission or domestic actors for unpopular (transposition) measures.

This argument is illustrated in a comparative case study on the national transposition of Art. 8 Single-Use Plastics Directive in France and Germany. Why was the same EU policy instrument customized in France, exceeding EU requirements, but not in Germany, despite most-similar conditions of low institutional misfit, high issue polarization among stakeholders (i.e. no directional driving force), and lead ministry preferences for customization? The answer is that the implementation of this provision was driven by different bureaucratic strategies: blame avoidance in Germany and reputation seeking in France.

This article contributes to understanding the role of bureaucratic strategies in EU policy implementation in three ways. First, it offers a more fine-grained analysis of domestic politics by integrating the so far understudied role of policy bureaucracies. Given the same domestic preference constellations, bureaucratic strategies are identified as an underlying mechanism of customized implementation.

Second, it modifies the argument that government preferences on EU policies shape customized implementation by combining it with the alignment with the national political agenda. The argument is that national lead ministries can only implement EU policies according to their policy preferences when the implementation measures can be linked to an ongoing policy process at the national level. This is because the national administrative decision structure affects how policy bureaucracies weigh the (often conflicting) goal of EU compliance and substantive national policy goals.

Third, this article contributes to the literature on EU policy implementation more broadly by proposing high goal conflict as a scope condition for bureaucratic strategies. Goal conflict in EU policy implementation is high when domestic preferences are not aligned with the EU policy and the member states are not granted sufficient discretion in implementation. To resolve this goal conflict between legal compliance and national preferences, national bureaucracies then resort to strategies of blame avoidance and reputation seeking depending on domestic politics.

The article proceeds as follows. Before the case study design and data are presented, the next section outlines the analytical framework. Then, the empirical findings are presented and discussed.

National policy bureaucracies in EU policy implementation

Domestic politics in EU policy implementation

From a domestic politics perspective, customized implementation is driven by policy “responsiveness” (Steunenberg 2019) to the preferences of domestic stakeholders or the government. First, the (non-)alignment of national government preferences with the EU policy has been identified as a driver of EU policy implementation. Disagreement of the national government with EU policies does, however, not directly result in “opposition through the backdoor” and outright noncompliance (Falkner et al. 2004, 456ff.; Pircher 2017; Thomson et al. 2020), but

the implementation of EU policies might be more subtly customized to achieve both compliance and alignment with domestic political preferences (Thomann 2019), or “creative compliance” (Batory 2016, 686; Lindstrom 2021).

Second, national governments respond to stakeholders’ interests depending on the directionality of stakeholder preferences and the number of veto points in the transposition process (Steunenberg 2007; Steunenberg and Rhinard 2010). When national stakeholders are polarized regarding the EU policy, i.e. some demand added restrictiveness and others demand reduced restrictiveness in implementation, literal transposition is a likely outcome (Steunenberg 2007). This can be due to absent driving forces in either direction or institutional deadlock (Brendler and Thomann 2024, 532–533). In contrast, customized implementation occurs under conditions of stakeholder consensus for added or reduced restrictiveness (Brendler and Thomann 2024, 530–531; Fink and Ruffing 2017; Skjærseth and Rosendal 2023; Steunenberg 2007).

In other words, customized implementation requires domestic support, either from stakeholders or the government. If national stakeholders are polarized regarding the EU policy, national policy bureaucracies have no incentive to deviate from the Directive (Kaya 2018; Steunenberg 2007; Thomson et al. 2020). Under conditions of stakeholder consensus, in contrast, policy bureaucracies can use EU policies as a window of opportunity for national policy reforms (Falkner et al. 2004, 461ff.; Fink and Ruffing 2017).

However, we still know very little about how national “policy bureaucracies” (Page and Jenkins 2005) in charge of drafting transposition measures, i.e. lead ministries or agencies, weigh domestic political demands for customization against EU legal requirements. In strongly Europeanised policy fields (such as waste policy), policy bureaucracies pursue both substantive policy goals within their jurisdiction and the goal of EU policy implementation (Mastenbroek and Princen 2010) and try “to reconcile domestic political demands with EU legal requirements” (Mastenbroek 2017, 1302) in transposition. How national bureaucracies approach EU implementation is therefore important to understanding customized implementation (Eriksen 2023; Logmani et al. 2017; Pollex and Ruffing 2024).

This article therefore focuses on the role of national policy bureaucracies as important actors in policy formulation and implementation (Hartlapp, Metz, and Rauh 2013; Page 2012; Schnapp 2004). Not only does the proposal of the lead ministry set the framework for inter-ministerial coordination and legislative procedures, but it also often prevails in inter-ministerial coordination (Hartlapp et al 2013, 438), and important transposition measures can be taken through regulatory acts without parliamentary approval (cf. Page 2012, 19ff.; Steunenberg and Rhinard 2010). This power to shape public policies is based on the bureaucrats’ competencies and the limited capacity of political executives to get involved in individual drafting processes (Hood and Lodge 2006; Page 2012, 14).

From a bureaucratic politics perspective, this article argues that national lead ministries propose customized or literal EU policy implementation depending on domestic politics using strategies of risk and blame avoidance and reputation seeking. In the absence of a political driving force for customized implementation, the lead ministry has no incentive to deviate from the EU policy. However, if stakeholders or the national government prefer customization, the policy

bureaucracy weighs the potential benefits and risks of customized implementation. The relevance of reputational risks depends on the alignment of the EU policy with the national political agenda (cf. Busuioc and Lodge 2017). They will only customize EU policies in line with their substantive policy goals if they can link the EU policy to an ongoing national policy process (cf. Bondarouk et al. 2020; Dimitrova and Toshkov 2009; Fink and Ruffing 2017; Spendzharova and Versluis 2013; Thomann 2019), and otherwise prioritize compliance over substantive goals resulting in literal implementation.

