

The Regulatory State and Differentiated European Integration*

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Abstract

The differentiation of European integration has recently gained renewed attention from European integration scholars. In 1994, Majone has argued that the regulatory state is one of the main drivers of European Integration. However, we currently lack a quantitative and empirical assessment of regulatory policies' role in the variation of integration depth across policies. In this article, we empirically assess Majone's argument. Combining different data sources, we construct an original data set and study the European integration process in the EU-15 from 1989-2011. The empirical analysis shows that the European integration process is linked to the nature of a policy: regulatory policy domains are more likely to be integrated. In addition, policy areas exhibit higher integration levels if mass publics support their integration to the European level – but only in regulatory policy domains. These results have broader implications for our understanding of how policy characteristics shape the European Integration process.

Keywords: Regulatory State, Differentiated Integration, European Integration

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1 Introduction

European integration is characterized by extraordinary organizational and institutional complexity. A major contributor to this complexity is the fact that the integration extent differs significantly across policies, which has brought about labels such as “multi-speed integration” or “Europe à la carte” (Stubb, 1996; Holzinger & Schimmelfennig, 2012). Scholars of European integration and multi-level governance have come up with different analytical tools and explanations for assessing and making sense of this variation, among them the post-functionalist theory of European integration (Hooghe & Marks, 2009; Schmitter, 2009; Schimmelfennig, 2014; Hooghe & Marks, 2016) and the concept of differentiated integration (Leuffen et al., 2013; Schimmelfennig & Winzen, 2014; Zhelyazkova, 2014; Winzen & Schimmelfennig, 2016; Duttler, 2016) – to name only two of the most recent innovations. Given the great variation in the extent to which policies are integrated at the European level, it seems obvious to focus on policies in order to understand these differences.

Policy domains are shaped by different cultural contexts, political actors, or financial resources, which mainly influence the outcome of a policy process, e.g. the European integration process. Hence, it is crucial to distinguish between different policy domains in order to understand policy outcomes. Existing studies of the European integration process have acknowledged the importance of policy differences (Hoffmann, 1966; Pierson, 1996; Aspinwall, 2007) and many of them analyse the integration of single policy domains, such as cohesion, migration or the monetary union (Hooghe, 1996; Guiraudon, 2000; Frieden, 2002).¹ More recent studies show that the extent of European integration varies significantly across policy fields and propose explanations for these differences. Hooghe & Marks (2009) make an important distinction between policies that are subject to interest group politics and others that are subject to identity politics within their postfunctionalist theory. In addition, Schimmelfennig & Winzen (2014) distinguish between instrumental and constitutional differentiation, which is largely a distinction between internal market

¹For a notable exception see Moravcsik (1993).

policies and integration of core state powers. Similarly, [Genschel & Jachtenfuchs \(2016\)](#) analyze to what extent the integration of core state powers is different from market integration.

An important factor in the discussion of differentiated European integration is the rise of the regulatory state. [Majone \(1994\)](#) shows that regulation has become more and more prevalent in the EU due to privatization and deregulation. Member states do not want to send money to Brussels, which is why European integration focuses more often on regulatory than on (re)distributive policies. According to the author, an important feature of regulatory policies is that they are hardly ever subject to budgetary limitations. Hence, [Majone \(1994, 87\)](#) argues:

"[...] the financial resources of the Community go, for the most part, to the Common Agricultural Policy and to a handful of distributive programmes. The remaining resources are insufficient to support large-scale initiatives in areas such as industrial policy, energy, research, or technological innovation. Given this constraint, the only way for the Commission to increase its role was to expand the scope of its regulatory activities."

In this study, we take up Majone's argument and show how the regulatory nature of a policy domain is linked to its integration at the European level. In addition, we also assess the role of mass publics' preferences for the integration of a specific policy for the actual integration of that policy at the European level. Starting out from the intergovernmentalist claim that national governments are the crucial actors when it comes to (dis)integration decisions, we test two propositions. The first one starts from the assumption that national governments want to retain control over decisive policy areas. We expect that the extent to which a policy is integrated at the European level is a function of the types of decisions that are made in this domain at the European level. When decisions are of a more regulatory nature, a policy is more likely to experience a higher level of integration, than when the decisions made are of a more (re)distributive nature. In this case, national governments would lose their sole decision-making authority over

substantive parts of their budgets – which corresponds to a substantive loss in political control. The second proposition emphasizes national governments’ role as elected actors that can be held accountable by mass publics. The extent to which a policy is integrated at the European level is partly conceived of as a function of national publics’ preferences for integration in this domain, since national governments can increase their electoral chances by implementing public preferences (cf. [Schneider, 2013, 2017](#)). Finally, we assess the interaction of the two variables, assuming that national governments will be more willing to follow mass publics’ integration preferences in regulatory than in (re)distributive policy domains.

To test these propositions, we analyze thirteen policy domains across the EU-15. Since existing data sets only allow for limited comparative analysis at the policy level, we build a unique data set that allows to study the impact of policy attributes on a policy’s integration depth for a given country. First, we calculate the vertical integration of thirteen policies for each country of the EU-15 from 1989 to 2011 based on a data set on differentiated integration ([Schimmelfennig & Winzen, 2014](#)). Second, we rely on new data from an expert survey on Europeanisation across policies to measure the type of decision making – regulatory or (re)distributive – at the European level for each policy over time ([Nanou et al., 2017](#)). Third, using Eurobarometer data, we operationalize mass publics’ preferences for policy integration by calculating the share of a country’s citizens who prefer a policy to be dealt with at the European level. The empirical analysis indicates that the regulatory character of a policy is indeed closely linked to its integration extent. Moreover, policy domains are more likely to be integrated if citizens support their integration to the European level – but this is only the case in regulatory policy domains. These results are in line with prominent explanations of the European integration process and shows the value of making policy characteristics and differences empirically measurable.

