**Appendix to Judicial decision making under uncertainty**

This appendix contains information and robustness tests which relate to Larsson & Naurin (2015) “Judicial independence and political uncertainty. Assessing the effect of legislative override on the European Court of Justice.” It first describes the types of questions that reach the ECJ via the preliminary reference procedure, and the different policy areas that relate to these. Thereafter, descriptive information is given on a) the distribution of issues with respect to the voting rule required for override, b) the positioning of the ECJ, the member states and the Commission on the More Europe dimension, and c) the level of conflict between these actors—across different policy areas.

Information is also given on how the member states differ in their positioning on More Europe depending on whether the case concerns their own national laws, or if it is the laws and regulations of another member state that is scrutinized. Finally, the appendix also contains robustness tests of the key finding in model 4 of Table 2 in the article, namely that the effect of member states observations is moderated by the voting rule in the Council.

**What is being adjudicated in the preliminary reference cases?**

The cases included in the data set[[1]](#footnote-1) are categorized into policy areas on the basis of two variables in the EUR-lex data base, which is published by the Publication Office of the EU: “Subject matter” and “Case Affecting”. The coding of cases into Subject Matter and Case Affecting is done by legal experts at the Court. However, as we have found that the categorization into policy areas differs substantially between these two sources we have combined the two in our analyses. This means that cases that we categorize as agriculture will have been coded as agriculture either on the basis of Subject Matter or Case Affecting, or (most cases) both.

Subject matter includes a hierarchy of general categories (such as agriculture) and subcategories (such as foodstuffs, fisheries, sugar), and we only use the general categories here. Case Affecting refers to those provisions that where interpreted in the operative part of the judgment. The categorization into policy areas that is based on Case Affecting builds on the chapter division of the EU treaties. In cases of secondary legislation, the categorization is based on the treaty article that constitutes the legal basis of the legislation in question.

Table A1 lists the categories that constitute the bulk of the issues, i.e. questions from national courts, in the dataset (more than 100 issues when Subject Matter and Case Affecting is combined). The categorization is not mutually exclusive, as a case may concern more than one area. As seen in the table, the overlap is particularly large between free movement of services and right to establishment (397 issues). The last two columns show the number of issues derived from Case Affecting and Subject Matter respectively.

Table A1. Number of issues across policy areas, including overlapping categorization

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | RE | Tax | Agri | FG | Com | CU | FS | Tra | FW | FC | Env | SP | CP | App | CA | SM |
| RE | 629 | 57 | 34 | 24 | 50 | 2 | 395 | 44 | 98 | 62 | 4 | 14 | 11 | 321 | 551 | 517 |
| Tax |  | 606 | 31 | 49 | 45 | 47 | 13 | 36 | 7 | 16 | 2 | 0 | 0 | 454 | 536 | 568 |
| Agri |  |  | 597 | 137 | 23 | 133 | 18 | 39 | 0 | 0 | 7 | 0 | 39 | 127 | 519 | 462 |
| FG |  |  |  | 441 | 122 | 195 | 37 | 1 | 3 | 1 | 22 | 0 | 35 | 233 | 340 | 232 |
| Com |  |  |  |  | 385 | 137 | 57 | 22 | 4 | 5 | 6 | 0 | 2 | 135 | 360 | 168 |
| CU |  |  |  |  |  | 286 | 0 | 3 | 3 | 0 | 0 | 0 | 0 | 98 | 286 | 259 |
| FS |  |  |  |  |  |  | 540 | 29 | 86 | 10 | 4 | 13 | 11 | 277 | 458 | 489 |
| Tra |  |  |  |  |  |  |  | 132 | 4 | 2 | 2 | 12 | 0 | 33 | 115 | 96 |
| FW |  |  |  |  |  |  |  |  | 380 | 7 | 0 | 8 | 0 | 6 | 309 | 250 |
| FC |  |  |  |  |  |  |  |  |  | 220 | 0 | 0 | 0 | 38 | 193 | 130 |
| Env |  |  |  |  |  |  |  |  |  |  | 193 | 0 | 3 | 103 | 98 | 193 |
| SP |  |  |  |  |  |  |  |  |  |  |  | 336 | 0 | 100 | 166 | 330 |
| CP |  |  |  |  |  |  |  |  |  |  |  |  | 174 | 154 | 3 | 173 |
| App |  |  |  |  |  |  |  |  |  |  |  |  |  | 1667 | 1595 | 956 |

