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Robert Schuman Centre for Advanced Studies
Integrating Diversity in the European Union (InDivEU)

WORKING PAPER

Report on the Expanded EUDIFF 1 Dataset

Markus Jachtenfuchs, Philipp Genschel, Marta Migliorati

European University Institute
Robert Schuman Centre for Advanced Studies
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Integrating Diversity in the European Union (InDivEU)

Integrating Diversity in the European Union (InDivEU) is a Horizon 2020 funded research project aimed at contributing concretely to the current debate on the 'Future of Europe' by assessing, developing and testing a range of models and scenarios for different levels of integration among EU member states. InDivEU begins from the assumption that managing heterogeneity and deep diversity is a continuous and growing challenge in the evolution of the EU and the dynamic of European integration.

The objective of InDivEU is to maximize the knowledge of Differentiated Integration (DI) on the basis of a theoretically robust conceptual foundations accompanied by an innovative and integrated analytical framework, and to provide Europe's policy makers with a knowledge hub on DI. InDivEU combines rigorous academic research with the capacity to translate research findings into policy design and advice.

InDivEU comprises a consortium of 14 partner institutions coordinated by the Robert Schuman Centre at the European University Institute, where the project is hosted by the European Governance and Politics Programme (EGPP). The scientific coordinators of InDivEU are Brigid Laffan (Robert Schuman Centre) and Frank Schimmelfennig (ETH Zürich).

For more information: <http://indiveu.eui.eu/>

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**Integrating
Diversity in the
European Union**

Abstract

This report provides a general overview of the dataset under construction for WP5, EUDIFF-RES, focusing on differentiated integration in core state powers (CSP) in the European Union (EU). The report explains the rationale behind the data collection and provides an outline of the information gathered so far. The aim of the report is to make the dataset easily accessible to anyone who wishes to utilise it for further research.

Keywords

Differentiated integration; European Union; core state powers; dataset

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1. Introducing the EUDIFF-RES Dataset: aims and scope

This report provides a general overview of the dataset under construction for WP5, focusing on differentiated integration in core state powers (CSP) in the European Union (EU). The report explains the rationale behind the data collection, and provides an outline of the information gathered so far. The aim of the report is to make the dataset easily accessible to all consortium's members.

Before introducing the dataset, two conceptual premises are necessary:

First, the study is based on an innovative understanding of core state powers¹. Rather than limiting to the traditional “high politics” vs “low politics” distinction, this research understands CSPs as resources (i.e. money and staff) mobilized for public purposes at the EU level (Genschel & Jachtenfuchs, 2016, 2018)^{2016, 2018}. Hence, to identify CSP substantially, research cannot limit to the EU legislative framework, but has to analyse actual resources mobilised in different policy sectors. Given the European Union's multi-level structure (Hooghe & Marks, 2003; Scharpf, 1997), resources can be owned and managed by different governance levels. Hence, to detect core state powers the study needs to identify a) whether resources are mobilised for public purposes, and b) at what level (national, joint or supranational) this happens, and who decides upon the allocation of such resources.

Second, the study aims at uncovering the relationship between CSP and differentiated integration. As the focus is not on norms, but on resources, this dataset adds on the information provided by EUDIFF 1 and 2 (which look at legislative differentiation) by grasping the differentiation occurring at the material level, e.g. whether certain states are exempted from providing resources while others are not.

The goal of this data collection exercise is twofold: on the one hand, it seeks to assess by what level of governance core state powers are financed and managed. On the other, it seeks to identify whether the contribution to core state powers in the EU is subjected to differentiation dynamics, or not. Against this backdrop, the dataset is called **EUDIFF-RES** because it aims to analyse **Differentiation** in states' contribution to public **Resources** in the **EU**.

EUDIFF-RES covers resources employed in areas that lie at the heart of traditionally conceived state sovereignty, including common foreign and security policy, economic monetary policies and justice and home affairs. For the sake of consistency with EUDIFF 1 (Winzen & Schimmelfennig, 2016) and EUDIFF 2 (Duttle et al., 2017), the coding employed to identify the policy areas reflects the one used by Schimmelfennig & Winzen (2014).

The dataset embraces all kinds of institutionalised resources falling within the general definition of “de novo bodies” (Bickerton et al., 2015). The early 90s is the benchmark for data collection, given that none of these bodies existed before then. The dataset starts with each body's year of establishment and ends with 2019, as data for the current year (2020) is not available for all units of observation (yet)². As different bodies were established at different times, the dataset structure is unbalanced.

Given the above premises, the main variables of interest of the dataset are three³: “Ownership”, that is who owns resources bound to CSP. “Regulation”, that is who decides upon their disposal; and “Material Differentiation”, that is differentiated participation in financing the resources.

1 For further information on the conceptualization please refer to Deliverable 5.2

2 Data does not take Brexit into account because the effects of Brexit on agencies' membership are active only from Feb 2020.

3 See the codebook section for further details.

- A. Ownership.** The term refers to who is the owner of the resources. Specifically, resources can be owned, respectively:
- by the member states (**National**)
 - by the institution itself/ by the EU (**Supranational**)
 - by the member states and the EU/the institution (**Co-owned**)
- B. Regulation.** The term refers to who decides upon the utilisation of such resources. Specifically, resources can be regulated, respectively:
- by the members states (**Intergovernmental**)
 - by the institution itself/ by the EU (**Supranational**)
 - by the member states and the EU/the institution (**Joint**)
- C. Material Differentiation.** The term refers to how many EU member states participate in the financing of each body.
- If all EU member states participate, material differentiation is not present (0)
 - If any of them does not participate, material differentiation is present (1).

The next section overviews different CSP types according to the combination of ownership and regulation categories. It also gives a detailed overview of the classification process and an empirical overview of budgetary trends overtime.

2. Classifying Core state powers: Ownership and Regulation

Table 1 lists the bodies falling in each combination of ownership and regulation. They are shaded from light to very dark blue to indicate, roughly, different degrees of supranationalisation for each category. Starting from the top left:

- Intergovernmental regulation of national resources is present in military missions, which are managed, staffed and financed by the member states. In the European Defense Agency, which is the only agency in the EU responding to the Council and financed through states' contributions outside the EU budget framework; and in Europol before it become an EU agency in 2010.
- Intergovernmental regulation of co-owned resources is present: in the ESM, which is an intergovernmental body drawing its capital through the financial market, but guaranteed by each member state through an initial contribution. And in the SRF, a fund divided in a supranational component, plus a share of "national compartments" which should be fully mutualized by 2023.
- Intergovernmental regulation of supranational resources is present in civilian missions: while it the decision making is in the hand of the member states, the missions are mainly (although not entirely) staffed and financed by the Commission through the EU budget, except for cases where the Council unanimously decides otherwise.
- Joint regulation of co-owned resources is present in the three EU supervisory authorities: their governance includes both the national and supranational level, and their budget comes partly from the EU and partly from the member states. Moreover, Europol after 2010 falls in the co-owned category because, although the budget is drawn from the EU, a considerable amount of staff is composed by national officials.

- e. Joint regulation of supranational resources is present in most EU agencies: their governance includes both the national and supranational level, and they are mainly financed and staffed through the EU budget.
- f. Supranational regulation of supranational resources is present in the EEAS. This institution is supranational in its governance, but draws resources from both the national and supranational level.
- g. Supranational regulation of supranational resources is present in the ECB, a supranational institutions endowed with its own staff and funding.

Table 1. CSP types

Regulation	Ownership		
	National	Co-owned	Supranational
Intergovernmental	Military Missions; EDA; Europol before 2010	ESM SRF	Civilian Missions
Joint		EBA; EIOPA; ESMA; Europol after 2010	CEPOL; EASO; EU-LISA; Eurojust; FRA; ENISA; FRONTEX
Supranational		EEAS	ECB

In the next sections, an overview is provided for all bodies falling in each category, as well as the development of their budget and staff over time.

2.1 Intergovernmental Regulation of National Resources

2.1.1. Military missions (MIL)

Kind of body

Intergovernmental means of cooperation in military and civilian missions to third countries

Establishment

2003

Policy Area

Common Foreign Security Policy (25)

Details

Data was taken from a pre-existing dataset collected for the purposes of another deliverable.

Ownership

National. Military missions are mainly financed by individual contributions of the Member States and additionally by a collective although “intergovernmental” contribution through a specific device called Athena.

Regulation

Intergovernmental. The main decisions are taken by the Member States while the Commission and the Parliament play a marginal role. The High Representative (HR) and the Operation Commander of the operation, acting on behalf of the EU, are associated with the decision-making process, but the final decisions rest on the Member States within the council and heavily depend on national interests. Intergovernmental bargaining usually slows the funding process down. And due to a widespread national reluctance to spend a significant amount on defence, the bulk of funding is notably insufficient to fulfil the objectives of the mission, while common costs for CSDP are rapidly exhausted (Terpan, 2015, p. 229).

Material Differentiation

Yes. States have total flexibility. All missions have a different number of countries participating.

Figure 1. Military Missions Budget

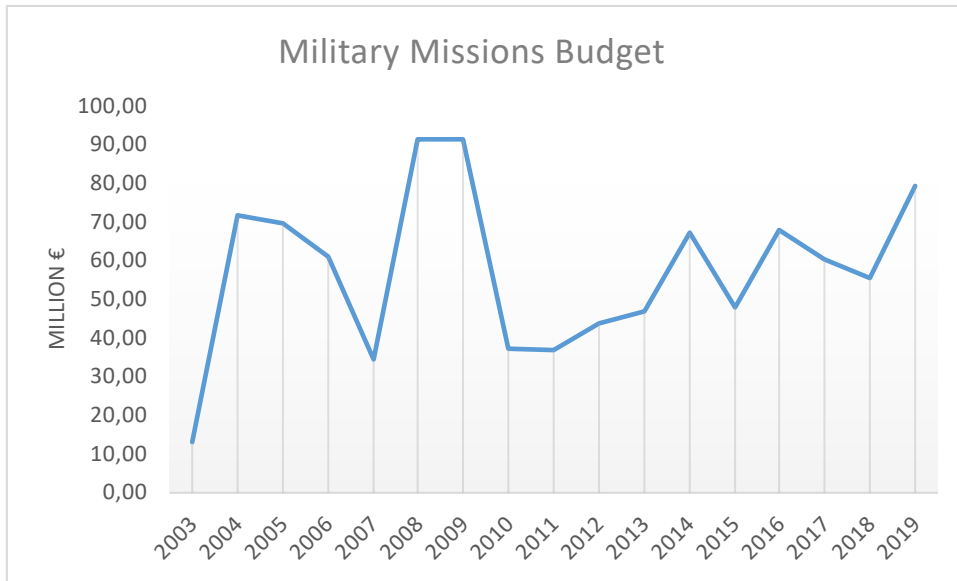


Figure 2. Military Missions Staff



2.1.2. The European Defence Agency (EDA)

Kind of body

Intergovernmental Agency

Establishment

2004

Policy Area

Common Foreign Security Policy (25)

Description

The Council established the EDA to support the Member States and the Council in their effort to improve European defence capabilities in the field of crisis management and to sustain the European Security and Defence Policy as it stands now and develops in the future. Within that overall mission are four functions. Development of defence capabilities in the field of crisis management. Promotion and enhancement of European armaments cooperation. Working to strengthen the Defence Technology and Industrial Base and for the creation of an internationally competitive European Defence Equipment Market. Enhancement of the effectiveness of European Defence Research and Technology.

Details

Data was taken from EDA annual reports.

Ownership

National. All EU member states participate in the financing of the agency, except from Denmark. The agency has collaborations with 3rd countries but they do not participate in the agency's funding. Funding is not provided through the EU budget. The agency hires its own staff, which is still payed by member states' contributions, plus national officials.

Regulation

Intergovernmental. EDA is the only EU Agency whose Steering Board meets at ministerial level. The Agency falls under the authority of the Council of the EU, to which it reports and from which it receives guidelines. The guidelines in relation to the work of the Agency, notably with regard to its work programme, are approved by the Council acting by unanimity. The steering board of the agency however, votes by qualified majority.

Material Differentiation

Yes. Denmark does not participate in EDA's funding (and decision making).

Figure 3. EDA budget

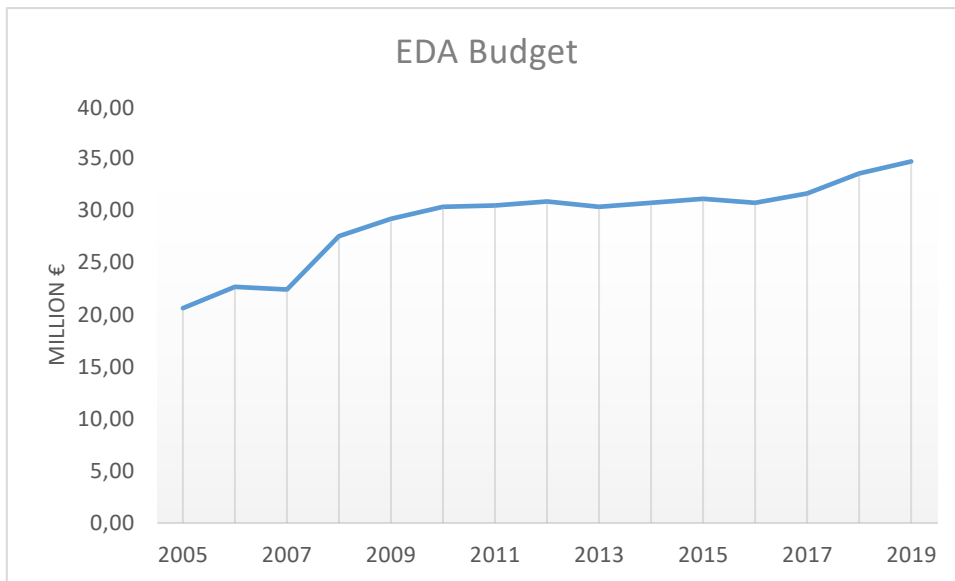
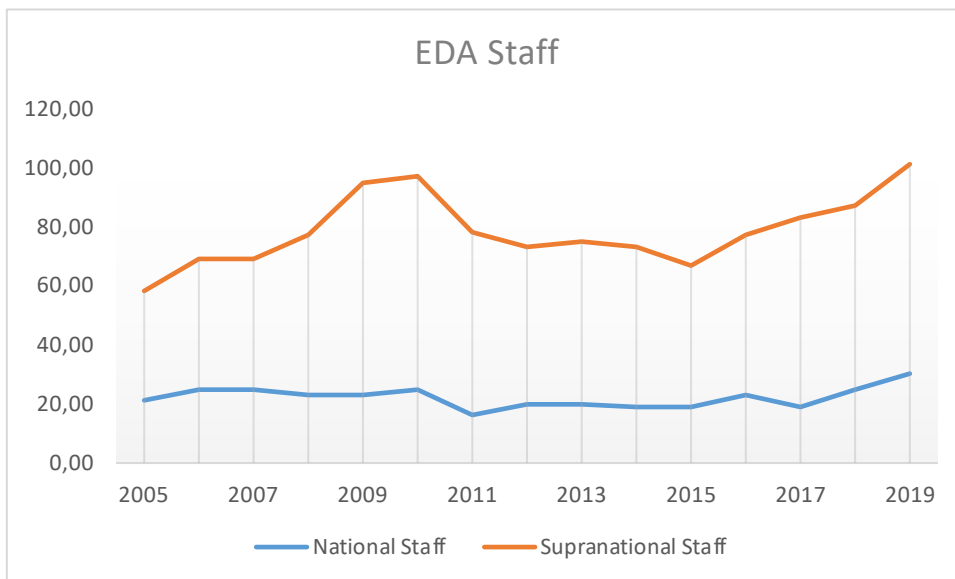


Figure 4. EDA Staff



2.1.3. The EU law enforcement agency (Europol)

Kind of body

Intergovernmental body until 2009, EU agency from 2010

Establishment

1999

Policy Area

Justice and Home Affairs (27)

Description

Formerly the European Police Office and Europol Drugs Unit, is the law enforcement agency of the European Union (EU) formed in 1998 to handle criminal intelligence and combat serious international organised crime and terrorism through cooperation between competent authorities of EU member states. The Agency has no executive powers, and its officials are not entitled to arrest suspects or act without prior approval from competent authorities in the member states.