Bureaucratic strategies as an underlying mechanism of customized implementation

National policy bureaucracies are often faced with a goal conflict in EU policy implementation. This goal conflict depends on the alignment of domestic preferences with the EU policy and the discretion the EU policy grants the member states in implementation (Princen et al. 2024; Steunenbergh and Toshkov 2009; Thomann 2019, 29). Goal conflict is low when domestic preferences are aligned with the EU policy or member state discretion is high because customized implementation can then be reconciled with compliance. Under conditions of low goal conflict, implementation outcomes mostly depend on administrative capacity and institutional misfit (Matland 1995; Thomas 2018). Goal conflict is high, however, where member state discretion is low and domestic preferences are not aligned with the EU policy. Under such conditions, implementation outcomes are driven more by domestic politics (Matland 1995; Thomann 2019, 207ff.).

This article argues that national policy bureaucracies deal with high goal conflict in EU policy implementation using strategies of blame avoidance and reputation seeking. For example, customized implementation can be the result of turf-protective behavior of national bureaucracies (Logmani et al. 2017; Pollex and Ruffing 2024) or blame avoidance strategies (Kaya 2018; Kriegmair et al. 2022; Thomson et al. 2020). From a bureaucratic politics perspective, this is because policy bureaucracies strive for legitimacy and resources as a prerequisite to effectively achieve their policy goals (e.g. Bach and Wegrich 2019; Busuioc and Lodge 2017; Carpenter and Krause 2012; Hood 2011). They also pursue these goals in EU policy implementation.

Focusing on the goal of organizational legitimacy, transposition of EU policies is risky for national policy bureaucracies under conditions of high goal conflict because they are obligated to implement a policy over which they have limited influence. The transposition measures can attract blame from the EU commission, national stakeholders, or national political executives for noncompliance with EU law or for not making (sufficient) use of discretion in implementation. Such “accountability politics” (Hart and Wille 2012, 8) can have important consequences for the internal and external legitimacy of policy bureaucracies and thereby their ability to effectively pursue their policy goals (Busuioc and Lodge 2017).

Policy bureaucracies (here: lead ministries) have a clear interest in customization when their preferences and stakeholder preferences align as a driving force. They benefit from responding to domestic preferences by taking credit for the EU policy or by using it as a window of opportunity to advance national policy goals (cf. Fink

and Ruffing 2017). Most often, domestic preferences on EU policies do, however, not align. Customization will attract blame from at least one party under such circumstances. Literal transposition then allows the lead ministry to shift blame for the unpopular policy to the EU Commission (Kriegmair et al. 2022). Consequently, the policy bureaucracy must carefully weigh the risks and benefits of customized implementation when domestic preferences diverge.

This article argues that the trade-off between risks and benefits of customized implementation for national lead ministries depends on the alignment of the EU policy with the national political agenda. EU policies can be aligned with the national political agenda in terms of (1) substantive national policy discourse (on issue linkage: Falkner et al. 2004, 461–463), (2) timing of legislative or regulatory processes (Goetz 2009) or (3) support from national political executives (Page 2012). First, when the design of the EU policy instrument is considered a suitable solution to the policy problem, the lead ministry can mobilize political support for customization by linking implementation measures to the national discourse. Second, an ongoing legislative or regulatory process in the policy area reduces political hurdles to include customization measures. Third, political executives tend to pay more attention to transposition processes that are high on their political agenda providing political support for customization measures (Gilad 2015; Page 2012, 154–155). Consequently, lead ministries have an incentive to customize EU policies in response to their preferences when the EU policy is aligned with the national political agenda (cf. Bondarouk et al. 2020; Spendzharova and Versluis 2013), i.e. when the potential benefits are worth the risk. This is because they can take credit for the customization measures, advance national policy reforms, or at least they have political support to deal with potential blame. If the EU policy is not aligned with the national political agenda, in contrast, policy bureaucracies have no incentive to take the risk of customized implementation. Even if the lead ministry substantively prefers customized implementation, such a policy proposal risks attracting blame from stakeholders or political executives, or even failing in the legislative process. The presumed mechanism is presented in Figure 1.

What is considered a risk, and a legitimate bureaucratic strategy depends on the national administrative context. For example, in administrative systems with a strong legalist tradition, the risk of being blamed for noncompliance with EU law will be valued more highly than in other countries and the bureaucracy will rely more on legal arguments to justify their implementation measures. Similarly, in strongly politicized administrative systems, customization is a more acceptable strategy to implement national political goals at the risk of EU noncompliance by relying on arguments around political effectiveness and feasibility. Nevertheless, the underlying mechanism of risk and blame avoidance remains conceptually the same despite its context-dependent character (on “context as changing meaning” see Goertz 1994, 25ff.; Falleti and Lynch 2009, 9).

The role of blame avoidance and reputation seeking in customized implementation is illustrated in a comparative case study. The case selection and data are presented in the following section.

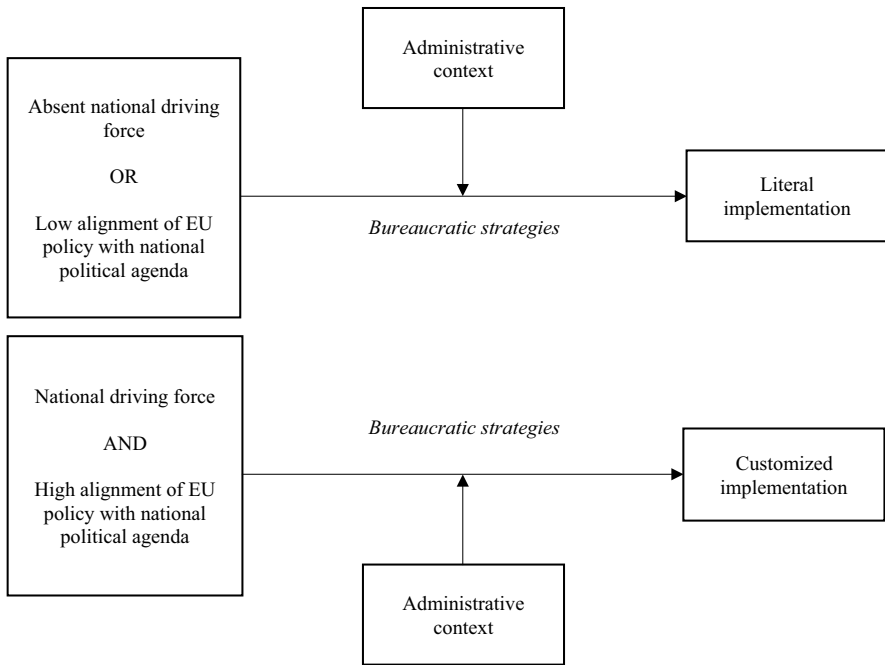


Figure 1. Bureaucratic strategies in customized implementation.