Note: RE= *Right of Establishment* (articles 43-48 TEC), *Taxes* (arts. 90-93 TEC), Agri= *Agriculture* (arts. 32-38 TEC), FG= *Free movement of Goods* (arts. 23-31 TEC), Com= *Competition* (arts. 81-89 TEC), CU=*Customs Union* (arts. 131-135 TEC), FS= *Free Movement of Services* (arts. 49-55 TEC), Tra= *Transport* (arts. 70-80 TEC), FW = *Free Movement of Workers* (art. 39-42 TEC), FC= *Free Movement of Capital* (arts. 56-60 TEC), Env= *Environment* (arts. 174-176 TEC), SP= *Social Provisions* (art. 136-145 TEC), CP=*Consumer Protection* (art. 153 TEC), App=*Approximation of Laws* (art. 94-97 TEC) CA = Case Affecting, SM = Subject Matter. References to treaty articles refer to the Nice Consolidated Version of The Treaty Establishing The European Community.

*Free Movement of Goods* (articles 23-31 TEC[[2]](#footnote-2)) constitutes the legal core of the internal market as concerns goods. For example, article 25 prohibits "Customs duties on imports and exports and charges having equivalent effect", and was at the heart of the famous *Van Gend*-decision (C-26/62). Conflicts typically concern whether a certain national regulation constitutes a restriction on the right to freely provide goods across the European market, or whether a national charge has equivalent effect as a customs duty. In case 416/00, for example, a question arose whether an Italian statute regarding the packaging of bread constituted a quantitative restriction in the meaning of article 28 TEC, and thus would be an invalid obstacle to the free marketing of bread from other member states. Support for the legality of the national legislation was coded as favoring preserved national sovereignty, while support for the invalidation of the national law with reference to EU free movement principles has been coded as favoring deeper legal integration in this case. The ECJ eventually decided that the Italian bread packaging regulation did not constitute a violation of EU law.

*Free Movement of Workers* (art. 39-42 TEC), *Right of Establishment* (art. 43-48) and *Free Movement of Services*  (art. 49-55) also constitute core parts of the legal framework of the common market. The articles concerning *Free Movement of Workers* establish each EU citizen has the right to move freely among the member states and accept offers of employment, and carry out that employment (all subject to certain restrictions). *The Right of Establishment* includes the right to "take up and pursue activities as self-employed ... and to set up and manage undertakings, in particular companies and firms..." (art. 43 TEC). *Free Movement of Services* covers the right to freely provide services across member state borders, and has given rise to several contentious judgments, the "Laval-quartet"[[3]](#footnote-3) being the most debated.

Conflicts often arise in these areas when a firm based in one member state conducts business in another member state, invoking the freedom to provide services, the right of establishment or the free movement of workers to challenge various fees and regulations of the "host" member state. In the Laval case, for example, one of the issues concerned whether it was compatible with EU law for a Swedish trade union to use a blockade to force a Latvian employer to sign a collective agreement. To the Swedes, the traditional Swedish labor market model, which builds on collective agreements between unions and employers rather than legislation, was at stake. The ECJ’s decision to rule against the unions was coded as a “More Europe” decision. The Commission and the General Advocate took the opposite position, together with Sweden, Germany, France, Spain, Italy and several other “older” member states. On the other side, supporting the ECJ’s decision, were the newer member states; Poland, the Czech Republic, and the three Baltic states.

The articles concerning *Free movement of Capital* (art. 56-60 TEC) establishes that “all restrictions on the movement of capital [and payments] between Member States, and between Member States and third countries, shall be prohibited” (art. 56). One example in our data is C-318/07, which concerns tax benefits for donations to charitable bodies. The question raised was whether it is incompatible with the principle of free movement of capital for a national law (German in this case) to give a tax benefit on donations to charitable bodies, which is preconditioned on the charitable body being resident in that member state. Such a requirement could be seen as an indirect impingement on the free movement of capital (by subsidizing capital that remains within the MS). A “yes” to the question above has been coded as a position that equals “More Europe”, “no” the opposite. The ECJ ruled that the German law was incompatible with EU law. Here the ECJ was opposed by Germany, France, Ireland and the UK, but supported by Estonia (and the General Advocate in its opinion).

