Datasets on legal integration and differentiation in the EU (1958–2020)

Codebook

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Paolo Chiocchetti

paolo.chiocchetti@hu-berlin.de

Abstract

The three datasets track the extent and characteristics of legal integration and differentiation among EU member states from 1958 to 2020 and across three legal domains: EU primary law, EU secondary law, and EU-related international law. EUDIFF1rev, a revised version of the EUDIFF1 dataset (Schimmelfennig and Winzen 2022a), tracks integration and differentiation in EU Treaty articles. EUDIFF2rev, a revised version of the EUDIFF2 dataset (Schimmelfennig and Winzen 2022b), tracks integration and differentiation in EU legislative acts. EUDIFF3, an original dataset, tracks integration and differentiation in EU-related international treaties.

Keywords

European integration; differentiated integration; legal integration; legal differentiation

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Overview

The identification and coding of relevant shared legal rules allows a quantitative measurement of the extent and characteristics of legal integration and differentiation among EU member states. Building and expanding on past coding efforts, the three harmonized datasets published here provide detailed data on uniformly and differentially integrated legal rules from 1958 to 2020 across three legal domains: EU primary law, EU secondary law, and EU-related international law. All datasets provide detailed information about the evolution of consolidated shared legal rules over time and allow a precise measurement of integrated legal acts, differentiations, potential integration opportunities (rules times years times countries), differentiated opportunities (differentiations times years times countries), temporal differentiation, spatial differentiation, and policy differentiation. In addition, EUDIFF2rev allows a measurement of both full and partial differentiation. Chiocchetti (2023b) provides a discussion of the concepts and methods underlying the creation of the datasets and a detailed analysis of the data.

The first dataset, **EUDIFF1rev**, tracks integration and differentiation in EU Treaty articles. It is a revised version of the existing EUDIFF1 dataset extensively discussed in the literature (Schimmelfennig and Winzen 2014, 2020) and published in 2022 (Schimmelfennig and Winzen 2022a). Compared to the original version, I have removed the years from 1952 to 1957 and a number of EU-related international treaties not part of the EU legal order and added new variables on the temporal permanence of differentiations.

The second dataset, **EUDIFF2rev**, tracks integration and differentiation in in EU legislative acts. It is a revised version of the existing EUDIFF2 dataset extensively discussed in the literature (Duttle et al. 2017; Schimmelfennig and Winzen 2020) and published in 2022 (Schimmelfennig and Winzen 2022b). Compared to the original version, I have merged and harmonized the two files provided, removed the UK as a member state in 2020, manually verified and not infrequently altered the coding for each recorded differentiation, and coded additional variables on the content, temporal permanence, and extent of differentiations.

The third dataset, **EUDIFF3**, is an original dataset tracking integration and differentiation in EU-related international treaties. I compiled it to fill a gap in the literature on differentiation resulting from the use of legal instruments outside of EU law. It includes a selection of regional treaties closely connected to European integration and involving obligations which might

reasonably have been carried out within the framework of the EU Treaties, excluding instead both global multilateral agreements and merely bilateral or small-scale regional treaties.

A synthetic overview of the three dataset is provided in the following table.

	EUDIFF1rev	EUDIFF2rev	EUDIFF3
Scope	EU primary law	EU secondary law	EU-related international law
Unit of analysis	treaty articles	legislative acts	international treaties
Time	1958–2020	1958–2020	1958–2020
Countries	28 member states	28 member states	28 member states
Type of differentiation coded	partial	partial, full	full
Legal acts	11	4,967	40
Articles	1,517	-	-
Rows	57,500	56,742	1,222
Opportunities	874,181	1,042,162	21,269
Differentiations	3,170	2,896	427
Differentiated opportunities	26,450	20,877	-
Fully differentiated opportunities	-	3,841	4,391

Codebook for EUDIFF1rev

Data, variables, and labels were retrieved and sometimes recoded from the original EUDIFF1 dataset (Schimmelfennig & Winzen 2022a).

Main sources

EUR-Lex ([link](#))

Selection of cases

Consolidated treaty articles in EU primary law from 1958 to 2020. These encompass EU founding treaties, accession treaties, amending treaties, additional protocols, and supplementary agreements. The 11 main consolidated treaties explicitly coded are listed below; other relevant treaties are taken into account as amendments to the former.

