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Chilling or Learning? Supplementary Materials

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Table A1: List of Variables

Variable name	Explanation	Type of Data	Source
$\text{Case}_{i,t}$ (Dependent variable)	Number of referrals per court i at time t	discrete	NA
$\text{Order}_{i,t}$ (Dependent variable)	Dummy variable which takes the value one if the reference submitted by referring court i in year t is disposed of by an order and zero otherwise	NA	
Lag Order_i $(t-1)$	Number of dismissals per referring court i at time t	discrete	NA
Type Order_i $(t-1)$	Categorical variable which takes the value 4 if the reference is dismissed as manifestly inadmissible, 3 when dismissed on the ground that the question has already been settled, 2 when dismissed for lack of jurisdiction, 1 when rejected for other reasons and 0 if ended in an preliminary ruling per court i at time j	categorical	NA
Peak Court_i	Dummy variable which takes the value 1 if the referring court i is in the highest hierarchical position and 0 otherwise	categorical	NA
ECJ Workload_t	Number of pending cases at time t	discrete	Eur-Lex
Intra-EU $\text{Trade}_{i,t}$	Intra EU-trade (export plus import) per country of court i at time t	continuous	Ameco macro-economic database
Familiarity EU $\text{Law}_{i,t}$	Difference between the request date of preliminary reference at time t and the year the country of the court i entered the European Union	continuous	NA
EU support_t	Net political support per country at time t; Percentage difference between respondents believing that EU membership is a good thing and those considering that EU membership is a bad thing.	continuous	Eurobarometer
Monism_i	Dummy variable which takes the value one if the status of treaties is superior to ordinary legislation in the country of the referring court i and zero otherwise	categorical	NA
New Member_i	Dummy variable which takes the value one if the country of the referring court i refers to new member states (accession from 1995) and zero otherwise	categorical	NA

Note: NA means that no data source is necessary to compile the variable

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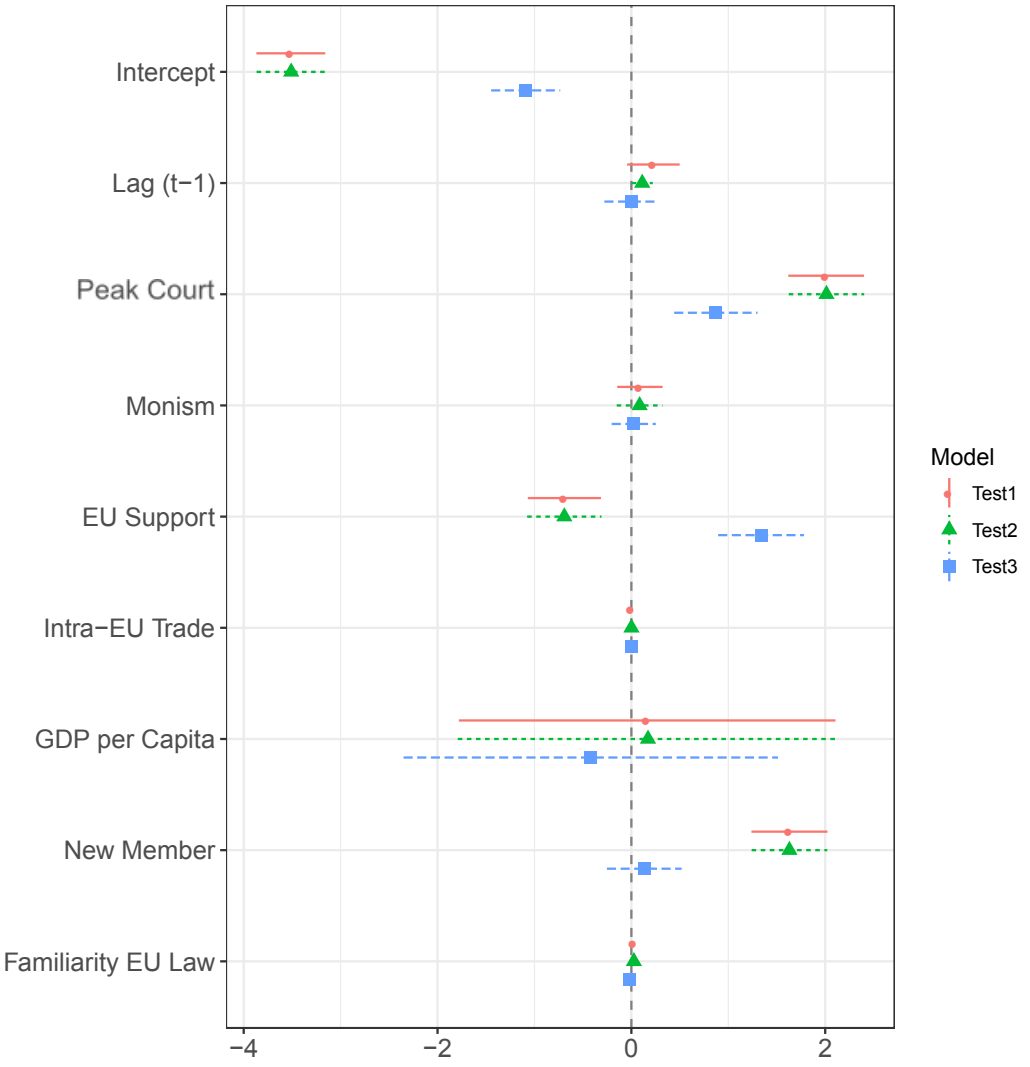