Details

Data was taken from annual reports and budget reports. The budget document utilised is the “approved” one for each year. The staff is divided between national (local officers, seconded experts and liaison officers⁴) against all other categories (e.g., Europol personnel, trainees et cetera).

Ownership

National before 2010, co-owned since then. Until 2010, Europol was financed through national contributions, but it already had staff hired at the supranational level (around 80%). Since 2010, it became an agency and the budget is now paid through the EU budget. Staff breakdown remains similar and the range is quite wide (7%-34%).

Regulation

Intergovernmental before 2010, Joint since 2010. Becoming an agency of the EU in 2010 did not affect the governance of the agency much. In fact, the composition of the Management Board and the weighing of votes remain unchanged under the Europol Regulation. The Management Board is still made up of one representative from each Member State and one representative of the Commission; each representative has one vote. The Council successfully opposed adding a second Commission representative who would have had one vote. The main change is the shift to 2/3 majority to decide, instead of unanimity. Yet, it appears that the informal rule is still unanimity (Europol, 2016).

Material Differentiation

No, because all member states contribute through the EU budget. But, Since 2018 Denmark is not a member anymore and pays an additional quota, as if it was a third country. In practice it pays twice.

⁴ Each National unit seconds at least one representative to Europol headquarters, where every Member State is provided with its own office.

Figure 5. Europol Budget

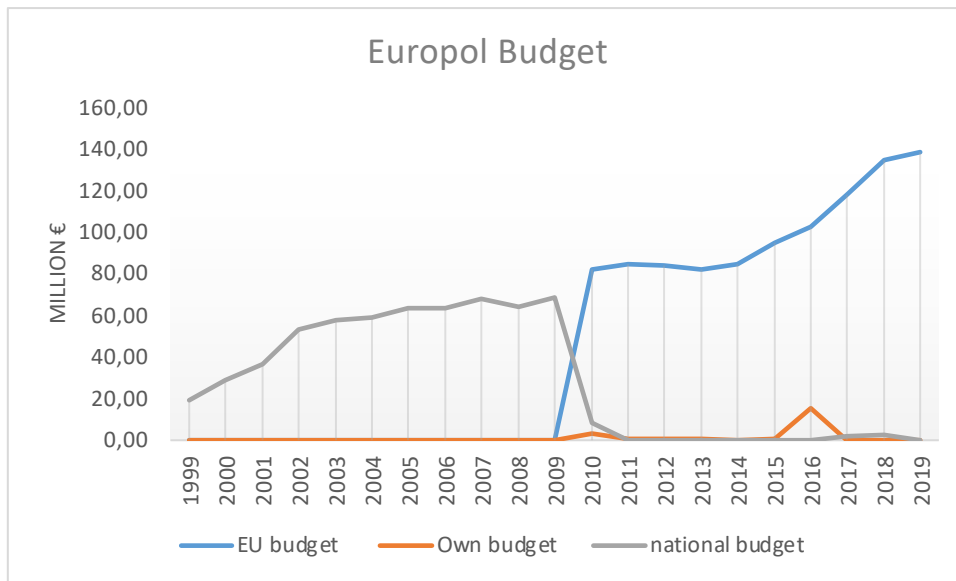
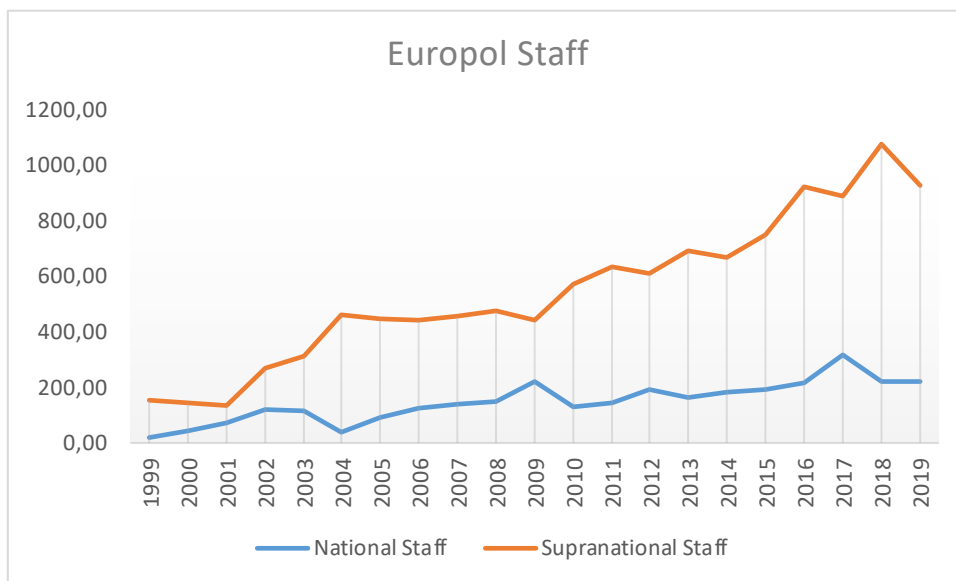


Figure 6. Europol Staff



2.2 Intergovernmental Regulation of Co-Owned resources

2.2.1. The European Stability Mechanism (ESM)

Kind of body

Intergovernmental organisation

Establishment

2012

Policy Area

ESM treaty (50)

Description

The European Stability Mechanism (ESM) is an intergovernmental organization located in Luxembourg, which operates under public international law for all Eurozone Member States having ratified a special ESM intergovernmental treaty. It was established on 27 September 2012 as a permanent firewall for the Eurozone, to safeguard and provide instant access to financial assistance programmes for member states of the Eurozone in financial difficulty, with a maximum lending capacity of €700 billion.

Details

Personnel is currently around 200 people⁵, but yearly data is not available. As for the budget, States' shares are available, but just the total amount committed, not the yearly amount. The rest of the budget is drawn from the financial markets and is available in the annual reports.

Ownership

Co-owned The ESM lends money by borrowing it in the financial markets, by selling bonds. However, each ESM Member contributes to the ESM authorised capital based on each country's respective share of the EU total population and gross domestic product. The accession of new Members is factored into the capital key, slightly reducing the founding Members' contribution keys. Nominal capital subscription and paid-in capital amounts remain unchanged. The money guaranteed by states is not the money used for providing assistance. It absorbs any losses if countries receiving help fail to repay it. It provides a reassurance to investors in the financial markets that they can lend to the ESM (by buying its bonds) and be confident of being repaid. That confidence is vital for keeping the ESM's credit rating high and its borrowing costs low (Walker, 2015).

Regulation

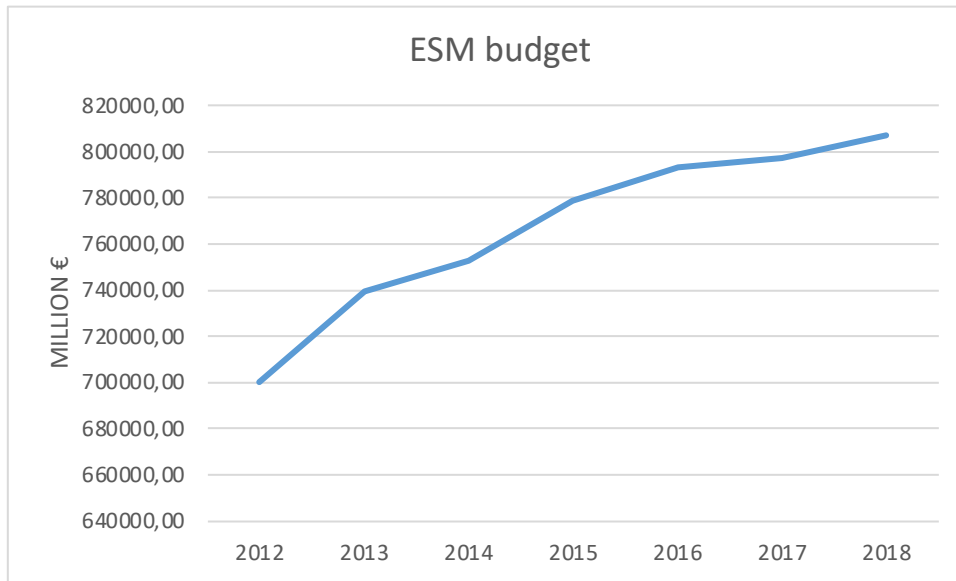
Intergovernmental The Board of Directors consists of representatives from each of the 19 ESM Members. Each Governor appoints one Director and one alternate Director. The European Commission and the ECB may participate in its meetings as observers. The Board of Directors takes decisions as provided for in the ESM Treaty and By-Laws or as delegated by the Board of Governors. Decisions are taken by qualified majority, unless otherwise stated by the ESM Treaty. The Board of Directors' meetings are chaired by the ESM Managing Director. States vote by qualified majority, but Germany, France and Italy retain a de-facto veto (Ban & Seabrooke, 2017, p. 16).

Material Differentiation

Yes. Only Eurozone members participate in ESM running and financing.

⁵ Email sent and replied on 3/4/2020

Figure 7. ESM Budget



2.2.2. Single Resolution Board and Single Resolution Fund (SRB/SRF)

Kind of body

Supranational institution

Establishment

2014

Policy Area

SRB (53)

Description

The Single Resolution Board (SRB) was established in 2014 by Regulation (EU) No 806/2014 on the Single Resolution Mechanism (SRM Regulation) and began work on 1 January 2015. It became fully responsible for resolution on 1 January 2016 and was henceforth the resolution authority for around 143 significant banking groups as well as any cross border banking group established within participating Member States. Resolution is the restructuring of a bank by a resolution authority through the use of resolution tools in order to safeguard public interests, including the continuity of the bank's critical functions and financial stability, at minimal costs to taxpayers. The Single Resolution Board's main tasks are: To draft resolution plans for the banks under its direct responsibility. This includes the banks under the direct supervision of the SSM and all cross-border groups; To carry out an assessment of the banks' resolvability and to adopt resolution plans; To address any obstacles to resolution and cooperate on resolving them; To set the minimum requirements for own funds and eligible liabilities (MREL); To follow up on early intervention measures; To trigger resolution (with the ECB); To adopt resolution decisions; to choose and decide on the use of resolution tools; To closely cooperate with, and give instructions, to national resolution authorities.

Ownership

Co-owned (until 2023) the fund is divided into a supranational component, plus a share of "national compartments" (with, for now, Eurozone states contributing) which should be fully mutualized by 2023.

Regulation

Supranational. The agreement establishing the SRF is intergovernmental (among 26 signatories) but it is the Single Resolution Board, and independent EU body, that decides on the fund provided by the 19 actual participants.

Material Differentiation

Yes. Only 19 members participate.

Figure 8. SRF Budget

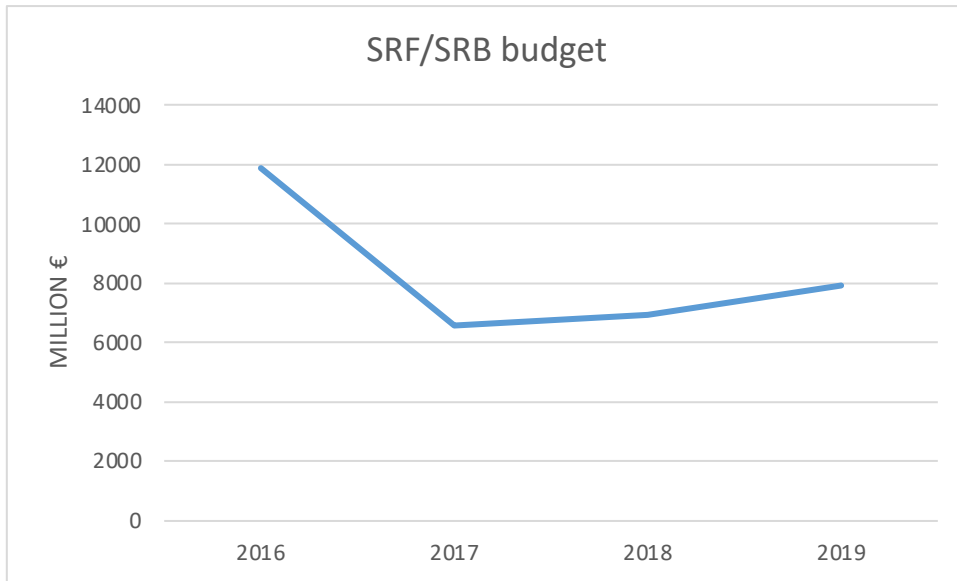
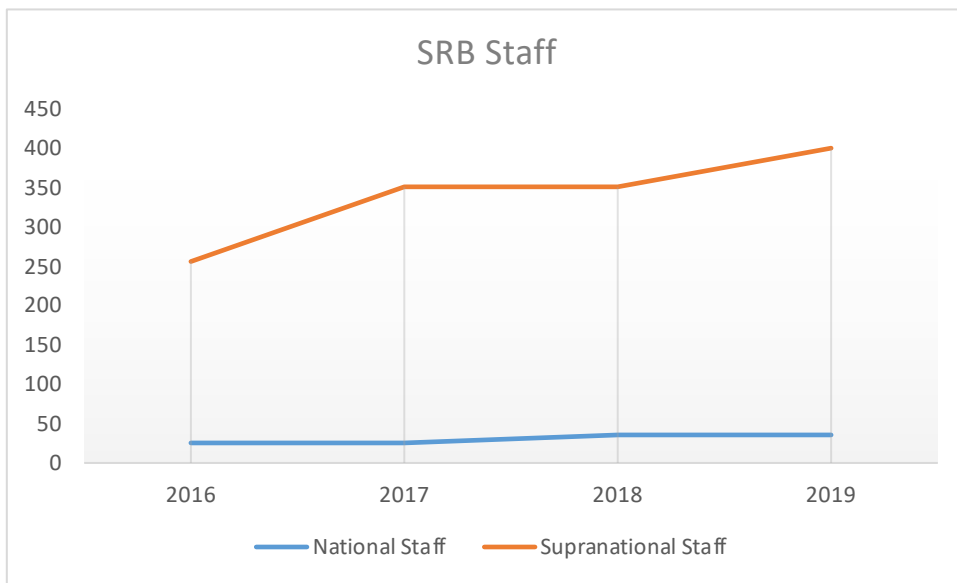


Figure 9. SRB Staff



2.3 Intergovernmental regulation of Supranational Resources

2.3.1. Civilian Missions (CIV)

Kind of body

Means of cooperation in civilian missions to third countries

Establishment

2003

Policy Area

Common Foreign Security Policy (25)

Description

Details

Data was taken from a pre-existing dataset collected for the purposes of a previous deliverable (5.3).