*Transport* (art. 70-80 TEC) sets up the EU:s common transport policy, regulating cross-border transports within the Union. In case C-435/00, a Greek regulation setting higher harbor fees for passengers travelling to third countries than those travelling to EU-countries was challenged. The ECJ ruled that the Greek regulation was in conflict with relevant EU laws, a position which was coded as More Europe. The Commission took the same position, while no member states made an observation in this case. The General-Advocate, on the other hand, gave a rather complicated opinion, partly not answering the question (due to criticism of its formulation), partly giving a non-answer which stated well-known EU legal principles without giving them concrete meaning in the issue at hand, and finally by stating that some provisions of the Greek legislation were incompatible with the relevant EU legislation. This position was treated as neutral in the final analysis, i.e. as not having a clear implication on the More Europe scale.

*Competition* (arts. 81-89 TEC) constitutes the basis for anti-cartel enforcement within the EU, and the provisions on State Aid. One example in our data set is case C-393/04, in which a Belgian tax exemption for engines used in natural gas stations was challenged on the grounds that it constituted State Aid and discriminated against companies using engines with other industrial gases. The Belgian Government defended its exemption (preserved national sovereignty), and the ECJ, the General Advocate and the Commission all agreed with the Belgian position in this case. Competition cases often overlap with the customs and free movement of goods-categories. *Customs Union* (art. 131-135) includes the EU:s Common Commercial Policy. The questions raised in this area concern external trade policy, such as customs duties, the classification of various products (e.g. C-372/06), and the boundaries of the competence of national customs authorities (C-226/99).

The EUs competence with respect to *taxes* [arts. 90-93 TEC] concerns indirect rather than direct taxation, and the decision rule in the Council is normally unanimity also for secondary legislation. Many tax cases in our data set concern Directive 77/388/EEC on the harmonization of the laws of the Member States relating to turnover taxes. The cases often deal with questions of whether a certain national tax regime, or VAT exemption, is in compliance with the existing EU law. For example, in case C-305/95 a litigant that had been excluded from a British VAT-deduction, challenged this exclusion with reference to Directive 77/388/EEC, claiming that the exclusion was incompatible with EU law. While the Commission argued that EU law did not authorise such exclusions (coded as More Europe), the ECJ ruled that it did (preserved national sovereignty). The General Advocate took the same position as the ECJ, together with Denmark, Greece, France, Ireland, Finland, Sweden and the UK.

*Social Provisions* (art. 136-145 TEC) relate to health and safety at the work place, terms of employment, employment of third-country nationals (i.e. non-EU citizens), social exclusion, and more. The competencies of the EU within these areas vary. Typically, the EU can, under certain conditions, establish minimum requirements. The cases within this category cover a broad range of issues, from the protection of union representatives against dismissal (C-405/08) to equal pay between men and women (C-351/00). In the last case, the question was raised whether article 141 TEC, which stipulates that “each Member State shall ensure that the principle of equal pay for male and female workers for equal work or work of equal value is applied”, covered a Finish national pensions scheme. The position that *it did*, which was taken by the Commission, the AG and the ECJ, was coded as “More Europe”, while the opposite position, defended by the Finish government, was coded as preserved national sovereignty.

*Environment* (174-176) includes the articles that lay the foundation for the EU:s environmental policies. In C-231/97 a wood-treatment facility in the Netherlands, owned by a Dutch company, was accused of emitting steam containing arsenic, copper and chromium. The legal question concerned whether the term ”discharge” as used in directive 76/464/EEC covered the emissions, thereby making it fall under the ambit of EU environmental regulations. The position that it did was taken by the ECJ, the General Advocate, the Commission and the Finish government, and was coded as More Europe. The opposite position, coded as preserved national sovereignty, was forwarded by France and the Netherlands.

*Consumer Protection* (art. 153) involves a wide range of issues. Many cases concern the labeling or advertisement of products on the internal market. One example is C-239/02 in which the question is raised whether a directive on the labeling, presentation and advertising of foodstuffs (2000/13/EC) precludes a Belgian provision that prohibits certain phrasing in advertisement (e.g. the word “slimming”). The position that the directive precludes such national legislation has been coded as More Europe, the opposite as preserved national sovereignty. The ECJ, the Commission and the AG took the former position, while the Belgian government took the latter.

*Agriculture* (articles 32-38 TEC) is one of the core competencies of the EU, and consequently a fairly large category in the data set. Questions arising in this area involve issues such as how much substances that can be added to a product before it requires re-classification (C-410/08), how a certain sugar production quota should be interpreted (C-365/08), or if the vitamin D-level of a certain "supplementary feedingstuff" constitutes a valid ground for a member state (Germany) to prohibit its marketing within that state (C-145/02). In the last case, the German government defended its statute, a position that was coded as preserved national sovereignty. The ECJ, on the other hand, ruled that the German regulation was in violation with EU law, a position shared by the Commission and the General Advocate.