2 Differentiated Integration in the European Union

Since the 1990s, we have been witnessing an increasing differentiation of European integration – both horizontally across countries and vertically across policies. Supranational integration in Europe at its core still seems to be a process which is largely about the (dis)integration of single policies. Such differences across policies have occupied scholars since the inception of the European integration process. For instance, [Hoffmann \(1966\)](#) argues that integration is more likely in “low politics” domains, e.g. economic problems, than in “high politics” domains such as security, which is one of the state’s core prerogatives. Around the same time, [Lindberg \(1970, 673\)](#) has proposed a first empirical measurement of the integration extent of different policy domains.

In the wake of the Maastricht treaty, different integration extents across policy domains have gained renewed attention. [Majone \(1994\)](#) prominently argues that integration is stronger in policy areas of agricultural policy and other distributive programs . A decade later, in a study of the level and scope of authority of EU decision-making, [Börzel \(2005\)](#) updates and expands [Lindberg’s \(1970\)](#) measurement and finds substantial variation across policy areas in terms of their vertical integration, i.e. the depth of their integration at the European level. [Hooghe & Marks \(2009\)](#) argue that political parties have the option to politicize the integration of a specific policy – and hence render it salient and contested for mass publics – or to leave it to the realm of interest groups – meaning that an issue remains depoliticized. The politicization of a policy then has consequences for its integration prospects.

The most recent development in the study of policy differences with respect to European integration is the scholarship on “differentiated integration” ([Leuffen et al., 2013](#); [Schimmelfennig & Winzen, 2014](#); [Winzen & Schimmelfennig, 2016](#); [Duttler et al., 2017](#)). These scholars assess both horizontal and vertical differentiation. They, for example, show how the territorial extension of policies has become more differentiated since the mid-1990s and particularly with Eastern enlargement: some policies only apply to a subgroup of European Union members, and at the same time can include some non-members,

like the Schengen agreement (Leuffen et al., 2013). With Eastern enlargement, some of the new member states were deliberately, if only temporarily, excluded from participation in joint decision-making in certain policy-areas, such as the common market and agriculture (Schimmelfennig & Winzen, 2014, 365). This “instrumental differentiation” – as the authors call it – is explained by the fact that new, mostly poorer, member states, have to wait in the antechamber until they are given full access to decision-making in certain policy areas, particularly if the policy areas involve (re)distributive mechanisms like agriculture. Vertical differentiation is explained by the difference between high and low politics, or by the difference between “core state powers” and policies subsumed under “market regulation” – with the former facing stronger resistance to integration than the latter (Genschel & Jachtenfuchs, 2016). Finally, Schimmelfennig et al. (2015) argue that the extent to which a policy area witnesses vertical integration and horizontal differentiation is a function of the interdependence between states in, and the politicization of, a policy area. While strong interdependence makes vertical integration more likely, strong politicization makes differentiation more likely. The area of monetary policy – high interdependence and high politicization – illustrates this: monetary policy is highly integrated, but the territorial scope of the monetary union is comparatively small.

These contributions all acknowledge and theorize the relevance of policy-specific characteristics in the explanation of European integration. However, these studies also have in common that they do not empirically measure these policy characteristics. Typically, policies are classified by the respective researchers into high and low, regulatory or (re)distributive, or high and low politicization. While these classifications might be well-justified and reasonable, they nevertheless fail to provide a comparable and replicable empirical measurement for other studies.

Here, we want to remedy this shortcoming, by showing ways in which important policy characteristics can be measured and used in a policy-specific assessment of European integration. Some recent studies provide good examples of how policy characteristics can be measured and used to explain EU-related outcomes, such as EU commission and EU political elite behavior, or mass support for the EU. Van Ballaert (2017) shows that a

policy proposal's newness and salience makes it more likely that the commission uses more consultation practices. [De Bruycker \(2017\)](#) demonstrates that Brussel's elites more often refer to the public's interests in debates on EU policies, when the policy is salient – measured through media sources – and when civil society actors, but not business actors are involved in policy processes. Furthermore, [Svendsen & Adler-Nissen \(2019\)](#) illustrate how Brexit has influenced the cooperation in a “low politics” area of security. These examples show that policy-specific differences are relevant and that they can be measured empirically.

In what follows, we start out from an intergovernmentalist perspective assuming that national governments are the most relevant actors to look at in relation to decisions about (dis)integration. The extent to which any country is integrated at the European level in any particular policy domain reflects national governments' preferences. This assumption receives empirical support from recent research on differentiated integration and EU policy-making ([Leuffen et al., 2014](#); [Bickerton et al., 2015](#); [Winzen, 2016](#)). Yet where do national governments' integration preferences in a particular policy domain come from? Below, we argue that national governments' integration preferences partly hinge on the rise of the regulatory state as [Majone \(1994\)](#) has described it 25 years ago. Second, we also expect mass public preferences for policy integration to influence governments' decision to transfer authority to the European level.

2.1 The Regulatory State and Policy-Specific Integration

[Majone \(1994\)](#) has prominently discussed the role of regulation in explaining European integration. He describes the paradox that privatization and deregulation have indirectly lead to regulation, since both have created the conditions for the rise of a regulatory state and hence European Integration. While previous studies argued that an implementation gap amongst the European states was responsible for this rise of integration – since it is easy for them to accept Commission proposals which they are not seriously intending to apply – Majone rightfully points out that those theories fail to explain differentiation

across policy areas. He argues that integration is stronger in policy areas of the regulatory type, because budgetary limitations (at the level of the EU) play only a marginal role in these policy areas, whereas they are an insurmountable obstacle to integration in more distributive and (re)distributive policy areas (see also [Pollack, 1994](#)). Regulation – unlike distribution or redistribution – is not cost-intensive for states.²

In general, national governments want to retain control over their budgets and their spending. Transferring decision-making authority in (re)distributive policy areas to the European level means that national governments lose their possibility to directly generate public support by spending money. Some member states will benefit more from these mechanisms than others, because they become net beneficiaries, while others become net contributors.³ This means that pooling decision-making authority in (re)distributive policy areas will face substantive opposition by many national governments and reaching a consensus on specific policy proposals is more difficult than in regulatory policy areas.