Ownership

Supranational. Civilian missions are funded through the EU budget, except for cases where the Council unanimously decides otherwise (meaning that the Member States contribute individually).

Regulation

Intergovernmental. The main decisions are taken by the Member States while the Commission and the Parliament play a marginal role. The High Representative (HR) and the Operation Commander of the operation, acting on behalf of the EU, are associated with the decision-making process, but the final decisions rest on the Member States within the council and heavily depend on national interests. Intergovernmental bargaining usually slows the funding process down. And due to a widespread national reluctance to spend a significant amount on defence, the bulk of funding is notably insufficient to fulfil the objectives of the mission, while common costs for CSDP are rapidly exhausted (Terpan, 2015, p. 229).

Material Differentiation

Yes. States have total flexibility. All missions have a different number of countries participating.

Figure 10. Civilian Mission Budget

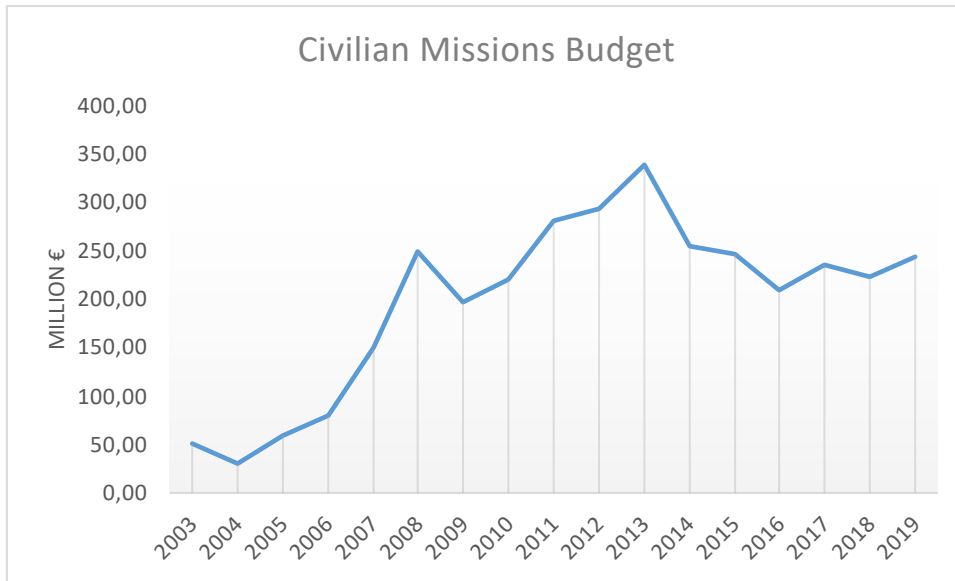


Figure 11. Civilian Missions Staff



2.4 Joint Regulation of Co-owned resources

2.4.1. The European Banking Authority (EBA)

Kind of body

EU Agency

Establishment

2011

Policy Area

Monetary Policy (12)

Description

The European Banking Authority (EBA) is as part of the European System of Financial Supervision (ESFS), and took over all existing responsibilities and tasks of the Committee of European Banking Supervisors. It works to ensure effective and consistent prudential regulation and supervision across the European banking sector. Its overall objectives are to maintain financial stability in the EU and to safeguard the integrity, efficiency and orderly functioning of the banking sector. The main task of the EBA is to contribute to the creation of the European Single Rulebook in banking whose objective is to provide a single set of harmonised prudential rules for financial institutions throughout the EU. The Authority also plays an important role in promoting convergence of supervisory practices and is mandated to assess risks and vulnerabilities in the EU banking sector.

Details

Data was taken from EBA annual reports.

Ownership

Co-owned. All member states participate in funding the agency's budget both through the general EU budget and through National Regulatory Authorities' contributions. National budget represents 58% of the whole budget. The rest is composed mainly by EU budget, plus a small percentage of own funds drawn from taxes. Additional contributions come from EFTA countries Lichtenstein, Iceland and Norway. Staff is both supranational and national. SNEs range from 6% to 19% of the total staff.

Regulation

Joint. EBA mandate is regulated by EU law and the agency has EU legal personality. The board of supervisors is composed of the EBA's Chairperson, and of the 27 national supervisory authorities, where applicable accompanied by a representative of the national central bank, with observers from the European Commission (EC), the European Systemic Risk Board (ESRB), the European Central Bank (ECB), the European Securities and Markets Authority (ESMA) and the European Insurance and Occupational Pension Authority (EIOPA). The Members of the Board of Supervisors shall act independently and in the Union's interest. The EBA Management Board is composed of the EBA Chairperson and of representatives of national supervisory authorities and of the European Commission. Both boards vote either by simple or 2/3 majority.

Material Differentiation

No, all EU members contribute to EBA's financing and management.

Figure 12. EBA Budget

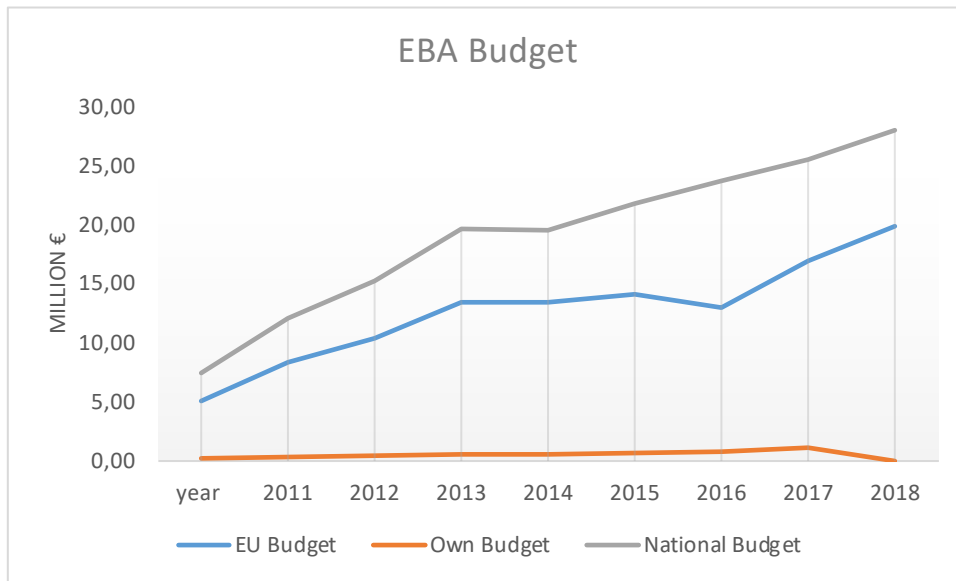
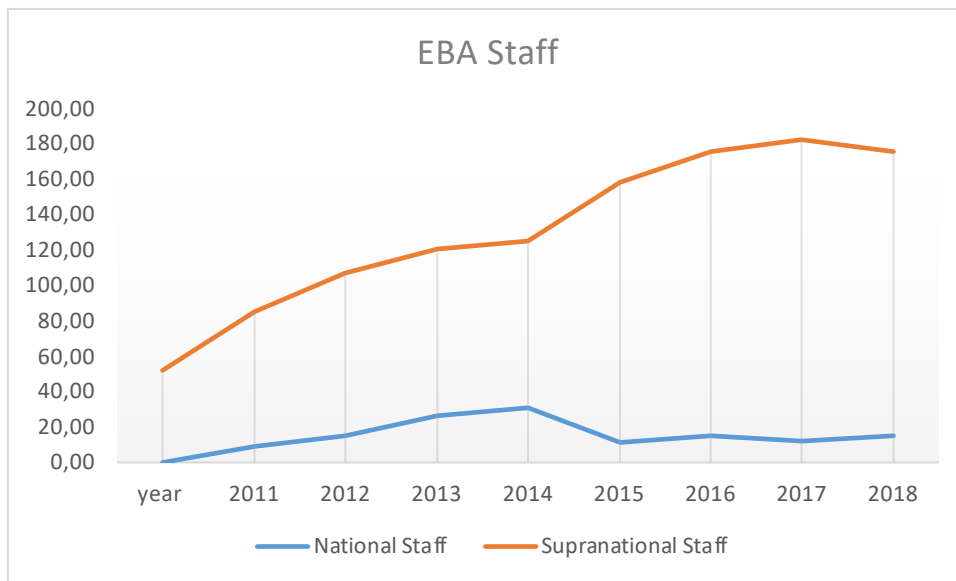


Figure 13. EBA Staff



2.4.2. The European Insurance and Occupational Pensions Authority (EIOPA)

Kind of body

EU Agency

Establishment

2011

Policy Area

Economic Policy (11)

Description

The European Insurance and Occupational Pensions Authority (EIOPA) is a European Union financial regulatory institution that replaced the Committee of European Insurance and Occupational Pensions Supervisors (CEIOPS). It is established under EU Regulation 1094/2010. EIOPA is one of the three European Supervisory Authorities responsible for micro-prudential oversight at the European Union level, being part of the European System of Financial Supervision.

Details

Data was taken from EIOPA annual reports.

Ownership

Co-owned. All member states participate in the funding of the agency both through the general EU budget and through NRAs contributions. National budget is between 56% and 65% of the whole budget. Additional contributions come from EFTA countries Lichtenstein, Iceland and Norway. Staff comes both from states and from the agency. National staff ranges between 8% and 18%.

Regulation

Joint. The Board of Supervisors is EIOPA's main decision-making body and is composed of representatives of the relevant supervisory authority in each country. It includes EIOPA's Chairperson, representatives of the European Commission, the European Systemic Risk Board, the European Banking Authority, the European Securities Markets Authority and observers. The Management Board ensures that EIOPA achieves its mission and completes the tasks assigned to it. It is composed of the EIOPA's Chairperson, six representatives of national supervisory authorities and a representative of the European Commission.

Material Differentiation

No. All member states are part of the EIOPA and contribute to its functioning through the EU budget.

Figure 14. EIOPA Budget

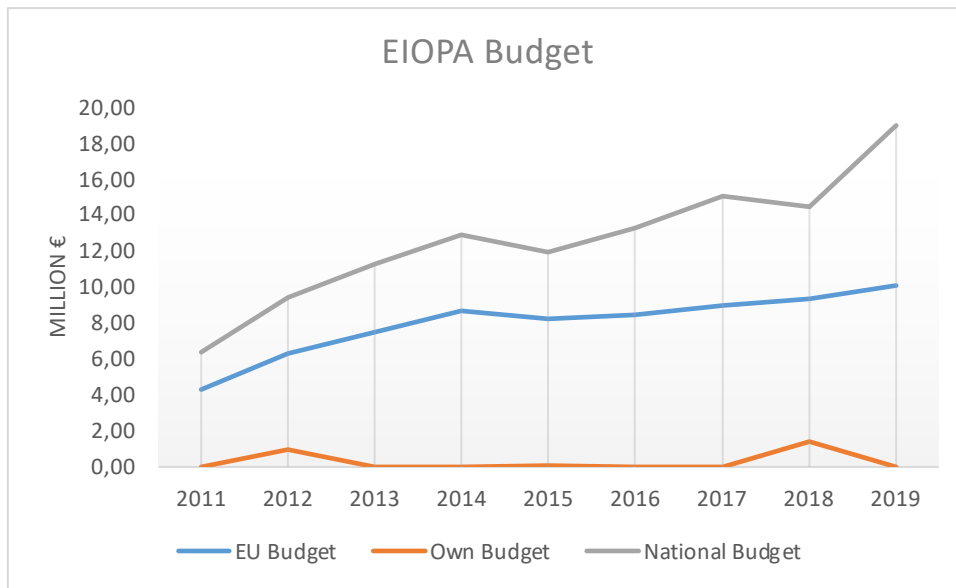
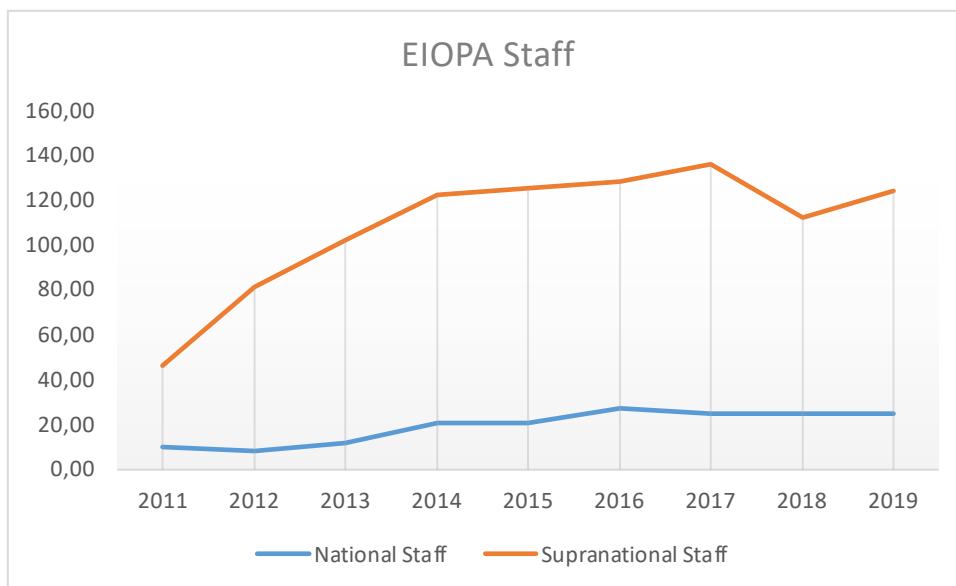


Figure 15. EIOPA staff



2.4.3. The European Securities and Markets Authority (ESMA)

Kind of body

EU Agency

Establishment

2011

Policy Area

Economic Policy (11)

Description

ESMA works in the field of securities legislation and regulation to improve the functioning of financial markets in Europe, strengthening investor protection and co-operation between national competent authorities.