*Approximation of Laws* [arts. 94-97 TEC] is a broad category, which stipulates the process of aligning national legislation with EU law for the purpose of “approximation of such laws, regulations or administrative provisions of the Member States as directly affect the establishment or functioning of the common market” (art. 94). As can be seen in Table A1, this category has substantial overlap with most other categories and examples can include cases from all of these. For that reason, we do not distinguish approximation of laws as a specific policy area in the analyses.

**Voting rule across policy areas**

Figure A.1. Voting rule over policy areas



Note: The figure shows the number of issues in each category where the relevant act referred to in the case (as indicated by “Case Affecting” in the EUR-lex coding) could be revised by a qualified majority vote in the Council or if unanimity was required, or if no single specific voting rule could be determined (mixed rule). Mixed rule refers to cases where the concerned acts include a combination of acts that are changed with QMV and unanimity, or where the legal basis of the concerned acts stipulates both QMV and unanimity for various circumstances.

The figure shows that while agriculture and customs cooperation-issues mainly include QMV cases, tax issues and issues relating to the free movement of capital are normally decided with unanimity. If the voting rule is unanimity this is usually so (more than 90 per cent) because the provision interpreted is a treaty article, except for tax issues where only about 10 per cent of the issues concern primary law.

**Positioning on the More Europe dimension**

Figure A2. How do the ECJ’s decisions relate to More Europe in different policy areas?



Note: Only categories that contain more than 100 issues (i.e. questions from the national courts) are shown. The figure is sorted on the net positioning on More Europe (i.e. (More Europe – Preserved National Sovereignty)/Total number of issues).

Overall, the ECJ has a share of More Europe judgments of 36 per cent (1391 issues), while the share of judgments in favor of preserved national sovereignty is 25 per cent (965 issues). In 39 per cent of the issues (1489) there was no clear implication of the judgment on the More Europe dimension. The policy areas where the ECJ has the strongest tendency towards More Europe are social provisions and the free movement of workers, while the tendency towards preserved national sovereignty is strongest in issues concerning competition and trade policy (customs union).

Figure A3. Member states (net) positioning on More Europe in different policy areas.



Note: Only categories that contain more than 100 issues (i.e. questions from the national courts) are shown. The figure is sorted on the member states’ net position in favor of More Europe (i.e. (More Europe – Preserved National Sovereignty)/Total number of issues).

Overall, the member states have a share of More Europe judgments of 17 per cent (646 issues), while the share of judgments in favor of preserved national sovereignty is 45 per cent (1719 issues). In 38 per cent of the issues (1480) there was no net member state position in either direction on the More Europe dimension. The policy areas where the member states have the strongest tendency towards More Europe are agriculture, consumer protection and trade policy (Customs Union), while the tendency towards preserved national sovereignty is strongest in issues concerning the free movement of workers and services.

Figure A4. Commission positioning on More Europe in different policy areas.



Note: Only categories that contain more than 100 issues (i.e. questions from the national courts) are shown. The figure is sorted on net position in favor of More Europe ((More Europe – Preserved National Sovereignty)/Total number of issues).

Overall, the Commission has a share of More Europe judgments of 38 per cent (1456 issues), while the share of judgments in favor of preserved national sovereignty is 26 per cent (985 issues). In 37 per cent of the issues (1404) there was no clear implication of the Commission’s position on the More Europe dimension. The policy areas where the Commission has the strongest tendency towards More Europe are social provisions and the free movement of workers, while the tendency towards preserved national sovereignty is strongest in issues concerning competition and trade policy (Customs Union).

**Measures of conflict and agreement**

Figure A5. Number of issues and level of conflict between the Member states and the ECJ over policy areas



Note: Conflict means that member states (net) took a position either in favor of More Europe or preserved national sovereignty, while the ECJ took the opposite position. Difference means that either the ECJ or the member states took a neutral position, while the other took a position in favor of More Europe or preserved national sovereignty. Only categories that contain more than 100 issues are shown. Categories are not mutually exclusive as the cases may concern more than one area.

The figure is sorted on net agreement ((Agreement-Conflict)/Total no of issues). The most conflictual areas are free movement of workers and right of establishment, while least conflict is found in agriculture and transport. Overall, the ECJ and the member states agree on 57 per cent of the issues, while there is conflict in 19 per cent and a difference in 24 per cent of the issues.