Figure A1: Assessment of the chilling hypothesis. Posterior distribution of model coefficients.

Note: Plot shows posterior estimates with 95% confidence intervals for all three tests of the chilling effect. Test

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Table A2: Hierarchical Bayesian model

	Dependent variable: Referral rate in year t								
	Test 1			Test 2			Test 3		
	Post.mean	l-95% CI	u-95% CI	Post.mean	l-95% CI	u-95% CI	Post.mean	l-95% CI	u-95% CI
Intercept	-3.514	-3.874	-3.163	-3.510	-3.869	-3.153	-1.090	-1.442	-0.731
Order $(t-1)$	0.227	-0.035	0.503	0.112	0.005	0.223	-0.002	-0.277	0.280
Peak Court	2.010	1.622	2.405	2.013	1.613	2.400	0.872	0.449	1.303
Monism	0.088	-0.145	0.322	0.085	-0.148	0.324	0.024	-0.202	0.250
EU Support	-0.691	-1.071	-0.310	-0.692	-1.075	-0.304	1.338	0.894	1.778
Intra-EU Trade	0.001	0.001	0.001	0.001	0.001	0.001	0.000	-0.001	0.000
GDP per Capita	0.163	-1.777	2.145	0.172	-1.780	2.142	-0.419	-2.350	1.519
New Member	1.631	1.243	2.019	1.631	1.242	2.019	0.133	-0.248	0.519
Familiriaty EU Law	0.026	0.018	0.034	0.026	0.018	0.034	-0.016	-0.025	-0.007
σ_{ij}	1.240	1.160	1.330	1.240	1.160	1.33	0.840	0.760	0.940
ψ	0.930	0.680	1.230	0.940	0.690	1.240	0.930	0.780	1.110
z_{ij}	0.230	0.040	0.310	0.240	0.150	0.310	0.020	0.000	0.060
WAIC		17051.95			17689.89			8554.46	
$R^2_{glmm(m)}$		0.083			0.083			0.151	
$R^2_{glmm(c)}$		0.541			0.541			0.576	
Number of iterations		16000			16000			16000	
Number of court levels		729			729			640	
Number of country levels		27			27			27	
Original sample size		22502			22502			6118	

Note: Priors have been specified based on available information of parameter and response distribution corresponding to the zero-inflated negative binomial distribution.

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Table A3: Maximum Likelihood Estimation of Hierarchical Distributed Lag Model

	Dependent variable: ECJ admissibility decision			
	Learning Test 1		*Learning Test 2*	
	Linear Model (1a)	Non-linear Model (1b)	Linear Model (2a)	Non-linear Model (2b)
Constant	-5.862^{***}	-6.000^{***}	-6.932^{***}	-6.827^{***}
	(0.616)	(0.702)	(0.919)	(0.891)
Delayed Order Effect ($s > 0$)	-0.016^{***}	-14.497^{***}	-0.013^{***}	-5.656^{***}
	(0.002)	(1.676)	(0.003)	(1.223)
Delayed Order Effect ($s^2 > 0$)		30.083^{***}		9.424^{***}
		(3.762)		(3.082)
Delayed Order Effect ($s^3 > 0$)		-18.013^{***}		-4.519^{**}
		(2.422)		(2.098)
ECJ Workload	0.006^{***}	0.005^{***}	0.005^{***}	0.005^{***}
	(0.001)	(0.001)	(0.002)	(0.002)
New Member	0.107	-0.219	0.723	0.293
	(0.536)	(0.610)	(0.835)	(0.840)
Peak Court	-0.245	-0.492	0.048	0.021
	(0.293)	(0.319)	(0.419)	(0.377)
Familiarity with EU Law	-0.003	-0.002	0.019	0.018
	(0.009)	(0.010)	(0.014)	(0.014)
Country:Court	0.176	0.117	0.852	0.470
	(0.420)	(0.343)	(0.923)	(0.685)
Observations	1.824	1.824	1.768	1.768
Log Likelihood	-362.177	-282.895	-248.903	-225.667
R^2_{marginal}	0.317	0.441	0.251	0.330
$R^2_{\text{conditional}}$	0.358	0.463	0.439	0.433
Akaike Inf. Crit.	742.355	587.791	515.805	473.333
Bayesian Inf. Crit.	791.673	648.069	564.835	533.259