Details

Data was taken from ESMA annual reports.

Ownership

Co-owned. All member states participate in the funding of the agency both through the general EU budget and through NRAs contributions. National budget is between 45% and 58% of the whole budget. Staff is both made of national experts and supranational officials. National staff ranges between 2% and 15% of total staff.

Regulation

Joint. Like the other supervisory authorities, EBA and EIOPA, the two governing bodies of ESMA are: The Board of Supervisors guides the work of the Authority and has the ultimate decision-making responsibility on a broad range of matters including the adoption of: draft Technical Standards, Guidelines, Opinions, Reports and Advice to EU institutions. It also has the power to declare crisis situations as well as make final decisions with respect to ESMA's budget. The Management Board which ensures that the Authority carries out its mission and performs the tasks assigned to it in accordance with the ESMA Regulation. In particular it focuses on the management aspects of the Authority, such as the development and implementation of a multi-annual Work Programme, as well as budget and staff resource matters. They both vote through simple or qualified majority.

Material Differentiation

No. All member states are part of ESMA and contribute to its functioning through the EU budget.

Figure 16. ESMA Budget

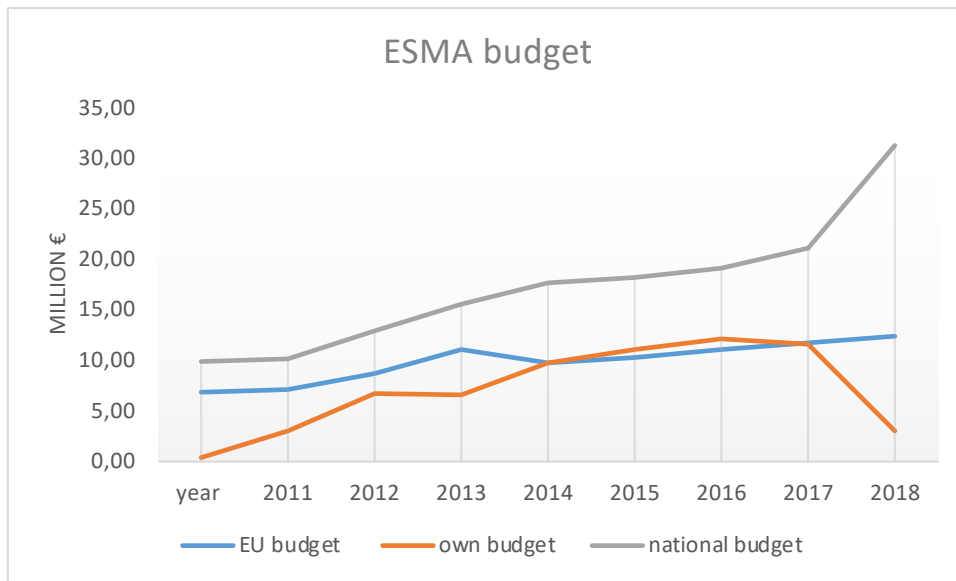
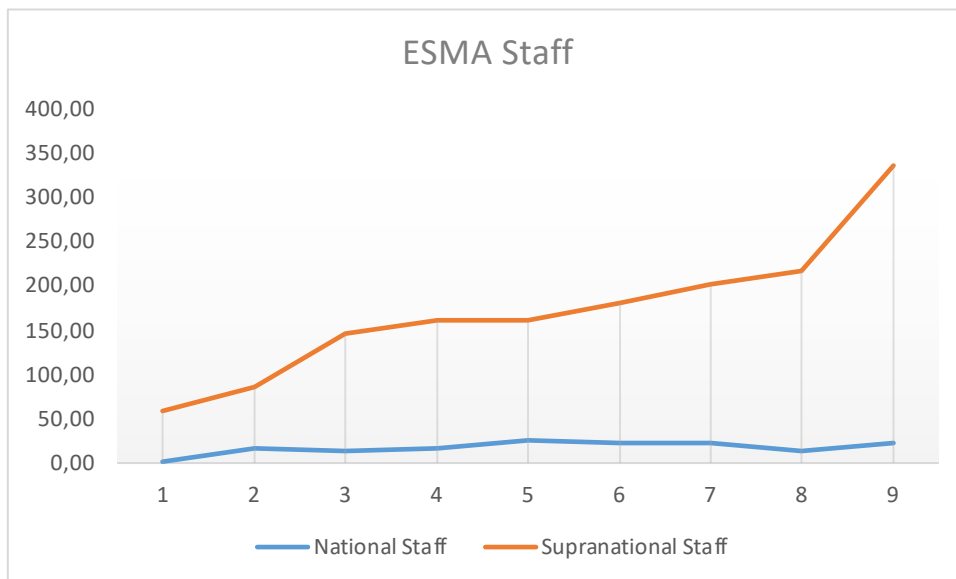


Figure 17. ESMA Staff



2.5 Supranational Regulation of Co-owned Resources

2.5.1. The European External Action Service (EEAS)

Kind of body

EU body

Establishment

2011

Policy Area

Common Foreign Security Policy (25)

Description

The European External Action Service (EEAS) is the diplomatic service and combined foreign and defence ministry of the European Union (EU).

Details

Data was taken from EEAS Annual reports and annual budget.

Ownership

Co-owned. All EU member states participate in the financing of the body, through the EU budget. No external country does. Staff is both national and supranational. The Treaty of Lisbon stipulates that EEAS staff shall comprise personnel from three different parent institutions: namely, the 'relevant departments of the General Secretariat of the Council and of the Commission as well as .the national diplomatic services of the Member States' (Article 27(3) TEU). In turn, the Council Decision establishing the EEAS⁶ stipulates that, once the EEAS has reached its full capacity, at least one third of all AD-category staff should come from the diplomatic services of the Member States. Seconded National Experts (SNEs) are regulated through Decision o 2012/C 12/04⁷. In total, SNEs at the early stage of EEAS existence were about 10% of the whole staff. Now 5%. It should be noted that the share of diplomats remains always about the same (1/3, as of the above-mentioned decision). However, the share of national staff in comparison to the supranational one is smaller (see data).

Regulation

Supranational. The EEAS has its own budgetary autonomy as of Art 8 of its founding Decision. Yet, the EEAS is payed through the EU budget, and the budget itself needs to be approved by the Commission, who will then include it in the draft annual budget.

Material Differentiation

No. All member states are part of the EEAS and contribute to its functioning through the EU budget.

6 COUNCIL DECISION of 26 July 2010 establishing the organisation and functioning of the European External Action Service(2010/427/EU)

7 Decision of the High Representative of the Union for Foreign Affairs and Security Policy of 23 March 2011 establishing the rules applicable to National Experts Seconded to the European External Action Service

Figure 18. EEAS Budget

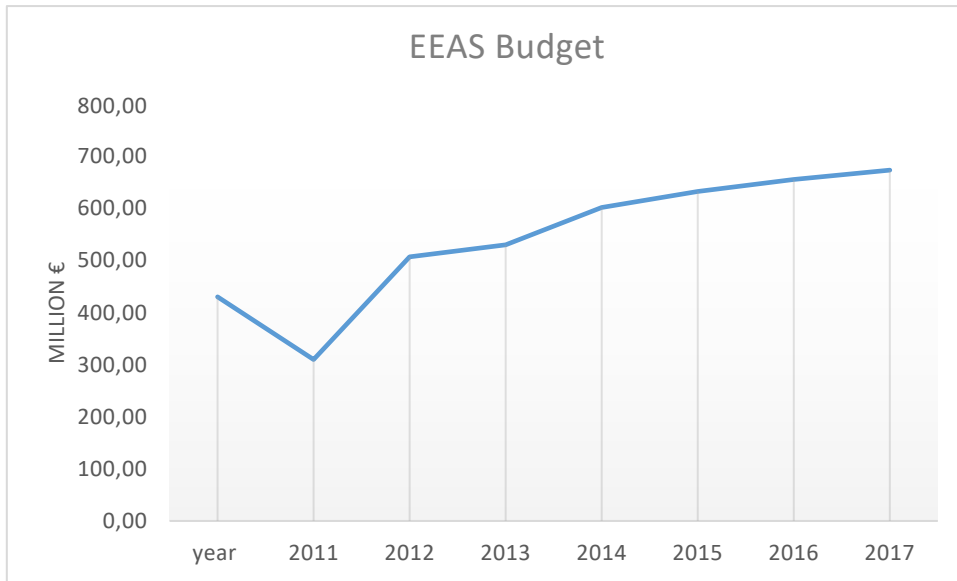
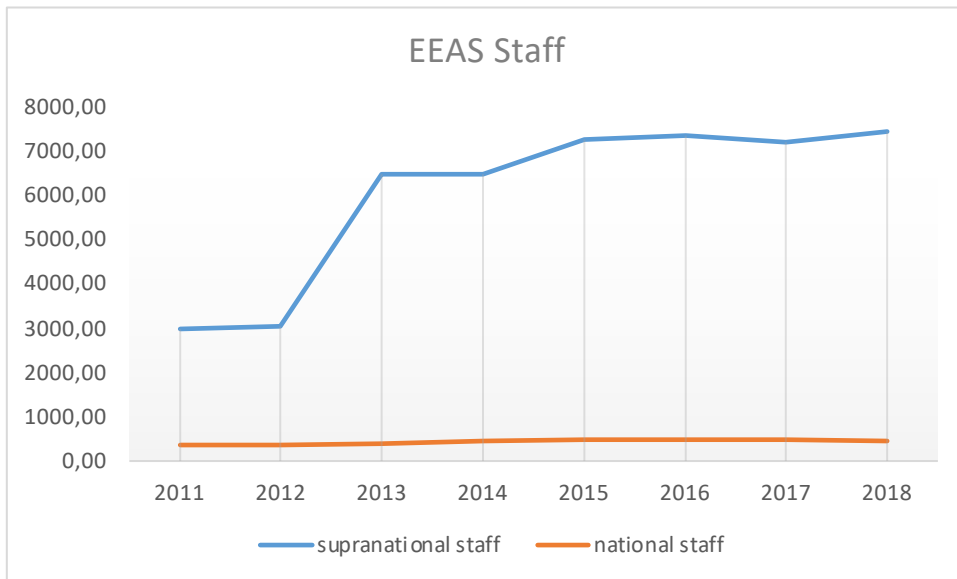


Figure 19. EEAS Staff



2.6 Joint Regulation of Supranational Resources

2.6.1. The European Union Agency for Law Enforcement Training (CEPOL)

Kind of body

EU Agency

Establishment

2005

Policy area

Justice and Home Affairs (27)

Description

CEPOL is an agency of the European Union dedicated to develop, implement and coordinate training for law enforcement officials. Since 1 July 2016, the date of its new legal mandate, CEPOL's official name is "The European Union Agency for Law Enforcement Training"⁸.

Details

Figures are taken from CEPOL annual reports. Data on seconded national experts was gathered through the documents identified by CEPOL info⁹.

Ownership

Supranational. Budget is Supranational, as it comes entirely from the EU budget. Staff is both national and supranational. Except from the first 3 years, SNEs range between 5% and 18% of the total staff.

Regulation

Joint. CEPOL's mandate is regulated by EU law and the agency has EU legal personality. The CEPOL Management Board is made up of representatives from EU Member States and the EU Commission. The board decides by simple or qualified majority (Art. 10, COUNCIL DECISION 2005/681/JHA. Art 13, REGULATION (EU) 2015/2219).

Material Differentiation

No. Since 2016, Denmark, the UK and Ireland are no longer represented in the agency's board. However, given that CEPOL is financed through the EU budget, these states continue to contribute to the functioning of the agency although they formally lose their decision-making power.

⁸ In 2016 the Council Decision on the new CEPOL legal basis was implemented on 1st July 2016. The new regulation meant major changes for the agency. All regulations and working arrangements had to be adapted to this new regulation. During the Dutch presidency, necessary preparation was made. This included the arrangements made in 2016 with those Member States opting out of CEPOL regulation (Denmark, Ireland and the United Kingdom). Also, a new corporate identity was adopted and implemented. All these changes will support CEPOL to better fulfil its mandate as the EU agency responsible for law enforcement training. To ensure the participation of UK and Denmark in CEPOL's activities to the greatest extent possible, the Executive Director offered them the possibility to conclude working arrangements as basis for cooperation. The issue remains pending with Denmark and the UK, no news about Ireland. See CEPOL annual report 2016 at <https://www.cepola.europa.eu/sites/default/files/annual-report-2016.pdf> (accessed 21 February 2020)

⁹ Email sent to CEPOL for inquiry on staff on February 19

Figure 20. CEPOL Budget

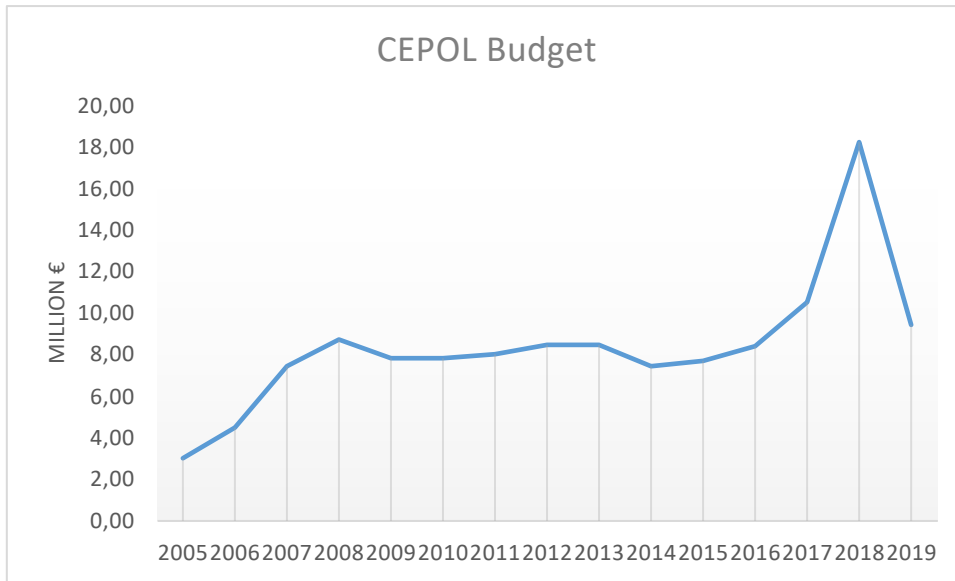
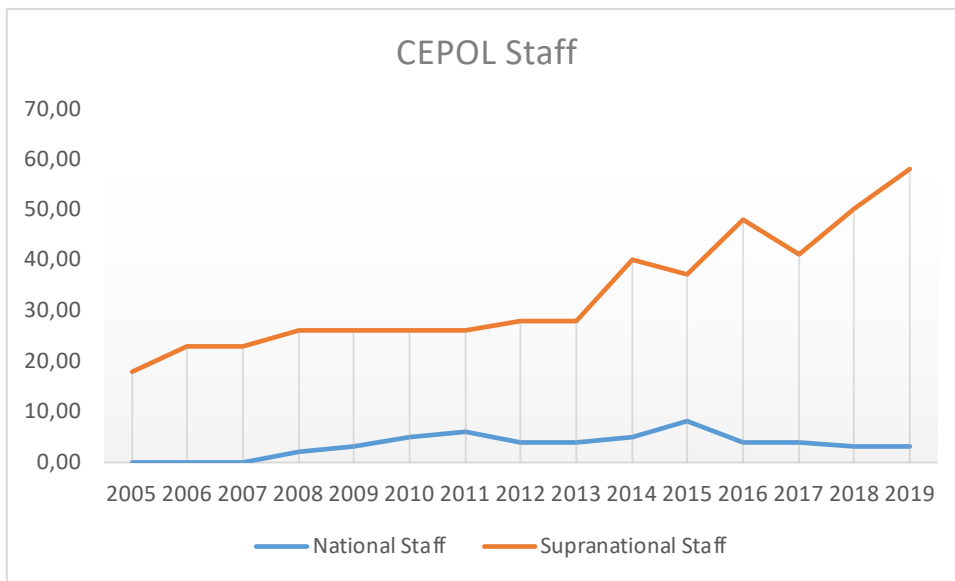


Figure 21. CEPOL Staff



2.6.2. The European Asylum Support Office (EASO)

Kind of body

EU Agency

Establishment

2010

Policy area

Visa, asylum and immigration (23)

Description

EASO is an agency of the European Union set up by Regulation (EU) 439/2010 of the European Parliament and of the Council. The agency acts as a centre of expertise on asylum; contributes to the development of the Common European Asylum System by facilitating, coordinating and strengthening practical cooperation among Member States on the many aspects of asylum; helps Member States fulfil their European and international obligations to give protection to people in need; provides practical and technical support to Member States and the European Commission; provides operational support to Member States with specific needs and to Member States whose asylum and reception systems are under particular pressure; provides evidence-based input for EU policymaking and legislation in all areas having a direct or indirect impact on asylum.