The financial resources of the European Union go largely to the Common Agricultural Policy and the Cohesion Policy, which account for over 70% of the total budget. As a consequence, the remaining resources are insufficient to support large-scale initiatives in areas such as industrial policy, energy, research, or technological innovation. Hence, [Majone \(1994\)](#) argues that the European Commission can only increase its role by expanding the scope of its regulatory activities. In line with this, [Hayes \(2007, 467\)](#) states that regulatory policies – in contrast to (re)distributive policies – do not directly determine winners and losers but merely establish an administrative process which in the mid-term can have distributional consequences. Due to this difference between regulatory and (re)distributive policies, the author argues that conflict is less intense for regulatory issues than for (re)distributive ones. This argument provides an explanation why it is more difficult to reach joint agreements in some policy domains. When an area is merely

²This doesn't mean that these policies do not involve costs at all, but rather that "the real costs of most regulatory programmes are borne directly by the firms and individuals who have to comply with them." ([Majone, 1994, 87](#)).

³Receiving net financial transfers in turn has an impact on public support for European integration. Citizens seem to partly base their EU support on whether their living environment benefits from financial transfers from the EU in the various policy areas ([Dellmuth & Chalmers, 2018](#)).

about removing certain barriers and harmonizing standards – technical issues that have little immediate impact on national political systems – governments might find it easier to reach agreement. This is the case because the actors involved in deciding whether a policy should be integrated to a greater or lesser extent at the European level might, first, agree on the mutual benefits of coordination in this policy area and, second, reach this agreement much more quickly because there are fewer conflicting interests. Therefore, when decision-making at the European level is mostly about regulation – and less about (re-)distribution – it is more likely that a policy will be integrated at the European level.

H₁: The more EU decision-making in a policy is of regulatory nature, the more this policy will be integrated at the European level.

2.2 Public Preferences and Policy-Specific Integration

Regulation is not the only policy-specific feature which might influence national governments in their decision to push for or refrain from integration in a specific area. Another characteristic is whether the electoral constituency supports the delegation of decision-making authority in certain policy areas to the European level.

National governments are elected by national citizens and are thus accountable to these constituencies. If we assume that the main aim of any government is to be re-elected and if we further assume that their re-election depends on the extent to which they implement national constituencies' preferences, we can expect governments to pay attention to mass publics' preferences (Hobolt, 2006; Hobolt & Klemmensen, 2008; Lax & Phillips, 2009). In the case of European integration, this means that national governments will try to implement public preferences and accordingly expand or retrench integration in particular policy domains.

Recent studies provide some empirical evidence for this assumption. In a qualitative analysis of three policy areas, Schimmelfennig et al. (2015) demonstrate that high politicization in a policy area goes along with high differentiation – meaning that more states bargain for exemptions from common treaty provisions. This suggests that national gov-

ernments try to implement the preferences of their national constituencies when it would become electorally costly not to do so. In a similar vein, [Genschel & Jachtenfuchs \(2016\)](#) argue that national governments are especially constrained by the interests of domestic actors when it comes to the integration of core state powers, i.e. policy domains that are the traditional prerogatives of nation-states, such as currency, defense, and domestic security. They argue that the way in which a policy is integrated at the European level depends on whether sectoral interests and mass publics are favorably orientated towards integration in a certain domain or not. More often than not, for core state powers, there is opposition to integration either from sectoral groups (e.g. in defense policy), from mass publics (e.g. monetary and fiscal policy), or from both. Finally, and more generally, [Rauh et al. \(2019\)](#) have recently shown that national governments facing an integration-sceptic constituency undermine European integration.

Accordingly, national governments have to find a way to reconcile the integration extent in a certain policy with these domestic interests in order to prevent negative electoral consequences. We therefore argue that the extent of policy's integration for a given country is linked to its citizens' support for the policy's integration at the European level.

H₁: The higher the share of people in a country who want to integrate a policy to the European level, the higher the integration level of the policy for that country.

2.3 Conditional Effect of Public Support on Regulatory Policies

Apart from the direct effects of public support for policy integration and policy type on a policy's integration extent, we also expect that the effect of public support on policy integration is conditional on the policy type. More specifically, we assume that national governments can follow mass publics' preferences for or against integration more closely in regulatory areas than in (re)distributive ones. The rationale for this assumption is based in the fact that reaching a consensus in regulatory policy areas is less difficult than in (re)distributive policy areas. Consider the following situation: the citizens of a country would prefer a stronger integration of a policy which has mostly (re)distributive impli-

cations. Even if a national government would want to follow its constituency's wish, it might have difficulty to do so, because other national governments will be opposed to stronger integration or because finding an agreement with other national governments about the specific nature of (re)distributive mechanisms proves difficult or impossible. In contrast, other states might be more lenient and more interested in negotiating policy integration if a policy has a more regulatory nature. Furthermore, mass publics preferences are less taken into consideration in (re)distributive than in regulatory areas, since national governments have more to lose in (re)distributive policy areas. If mass publics favor the integration of a policy that would have important budgetary consequences for a national government, a national government might decide to ignore these preferences and not to push for integration in the respective policy area. Similarly, if citizens would favor less integration in a (re)distributive policy area, but a country benefits from integration – e.g. because it is a net beneficiary – national governments might equally refrain from pushing for disintegration or opt-outs at the European level. Based in this reasoning, we formulate the following hypothesis.

H₃: Mass publics' preferences for (dis)integration in a particular policy area is more closely linked to a policy's integration extent in regulatory than (re)distributive policy areas.