Figure A6. Level of conflict between the Member states and the Commission over policy areas



Note: Conflict means that member states (net) took a position either in favor of More Europe or preserved national sovereignty, while the Commission took the opposite position. Difference means that either the Commission or the member states took a neutral position, while the other took a position in favor of More Europe or preserved national sovereignty. Only categories that contain more than 100 issues (i.e. questions from the national courts) are shown. Categories are not mutually exclusive as the cases may concern more than one area.

The figure is sorted on net agreement ((Agreement-Conflict)/Total no of issues). The most conflict-ridden areas are free movement of workers and right of establishment, while least conflict is found in agriculture and transport policy. Overall, the Commission and the member states agree on 57 per cent of the issues, while there is conflict in 21 per cent and a difference in 22 per cent of the issues.

Figure A7. Level of conflict between the ECJ and the Commission over policy areas



Note: Conflict means that Commission took a position either in favor of More Europe or preserved national sovereignty, while the ECJ took the opposite position. Difference means that either the Commission or the ECJ took a neutral position, while the other took a position in favor of More Europe or preserved national sovereignty. Only categories that contain more than 100 issues (i.e. questions from the national courts) are shown. Categories are not mutually exclusive as the cases may concern more than one area.

The figure is sorted on net agreement ((Agreement-Conflict)/Total no of issues). The most conflictual areas are free movement of workers and social provisions, while least conflict is found in agriculture and trade. Overall, the Commission and the ECJ agree on 75 per cent of the issues, while there is conflict in 11 per cent and a difference in 14 per cent of the issues.

**“Internal” and “external” observations**

Table A2 shows the number of observations submitted by a) governments in member states from which the cases origin, i.e. those governments whose national courts have asked the ECJ for a preliminary reference, and b) governments in other member states. The former are referred to as “internal” observations and the latter as “external” observations.

Table A2. Proportion of observations in ‘internal and ‘external cases

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Preserved National Sovereignty | Neutral | More Europe | Total % (n) |
| Internal | 60 (1581) | 24 (622) | 16 (418) | 100 (2621) |
| External | 50 (2386) | 25 (1185) | 26 (1253) | 100 (4824) |
| Total | 53 (3967) | 24 (1807) | 22 (1671) | 100 (7445) |
| Note: Per cent, number of observations in parenthesis. | | | | |

On average, over the whole period, 16 per cent of the ‘internal observations argue in favor of More Europe, while 60 per cent have a preference for Preserved National Sovereignty. Member states who file briefs in cases that origin in another member state have a higher tendency of advocating More Europe (26 per cent), but also most of these (50 per cent) favor Preserved National Sovereignty.

**Robustness tests and illustrations of regression models**

Figure A8 illustrates the difference in the impact of member states’ observations depending on the whether the EP has a veto in regards to the legal acts underlying the issue in the Court or not. The figure shows that the interaction effect is never statistically significant in the whole interval.

We have run models 4 and 5 in Table 2 of the article including controls for the Commission’s position, with substantively similar results as those presented in the article. The EP interaction is still insignificant, while the interactive effect of the voting rule is somewhat more uncertain, when the Commission is controlled for. The models are shown in Table A3. Figure A9 demonstrates that the interaction effect of voting rule is significant in roughly the same interval as in model 4 (see Figure 7 of the original article), but only when using 90 per cent confidence intervals.

Figure A8. EP interaction in Model 5 in Table 2 illustrated

**

Note: Calculated from model 5 in Table 2. The solid line describes the difference in the probability of the ECJ of deciding in favor of Preserved National Sovereignty depending on whether the European Parliament has veto rule or not (Y-axis), at different levels of member states’ positioning (*MSNet,* X-axis). Dashed lines are 95% confidence intervals.

Figure A9. Model 4 with the Commission included



*Note*: Calculated from model 1 in Table A3. The solid line describes the difference in the probability of the ECJ of deciding in favor of Preserved National Sovereignty depending on the voting rule (Y-axis), at different levels of member states’ positioning (*MSNet,* X-axis). Dashed lines are 90% confidence intervals.

Table A3 also includes a test of to what extent the main finding in model 4—that voting rule interacts with the effect of member states observations on the decisions of the ECJ—is robust to the inclusion of policy area variables. Policy areas with 100 or more issues were included as dummy variables one at a time, starting with the policy areas with the most issues. None of these models modify the size or significance of the interaction effect of voting rule. In the full model (model 3 in Table A3), three policy areas have a significant effect on the probability of the ECJ to decide in favor of More Europe (over and above the variation driven by the voting rule): Transport policy has a negative effect—i.e. the ECJ has a tendency to decide in favor of Preserved National Sovereignty in this area—while Free Movement of Workers and Social Provisions has a positive effect. The latter are the policy areas where the ECJ is pushing its luck the most with respect to the risk of override.