Code	Force	Reference
ECSC	1958	The Treaty establishing the European Coal and Steel Community 1951
EAC	1958	The Treaty establishing the European Atomic Energy Community 1957
EEC	1958	Treaty establishing the European Economic Community 1957
IT	1967	Protocol on the privileges and immunities of the European Communities 1965
MT	1967	Treaty establishing a Single Council and a Single Commission of the European Communities ('Merger Treaty') 1965
EPT	1976	Act concerning the election of the representatives of the Assembly by direct universal suffrage 1976
TEC	1993	Treaty establishing the European Community 1992, Treaty on the Functioning of the European Union 2007 (new versions of EEC)
TEU	1993	Treaty on European Union 1992
SCH	1999	Agreement on the gradual abolition of checks at their common borders ('Schengen Agreement') 1985
SCH_CON	1999	Convention implementing the Schengen Agreement 1990
CFR	2010	Charter of Fundamental Rights of the European Union 2000

Coding

The amendment or renumbering of an article does not alter its identification code, which refers to the then valid consolidated version.

The countries surveyed are the 28 historical member states of the European Union, with a changing composition over time as a result of accessions and withdrawals. If a country was not yet or no longer an EU member of in the given year, the cells are left blank.

Integration is coded from the year of entry into force to the year of termination of the validity of the article in a given country. Pre-existing international law treaties and non-binding agreements which subsequently acquired the status of EU primary law (regardless of their continued status in international law) are included from the year of their effective incorporation (e.g. Schengen Agreement and Convention in 1999, Charter of Fundamental Rights in 2009).

A differentiation is coded whenever a given article contains a partial or a full deviation from the norms applicable to other EU countries. Special programmes only applicable to specific countries are counted as differentiations whenever they directly or indirectly deviate from otherwise applicable general norms.

All data are coded with reference to the status at the end of the given year (31 December).

Variables

id	code of the Treaty article
year	year
treaty	short name of the Treaty
article	current number of the article
art98	number of the article in the Amsterdam treaty
lis_teu_art	number of the article in the Maastricht treaty
lis_tec_art	number of the article in the Rome treaty
protocol	number of the protocol
protocol_name	name of the protocol
policy_agg_num	code of the broad policy domain
policy_agg	name of the broad policy domain
area	code of the detailed policy area
ad	presence of differentiations in the article
Pcountries	EU member states at the time
Punif	countries with no differentiations
Pdiff	countries with differentiations
Ppermanent	permanent differentiations still in force in 2020
Ptemporary	temporary differentiations expired in or before 2020
Pperm_valid	permanent differentiations lasting 8 years or longer

Pperm_recent	permanent differentiations lasting less than 8 years
Ptemp_long	temporary differentiations lasting 8 years or longer
Ptemp_short	temporary differentiations lasting less than 8 years
Pinst	differentiations ended because of the termination of the treaty
PBrexit	differentiations ended because of Brexit
a_no	number of countries with differentiations (= Pdiff)
a_be	differentiation for Belgium
a_fr	differentiation for France
a_de	differentiation for Germany
a_it	differentiation for Italy
a_lu	differentiation for Luxembourg
a_nl	differentiation for the Netherlands
a_dk	differentiation for Denmark
a_ie	differentiation for Ireland
a_uk	differentiation for the United Kingdom
a_el	differentiation for Greece
a_pt	differentiation for Portugal
a_es	differentiation for Spain
a_at	differentiation for Austria
a_fi	differentiation for Finland
a_se	differentiation for Sweden
a_cy	differentiation for Cyprus
a_cz	differentiation for Czechia
a_ee	differentiation for Estonia
a_hu	differentiation for Hungary
a_lv	differentiation for Latvia
a_lt	differentiation for Lithuania
a_mt	differentiation for Malta
a_pl	differentiation for Poland
a_sk	differentiation for Slovakia
a_si	differentiation for Slovenia
a_bg	differentiation for Bulgaria

a_ro	differentiation for Romania
a_hr	differentiation for Croatia
force	year of entry into force of the article
remarks	notes
coder	initials of the original EUDIFF1 coder

Codebook for EUDIFF2rev

Data, variables, and labels were retrieved and sometimes recoded from the original EUDIFF2 dataset (Schimmelfennig & Winzen 2022b).