2.4 Alternative Explanations

Previous studies have mainly focused on the national and economic context to explain differentiated integration. Schimmelfennig & Winzen (2014) show that constitutional differentiations⁴ are more likely to appear when core state powers are to be integrated at the European level and that they are most common among the most euroskeptic member states. Moreover, Winzen & Schimmelfennig (2016) argue that countries with strong national identities are more concerned about European integration undermining national

⁴Schimmelfennig & Winzen (2014) distinguish between constitutional and instrumental differentiation. Constitutional differentiation originates from treaty revisions among existing member states, which transfer additional competences to the Union. Instrumental differentiation results from accession negotiations between the EU and candidates for membership.

sovereignty in core state powers. As a consequence, these national governments aim to defend the institutional status quo and thus are able to achieve opt-outs from undesired deepening. We therefore expect that policy integration is generally stronger, when a country's public is more europhile – irrespective of the policy area. In addition, [Schimmelfennig & Winzen \(2014\)](#) illustrate that instrumental differentiation is most common among the poorer member states. Using the example of international bailouts, [Bechtel et al. \(2017\)](#) argue that citizens are more likely to be averse towards cost-intensive policies, since they anticipate their effects on their individual wealth. Hence, more affluent members states want to differentiate because they do not want to compensate the deficit of another state. Since both studies contradict each other, we do not assume any direction regarding the wealth of a country, but integrate the variables in our empirical models.

3 Data, Measurement and Methods

Analyzing the determinants of European integration empirically is an ambitious task, even more so if one wants to differentiate integration across policies. According to [Holzinger & Schimmelfennig \(2012\)](#), there are indeed some concepts and theoretical approaches that do so, but there are only a few data sets that allow integration levels to be distinguished across policies. That being said, there are several data sources that provide selected information. We will therefore combine different data sources that measure policy integration at the EU level (differentiated integration data set), regulatory or (re)distributive character of a policy (EU competencies project), citizens' integration preferences in a specific policy domain (Eurobarometer), and structural indicators at the country level (Comparative Political Data Set).

Policies and issue areas are defined and aggregated differently across the various data sources. This meant that we had to match them manually and pairing the policies turned out to be a tedious task. For some policy areas – e.g. tax – only rather distant matches were possible; for others we had to combine several indicators from the Eurobarometer data (e.g. foreign and security policy and law and crime) and the same value for regulatory

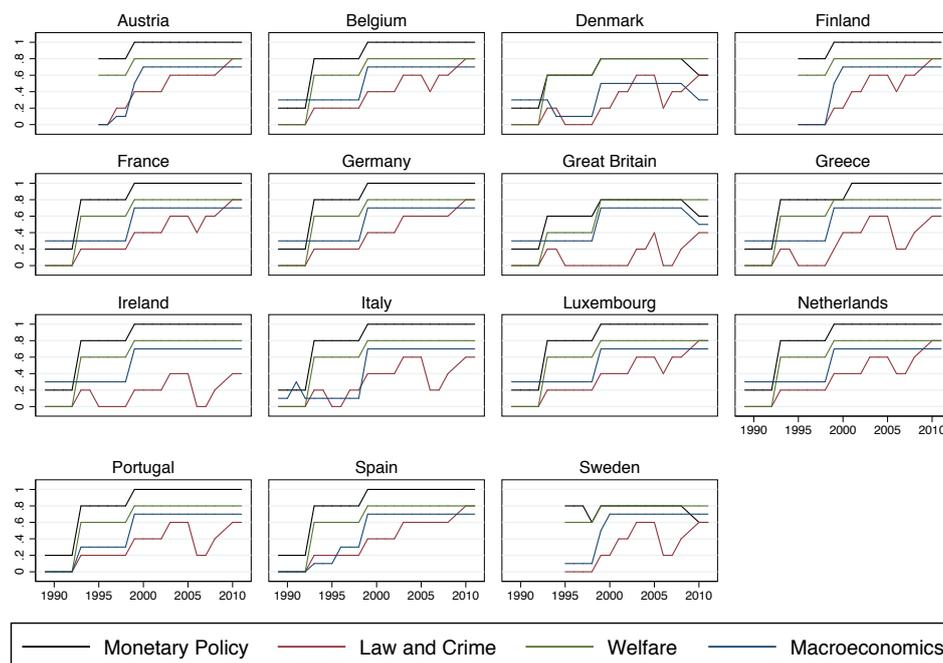
and (re)distributive policy (e.g. economic and financial affairs) sometimes had to be assigned to more than one narrower policy area. An additional challenge is the reduced time period for which data from all sources is available. Although we cover the time period between 1989 and 2011, which includes the most recent and important European integration treaties (Single European Act, Maastricht Treaty, Amsterdam Treaty, and Treaty of Lisbon), our analysis cannot cover previous and subsequent years since the respective indicators in the Eurobarometer data are only available for this time period. As a consequence, we limit our analysis to thirteen policies⁵ and to the EU-15 countries.⁶

Vertical Policy Integration: To measure our dependent variable, policy integration at the European level, we combine two data sources, which allow us to determine the extent of integration in a specific country in a given year. [Leuffen et al. \(2013\)](#) have expanded the data on vertical integration in the EU from [Börzel \(2005\)](#) for the Treaty of Lisbon. They operationalize vertical integration by determining the degree to which member states coordinate policies, pool their sovereignty and delegate decision-making authority to supranational institutions (European Commission, European Parliament, European Court of Justice). They distinguish six different levels of vertical policy integration. While this is a useful measure for the overall vertical integration of a policy, it does not allow us to assess different vertical integration levels of a policy across countries. Yet member states differ considerably in the degree of policy integration. Prominent examples are the Danish and UK opt-outs from the euro zone. To determine the extent to which a policy is integrated at the European level for each country, we combine [Leuffen et al.'s \(2013\)](#) measure with data on differentiations in EU treaties from [Schimmelfennig & Winzen \(2014\)](#). For every differentiation, we subtract 0.2 points from the vertical integration measure of [Leuffen et al. \(2013\)](#) which we normalized between 0 and 1. For instance, Denmark, Sweden and the United Kingdom have a lower degree of integration in the area of monetary policy (Figure 1).

