

Understanding Governmental Legislative Capacity

Harmonization of EU legislation in Lithuania and Romania

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Abstract

Governmental legislative capacity is a crucial ability for any government that wishes to fulfil intended goals. Without this capacity, there is a great risk that the decision making system will be paralyzed. This study enhances the understanding of governmental legislative capacity by examining the legal harmonization to EU legislation in Lithuania and Romania, prior to their accession to the European Union.

The legal harmonization in candidate countries opens unique opportunities to study governmental legislative capacity comparatively, firstly because the legislative agenda is very similar and secondly because the governments in the candidate countries provide detailed information on how and when the EU legislation is to be transposed. Such information is generally lacking in previous research, but this study argues that the intentions of the government constitute an essential component when studying governmental legislative capacity.

The results show that the Lithuanian governments have had a higher legislative capacity than their Romanian counterparts. They have transposed a higher share of the scheduled laws according to timetable; the delays that do occur are less severe and the quality of the adopted legislation is higher. In both countries there is a distinct capacity increase between 2000 and 2001. By applying a modified version of the veto player theory, the analysis shows that the number of veto points in the parliamentary decision making structure is the main reason why the process in Romania has been slower than in Lithuania, whereas the impact of the veto players is very limited, as they all agree on the merits of EU membership. It is however the governments in both countries that bear the main responsibility for the delays that occur, as they tend to submit their legislative proposals to parliament with very small margins or even after the deadlines have expired. The more parties participating in government, the more the proposals tend to be delayed.

Keywords: governmental legislative capacity, European Union, Lithuania, Romania, legal harmonization, adaptation, candidate countries, veto players, veto points, veto procedures, veto player theory, policy process, transposition, Central and Eastern Europe.