Details

Figures are taken from EASO annual reports.

Ownership

Supranational Budget is supranational, as it comes entirely from the EU budget. Staff is both national and supranational. However, the share of national staff decreases systematically overtime. It starts from 56% and goes down to 2-3% in the last two years.

Regulation

Joint. EASO's mandate is regulated by EU law and the agency has EU legal personality. The EASO Management Board is composed of representatives of the EU Member States, the European Commission and the United Nations High Commissioner for Refugees (UNHCR). Board votes by simple majority (Art 28, REGULATION (EU) No 439/2010).

Material Differentiation

No. All member states participate, exceptions made for Denmark, that is not part (and has never been part) of the management board, and it does not pay extra money to the budget. Moreover, Denmark does not provide national experts. However, the agency is payed through the EU budget, hence Denmark indirectly pays for it too (similarly to CEPOL since 2016).

Figure 22. EASO Budget

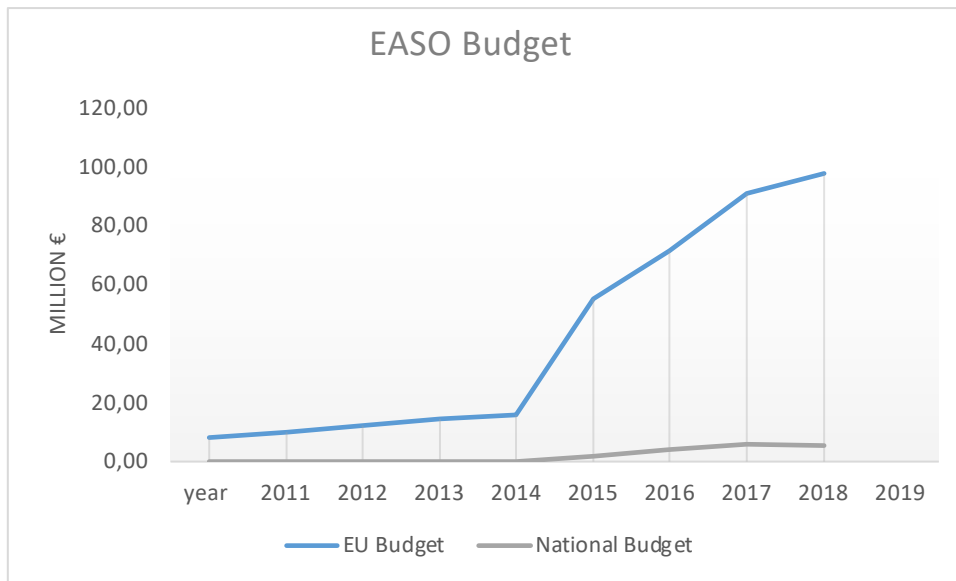
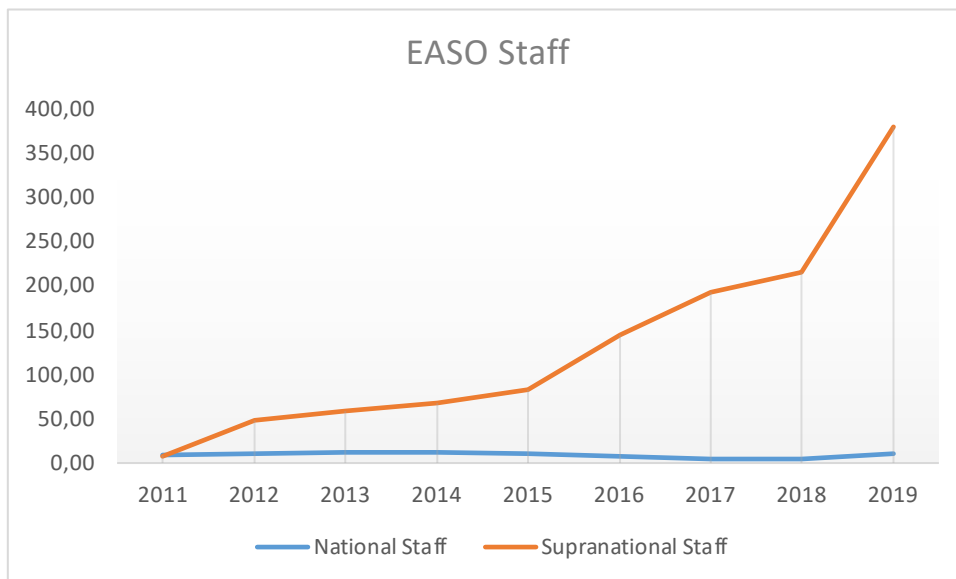


Figure 23. EASO Staff



2.6.3. European Border and Coast Guard Agency (FRONTEX)

Kind of body

EU agency

Establishment

2005

Policy Area

Borders, asylum and immigration (23)

Description

The European Border and Coast Guard Agency, also known as Frontex is an agency of the European Union headquartered in Warsaw, Poland, tasked with border control of the European Schengen Area, in coordination with the border and coast guards of Schengen Area member states. Frontex was established in 2004 as the European Agency for the Management of Operational Cooperation at the External Borders and is primarily responsible for coordinating border control efforts. In response to the European migrant crisis of 2015–2016, the European Commission proposed on 15 December 2015 to extend Frontex's mandate and to transform it into a fully-fledged European Border and Coast Guard Agency.

Details

Data collected from original annual reports and annual accounts.

Ownership

Supranational. Budget is mainly EU-funded but there is a share between 2% and 6% paid by UK Ireland and other Schengen associated countries. Staff is both national and supranational. National staff ranges between 60% and 20% of the total.

Regulation

Joint. Management board is composed of representatives of the heads of the border authorities of the 26 EU Member States that are signatories of the Schengen acquis, plus two members of the European Commission. Representatives from the United Kingdom and Ireland are also invited to participate in Management Board meetings. Iceland, Lichtenstein, Norway and Switzerland (countries which are not EU Member States, but which are associated with the implementation, application and development of the Schengen acquis) also participate in the agency's Management Board meetings. Each of them sends one representative to the Management Board but retains limited voting rights. Voting is either by absolute or qualified majority.

Material Differentiation

Varies. Also the UK and Ireland, that formally are not members, contribute to the agency's funding, but not every year.

Figure 24. Frontex Budget

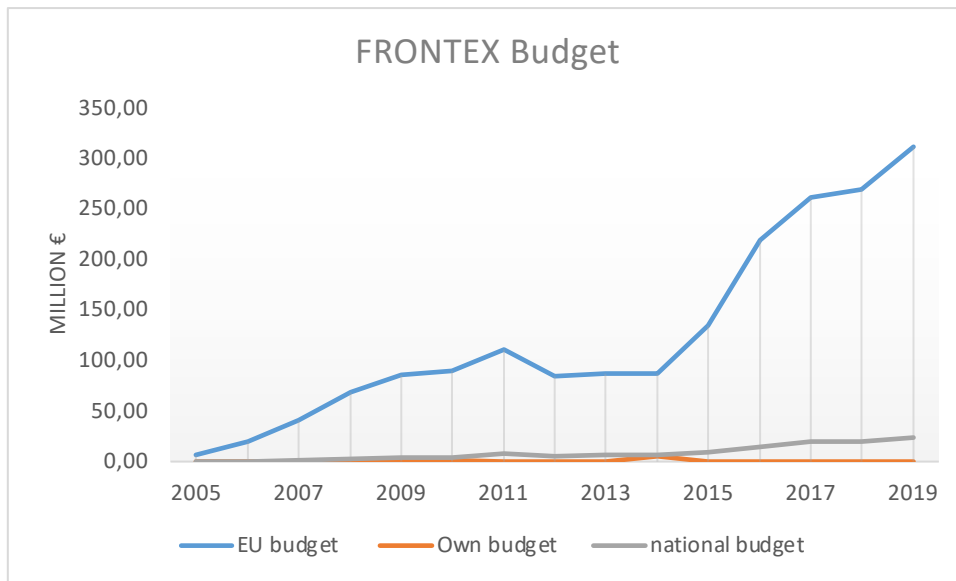
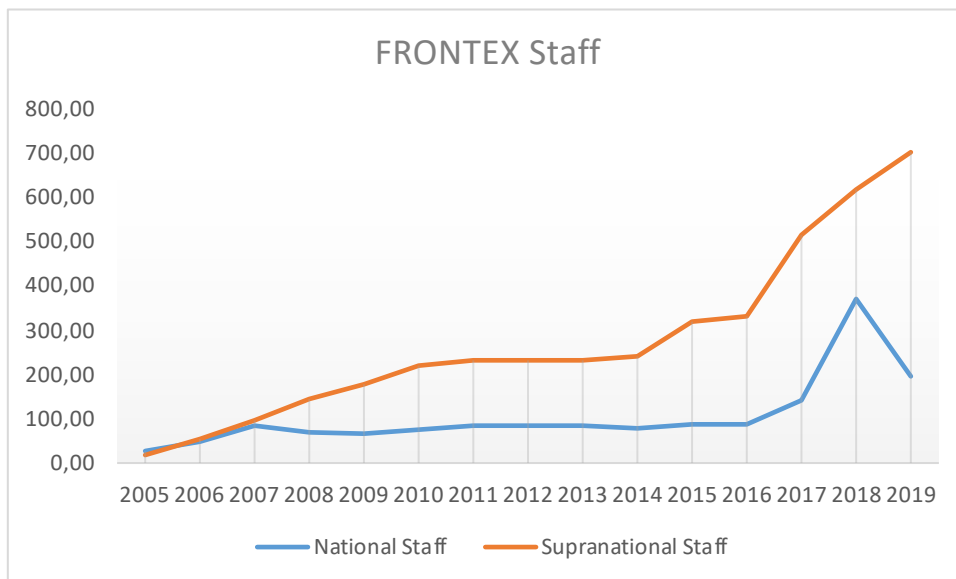


Figure 25. Frontex Staff



2.6.4. The European Union Agency for Cybersecurity (ENISA)

Kind of body

EU Agency

Establishment

2005

Policy Area

Justice and Home Affairs (27)

Description

ENISA assists the Commission and the member states in meeting the requirements of network and information security, including present and future EU legislation. ENISA ultimately strives to serve as a centre of expertise for both member states and EU Institutions to seek advice on matters related to network and information security.

Details

Data was taken from ENISA annual accounts reports.

Ownership

Supranational. All EU member states participate in ENISA's funding through the EU budget, plus Lichtenstein, Norway and Switzerland since 2011. Some figures for National Staff are missing for the first 6 years. In the rest, it fluctuates, from 2% to 18%.

Regulation

Joint. Management board is composed by Commission Representatives, Member States Representatives and EEA-Country Representatives (Observers). The board votes by simple majority.

Material Differentiation

No. All member states are part of ENISA and contribute to its functioning through the EU budget.

Figure 26. ENISA Budget

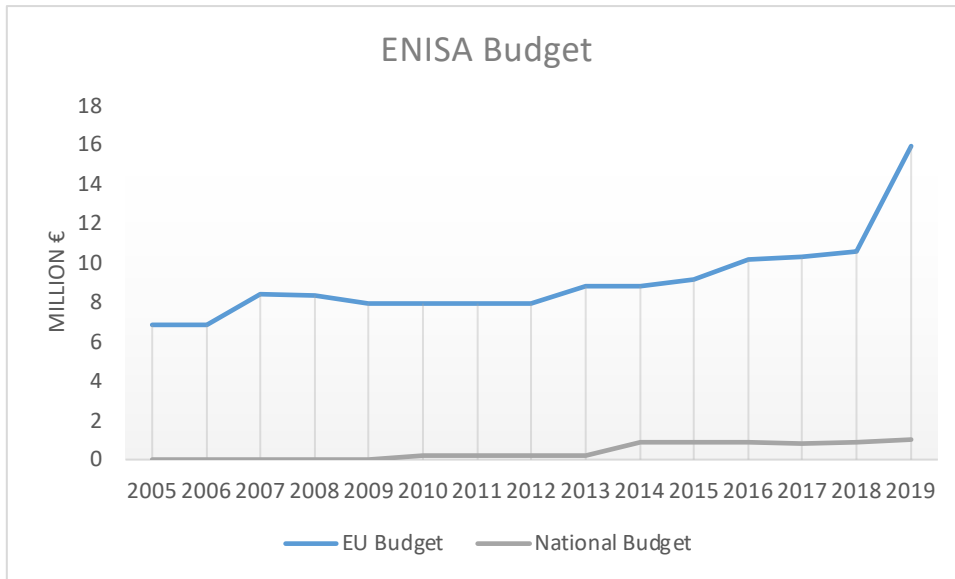
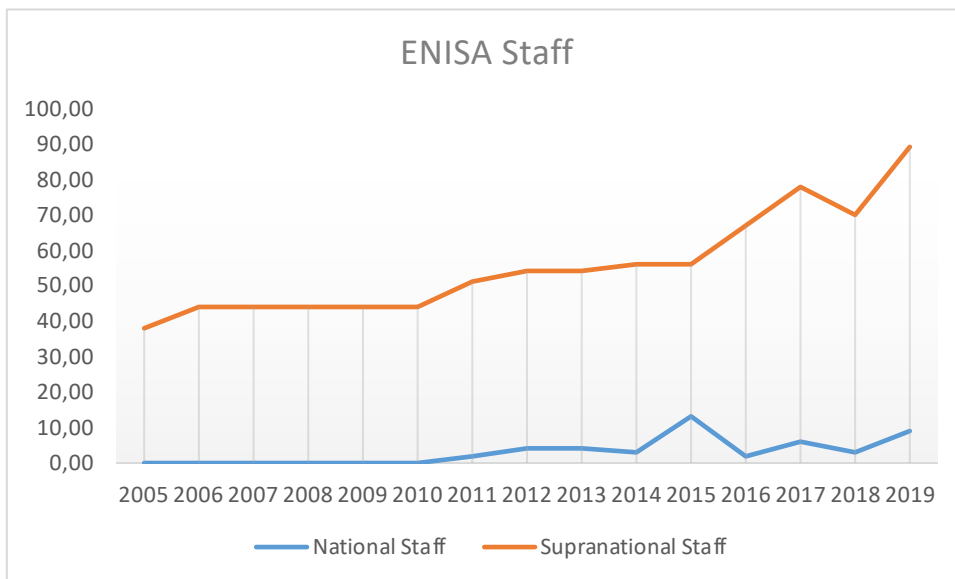


Figure 27. ENISA Staff



2.6.5. The European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (EU-Lisa)

Kind of body

EU agency

Establishment

2012

Policy Area

Justice and Home Affairs (27)

Description

The European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (EU-LISA) is an agency of the European Union (EU) that was founded in 2011 to ensure the uninterrupted operation of large-scale IT systems within the area of freedom, security and justice (AFSJ). It began its operational activities in December 2012.