Main sources

EUR-Lex (link)

Selection of cases

Consolidated legislative acts in EU secondary law from 1958 to 2020. These encompass EU regulations, EU directives, and Third Pillar decisions. Secondary acts that are not binding, are not general, do not involve the Council and the European Parliament as co-legislators, do not introduce substantially new rules (e.g. merely fixing volumes or prices), as well as court judgements, are not included, unless they directly impact on the existence of a differentiation. The number of main legislative acts explicitly coded amounts to 4,967; other relevant acts are taken into account as amendments to the former.

Coding

The amendment or renumbering of a legislative act does not alter its identification code, which refers to the then valid consolidated version.

The countries surveyed are the 28 historical member states of the European Union, with a changing composition over time as a result of accessions and withdrawals. If a country was not yet or no longer an EU member of in the given year, the cells are left blank.

Integration is coded from the year of entry into force to the year of termination of the validity of the legislative act in the given country.

A differentiation is coded whenever a given legislative act contains a partial or a full deviation from the norms applicable to other EU countries. Special programmes only applicable to specific countries are counted as differentiations whenever they directly or indirectly deviate from otherwise applicable general norms. In the case of Danish opts-ins, no full differentiation is coded but a partial differentiation is preserved, as the act binds the country only under international law rather than under EU law.

All data are coded with reference to the status at the end of the given year (31 December).

Variables

id	code of the act
year	year
instruments	name of the act
celexsort	CELEX identifier of the act on EUR-Lex
Pdescription	brief description of the act (only for differentiated acts)
policy_agg_num	code of the broad policy domain
policy_aggregated	name of the broad policy domain
policy_num	code of the detailed policy area
policy_disaggregated	name of the detailed policy area
ad	presence of differentiations in the act
Pcountries	total EU member states at the time
Punif	countries with no differentiations
Pdiff	countries with differentiations
Pperm	permanent differentiations still in force in 2020
Ptemp	temporary differentiations expired in or before 2020
Pperm_long	permanent differentiations lasting 8 years or longer
Pperm_recent	permanent differentiations lasting less than 8 years
Ptemp_long	temporary differentiations lasting 8 years or longer
Ptemp_short	temporary differentiation lasting less than 8 years
Pinst	differentiations ended because of the termination of the act
PBrexit	differentiation ended because of Brexit
ms	number of countries with differentiations
be	differentiation for Belgium
fr	differentiation for France
de	differentiation for Germany
it	differentiation for Italy
lu	differentiation for Luxembourg
nl	differentiation for the Netherlands
dk	differentiation for Denmark
ie	differentiation for Ireland
uk	differentiation for the United Kingdom

el	differentiation for Greece
pt	differentiation for Portugal
es	differentiation for Spain
at	differentiation for Austria
fi	differentiation for Finland
se	differentiation for Sweden
cy	differentiation for Cyprus
cz	differentiation for Czechia
ee	differentiation for Estonia
hu	differentiation for Hungary
lv	differentiation for Latvia
lit	differentiation for Lithuania
mt	differentiation for Malta
pl	differentiation for Ploand
sk	differentiation for Slovakia
si	differentiation for Slovenia
bg	differentiation for Bulgaria
ro	differentiation for Romania
hr	differentiation for Croatia
adfull	presence of full differentiations in the act
c_countries	total EU member states at the time
Pcomplete	number of countries with full differentiations
c_unif	countries with no full differentiations
c_diff	countries with full differentiations
c_perm	permanent full differentiations still in force in 2020
c_temp	temporary full differentiations expired in or before 2020
c_perm_long	permanent full differentiations lasting 8 years or longer
c_perm_short	permanent full differentiations lasting less than 8 years
c_temp_long	temporary full differentiations lasting 8 years or longer
c_temp_short	temporary full differentiations lasting less than 8 years
c_inst	full differentiations ended because of the termination of the treaty
c_brexit	full differentiations ended because of Brexit