⁵A list of all policies that were part of a Eurobarometer survey in four or more consecutive years is presented in Table A.3 in the Appendix.

⁶Our dataset includes the following countries: AT, FR, BE, NL, DE, DK, ES, FI, IE, IT, LU, GR, PT, SE and UK.

Figure 1: Extent of Vertical Policy Integration in four Selected Policies (1989-2011)

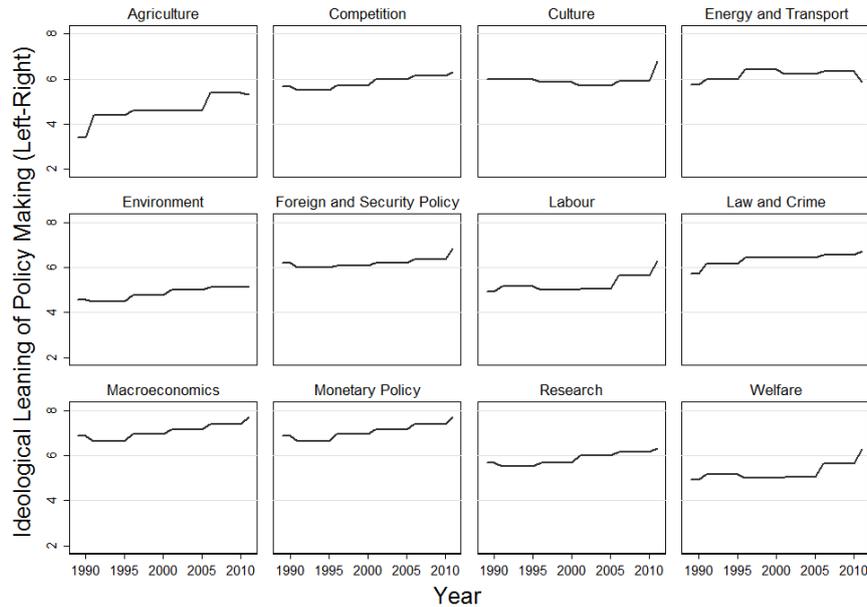


Note: The plots illustrate the development of vertical policy integration in four selected policies across the EU-15. The scale ranges from 0 (no EU-level policy coordination) to 1 (supranational centralization). Source: Own measurement based on (Leuffen et al., 2013; Schimmelfennig & Winzen, 2014).

Regulatory vs. (re)distributive policy: To measure whether EU decision-making in a certain policy area is of more regulatory or (re)distributive nature, we rely on a new dataset collected by Nanou et al. (2017). The authors conducted a survey of 245 experts on European integration from different countries. Among other things, the experts had to make a longitudinal assessment of the ideological leaning of nine different policy areas.⁷ Each expert was asked to assess the one of these nine broad policy areas which best fits her or his expertise. The experts were then asked to position decision-making at the European level in their chosen policy domain either on a left-right scale or on a “new politics” (libertarian-authoritarian) scale (both ranging from 0 to 10). A clear majority of the experts (65%) chose to position decision-making in their policy area on a left-right scale. We thus use the average of the expert ratings on the left-right scale for each policy and each year as a proxy for whether decision-making is of more (re)distributive or of more regulatory nature – assuming that policies considered “left” by the experts

⁷Corresponding to the nine main policy areas of the Council of the EU.

Figure 2: Left-Right Positioning of Policy-Making at the European Level



Note: The plots illustrate the development of the left-right positioning of policy-making at the European level in twelve policy fields. The scale ranges from 0 (left) to 1 (right). Source: Nanou et al. (2017).

are more (re)distributive and policies considered “right” more regulatory. Figure 2 shows the expert assessment of the experts over time. The left-right placement coincides with the classification of policies into regulatory and (re)distributive by the studies cited in the theoretical section. While for example agriculture involves a great deal of (re)distribution, macroeconomic policy is predominantly of a regulatory nature.

Policy Integration Support: To operationalize public support for the integration of policies at the European level over time, we rely on Eurobarometer data. More precisely, we use a set of items that was included on a regular basis in Eurobarometer surveys between 1989 and 2011: the preferred level for decision-making in a number of different policy areas.⁸ Data for the years 1989 to 2002 comes from the Mannheim Eurobarometer trend file (Schmitt & Scholz, 2005). We updated this dataset to 2011 with more recent rounds of the Eurobarometer survey.⁹ From then on, the question on the policy areas was no longer included. We generated an aggregate measure of integration support for each

⁸The exact question wording is: “For each of the following areas, do you think that decisions should be made by the (NATIONALITY) government or made jointly within the European Union?”

⁹EB 60.1 (2003), EB 62.0 (2004), EB 64.2 (2005) EB 66.1(2006), EB 67.2 (2007), EB 69.2 (2008), EB 70.1 (2008), EB 73.4 (2010), EB 76.3 (2011). In 2009, the policy area question was not included in any of the three surveys conducted.

policy in each country for each year. This measure captures the average support among a country’s population for a given year for the integration of a policy to the European level. The kinds of policy areas included in different rounds of Eurobarometer studies are subject to substantial fluctuation. Only for three policy areas – health and social welfare, protection of the environment and defense policy – data is available for each year. To obtain a measure of the extent to which respondents support joint decision-making at the European level, we create a variable for each policy that captures the share of respondents supporting integration of the policy at the European level.¹⁰

Country-Level Explanations: In addition, we include several other variables that might explain the extent of policy integration at the European level. We distinguish between two different kinds of control variables that operate at the country-year or the country level: National context, and economic context. First, the variable “European mood” measures respondents’ beliefs that EU membership is a good thing and the extent of their trust in three core EU institutions. The membership question was a standard question in Eurobarometer surveys from 1973 until 2011. Second, we include an indicator that distinguishes between founding members and acceding members of the EU. Finally, we include variables to account for the economic situation of a country: national debt, unemployment rate, and growth of the gross domestic product (GDP). Economically more well-off countries are generally expected to be somewhat more critical of European integration (see e.g. [Aspinwall, 2007](#), 93) We rely on the CPDS for this data ([Armingeon et al., 2013](#)).