Details

Data was taken from EU-Lisa annual reports.

Ownership

Supranational. All member states participate in the funding of the agency through the EU budget, plus EFTA countries since 2015. Staff is both national and supranational, although national staff represents a quite low share of the total (range 3-6%).

Regulation

Joint. The Management Board is composed of representatives of EU Member States and the European Commission. Associated Countries (Switzerland, Iceland, Norway, and Liechtenstein) as well as Eurojust and Europol are also represented. The board votes by qualified majority.

Material Differentiation

No. All member states are part of EU-Lisa and contribute to its functioning through the EU budget.

Figure 28. EU-LISA Budget

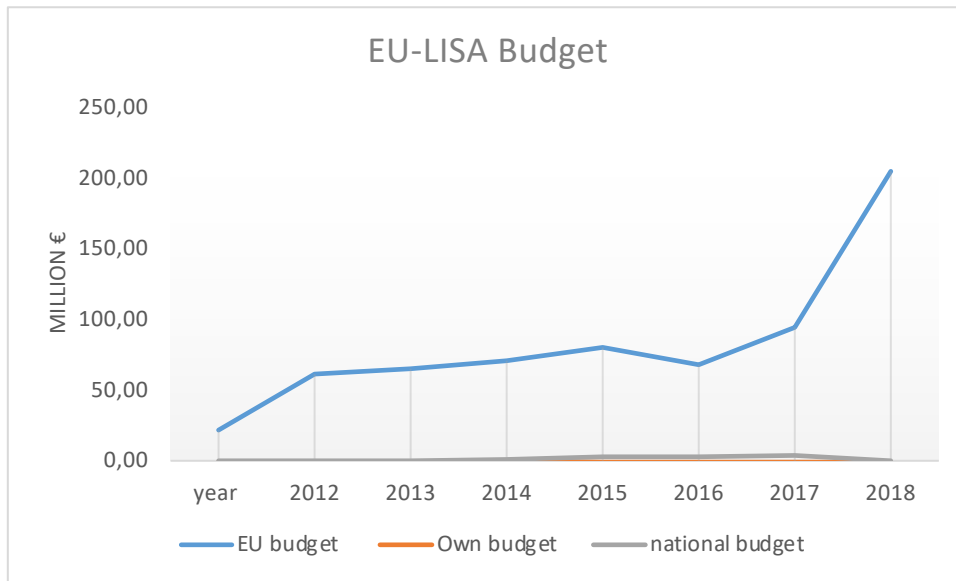
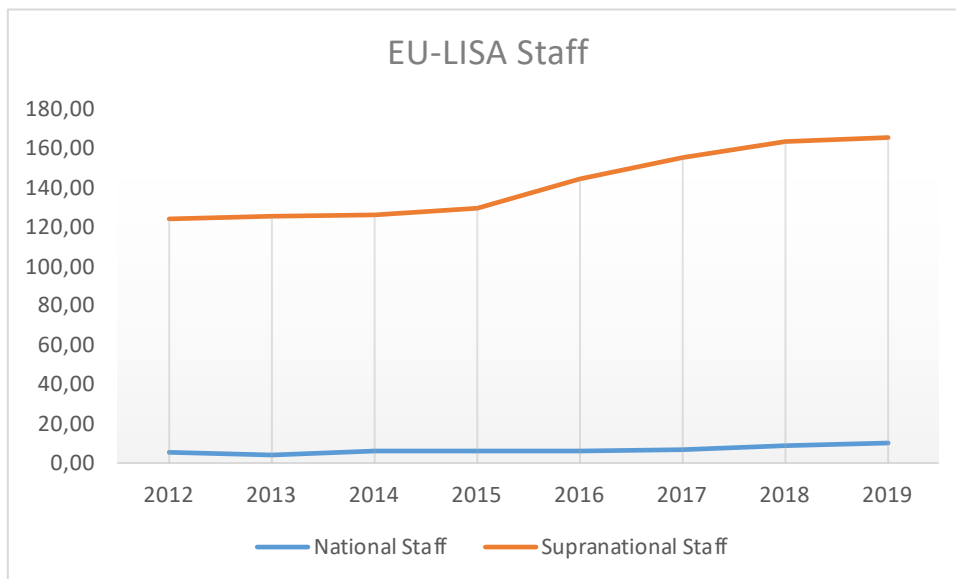


Figure 29. EU-LISA Staff



2.6.6. The European Union Agency for Criminal Justice Cooperation (Eurojust)

Kind of body

EU agency

Establishment

2003

Policy Area

Justice and Home Affairs (27)

Description

Eurojust is an agency of the European Union dealing with judicial co-operation in criminal matters among agencies of the member states.

Details

Data was taken from annual reports.

Ownership

Supranational. All member states participate in the funding of the agency through the EU budget. Staff is both national and supranational, although I could not find seconded national experts before 2008, the rest of years national staff ranges between 8% and 13%.

Regulation

Joint. The Eurojust College is formed of the National Members, one from each of the EU Member States (with the exception of Denmark, which by virtue of Protocol No 22 is not bound by the Eurojust Regulation as of 12 December 2019), who include judges, prosecutors or other judicial professionals of equivalent competence. When exercising its management functions, the College also comprises a representative of the European Commission, which also has a seat in Eurojust's Executive Board. Decisions are taken with either simple or 2/3 majority.

Material Differentiation

No, because all member states contribute through the EU budget. Yet, since 2019 Denmark is not member anymore and pays an additional quota, as if it was a third country. In practice, it pays twice.

Figure 30. Eurojust Budget

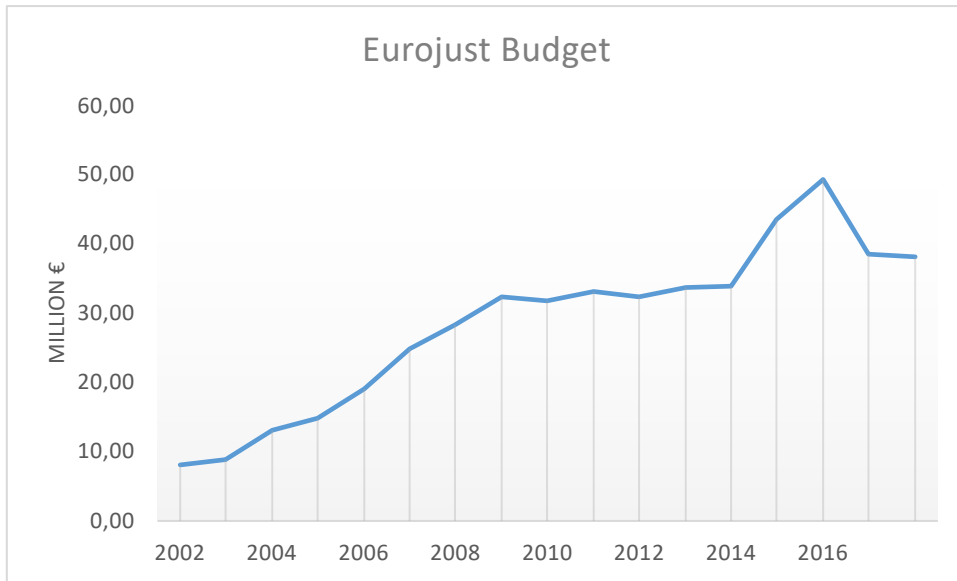
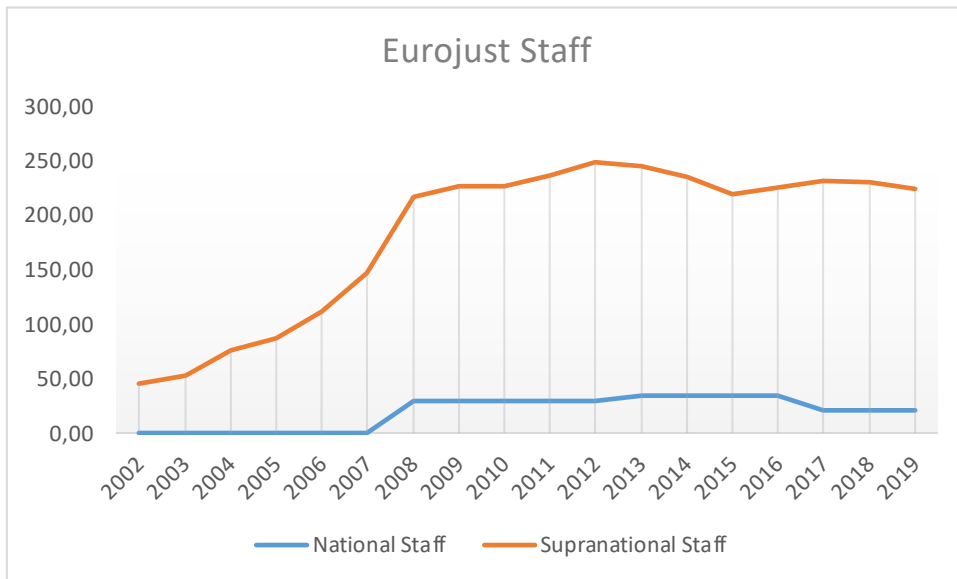


Figure 31. Eurojust Staff



2.6.7. The Fundamental Rights Agency (FRA)

Kind of body

EU agency

Establishment

2007 (it was called EUMC, European Monitoring Centre on Racism and Xenophobia from 1997 to 2006)

Policy Area

Charter of Fundamental Rights (36)

Description

The FRA is an EU body tasked with “collecting and analysing data on fundamental rights with reference to, in principle, all rights listed in the Charter”; however, it is intended to focus particularly on “the thematic areas within the scope of EU law

Details

Data was taken from FRA annual reports

Ownership

Supranational. Budget is fully provided by the EU budget. Staff is mainly supranational. Since 2010, national officials range between 7-8% of the total staff. Before then I have no data. I would assume the number was about the same (as since 2006 is constant, i.e. 9 people), hence the percentage may be higher in earlier years (between 26 and 11%)

Regulation

Joint. Management board is composed by member states and the Commission. It votes by either simple or qualified majority

Material Differentiation

No. All member states contribute to FRA through the EU budget.

Figure 32. FRA Budget

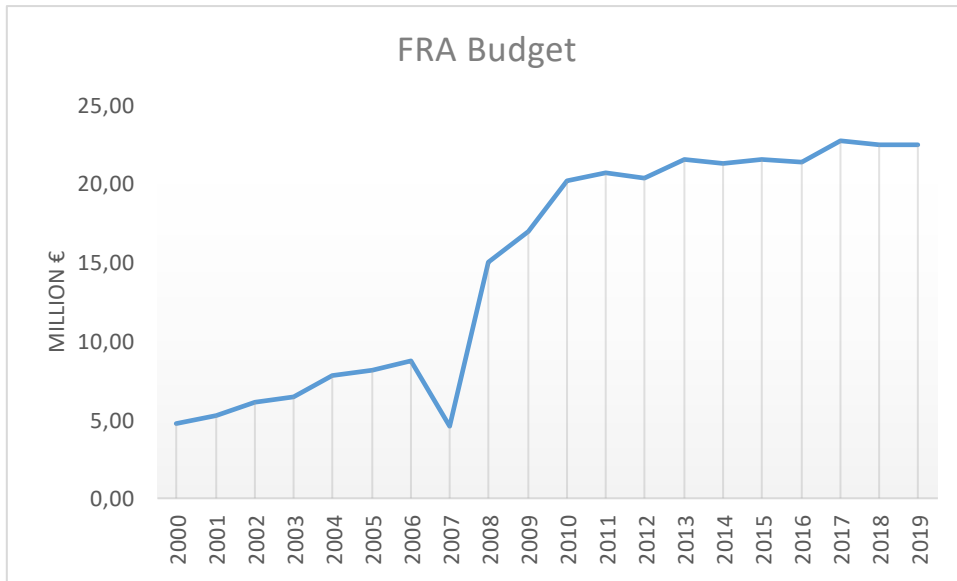
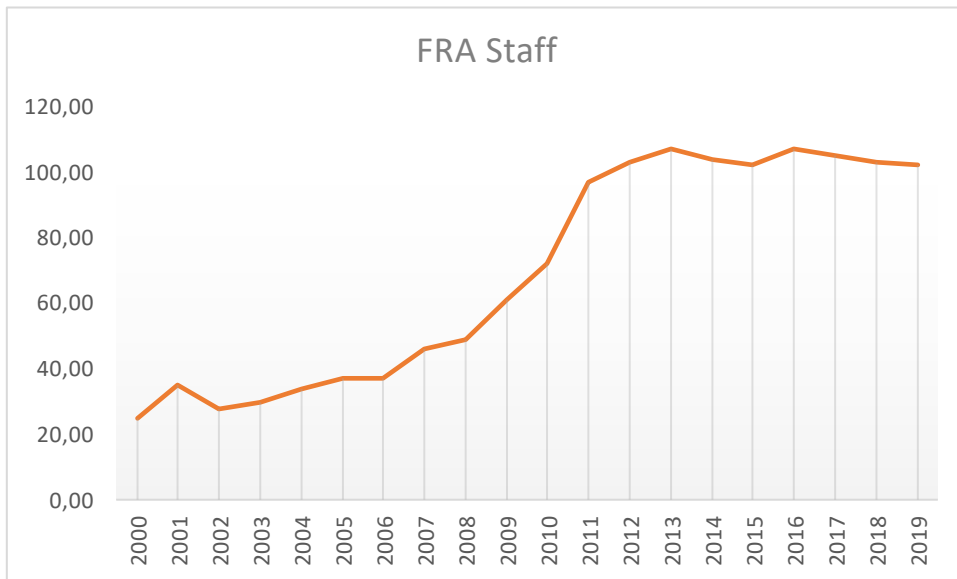


Figure 33. FRA Staff



2.7 Supranational Regulation of Supranational Resources

2.7.1. The European Central Bank (ECB)

Kind of body

EU Institution- Bank

Establishment

1999

Policy Area

Monetary Policy (12)

Description

The European Central Bank (ECB) is the central bank of the 19 European Union countries which have adopted the euro. Its main task is to maintain price stability in the euro area and so preserve the purchasing power of the single currency.