c_be	full differentiation for Belgium
c_fr	full differentiation for France
c_de	full differentiation for Germany
c_it	full differentiation for Italy
c_lu	full differentiation for Luxembourg
c_nl	full differentiation for the Netherlands
c_dk	full differentiation for Denmark
c_ie	full differentiation for Ireland
c_uk	full differentiation for the United Kingdom
c_el	full differentiation for Greece
c_pt	full differentiation for Portugal
c_es	full differentiation for Spain
c_at	full differentiation for Austria
c_fi	full differentiation for Finland
c_se	full differentiation for Sweden
c_cy	full differentiation for Cyprus
c_cz	full differentiation for Czechia
c_ee	full differentiation for Estonia
c_hu	full differentiation for Hungary
c_lv	full differentiation for Latvia
c_lt	full differentiation for Lithuania
c_mt	full differentiation for Malta
c_pl	full differentiation for Ploand
c_sk	full differentiation for Slovakia
c_si	full differentiation for Slovenia
c_bg	full differentiation for Bulgaria
c_ro	full differentiation for Romania
c_hr	full differentiation for Croatia
P_dk_conf	confirmed Danish opt-in
P_dk_pres	presumed Danish opt-in
Pcomplcountries	name of countries with full differentiations
Pcomplnotes	notes about the full differentiations applicable

lbtreaty_1   Treaty providing the main legal basis for the act

lb_1   article providing the main legal basis of the act

article_no   number of articles in the act

force   year of entry into force of the act

type_num   code of the type of act

type_type   name of the type of act

procedure_num   code of the legislative procedure of the act

procedure   name of the legislative procedure of the act

coder   initials of the original EUDIFF2 coder

Pnotes2   notes on corrections to the original EUDIFF2 coding

Codebook for EUDIFF3

All data were collected and coded by Paolo Chiocchetti from legal repositories and other sources.

Main sources

United Nations Treaty Collection (link)

European Council Treaties and Agreements Database (link)

Dutch Government's Treaty Database (link)

Wikipedia (link)

Official websites of the relevant international organizations

Academic publications on the relevant treaties and organizations

Selection of cases

Treaties in EU-related international law from 1958 to 2020. These encompass Article K.3 TEU conventions, inter-se treaties among EU member states, other European treaties and conventions, and treaties establishing European organisations. Excluded were EU Treaties, EU external agreements, large multilateral treaties lacking an explicit European focus (e.g. UN, WTO), small-scale regional treaties inherently targeting a minority of EU member states (e.g. Benelux, Alpine Convention), bilateral treaties, and informal arrangements (e.g. European Monetary System 1979). Follow-up treaties agreed within the framework of an existing organisation (e.g. the Council of Europe conventions or OECD legal instruments) were also excluded. The 40 main treaties explicitly coded are listed below; other relevant treaties are taken into account only as amendments to the former. In the case of treaties establishing international organizations, the name of the ensuing organization rather than that of the founding treaty is given.

Code	Force	Reference
1 Brussels Regime	1968	Brussels Convention 1968, Lugano Convention 1988
2 OSCE	1973	Conference on Security and Co-operation in Europe 1973, Organization for Security and Co-operation in Europe 1975
3 Council of Europe	1949	Council of Europe 1949
4 OECD	1948	Organisation for European Economic Co-operation 1948, Organisation for Economic Co-operation and Development 1961

5 NATO	1949	North Atlantic Treaty Organization 1949
6 WEU	1948	Western Union 1948, Western European Union 1954
7 OCCAR	2001	Organisation Conjointe de Coopération en matière d'Armement 2001
8 Dublin regime	1997	Dublin Convention 1990
9 Schengen regime	1995	Schengen Agreement 1985, Schengen Convention 1990
10 Prüm Convention	2006	Prüm Convention 1995
11 ESM	2012	Treaty establishing the European Stability Mechanism 2012
12 TSCG (Title III)	2013	Treaty on Stability, Coordination and Governance in the Economic and Monetary Union 2012
13 ESA	1964	European Space Research Organisation 1964 European Space Agency 1975
14 EUI	1975	European University Institute 1975
15 Euro Plus Pact	2011	Euro Plus Pact 2011
16 Europol	1998	European Police Office 1998
17 ECMWF	1975	European Centre for Medium-Range Weather Forecasts 1975
18 EUMETSAT	1986	European Organisation for the Exploitation of Meteorological Satellites 1986
19 EU Arbitration Convention	1990	Convention on the elimination of double taxation in connection with the adjustment of profits of associated enterprises 1990
20 Energy Charter Treaty	1998	Energy Charter Treaty 1994
21 Rome regime	1991	Convention on the Law Applicable to Contractual Obligations 1980
22 EPO	1977	European Patent Organisation 1977
23 SRF	2016	Agreement on the transfer and mutualisation of contributions to the Single Resolution Fund 2014
24 European Schools	1960	Statute of the European School 1957, Protocol on the Setting-up of European Schools 1962, Convention on the Statute of the European Schools 1994
25 Naples Convention	1967	Convention on Mutual Assistance between Customs Administrations 1967, 1997
26 Eurovignette	1996	Agreement on the levying of a user charge for the use of certain roads by heavy goods vehicles 1994
27 PFI Convention	2002	Convention on the protection of the European Communities' financial interests 1995
28 CIS Convention	2005	Convention on the use of information technology for customs purposes 1995
29 Corruption Convention	2005	Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union 1997
30 Criminal Matters Convention	2005	Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union 2000