Source: Own illustration.

Note: The arrow reads as the presumed relation of sufficiency. The combination of a national driving force (government or stakeholders) and high alignment of the EU policy with the national political agenda is sufficient for customized implementation. The absence of either condition is sufficient for literal implementation. The underlying mechanism is different bureaucratic strategies (such as risk and blame avoidance, turf protection, reputation seeking). The meaning and relevance of these strategies depend on administrative context (Goertz 1994, 25ff.).

Comparative case study design

Case selection

The Single-Use Plastics Directive (EU/2019/904) (SUPD) introduces a mix of policy instruments including a ban on certain single-use plastics (SUP) products for which alternatives are available (such as straws, cotton bud sticks and plates), a minimum quota for recycled plastics in PET bottles, separate collection targets for PET bottles, and an Extended Producer Responsibility (EPR) scheme for certain SUP products most often found at the EU coastal lines. The SUPD aims to reduce littering as a form of environmental pollution and to reduce the production of single-use plastics as a source of micro-plastics pollution.

This article analyses the implementation of the EPR scheme for certain SUP products (Art. 8 SUPD). According to Art. 8 SUPD, the producers of certain SUP products for which no alternative is currently available such as tobacco filters, beverage bottles and cups, to-go food containers, flexible food wrappers, wet wipes, and balloons (SUPD Annex E) should cover the external costs of public cleaning related to these products. These include the costs of waste collection, transport and treatment in public areas, litter clean-up measures, awareness raising, data collection and reporting, and administrative costs. For this purpose, the costs shall be determined in a cost-efficient

and transparent way, and not exceed the necessary costs to provide these waste management services. The EPR measures shall apply from 5 January 2023 for tobacco filters, and from 31 December 2024 for the other SUP products.

This provision is a case of limited flexibility in implementation. The provision details specific types of costs to be borne by the producers of specific types of SUP products. Some *de facto* flexibility persisted only regarding the interpretation and measurement of the costs and the identification of concerned SUP products. These remained for the member states to specify (“elaboration discretion” (Van den Brink 2017)) in the absence of the promised EC guidelines. The scope of Art. 8 SUPD is limited to the listed types of SUP products. An extension of the scope (“scope discretion” (Van den Brink 2017)) is generally possible under the Waste Framework Directive but does not result directly from the SUPD. The provision does also not grant the member states flexibility to adopt stricter standards (Dolde Mayen and Partner 2021; but critically: Frenz 2019).

To explain why the same EU policy instrument was customized in France but not in Germany, this article provides an in-depth comparative case study on the transposition of Art. 8 SUPD in both member states using a “set-relational absence-of-Y comparison for sufficiency” (Rohlfing 2012, 120ff.). It modifies the theoretical claim that the presence of a national driving force for customization is sufficient for customized implementation by identifying the alignment with the national political agenda as a missing conjunct. Following a logic of difference, cases were selected based on their similarity in potential explanatory factors and difference in implementation to identify a missing factor that differs between the two cases. The case characteristics are summarized in Table 1.

Both France and Germany are most-likely cases (cf. Rohlfing 2012, 84ff.) for customized implementation in response to government preferences. Both national lead ministries support the EU policy goal and customized implementation is frequent in both countries. The national governments are therefore likely to act as a driving force for added restrictiveness.

In both cases, the national government and the lead ministry generally support the EU policy goal to reduce the negative impact of SUP (BMUV 2022, 1; BMUV 2018; Gouvernement Français 2018; Ministère de la Transition Ecologique 2022). Both governments contributed actively to the development of the SUPD at the EU level and voted in favor of the Council of the EU (Council of the EU 2019). Substantively, both lead ministries prefer stricter policies in this area such as an extension of the scope to other single-use products to reduce littering beyond the limited focus on plastics and an extension of cost coverage to provide an effective incentive for producers to reduce single-use plastics production (Ministère de la Transition Écologique 2022; Petersen 2022).

These lead ministry preferences for added restrictiveness combined with the limited discretion granted by the EU provision make the implementation of Art. 8 SUPD a case of high goal. The goal conflict is that added restrictiveness along domestic preferences risks noncompliance with EU law given the limited discretion and ambiguity of the provision (Dolde Mayen and Partner 2021; Frenz 2019). Consequently, the implementation of the SUPD is a most-likely case for “political implementation” (Matland 1995), i.e. customized implementation is mainly driven by domestic politics.

Table 1. Case characteristics

| Case Characteristic | Measure | France | Germany |
|--|---|---|--|
| Experience with EU Waste Policy Implementation | Years of EU membership | High (Founding member) | High (Founding members) |
| Implementation Capacity | Budget of the Environment Ministry 2019 (Ministère de l'économie 2023; Bundesministerium der Finanzen 2023) | High (€29.1 bn; 5.2% of budget; of which €6.9 bn for environmental tasks*; 1.2% of budget) | High (€2.3 bn; 0.64% of budget) |
| Institutional Misfit | Fit with national regulatory style: hierarchical vs. self-regulation (Knill 1998, 5) | Low (Hierarchical style can be maintained) | Low-Medium (Self-regulation can be maintained, but comes with challenges) |
| Media Salience | Number of national newspaper articles on EPR for SUP 2019–2023 (Factiva search) | Low (17 articles) | Low (18 articles) |
| Issue Polarization among Stakeholders (No Clear Driving Force) | Stakeholder preferences (coded submissions to public consultations; frequency of comments in brackets) | High Late adoption (4) Early adoption (3) Reduced costs (53) Additional costs (33) Exemptions from scope (9) Extension of scope (5) | High Late adoption (2) Early adoption (0) Reduced costs (102) Additional costs (30) Exemptions from scope (47) Extension of scope (15) |
| Lead Ministry Preference for Stricter Policy | Preference for restrictive policy (relevant documents) | Yes (Ministère de la Transition Écologique 2022) | Yes (Petersen 2022) |
| Customized Implementation | Customized restrictiveness (Thomann and Zhelyazkova 2017) | Added restrictiveness | Literal transposition |

Source: Own compilation.