Details

Budget data was taken from official ECB annual accounts. Staff figures were obtained from the ECB directly¹⁰.

Ownership

Supranational: The ECB is financed through its own and independently managed (hence supranational) budget. Staff is entirely hired at the supranational level and for the employment decisions of the ECB, there are no political, administrative or other external constraints (Badinger & Nitsch, 2014).

Regulation

Supranational. The ECB is an independent body. This means that Neither the ECB nor the national central banks (NCBs), nor any member of their decision-making bodies, are allowed to seek or take instructions from EU institutions or bodies, from any government of an EU Member State or from any other body.

Material Differentiation

Yes. Only the 19 Eurozone members currently participate in the ECB management and financing through their own central banks. No country outside the Eurozone is part of the ECB or participates in its funding/staffing.

¹⁰ Email sent to ECB info on 19 February 2020, ECB sent figures for supranational staff on March 2, 2020.

Figure 34. ECB Budget

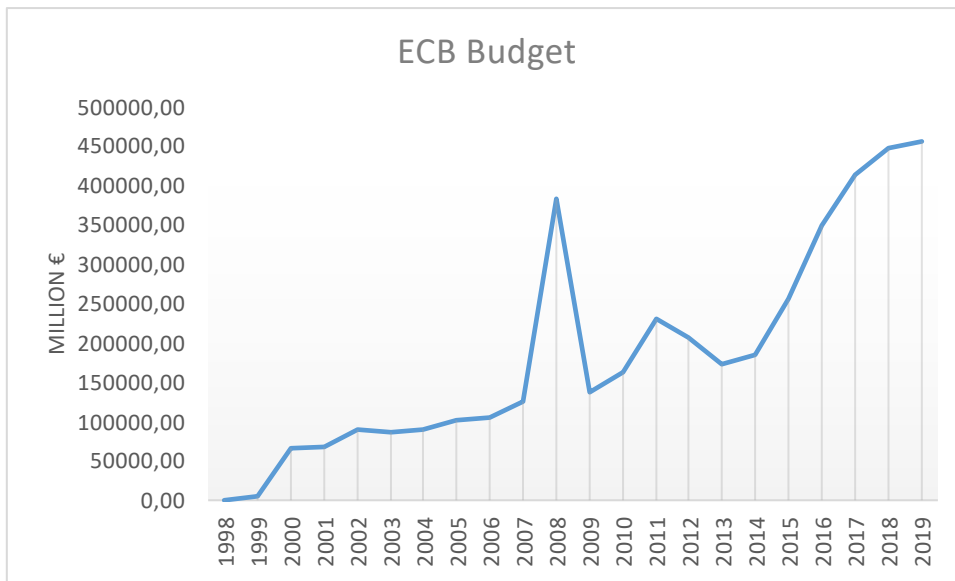
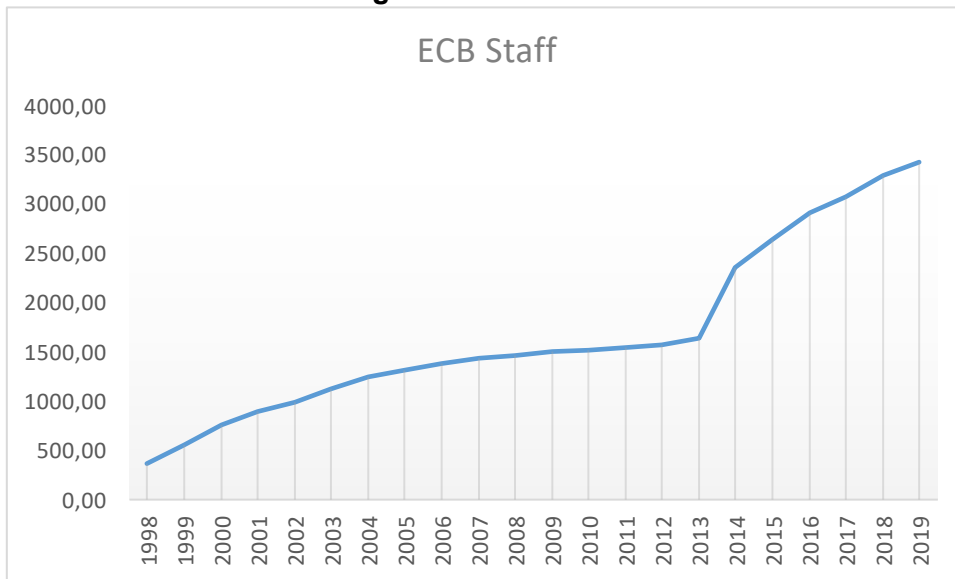


Figure 35. ECB Staff



3. Treaty-level and Material Differentiated Integration

3.1 Differentiated Integration evolution over time and across CSP macro-areas

While the previous section overviewed CSP and the resources employed for their functioning, this section tackles differentiation within and across them. As anticipated in the introduction, this study seeks to grasp the material differentiation existing between states contributing and those not contributing to the financing of the CSP-related bodies analysed in the previous section. The study, ultimately, seeks to provide an overview of the differences between the formal differentiation as set in the treaties, and the material differentiation exemplified by states' financial contributions. The difference between formal and material differentiation is defined as "mismatch".

To measure formal DI in each policy area, the study relies on EUDIFF 1 dataset. To measure the material DI, the study considers whether states contribute uniformly to the financing of a resource or not. If, for example, Denmark does not contribute to military missions, material differentiation will be present, (1). In turn, if Denmark pays for its membership in Europol on top of what it already pays "indirectly" through the EU budget, material differentiation will still be present (1), as the country is, in this case, paying twice in comparison to the others. Contrarily, material differentiation will be absent if all countries contribute uniformly. For example, agencies financed entirely through the EU budget (supranational ownership) are not materially differentiated (0).

Figure 36 displays the evolution of treaty-level Differentiated Integration (DI) vis-à-vis material DI from 1998 to 2019. The graph shows the amount of observations, every year, presenting either type of DI. As the unit of analysis are EU institutions and bodies, and these bodies notably increase overtime, both counts obviously increase, although not in the same way.

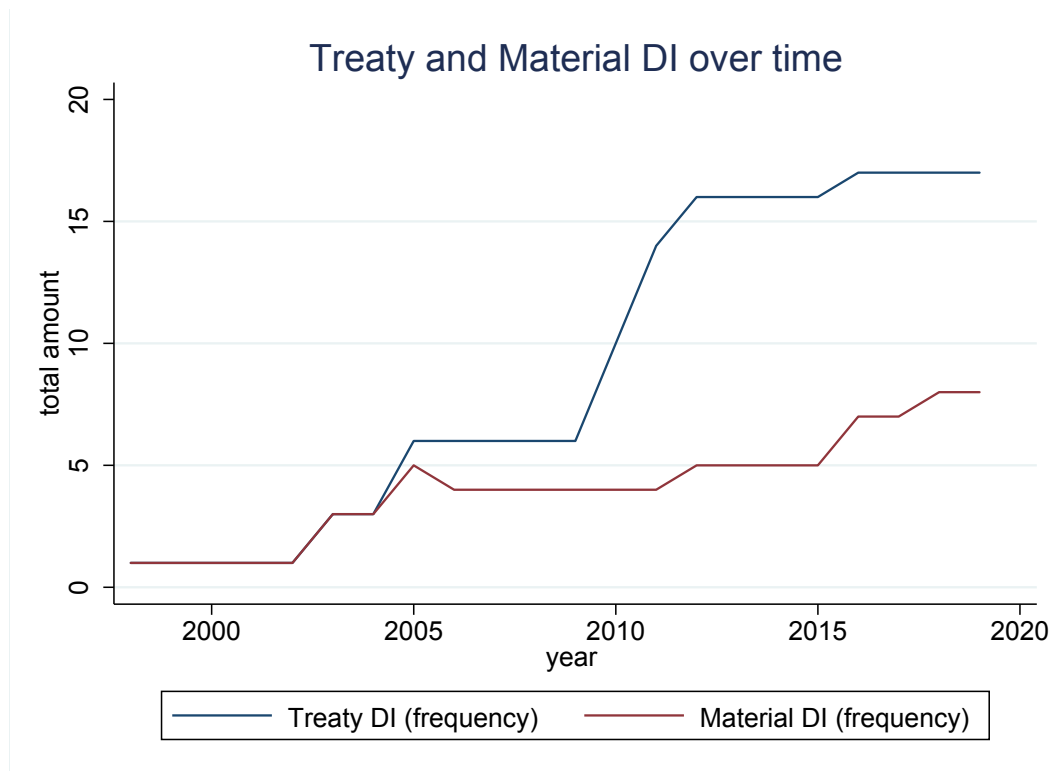
Treaty and Material DI match until 2005. From 1998 to 2003, the only body in the dataset is the European Central Bank: in the case of this institution, Treaty and material DI correspond, because monetary policy has been differentiated since the Treaty of Maastricht, and ECB members are just those EU states taking part to the Eurozone. In 2003, with the launch of first military and civilian missions, the amount of treaty and material DI both increase because missions are both treaty level and materially differentiated.

Material DI increases in 2006 when Ireland and the UK start contributing extra funds to the agency FRONTEX, producing sort of an inverse material differentiation (they pay through both the budget and extra).

The two DI trends diverge even more significantly after the Lisbon Treaty. With its entry into force, UK and Poland got treaty-level exemptions from the Charter of Human Rights (treaty DI), while they kept being members and contributing to the Fundamental Rights Agency (no material DI). Moreover, Lisbon provisions activated the Danish full opt-out from JHA policies, affecting treaty level DI regarding Eurojust, Europol and CEPOL. The same does not apply to material DI, as these agencies are funded through the EU budget and all EU members contribute to them.

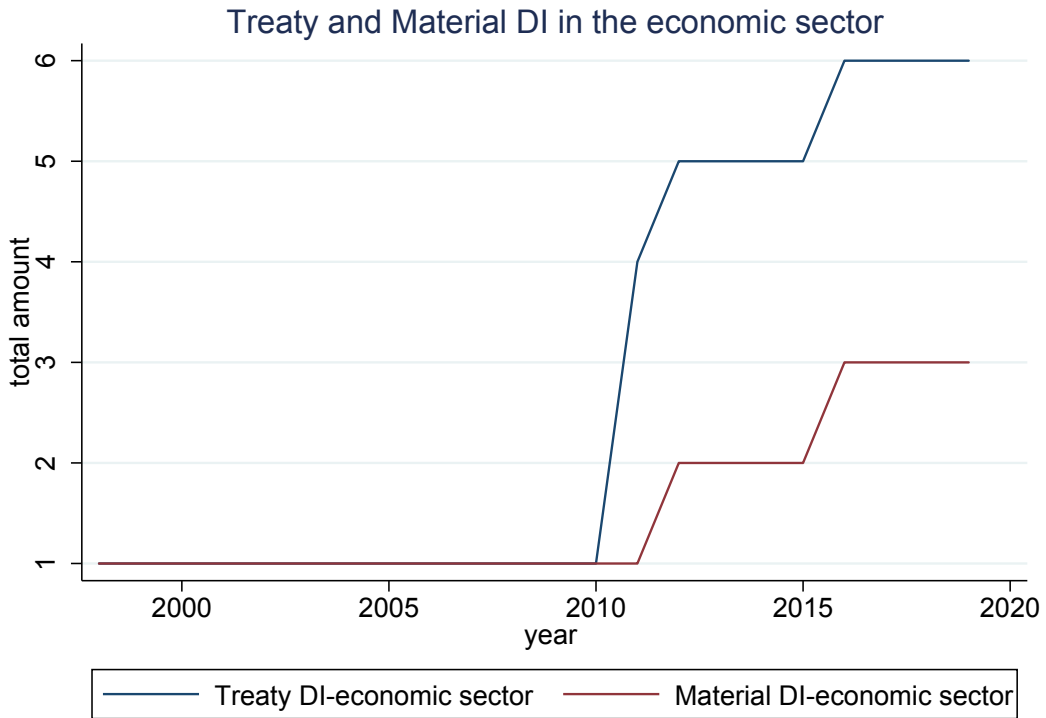
The divergence between the two DIs further increases in 2011 with the establishment of supervisory authorities in the economic/financial sector, EBA ESMA and EIOPA, as part of the European system of financial supervision. While the policy area is differentiated at the treaty level, it is not at the material one: all EU countries are members and contribute to these agencies through the EU budget.