Methodological Approach: To test the influence of policy attributes on the extent of European integration empirically, we need to consider the special structure of the data set. The observations in our data set are not independent from one another, but nested in different groups. On the one hand, policy domains are clustered into different years for which we observe different levels of European integration. Since the integration process is

¹⁰We decided to include the “don’t know” answers in our measure and code them as 0 (EU-level=1). We assume that respondents choosing the “don’t know” category do not have a strong preference for either the European or the national level. Coding them as 0 thus yields a more conservative measure of support for integration.

organized centrally at the European level, the extent of integration is highly dependent on the year and therefore subject to the same integration chances and pressures. On the other hand, the policy fields are nested in different countries. The extent to which a policy is integrated at the European level at time $t - n$ for a given country will impact the extent to which the same policy is integrated at time t for the same country due to path dependency (Pierson, 1996). Finally, the observations which belong to the same policy domain are influenced by the same policy attributes. Our data set is thus hierarchically structured, as policy domains are clustered into years and countries. According to Steenbergen & Jones (2002, 219-220), ignoring the clustering of the data structure could lead to biased standard errors that would overestimate the significance of effects. Since the hierarchy of our two levels is unclear, we use a cross-classified multilevel regression model that accounts for the clustering in the analysis of the data. We estimate linear regression models, as the dependent variable is continuous.

4 Results

4.1 Regulatory Policies, Public Preferences and Integration

Table 1 shows the result of the cross-classified regression model. Model 1 reports the findings for the regulatory state hypothesis, while Model 2 presents the results for the public preferences hypothesis. Model 3 then simultaneously includes both variables – regulatory policies and integration support. First of all, the multi-level analysis confirms that European integration is highly path dependent (Pierson, 1996; Hix, 2011). The lagged dependent variable indicates that the integration of a policy increases by 76.1 percentage points if the policy changes from no to full integration in the previous year. Second, and more importantly, our models also suggest that policy attributes are indeed linked to the extent of European integration in a specific policy field. The more regulatory a policy, the more likely this policy is integrated at the European level – in contrast to (re)distributive policies. Policies are more than 50 percentage points more integrated when the policy is

Table 1: The Effects of Policy Attributes on Policy Integration ($t - 1$)

	Regulatory Policies (1)	Public Preferences (2)	Interaction Model (3)	Full Model (4)
Policy integration t_{-1}	0.815*** (0.010)	0.780*** (0.011)	0.753*** (0.012)	0.761*** (0.012)
Regulatory Policies t_{-1}	0.132*** (0.020)		0.132*** (0.027)	0.142*** (0.030)
Integration support t_{-1}		0.037** (0.012)	0.046** (0.014)	0.046** (0.014)
Left government t_{-1}	-0.005 (0.023)	-0.003 (0.023)	-0.007 (0.025)	-0.005 (0.026)
Right government t_{-1}	0.010 (0.019)	0.003 (0.019)	-0.004 (0.021)	-0.000 (0.021)
EU mood	-0.046*** (0.013)	-0.016 (0.012)	-0.014 (0.013)	-0.016 (0.014)
Founding Member	0.024 (0.041)	-0.014 (0.033)	-0.019 (0.035)	-0.016 (0.038)
Deb	0.039** (0.014)	0.024 (0.013)	0.025 (0.014)	0.029 (0.015)
Unemployment	0.014 (0.011)	0.014 (0.011)	0.024* (0.012)	0.023 (0.012)
Real GDP growth	-0.045*** (0.008)	-0.056*** (0.008)	-0.057*** (0.009)	-0.057*** (0.009)
Integration support t_{-1} × Regulatory Policies t_{-1}			0.040*** (0.011)	
Left Government × Regulatory Policies t_{-1}				-0.022 (0.021)
Right Government × Regulatory Policies t_{-1}				-0.001 (0.019)
Constant	0.044 (0.059)	0.081 (0.050)	0.097 (0.070)	0.096 (0.072)
N	3384	2571	2289	2289
Log. Likelihood	-1377.55	-756.26	-780.73	-786.50
Wald chi2	8419.46	5655.38	5067.88	5030.25
p > chi2	0.000	0.000	0.000	0.000

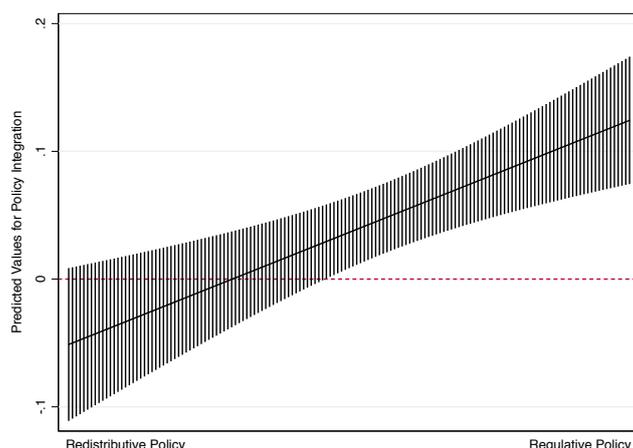
Note: Results are from a cross-classified multilevel random effects model. Standardized regression coefficients shown with robust standard errors. Reference category for left and right government: Center government.* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

regulatory instead of (re)distributive. Moreover, higher support of citizens for policy integration at time $t - 1$ is associated with higher de facto policy integration at time t . The integration level of a specific policy increases by 15 percentage points when public support for the integration of decision-making at the European level changes from its minimum (0.06) to its maximum (0.88).