Note: * In 2019, the Ministry had also responsibilities for social and infrastructure policies.

Second, customized implementation is common in both countries (Page 2012; Thomann 2019, 94ff.; Zgaga et al. 2024), especially in environmental policy (Thomann and Zhelyazkova 2017, Figure 1). Whereas the German government used to encourage added restrictiveness in environmental policy, it has emphasized the need for harmonized rules in the internal market in more recent years (Page 2012, 77). In the context of bureaucratic reforms to reduce red tape, the German government therefore introduced the so-called “one in, one out” policy (cf. BMUV 2022), according to which additional red tape caused by a new policy shall be compensated elsewhere in the same jurisdiction. To reduce incentives for over-implementation, this includes over-implementation of EU policies but not literal transposition. Against a similar discussion in France, Prime Minister Edouard Philippe issued a memo (*circulaire*) in 2017 making customization require justification (Premier Ministre 2017). Over-transposition is widespread in France in various sectors, mostly based on regulatory acts without parliamentary scrutiny, and was perceived as a potential threat to competitiveness of the French economy (Danesi 2018, 63).

Despite these recent attempts at limiting over-implementation, customized implementation is a likely outcome in both cases when the national government prefers added or reduced restrictiveness compared to the EU policy.

Alternative explanations of customized implementation include stakeholders acting as a driving force for customization (Brendler and Thomann 2024; Kaya 2018; Steunenbergh 2007; Thomson et al. 2020), institutional misfit between the EU provision and national policies (Börzel 2000; Knill 1998; Knill and Lenschow 1998), media salience of the policy (Spendzharova and Versluis 2013), and the administrative capacity of national bureaucracies (Lindstrom 2021; Zgaga et al. 2024). These factors can be ruled out because both cases are most similar in this regard.

In both cases, stakeholders did not act as a clear driving force for customization, the implementation is a case of low institutional misfit, the EU provision offered limited flexibility to national bureaucracies, and national administrations have high administrative capacity for the implementation of EU environmental policies (see Table 1). These factors can therefore not explain the difference in implementation.

First, stakeholders do not act as a clear driving force for customization. EPR schemes are a re-distributional policy instrument, which is why stakeholders are polarized on the issue: Whereas producers seek to minimize their eco-fees and to get exemptions for their products, municipalities, other beneficiaries, and environmental associations seek to maximize financial support for their cleaning services and to extend the scope. Stakeholder preferences are therefore not tendential towards added or reduced restrictiveness.

Second, the implementation of Art. 8 SUPD is a case of low institutional misfit between the EU policy and the national “regulatory style” (Knill 1998, 5). Both member states have established national EPR schemes since the 1990s and under the EU Waste Framework Directive (WFD; EU/2018/851). In contrast to existing EPR schemes, the newly introduced EPR scheme for SUP products addresses waste found in public areas rather than collected directly from households. Both countries were therefore required to create a new EPR scheme or extend an existing one to the concerned SUP products and the refinancing of littering costs. The SUPD allows the

French government to continue its hierarchical approach to EPR design and Germany to rely more on self-regulation¹.

Third, media salience of the implementation of Art. 8 SUPD was low in both countries. According to a Factiva search, only a few news articles were published in both countries covering the implementation of the EPR scheme for SUP over the four years from the EU policy initiative in 2019 to the transposition deadline in 2023. Low media salience makes it a most-likely case for high bureaucratic influence because political executives tend to focus their attention on issues that are salient to them and the media (cf. Page 2012).

Finally, France and Germany are experienced implementers of EU waste policy as EU founding members and have high administrative capacity in the environmental administration. Because high administrative capacity is present in both cases, this case study is indeterminate regarding this factor. A lack of administrative capacity could potentially undermine the proposed mechanism: If policy bureaucracies do not have the necessary expertise or resources, they might not be able to pursue their strategies (Lindstrom 2021; Thomas 2018; Zgaga et al., 2024). High administrative capacity is therefore a scope condition (cf. Ragin 2000, 61–62) of this study.

Data

The analysis is based on a qualitative content analysis of policy documents (inspired by Kuckartz 2014). Transposing legislation and regulatory acts, ministerial drafts with a motivational statement of the lead ministry, and governmental strategies provided insights on the prioritization of policy goals and policy preferences. In addition, position papers from stakeholders and commissioned scientific studies were analyzed regarding support for and opposition to customized implementation.

The document analysis was complemented by 23 semi-structured expert interviews (cf. Kruse 2015, 166ff.). Interview partners were selected based on their involvement in the national transposition process of the SUPD in Germany or France and their expertise in EPR schemes or the governance of plastics. These include policy bureaucrats at the national level and interest group representatives. The interviews broadly reflect the involvement of different actors in the French and German stakeholder consultations.

Although the analytical focus is on bureaucratic strategies, few bureaucrats are among the interviewees because only a small number of bureaucrats were involved in drafting the transposition measures. Because they were promised anonymity, their responses cannot be presented separately from those of stakeholders in the case descriptions. Nevertheless, the stakeholder perspective is valuable because the interviewees were less prone to social desirability bias when asked about bureaucratic preferences and provided important insider knowledge on underlying domestic politics. As the interviews were conducted during the drafting processes, the stakeholders could report first-hand about the consultation. The stakeholder

¹A self-regulation approach to refinance littering costs is legally challenging in Germany, however (Dolde Mayen and Partner 2021, 197ff.).

interviews thus served to validate and complement the bureaucratic perspective derived from the document analysis and interviews.

The interviews were conducted between July 2022 and February 2023 in the respective national languages and lasted 30 to 60 minutes. To understand the national transposition processes, the interviewees were asked to describe the legislative and regulatory processes to implement the EPR scheme for SUP in their member state, who the most important actors were in this process and how they perceived their roles in the process. In a second part, the interviews dealt with the design of the EPR scheme. Questions included where, from the interviewee's perspective, the national transposition exceeded EU requirements, the presumed reasons for customized or literal transposition, and their opinion on this decision. With the consent of the interviewees, the interviews were recorded and transcribed, except one.