31 SOFA	2019	Status of forces agreement 2003
32 Eurocorps	2009	Treaty relating to Eurocorps and the Status of its Headquarters 2004
33 EUROGENDFOR	2012	Treaty establishing the European Gendarmerie Force 2007
34 CC Convention	2019	Convention on centralised customs clearance 2009
35 Classified Information Agreement	2015	Agreement regarding the protection of classified information exchanged in the interests of the European Union 2011
36 ECAC	1955	European Civil Aviation Conference 1955
37 EUROCONTROL	1963	European Organisation for the Safety of Air Navigation 1963
38 EMBL	1974	European Molecular Biology Laboratory 1974
39 CERN	1954	European Organization for Nuclear Research 1954
40 ESO	1962	European Organisation for Astronomical Research in the Southern Hemisphere 1962

Coding

The amendment or renumbering of a treaty does not alter its identification code, which refers to the then valid consolidated version.

The countries surveyed are the 28 historical member states of the European Union, with a changing composition over time as a result of accessions and withdrawals. If a country was not yet or no longer an EU member of in the given year, the cells are left blank.

Treaty-based integration is coded from the year of entry into force to the year of termination of the validity of the treaty in the given country. The provisional application among ratifiers before the entry into force of a treaty is disregarded. Treaties effectively incorporated into or superseded by EU law (e.g. the Schengen regime in 1999, Brussels regime in 2002, Europol in 2009) are considered as terminated, regardless of their continued nominal existence or of minor legacy obligations.

A differentiation is coded whenever the given treaty is not in force in the country (full differentiation). Partial differentiations engendered by the treaty or by derived secondary law are disregarded.

All data are coded with reference to the status at the end of the given year (31 December).

Variables

id   code of the treaty

name_short   short name of the treaty

year	year
policy_num	code of the broad policy domain
policy_label	name of the broad policy domain
countries	total EU member states at the time
unif	countries with no differentiations
diff	countries with differentiations
perm	permanent differentiations still in force in 2020
temp	temporary differentiations expired in or before 2020
perm_long	permanent differentiations lasting 8 years or longer
perm_recent	permanent differentiations lasting less than 8 years
temp_long	temporary differentiations lasting 8 years or longer
temp_short	temporary differentiations lasting less than 8 years
inst	differentiations ended because of the termination of the treaty
Brexit	differentiations ended because of Brexit
start_inst	year of entry into force of the treaty
end_inst	year of termination of the treaty
ad	presence of differentiations in the treaty
a_no	number of countries with differentiations
a_be	differentiation for Belgium
a_fr	differentiation for France
a_de	differentiation for Germany
a_it	differentiation for Italy
a_lu	differentiation for Luxembourg
a_nl	differentiation for the Netherlands
a_dk	differentiation for Denmark
a_ie	differentiation for Ireland
a_uk	differentiation for the United Kingdom
a_el	differentiation for Greece
a_pt	differentiation for Portugal
a_es	differentiation for Spain
a_at	differentiation for Austria
a_fi	differentiation for Finland

a_se	differentiation for Sweden
a_cy	differentiation for Cyprus
a_cz	differentiation for Czechia
a_ee	differentiation for Estonia
a_hu	differentiation for Hungary
a_lv	differentiation for Latvia
a_lt	differentiation for Lithuania
a_mt	differentiation for Malta
a_pl	differentiation for Poland
a_sk	differentiation for Slovakia
a_si	differentiation for Slovenia
a_bg	differentiation for Bulgaria
a_ro	differentiation for Romania
a_hr	differentiation for Croatia
Notes	notes

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