Note: *p<0.1; **p<0.05; ***p<0.01

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Table A4: Confusion Matrix of Table Fixed Effects Conditional Maximum Likelihood Model

		Predicted Class			
		Linear Model (1a)		Non-linear Model (1b&1c)	
		False	True	False	True
Observed Class	False	1643	76	1673	49
	True	8	45	8	72
Observations		N=1772			

		Predicted Class			
		Linear Model (2a)		Non-linear Model (2b&2c)	
		False	True	False	True
Observed Class	False	1641	50	1646	47
	True	8	17	3	20
Observations		N=1716			

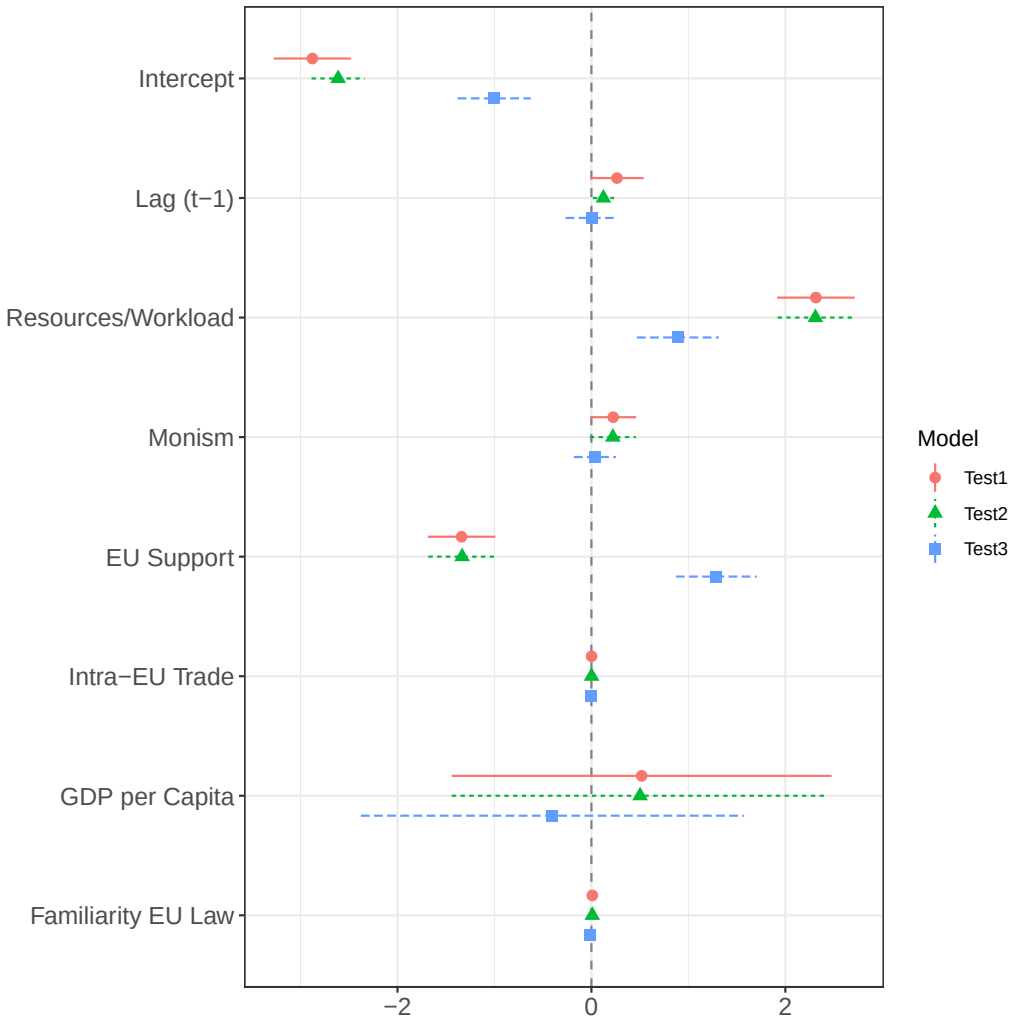

Figure A2: Alternative model specification for the test of the chilling hypothesis

Note. Plot shows posterior estimates with 95% confidence intervals for all three tests of the chilling effect.