The data was analyzed in three steps. First, the transposition documents were coded regarding literal or customized implementation of the provision. The operationalization of customized implementation is detailed in the next section.

Second, government strategies and statements, stakeholder submissions to the consultation and the interview transcripts were coded regarding the transposition preferences of the government and stakeholders. Demands for added or reduced restrictiveness of the EU provision were coded as preference for customization. Demands for harmonized rules in the EU internal market and literal transposition were coded as preference for literal transposition.

Third, governmental strategies, the motivational statement of the lead ministry and the interview transcripts were analyzed regarding the bureaucratic strategies pursued. For this purpose, I coded whether (national) substantive policy goals or timely and correct policy implementation were prioritized in transposition. The bureaucratic strategies – risk and blame avoidance and reputation seeking – were coded based on the coding scheme in Table 2.

The alignment of the EU policy with the national political agenda was added inductively as a coding category. It was constructed as a three-dimensional concept: substantive alignment of the EU policy with the national policy discourse, alignment in terms of timing of the legislative or regulatory process, and alignment with national government priorities. Based on governmental strategies, the motivational statement of the lead ministry, stakeholder submissions in the consultation, think tank reports, and the interview transcripts, I coded whether the design of Art. 8 SUPD was considered suitable to reduce littering and SUP production, political and administrative hurdles to the legislative or regulatory transposition process, and the perceived extent to which the SUPD implementation was supported by national political executives.

The implementation of Art. 8 SUPD in France and Germany

EPR scheme for SUP products: literal vs customized implementation

“Customised restrictiveness occurs along an instrument’s personal, substantive and/or temporal scope of application.” (Thomann and Zhelyazkova 2017, 1277) The EPR scheme in Art. 8 SUPD is limited to the products listed in Annex

Table 2. Operationalization of bureaucratic strategies in customized implementation: reputation seeking and risk and blame avoidance

| Bureaucratic Strategy | Definition | Operationalization | Example |
|--------------------------|--|--|--|
| Reputation Seeking | <i>Customization:</i> Attempt to build a reputation as a leader in extended producer responsibility or acting against plastics pollution with the EC or the national public | <i>Customization:</i> <ul style="list-style-type: none">- Taking credit for the EU policy by presenting it as a national initiative- Reference to a need for customization to effectively achieve the policy goals- Reference to public or stakeholder pressure for customization- Reference to EC preference for stricter or additional policies- Reference to the reputational or strategic value of customization | Regarding the ecological transition, [...], the French are demanding the means to act on their own scale. The fight against the environmental impact of plastic and the waste of resources is at the heart of their concerns because it's at the heart of their daily lives. (Gouvernement Français 2020; translation by author) |
| | <i>Literal transposition:</i> Attempt to build a reputation as a model implementer of EU policies (in terms of timeliness and correctness) with the EC or the national public | <i>Literal transposition:</i> <ul style="list-style-type: none">- Reference to the EC's "no gold-plating" policy- Reference to the value of EU harmonization (e.g. in relation to competition in the internal market)- Reference to stakeholder preferences for harmonized EU rules- Reference to the reputational or strategic value of compliance | If you are even stricter [than the EU policy], you can run into problems with freedom in the internal market. (DE_I12; translation by author) |
| Risk and Blame Avoidance | <i>Customization:</i> Attempt to avoid potential blame for unpopular EU policy from stakeholders or the national government | <i>Customization:</i> <ul style="list-style-type: none">- Reference to stakeholder opposition to the EU policy- Reference to government | There's a legal dispute in France since cigar manufacturers have attacked the French transposition texts because they felt there was no reason to take non-plastic butts into account. (FR_I6; translation by author) |

(Continued)

Table 2. (Continued)

| Bureaucratic Strategy | Definition | Operationalization | Example |
|-----------------------|---|--|---|
| | | <ul style="list-style-type: none">- opposition to the EU policy- Reference to conflicting national legal norms or administrative processes- Reference to a need for customization to avoid national implementation failure | |
| | <i>Literal transposition:</i> Attempt to avoid the risk of incorrect or late transposition and related potential blame from stakeholders or the EC | <i>Literal transposition:</i> <ul style="list-style-type: none">- Reference to legal transposition requirements- Reference to transposition or implementation deadlines- Reference to EU infringement proceedings- Reference to stakeholder or government opposition to customization | Ultimately, the basis was Article 8 of the Single-Use Plastics Directive and the declaration of the German Environment Ministry to implement it on a 1:1 basis. They have carried this before them like a monstrosity. (DE_I7; translation by author) |

Source: Own compilation.

E. Customized implementation in terms of personal restrictiveness would therefore mean an extension to additional products or an exemption. Secondly, customized substantive restrictiveness in this context would mean extending or reducing the cost coverage² as described in Art. 8 (2)–(3) SUPD. Customization in temporal restrictiveness would mean deviating from the application deadlines. To evaluate whether such measures are legally compliant with EU law is beyond the scope of this study.

To implement this EPR scheme for SUP products, the German Ministry for the Environment (*BMUV*) published a draft law in March 2022 to establish a SUP fund (*Einwegkunststofffondsgesetz*) administered by the German Environment Agency (*UBA*), where the producers of concerned SUP products will register and pay a special levy (*Sonderabgabe mit Finanzierungsfunktion*) based on their market shares. The payments shall then be used to refinance the SUP-related public waste management including the administration of the fund. The cost structure for the SUP fund is detailed in a decree (*Einwegkunststofffondsverordnung*) which was developed and will be reviewed in consultation with a SUP commission (*Einwegkunststoffkommission*) constituted of stakeholder representatives. The law was adopted in May and the decree in October 2023 for the SUP fund to apply from 1 January 2024. Despite some disputes among stakeholders and marginal editorial changes, this transposition corresponds to literal implementation of Art. 8 SUPD³.