Table A3. Ordered Logit Analysis of ECJ Ruling for More Europe

|  |  |  |  |
| --- | --- | --- | --- |
|  | (1) | (2) | (3) |
|  | Model 1 | Model 2 | Area Dummys |
| ECJ Decision |  |  |  |
| MS Net | 5.410\*\*\* | 7.509\*\* | 6.759\*\*\* |
|  | (1.365) | (2.872) | (1.510) |
|  |  |  |  |
| Unanimity | 0.0237 |  | 0.0611 |
|  | (0.0903) |  | (0.123) |
|  |  |  |  |
| Unanimity \* MS Net | -2.888+ |  | -3.917\* |
|  | (1.561) |  | (1.647) |
|  |  |  |  |
| Chamber Size | 0.0648 | 0.793+ | 0.0333 |
|  | (0.252) | (0.447) | (0.263) |
|  |  |  |  |
| AG Pro | 1.851\*\*\* | 2.233\*\*\* | 2.525\*\*\* |
|  | (0.191) | (0.412) | (0.151) |
|  |  |  |  |
| AG Anti | -1.746\*\*\* | -2.132\*\*\* | -1.846\*\*\* |
|  | (0.201) | (0.420) | (0.161) |
|  |  |  |  |
| COM Pro | 1.509\*\*\* | 2.100\*\*\* |  |
|  | (0.160) | (0.344) |  |
|  |  |  |  |
| COM Anti | -0.850\*\*\* | -1.111\*\*\* |  |
|  | (0.171) | (0.327) |  |
|  |  |  |  |
| EP Veto |  | -0.0372 |  |
|  |  | (0.161) |  |
|  |  |  |  |
| EP Veto \* MS Net |  | -1.905 |  |
|  |  | (3.547) |  |
|  |  |  |  |
| Goods |  |  | -0.203 |
|  |  |  | (0.203) |
|  |  |  |  |
| Agriculture |  |  | 0.0368 |
|  |  |  | (0.132) |
|  |  |  |  |
| Workers |  |  | 0.572\* |
|  |  |  | (0.245) |
|  |  |  |  |
| Establishment |  |  | -0.187 |
|  |  |  | (0.171) |
|  |  |  |  |
| Services |  |  | 0.0580 |
|  |  |  | (0.214) |
|  |  |  |  |
| Capital |  |  | 0.137 |
|  |  |  | (0.182) |
|  |  |  |  |
| Transport |  |  | -0.604\* |
|  |  |  | (0.295) |
|  |  |  |  |
| Competition |  |  | -0.401\*\* |
|  |  |  | (0.147) |
|  |  |  |  |
| Tax |  |  | 0.255+ |
|  |  |  | (0.149) |
|  |  |  |  |
| Customs |  |  | 0.207 |
|  |  |  | (0.220) |
|  |  |  |  |
| Social Provisions |  |  | 0.480\* |
|  |  |  | (0.203) |
|  |  |  |  |
| Environment |  |  | 0.153 |
|  |  |  | (0.181) |
|  |  |  |  |
| Consumer Protection |  |  | -0.131 |
|  |  |  | (0.236) |
| cut1 |  |  |  |
| Constant | -1.370\*\*\* | -1.559\*\*\* | -1.376\*\*\* |
|  | (0.102) | (0.170) | (0.134) |
| cut2 |  |  |  |
| Constant | 1.395\*\*\* | 2.071\*\*\* | 1.191\*\*\* |
|  | (0.101) | (0.183) | (0.132) |
| Pseudo R2 | 0.317 | 0.387 | 0.264 |
| N | 2572 | 903 | 2572 |

Standard errors in parentheses

+ *p* < 0.1, \* *p* < 0.05, \*\* *p* < 0.01, \*\*\* *p* < 0.001

1. For more information about coding and reliability tests see Naurin et al (2013) “Coding observations of the Member States and judgments of the Court of Justice of the EU under the preliminary reference procedure 1997-2008: Data report”, Cergu Working Paper Series 2013:1. [↑](#footnote-ref-1)
2. We use the Nice treaty numbering of articles throughout this appendix. [↑](#footnote-ref-2)
3. *Laval* C-341/05; *Rüffert*C-346/06; *Commission v Luxembourg* C-319/06; *Viking* C-438/05 [↑](#footnote-ref-3)