As argued above, it is plausible to assume that the link between public preferences and integration level is moderated by the regulatory or (re)distributive nature of a policy. This can be tested by modeling an interaction between integration support and regulatory policies, thus testing hypothesis 3. The results are shown in model 3. The interaction term is statistically significant, indicating that the nature of a policy is related to a increased effect of integration support on policy integration. In other words: the relationship between public support and policy integration is stronger in policies with a regulatory character than in (re)distributive policies. Figure 3 shows the respective average marginal effects of integration support across the (re)distributive- regulatory continuum. The figure shows that mass publics' preferences are *only* significantly linked to a policy's integration level in more regulatory policy domains. In (re)distributive policy areas this link is insignificant (and even slightly negative). Finally, we have integrated all variables in model 4, as well an interaction between the ideological leaning of a government and regulatory policies. The model shows that our main correlations remain significant as well as the type of government has no influence preferences in delegating regulatory policies to the European level. This has an important implication, since it shows that regulatory policies are more frequent delegated despite the political situation of a country.

With respect to the alternative explanations, our analysis suggests that only GDP growth is significantly linked to policy integration. The extent of policy integration is smaller for countries with strong GDP growth (11.27%) compared to countries with a strong negative GDP growth (-9.18%). This finding is in line with findings from [Bechtel et al. \(2017\)](#) who argue that there is a tendency for rich countries to be more discriminated against – i.e. not admitted to joint decision-making in certain policy domains – during integration negotiations. However, both values of GDP growth are unusually high or low,

Figure 3: Conditional Effect of Policy Integration Support



respectively, which is why our models suggest that economic growth is only moderately linked to policy integration. An increase in GDP growth of 1% is associated with a decrease in the integration of a policy by only around 0.6 percentage points, *ceteris paribus*. In addition, Model 1 suggests that a more positive attitude towards the European Union has a negative effect on policy integration. This effect is not significant if we include public support for policy integration, however. Although this finding seems contradictory at first, we have to pay attention to the general development of the European mood in the EU. [Hakhverdian et al. \(2013\)](#) show that the level of euroskepticism has significantly risen since the 1970s. At the same time, most policy domains are much more integrated than they used to be ([Börzel, 2005](#); [Leuffen et al., 2013](#)). There is thus an ongoing divergence between the attitude towards the EU and European integration and our models suggest that the difference in integration cannot really be explained with the former. However, [De Vries \(2013\)](#) argues that this does not mean that citizens are turning their backs on Europe, but rather that their uncertainty about the depth of future European integration is growing.

5 Conclusion

Does the rise of the regulatory state foster European integration? In this study, we have taken up [Majone's \(1994\)](#) argument that regulation is a main driver of European

integration. We have investigated whether the regulatory nature of a policy is linked to a policy's integration extent at the European level. We have presented a unique data set combining different measures and taking advantage of the prevalent feature of the EU, namely that the level of policy integration substantively varies across policy fields. The empirical analysis suggests that its regulatory character is highly associated with a policy's integration extent. The more regulatory a policy is, the higher is the extent of European integration in this policy for a given country. Furthermore, the regulatory character of a policy conditions strengthens the link between mass public support for a policy's integration and its actual integration extent. These effects indicate that governments are only willing to integrate a policy if they do not have to fear to lose budgetary competences to the European Commission.

Our study makes three important contributions. First, our findings contribute to the ongoing debate on differentiated integration. [Leruth & Lord \(2015, 761\)](#) argue that “whilst differentiated integration has become a field of study, there is little consensus on how it should be studied.” By putting policy domains at the center of our analysis, we propose a theoretical framework for the investigation of the European integration process. At a time of Brexit, our new policy-centered approach demonstrates that the European integration process is not a one-way street. The EU is witnessing disintegration not only in cases of withdrawal, but also in specific policy fields – even if such differentiations might be only temporary. Previous studies have shown that instrumental differentiation mostly results from accession negotiations between the EU and candidate states, but it may also arise from new treaty rounds ([Schimmelfennig & Winzen, 2014, 2017](#)). Finally, we are able to provide evidence for [Majone's \(1994\)](#) famous argument on the regulatory state and European integration. Our study provides an empirical explanation of why member states prefer to have some policy domains more integrated than others.

Second, while existing work focuses on national and economic characteristics to explain European integration, our study broadens the scope and shows that the characteristics of a policy also have important consequences for the extent of European integration. Policy characteristics such as regulatory or (re)distributive policies shape the decision-making

in a certain policy area, which is why they directly affect how political actors perceive and deal with policy domains. [Urpelainen & Van de Graaf \(2015\)](#) show that overlapping institutions (e.g. as a result of European integration) are created due to domestic political pressure, among other things. Our findings further suggest that public support for the integration of a policy field is linked to the extent of integration of this policy field. This finding is in line with existing research showing that public is crucial for our understanding of European integration ([Hobolt & De Vries, 2016](#)).

Third, our study has important implications for the relationship between the mass public and European integration. Since public opinion is obviously relevant for European integration, we might expect that particularly strong attitudes against European integration lead towards disintegration. Several scholars have shown that the British government's decision to hold the referendum on Brexit was mainly driven by domestic public opinion towards the EU ([Hobolt, 2016](#); [Vasilopoulou, 2016](#)). Since many citizens of other countries are very skeptical about future European integration, we might anticipate that the European integration process might end or at least slow down drastically in the near future but that it will not do so in all policy domains. The implications of these findings are that specific integration steps, for instance treaties, are unlikely to equal the extent of integration across countries.

Obviously, this study also has important limitations. First, we measure regulatory respectively (re)distributive policies with a measurement that grasps the ideological leaning of a policy, which is certainly far from perfect. However, only little data is available that allows a comparative analysis across different policies and countries ([Holzinger & Schimmelfennig, 2012](#); [Guinaudeau & Schnatterer, 2017](#)). As consequence, we need more empirical work and empirical studies to understand the relationship between the characteristic of a policy and the decision to delegate this policy to the European Union.