In contrast, the policy was extensively customized in France regarding added restrictiveness. In France, Art. 8 SUPD was transposed in the Circular Economy Law of 2020 (*Loi anti-gaspillage et pour une économie circulaire*) where the existing EPR scheme for household packaging was extended to include public cleanliness costs and new EPR schemes were introduced for the concerned SUP products such as tobacco products and wet wipes. The individual EPR schemes are detailed in a *décret* and a so-called *arrêté portant cahier des charges* from the Ministry of Ecological Transition, more specifically the Directorate for risk prevention (*Direction Générale de la prévention des risques (DGPR)*), outlining the mission and cost model. In response to this *arrêté*, the industry concerned presents a joint dossier to demand the state accreditation of at least one producer responsibility organization (PRO; *éco-organisme*). This dossier is then evaluated by the DGPR, and the PRO will be accredited by an *arrêté portant agrément d'un éco-organisme* for a period of usually six years. These regulatory acts are submitted to an intersectoral EPR Commission (*Commission inter-filière REP (CiFREP)*) affiliated with the DGPR and uniting various stakeholders for an advisory opinion and to a public consultation. Adding to the scope of the SUPD, the French EPR schemes to refinance littering costs cover all household packaging and all tobacco products instead of only those containing SUP. Furthermore, France has introduced an additional ban on packaging for fresh fruit

²To assess the substantive restrictiveness is challenging because there is to date neither an EU-wide method to calculate the cleaning costs nor is comparative data available specifically for the concerned SUP products.

³The German Bundestag extended the scope of the SUP fund to fireworks taking effect in 2027. This does not undermine the argument, however, because it is about bureaucratic strategies in the executive phase of transposition proposals rather than transposition outcomes. In France, the scope was not amended during the legislative process.

and vegetables⁴ and an EPR scheme for littering costs related to chewing gums. The EPR schemes for refinancing littering costs apply earlier than required by the SUPD. The French transposition therefore corresponds to added restrictiveness in terms of personal and temporal scope.

The following subsections present the bureaucratic strategies pursued in both cases.

Germany: Literal transposition as a risk and blame avoidance strategy

In Germany, the EPR scheme was transposed literally, although, substantively, the BMUV would have preferred customized implementation. To transpose Art. 8 SUPD, the BMUV had originally proposed an extended scope of the littering fund under the former minister, but no political consensus could be reached despite the support from experts and environmental stakeholders (Petersen 2022; ZEUS and Öko-Institut 2020). Interviewees also stressed the willingness of the German government to achieve an extension of the EPR scheme at the EU level if it proves a successful policy instrument (DE_I3; DE_I12). Nevertheless, the BMUV chose to first implement the SUP fund strictly as required by EU law (DE_I3; DE_I6) to ensure timely and correct application of the SUPD (DE_I2; DE_I3; DE_I6) and to avoid potential blame from stakeholders.

First, literal transposition was a strategy to avoid the risk of noncompliance. In the absence of EC transposition guidelines, the compliance of added restrictiveness in substance is questionable from a legal perspective given the provisions in Art. 8 SUPD (DE_I11; Dolde Mayen and Partner 2021⁵; Frenz 2019; von Westphalen 2021). Under EU state-aid law, the member state is obliged to provide evidence that the additional measure effectively contributes to environmental protection, which was deemed difficult to establish in this case due to a lack of data. Added restrictiveness in scope would have required justification weighing added environmental protection against restrictions on the internal market. Due to this legal uncertainty, literal transposition allowed the BMUV to avoid the risk of noncompliance with EU law.

Second, literal transposition was a strategy to avoid delayed application of Art. 8 SUPD. The implementation deadlines were considered very ambitious, and Germany was already late in transposition for several reasons: 1. the change in government following the federal elections shortly after the SUPD adoption, 2. the high workload of transposing the numerous SUPD provisions within the jurisdiction of a single policy unit, and 3. the legal complexity of Art. 8 without the promised EC transposition guidelines (DE_I2; DE_I3; DE_I5; DE_I6; DE_I12). The BMUV therefore could not afford to waste any more time in the legislative process by proposing controversial measures. Literal transposition allowed them to point to the legal requirement to transpose the Directive correctly and on time.

⁴This regulation was later annulled by the Conseil d'État (2024) following a complaint by French plastics associations and against the background of the negotiations on the EU Packaging and Packaging Waste Regulation (EU/2025/40).

⁵The study commissioned by the BMUV concluded that added restrictiveness in substance would be non-compliant (Dolde Mayen and Partner 2021; but see Frenz 2019).

Third, literal transposition was a strategy to avoid potential blame from stakeholders. The implementation of Art. 8 SUPD was highly controversial among stakeholders, most importantly regarding substance and scope. The limitation of the EPR scheme to the SUPD scope has been criticized by environmental associations as ineffective to reduce littering because it does not prevent substitution effects. Some industries are investing in technological research to produce single-use products outside the scope of the SUPD such as paper-based tobacco filters or coffee cups to circumvent the EPR scheme with questionable environmental consequences (DE_I4; DE_I8). Regarding the substance, municipalities and other beneficiaries argue for higher eco-fees to refinance their cleaning services. In contrast, producers shift the responsibility for littering costs to consumers and some industries even fear existential consequences of high compliance costs (DE_I5; DE_I6; DE_I7; DE_I8; DE_I9):

“This is, of course, a politically highly controversial project and we, as an association, have also opposed it because we do not understand why manufacturers should pay for consumers’ misconduct. That is ultimately as if the manufacturers of toys would have to pay for a children’s room to be cleaned. (DE_I5; translation by author)”

In this context of legal uncertainty, time pressure, and stakeholder polarization, the BMUV prioritized timely and correct transposition over national environmental policy goals. The motivational statement of the draft law emphasizes the primary goal to implement the EU provision literally (BMUV 2022). This intent of literal transposition was also emphasized by stakeholders:

“This is the eighth implementation measure of the SUPD, we already had seven before that, and we argued in individual cases [. . .]. But overall, it must be said that Germany has implemented it more or less 1:1. Until now. We have not seen any excesses like those in France, Spain, or Italy, but Germany has clearly tried to adhere to the Directive. This has not always been successful, and one can argue about the way in which the fund has been implemented, [. . .] but it is characterised by the will to implement it on a 1:1 basis. (DE_I6; translation by author)”

To ensure and provide proof to stakeholders that the proposed transposition measures do not exceed EU requirements, the BMUV relied on extensive external expertise: 1. to identify legal options to implement Art. 8 SUPD in compliance with both EU and national constitutional law (Dolde Mayen and Partner 2021), and 2. to develop a cost model for the fund with close involvement of the concerned stakeholders (UBA 2022). In other words, the BMUV made a tremendous effort to avoid the risk of noncompliance and to manage the diverse expectations of stakeholders.