Figure 36. Overall Treaty and Material DI – yearly trends



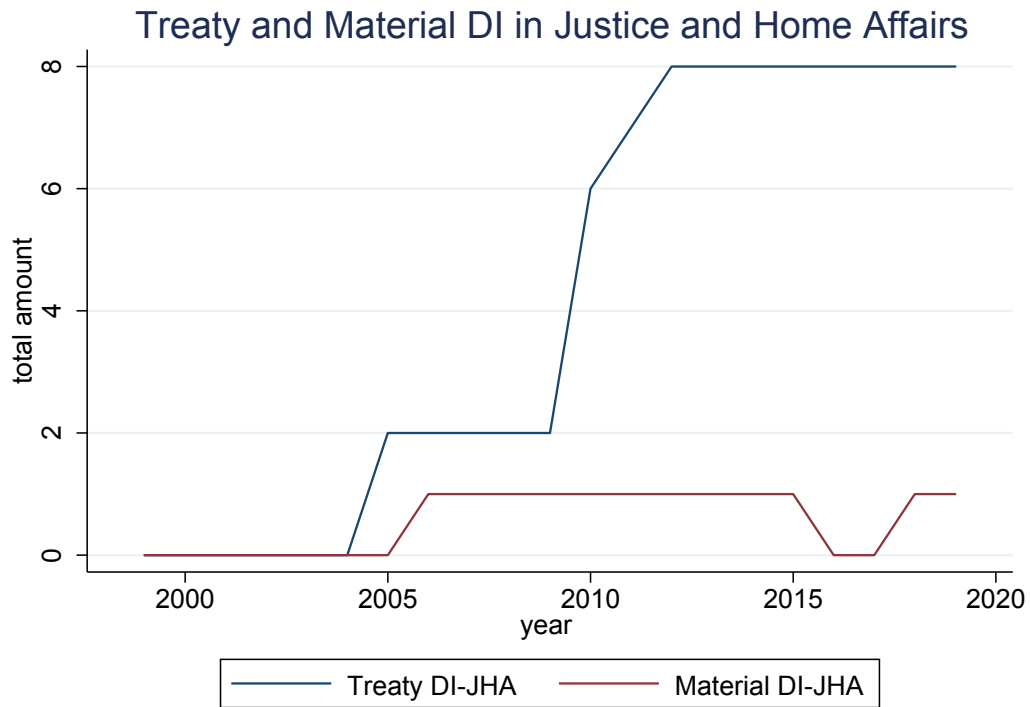
Figures 37, 38 and 39 show the trends for each macro CSP areas that is the economic/financial sector, Justice and Home Affairs and Common Foreign and Security Policy. As shown in Figure 37, in the case of the economic sector, treaty and material DI follow a similar trend over time, although treaty DI is overall more frequent than material DI. The main difference in trend is given by the establishment of the above-mentioned EBA, ESMA and EIOPA. After 2012 the path is the same, as both DIs increase as a result of the establishment of the European Stability Mechanism and the Single Resolution Fund.

Figure 37. Treaty and Material DI in economic/financial sector – yearly trends



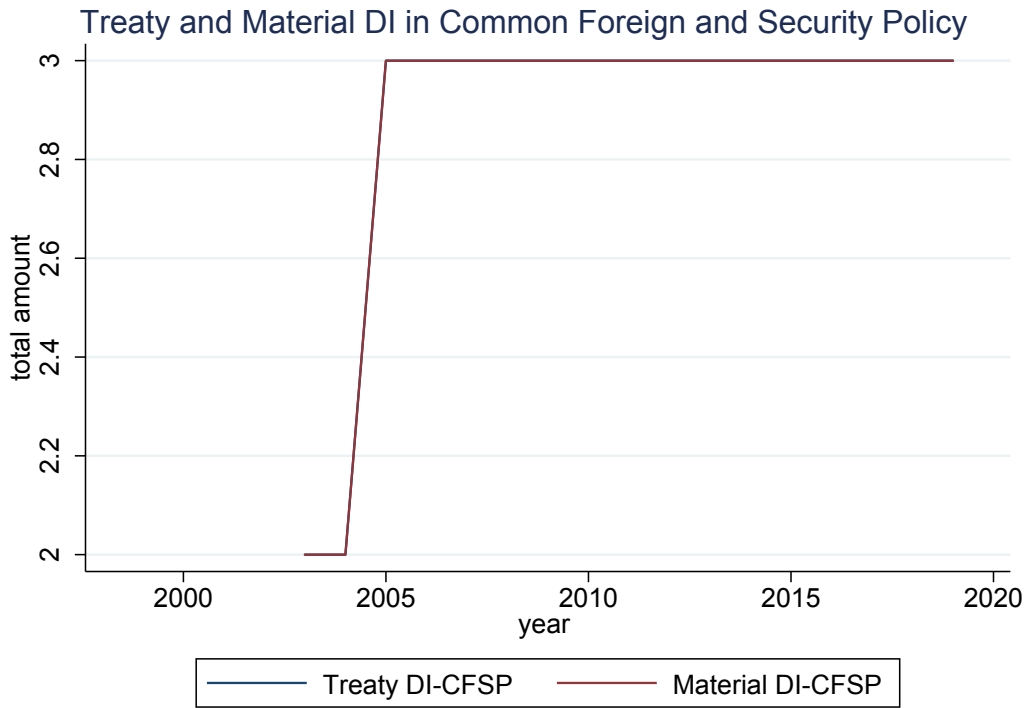
In turn, the graph in Figure 38 reveals that JHA presents the greatest gap between treaty-level and material differentiation. Between 2006 and 2016 material differentiation does not vary at all. Then, in the period 2016- 2018 it ‘sinks’ as UK and Ireland did not contribute to Frontex extra money, while it increases again between 2018 and 2019 because Denmark gave extra funds to Europol as part of the newly signed agreement between the Danish government and the Agency.

Figure 38. Treaty and Material DI in Justice and Home Affairs– yearly trends



Finally, as regards Common Foreign and Security Policy (Figure 39), the scenario is entirely different: Treaty and material DI match perfectly throughout the whole period under analysis. In fact, while the European External Action Service was set at the Treaty Level and no country opted out of it (neither legally nor in practice), the European Defence agency and military and civilian missions are differentiated at both levels.

Figure 39. Treaty and Material DI Common Foreign Security Policy – yearly trends



3.2 Mismatch between Treaty and Material DI in the sample

Given the information provided in the previous section, it is clear that a mismatch exists between material and treaty-level differentiation. In particular, in several cases treaty-level differentiation does not correspond to material differentiation. Table 2 below displays the frequencies of matching (orange) and mismatching (grey) cases. Match means that material DI matches legal DI. Mismatch means that it does not. Hence, matching cases occur when Treaty and material DI are either both present, or both absent. Mismatching cases occur when either DI (material or formal) is present, while the other is absent. The cross-tabulation in Table 2 reveals that there are no cases of material DI when treaty DI is absent, meaning that treaty DI is a necessary condition for material DI to be present. However, the bottom-left quadrant shows that when treaty DI is present, in more than half of cases material DI is absent. This means that whereas treaty DI is a necessary condition for material differentiation, it is not a sufficient one.

Table 3 in turn shows the breakdown of mismatch per policy area. As noted before, JHA-related cases present the highest mismatch (62% of cases), followed by the economic/financial sector (44%). CFSP finally, scores 0. Table 2 displays the tabulation graphically. Finally, figures 41 and 42 display the time series of mismatch, for all policy areas aggregated, and by policy.

Table 2. Cross tabulation of Treaty DI and Material DI

		Material DI		Summary
Treaty DI	No	Yes		
No	Match 43 cases 100%	Mismatch= 0 cases There are no cases of material DI when Treaty DI is absent		Total Mismatch in the sample: 42.5%
Yes	Mismatch =102 cases In 51.78% of cases, where Treaty DI is present, Material Di is absent	Match 95 cases 45.69%		Total Match in the sample: 57.5%

Table 3. DI mismatch by macro-areas

DI Mismatch	Policy Areas		
	CFSP	JHA	Economic sector
No	58 (100%)	46 (38%)	34 (56%)
Yes	0	75 (62%)	27 (44%)
Total	58	121	61

Figure 40. DI mismatch by macro-area

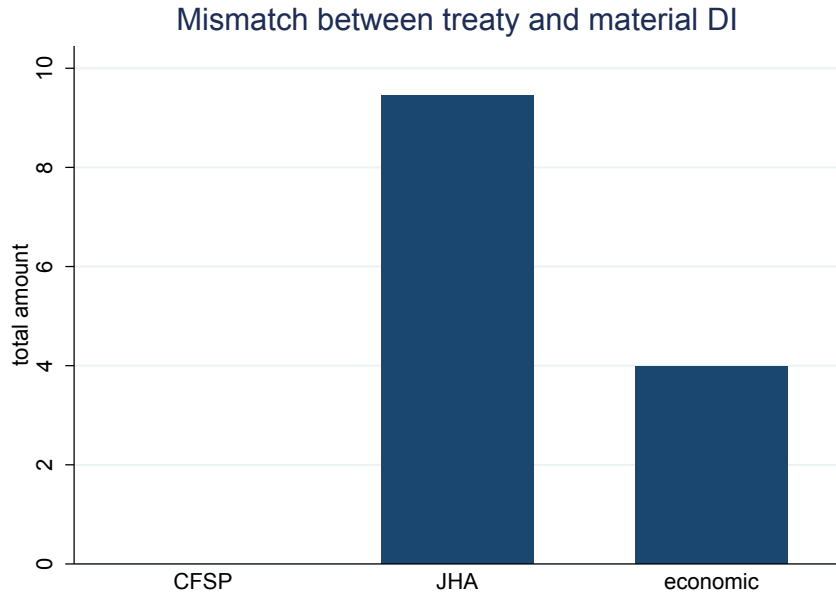


Figure 41. DI mismatch overtime

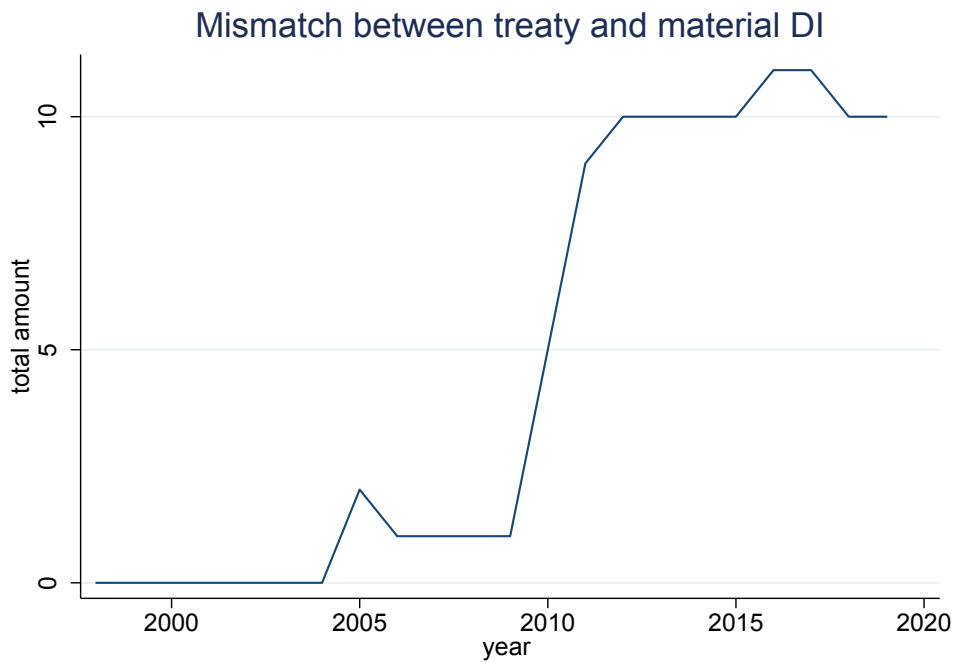
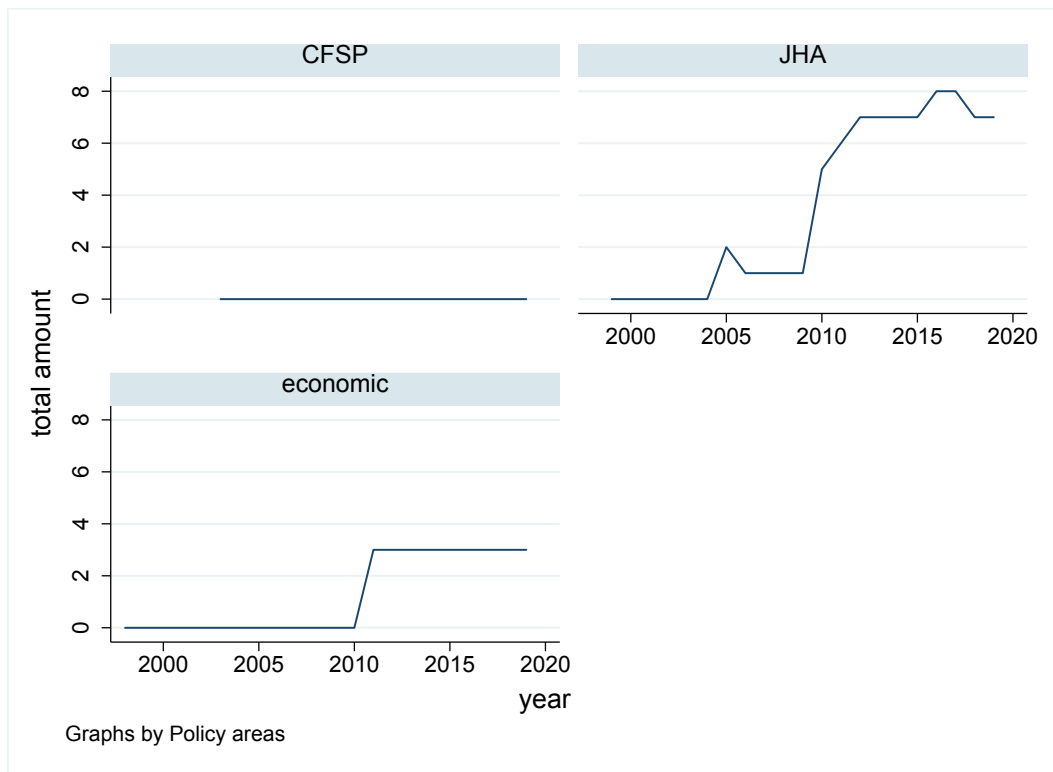


Figure 42. DI mismatch overtime by macro area



4. Dataset Codebook

Below, the dataset codebook is provided.

Variable ID	Description	Details
instrument	Name of the body	18 bodies are included
year	Observations are taken on a yearly basis.	The time-span covered by the dataset is 1998-2019
area_id	Policy area (code)	JHA, CFSP, monetary policy, human rights, immigration and asylum
regulation	Who decides upon the utilisation the resources?	I n t e r g o v e r n m e n t a l , supranational, joint
ownership	Who is the owner of the resources?	National, supranational, co-owned
kind	Kind of body	EU agency, intergovernmental body/cooperation, supranational institution,
n_participants_tot	Total number of countries contributing to the funding of the body	
n_participants_EU	Total number of EU countries contributing to the funding of the body	
n_participants_ext	total number of non-EU countries contributing to the funding of the body	
DI_pol_treaty	Formal differentiation: indicates whether in each year the specific policy area presents differentiation or not in terms of formal rules (treaty level). It is taken from EUDIFF I	Yes=1; No=0
DI_int_instrument	Material differentiation: indicates whether there is internal differentiation in that specific institution. It is coded 1 if at least one EU country does not participate in the funding of the body. It follows that If a body is financed only through the EU budget, differentiation will be absent.	Yes=1; No=0
DI_ext_instrument	Indicates whether there is external differentiation in that specific institution. It is coded 1 if at least one non-EU country participates in the funding of the body.	Yes=1; No=0
total_budget	The sum of all budget sources	Million Euros
EU_budget	Money coming from the EU general budget	Million Euros
own_budge	Money coming from sources other than the EU budget or the member states (financial market, private contributions, taxes)	Million Euros
nat_budget	Money coming directly from member states public money (it includes third countries funding)	Million Euros
tot_staff	Total number of people employed each year	
nat_staff	Staff seconded from member states	
supr_staff	Staff hired at the supranational level	

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