Second, even though our results are quite robust, the available data has many gaps that might lead to a biased picture of European integration. We are aware that we have only investigated a certain period of time and have only focused on specific countries, which is why we have to be careful in drawing more general conclusions. Nevertheless,

we are convinced that this analysis is a first step towards empirically analyzing European integration across policies and that other scholars should use a more policy-centered framework to further develop research on European integration. [Leruth et al. \(2019\)](#) have recently argued that phenomena such as Brexit embrace different forms of differentiation which foster the need for differentiated disintegration concepts, which our study clearly supports.

This article offers an empirical contribution in order to understand the relationship between the regulatory state and differentiated European integration. We have shown possible ways in which this relationship could be empirically analysed and, in particular, that there are other explanatory approaches than state and economic characteristics in order to understand the European integration process. Although this article provides valid empirical evidence, it is clear that more research has to be done to understand how policy characteristics shape political institutions. In our opinion, this article is a useful starting point for such research.

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6 Supporting Information

Table A.1: Measurement of Vertical Integration of European States in a Policy

Level	Coordination	Delegation	Pooling
0	No EU-level policy coordination	None	None
1	Intergovernmental coordination	None	None
2	Intergovernmental cooperation	Minimal	None
3	Joint decision-making I	"Community method"	Limited pooling
4	Joint decision-making II	"Community method"	Pooling
5	Supranational centralization	Full delegation to supranational bodies	

Source: Leuffen et al. (2013, 13)

Table A.2: Measurement of Net Policy Integration (Great Britain, Criminal/Domestic Security)

Year	Vertical Integration	Differentiations	Malus	Net Integration
1989	0.0			0.0
1990	0.0			0.0
1991	0.0			0.0
1992	0.0			0.0
1993	0.2			0.2
1994	0.2			0.2
1995	0.2	Schengen (1), Schengen (31), Schengen (143)	0.6	0.0
1996	0.2	Schengen (1), Schengen (31), Schengen (143)	0.6	0.0
1997	0.2	Schengen (1), Schengen (31), Schengen (143)	0.6	0.0
1998	0.2	Schengen (1), Schengen (31), Schengen (143)	0.6	0.0
1999	0.4	Schengen (1), Schengen (31), Schengen (143)	0.6	0.0
2000	0.4	Schengen (31), Schengen (143)	0.4	0.0
2001	0.4	Schengen (31), Schengen (143)	0.4	0.0
2002	0.4	Schengen (31), Schengen (143)	0.4	0.0
2003	0.6	Schengen (31), Schengen (143)	0.4	0.2
2004	0.6	Schengen (31), Schengen (143)	0.4	0.2
2005	0.6	Schengen (31)	0.2	0.4
2006	0.6	Schengen (31), Pruem (30), Pruem (22)	0.6	0.0
2007	0.6	Schengen (31), Pruem (30), Pruem (22)	0.6	0.0
2008	0.6	Schengen (31), Pruem (22)	0.4	0.2
2010	0.8	Schengen (31), Pruem (22)	0.4	0.4
2011	0.8	Schengen (31), Pruem (22)	0.4	0.4

Note: Number of articles affected by differentiations in parentheses; 0.2 Malus per differentiations; Netto integration cannot decrease under 0.

Table A.3: Overview of Selected Policies

Policy	Data				Coverage Period
	Vertical Integration (Leuffen et al., 2013)	Differentiation (Schimmelfennig & Winzen, 2014)	Eurobarometer (Schmitt & Scholz, 2005) add.	EU Competencies Index (Nanou et al., 2017)	
Environment	Environment/ Consumer Protection		Protection of the Environment	Environment	1989-2011 ($\Delta 22$)
Foreign and Security Policy	Political External Relations	Foreign and Security Policy	Defense Policy	Foreign and Security Policy	1989-2011 ($\Delta 22$)
			Foreign Policy (Outside EU)		1989-2004 ($\Delta 16$)
			Cooperation with Developing Countries		1989-1998 ($\Delta 10$)
Welfare	Welfare	Social Policy	Health and Social Welfare	Employment, Social Policy, Health and Consumer Affairs	1989-2011 ($\Delta 22$)
Research	Research and Development		Scientific and Technological Research	Competitiveness	1989-2010 ($\Delta 21$)
Labour	Labour		Unemployment	Employment, Social Policy, Health and Consumer Affairs	1992-2011 ($\Delta 20$)
Law and Crime	Criminal/Domestic Security	Schengen/Prüm	Immigration	Justice and Home Affairs	1992-2011 ($\Delta 20$)
			Political Asylum		1992-2004 ($\Delta 13$)
			Fight Against Drugs		1993-2003 ($\Delta 11$)
			Fighting International Terrorism		2003-2011 ($\Delta 8$)
			Fighting Organized Crime		2005-2010 ($\Delta 6$)
Monetary Policy	Monetary Policy	Economic and Monetary Union	Currency	Economic and Financial Affairs	1989-2004 ($\Delta 16$)
Culture	Culture	Cultural Policy	Culture	Education, Youth and Culture	1992-2004 ($\Delta 13$)
Tax	Tax	Taxation	Value Added Tax Taxation	Economic and Financial Affairs	1989-1998 ($\Delta 10$) 2005-2011 ($\Delta 5$)
Competition	Competition and Industry	Competition	Industrial Policy Competition Policy	Competitiveness	1992-1995 ($\Delta 4$) 2005-2010 ($\Delta 6$)
Agriculture	Agriculture	Agriculture	Agriculture/ Fishing	Agriculture and Fisheries	2004-2011 ($\Delta 8$)
Energy and Transport	Energy and Transport		Energy	Transport, Telecommunications, and Energy	2005-2010 ($\Delta 6$)
Macro-economics	Macroeconomic Policy and Employment	Free Market (Goods, Capital, and Workers)	Economic Policy	Economic and Financial Affairs	2007-2010 ($\Delta 3$)

Note: Policies are ordered by coverage period. Coverage periods vary due to variation/termination of survey items in Eurobarometer.