The BMUV was unable to implement their preference for customized implementation and pursued a blame avoidance strategy because the EU provision did not align with the national political agenda. The timing was unfavorable as the adoption of the SUPD was shortly before the German parliamentary elections

(DE_I6). To meet the transposition deadline, the BMUV had to start preparing the transposition measures for adoption under the new legislative term with uncertainty about the incoming government's preferences. When the new coalition government entered office, it first had to find its feet contributing to time pressure during implementation. In the coalition agreement, plastics governance and circular economy were not among the top priorities (SPD, Grüne and FDP 2021). The BMUV was therefore left without a national policy initiative to which to link the implementation measures. Under these circumstances, the BMUV pursued a blame avoidance strategy resulting in literal transposition despite their preference for stricter implementation.

France: over-implementation as a reputation-seeking strategy

In France, the implementation of the SUPD exceeded EU requirements in line with lead ministry preferences. The French Ministry of Ecological Transition prioritized the implementation of the national circular economy objectives of the *Stratégie 3R* (Ministère de la Transition Ecologique 2022) over correct implementation of the SUPD. According to the motivational statement, the Circular Economy Law contributes to climate change mitigation rather than the implementation of EU law (Gouvernement Français 2020). In this vein, it aims to advance the circular economy in France beyond the comparatively small issue of plastics (cf. Gouvernement Français 2019, 127). Because littering is not restricted to SUP products, it was considered consequential to extend the scope of the EPR schemes to other single-use materials (FR_I6; FR_I9). Even more, the EPR schemes for tobacco filters and household packaging related to littering costs are envisioned as a model to expand to all other French EPR schemes in the future (FR_I11). The French government accepted the risks of noncompliance with EU law and blame from stakeholders to build a reputation as a leader against plastics pollution.

First, the risk of noncompliance with EU law was barely considered and rather tacitly accepted. Because the general trend in EU circular economy policy is increasingly dense and restrictive (DE_I5) and the EC had so far been reluctant to take legal action against countries exceeding EU requirements in this policy area (DE_I6), the risk of an infringement procedure was deemed de facto very limited at the time. When the tobacco industry disputed the regulatory act detailing the EPR scheme for tobacco products, the Conseil d'État declared it compliant with the Circular Economy Law without checking compliance with EU law (Conseil d'État 2022).

Second, the French government benefited from the ongoing legislative process of the Circular Economy Law to transpose Art. 8 SUPD, which allowed them to anticipate and implement it long before the transposition deadline. The resource-intensive process of creating and modifying EPR schemes for the involved policy unit and the CiFREP (FR_I8; FR_I11) creates an incentive to anticipate EU policy changes to reduce the number of regulatory modifications and to be able to actively participate in the development of EU policies based on practical experience (FR_I7; FR_I10). The French government sought to build a reputation as a pioneer in EPR scheme design and circular economy more generally by anticipating and shaping EU policy (FR_I9; FR_I10; FR_I11):

“The reasons [for exceeding EU requirements], there are several elements: I think that the first government, the first Macron government had a will to reduce packaging and single-use plastics in a rather strong way, in a rather visible way, in particular, because we had a Secretary of State who at the time was Brune Poirson who liked this subject a lot. For her, it was clearly an important subject in the long term because she went quite far in terms of legislation. The second reason I think is that France likes to show a little the “example” of what to do at the European level, at the level of the other member states, and I think that this is often the reason why we find that France does too much. (FR_I10; translation by author)”

Third, the integration of the legal basis for the transposition of Art. 8 SUPD in the Circular Economy Law allowed the French Ministry of Ecological Transition to transpose the EPR scheme “under the radar” (FR_I1; FR_I6; FR_I8). Because many other measures in this reform drew stronger attention from stakeholders such as the deposit-refund system for the recycling of beverage containers (FR_I1; FR_I2; FR_I7; FR_I11) and the EPR system for commercial packaging (FR_I2; FR_I8), some stakeholders became aware of the implications of the EPR scheme for SUP only after the adoption of the Circular Economy Law (FR_I5). The French government accepted the following blame from stakeholders in the form of lawsuits.

The Ministry of Ecological Transition was able to pursue this reputation-seeking strategy because the implementation of Art. 8 SUPD coincided with a national political agenda for stricter plastics regulation. The timing of the transposition was favorable because the legislative process for the Circular Economy Law was in full swing. It was precisely timed to match the adoption of the SUPD at the EU level. In addition, plastics governance was high on the agenda of political executives. Not only did the French government create an ambitious circular economy strategy (Gouvernement Français 2019, 11) with the *Feuille de Route pour une économie circulaire* (FREC; Gouvernement Français 2018) and the *Stratégie 3R* (Ministère de la Transition Ecologique 2022), the goals to advance the circular economy in France and to act on plastics pollution also had strong political support from the French Environment and Economics Ministers (Gouvernement Français 2019, 8). This alignment of the EU provision with the national political agenda allowed the Ministry of Ecological Transition to pursue customized implementation and to accept blame from stakeholders with the support of political executives.

Discussion of the findings

The comparative case study demonstrates that policy bureaucracies pursue strategies of blame avoidance and reputation seeking in customized implementation. Table 3 summarizes the bureaucratic strategies in the transposition of Art. 8 SUPD in France and Germany. Under most-similar preference constellations of lead ministry support for exceeding EU requirements and high stakeholder polarization, the lead ministries pursued different strategies. The French Ministry of Ecological Transition prioritized national circular economy goals over legal compliance to build a reputation as a leading actor against plastics pollution. The German BMUV, in contrast, prioritized timely and correct transposition as a risk and blame avoidance strategy.

Table 3. Bureaucratic strategies to implement Art. 8 SUPD in France and Germany

| Case Characteristic | France | Germany |
|--|-------------------------------------|---|
| Issue Polarization Among Stakeholders (No Clear Driving Force) | High | High |
| Lead Ministry Preference for Stricter Policy | Yes | Yes |
| Administrative Capacity | High | High |
| Institutional Misfit | Low | Low-medium |
| Media Saliency of the EU Policy | Low | Low |
| Alignment of EU Policy with the National Political Agenda | Yes | No |
| Prioritized Policy Goal | National environmental policy goals | Timely and correct implementation of SUPD |
| Transposition Outcome | Added restrictiveness | Literal transposition |
| Bureaucratic Strategy | Reputation seeking | Risk and blame avoidance |

Source: Own compilation.

Why did the two policy bureaucracies choose different bureaucratic strategies despite most-similar domestic preference constellations? The difference lies in the alignment of the EU policy with the national political agenda in terms of issue linkage (Falkner et al. 2004, 461-463), timing (Goetz 2009) and support from political executives (Gilad 2015; Page 2012). The French Ministry of Ecological Transition was able to pursue a reputation-seeking strategy in customized implementation because they benefitted from an ongoing national circular economy reform, the goals of reducing littering and SUP production were high on the agenda of the state secretary, and EPR was considered a suitable policy instrument to achieve these goals. In Germany, in contrast, the EU policy was not aligned with the national political agenda. Although EPR is considered a suitable instrument to disincentivize plastics production, the BMUV faced time constraints and political hurdles in the absence of an ongoing legislative process, and the change in government during implementation left the ministry with limited political support for customization measures.

Alternative explanations such as stakeholder preferences, administrative capacity, institutional misfit and media saliency of the EU policy could be ruled out because both cases are most similar in this regard. Time pressure and legal complexity were relevant but not decisive factors for literal implementation in the German case. The time pressure was a consequence of the unfavorable timing of the SUPD adoption considering the German electoral cycle. Nevertheless, the BMUV had sufficient time to evaluate implementation options based on extensive external expertise, which had been commissioned early in anticipation of the transposition process. Legal complexity was a contributing factor to literal implementation but might have been overcome had there been stronger political support for a reform of the packaging law.

Could the different bureaucratic strategies be explained by different administrative traditions in France and Germany? For example, the lack of managerial skills, strong legal competencies, and routine of negative coordination in German policy bureaucracies (cf. Hood and Lodge 2006) might explain why the BMUV did not actively manage political support to exceed EU requirements and remains instead waiting for the EC. In France, in contrast, strong managerial skills, substantive

expertise, and an important role of ministerial cabinets in policy formulation (cf. Hood and Lodge 2006) might favor responsiveness to political preferences.

Although the indeterminacy regarding administrative traditions in customized implementation is an important limitation of this comparative case study, administrative traditions alone cannot explain the differences in bureaucratic strategies. Empirical research shows that customized implementation of EU policies is not systematically linked to administrative traditions (cf. Thomann 2019; Thomann and Zhelyazkova 2017; Zhelyazkova et al. 2024). Page's (2012) cross-country comparison of transposition processes demonstrates that the interaction between political executives and the policy bureaucracy in policymaking is much more complex than institutional perspectives suggest.

Nevertheless, administrative traditions are an important context factor for the meaning and relevance of risks, blame, and reputation, and thereby the legitimacy of bureaucratic strategies (cf. Busuioc and Lodge 2017; Hood 2011, ch. 5). In the context of strong legal competencies in the German bureaucracy, the policy debate was dominated by legal arguments about compliance (DE_I6; DE_I12). It was therefore a legitimate strategy to avoid the risk of noncompliance and to avoid blame from stakeholders using legal expertise. In a context of strong substantive expertise, in contrast, the French policy debate was dominated by concerns about policy effectiveness to achieve the political goals to reduce littering and SUP production. With the support from political executives, reputation seeking was a legitimate strategy despite blame from stakeholders and possible noncompliance.

The high goal conflict resulting from the combination of non-alignment between EU policy and domestic preferences and limited member state discretion in implementation is an important scope condition of the identified bureaucratic strategies. National policy bureaucracies use strategies of blame avoidance and reputation seeking depending on domestic politics to deal with high goal conflict. Under conditions of low goal conflict, i.e. high member state discretion or alignment between EU policy and domestic preferences, customized implementation might be driven more by institutional factors such as administrative capacity and institutional misfit (cf. Matland 1995). Further research is needed into the interaction between domestic factors and the discretion granted by EU provisions to better understand the causes and consequences of customized implementation for policy effectiveness in the EU multi-level system (cf. Princen et al. 2024; Zhelyazkova 2024).

Conclusion

This article has contributed to understanding how policy bureaucracies respond to domestic preferences in EU policy implementation. With a bureaucratic politics approach, it has demonstrated that national policy bureaucracies weigh organizational risks and benefits of customized implementation depending on domestic politics. The underlying argument is that the alignment of the EU policy with the national political agenda changes bureaucratic incentives in the transposition process. This finding underlines the importance of timing in EU policy implementation (cf. Goetz 2009; Falkner et al. 2004) and calls for longitudinal approaches to customized

implementation that can account for dynamic national preferences and changes in the national political agenda over time (cf. Imperial 2021, 15).

Bureaucratic strategies are a valuable complement to interest-based approaches to EU policy implementation offering a more nuanced view of domestic politics. The bureaucratic politics approach allows us to analyze an underlying mechanism of customized implementation in response to domestic preferences. This article therefore joins the call for a closer look at the role of national policy bureaucracies (e.g. Mastenbroek 2003; Mastenbroek 2017; Pollex and Ruffing 2024), their preferences, and decision-making processes in EU policy implementation.

This article does not only propose yet another variable to the study of EU policy implementation, but it also contributes to recent attempts at structuring the drivers of customized implementation (Thomann 2019; Thomann and Sager 2017; Zhelyazkova et al. 2024) with a comparative approach. It provides a framework to study the interaction between policy-specific goal conflict, i.e. the degree of discretion granted to the member states, and domestic politics. Further research is necessary to investigate empirically how the ambiguity and conflict created by member state discretion (cf. Eriksen 2023; Falkner et al. 2004, 463–465; Matland 1995; Thomann 2019, 207ff.; Zhelyazkova 2024) systematically interacts with interest-based or institutional explanatory approaches to customized implementation.

Data Availability Statement. This study does not employ statistical methods and no replication materials are available.

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