

# Decision-Shaping From the Outside: Measuring and explaining the degree of preference attainment in the EEA EFTA Comments

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## **Abstract**

The membership of Iceland, Liechtenstein and Norway in the European Economic Area (EEA) has often been suggested to entail a democratic deficit. These three European Free Trade Association (EFTA) members have to implement a significant share of EU legislation without having representation in the EU institutions. Nevertheless, even without formal voting rights, they may be able to influence EU policy-making. In particular, the EEA agreement ensure the EEA EFTA States the right to be consulted on relevant issues. Accordingly, the three states frequently submit joint comments on policy issues, what is known as the EEA EFTA Comments. However, the importance of these comments, and more generally the EEA EFTA States' influence on EU policy, has been generally overlooked in the literature.

To start filling this important gap, this thesis aims to measuring and explaining the level success in the EEA EFTA Comments. Building on third country and interest group influence theory, I suggest an exchange model for the influence of the EEA EFTA States, expecting area-specific resources, issue controversy and the preferences of the decision-makers to determine preference attainment. To answer the research questions, the thesis employs a multi-method approach. I measure the preference attainment for 273 individual positions found in 80 comments submitted between 1995 and 2019 on draft legislative proposals, analyse the factors of preference attainment using logistic regression and complement my quantitative analysis with interviews with officials from the EFTA Secretariat and EEA EFTA States. The results show that the preferences are fully attained in 39.6 percent and partly attained in 18 percent of the positions. The regression analyses provide support for the hypothesised effect of area-specific resources, indicating that attainment is more likely on energy- and maritime-related issues. The thesis helps to understand the previously under-researched joint efforts of EEA EFTA States to influence EU policy-making.

## **Førord**

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## List of abbreviations

AIC	Akaike information criterion
BIC	Bayesian information criterion
EEA	European Economic Area
EEAS	European External Action Service
EFTA	European Free Trade Association
EU	European Union
ICC	Intraclass correlation coefficient
MEP	Member of the European Parliament
VIF	Variation inflation factor



# 1.0 Introduction

The countries that are part of both the European Economic Area (EEA) and the European Free Trade Association (EFTA) – Iceland, Liechtenstein and Norway – are to a large extent integrated into the European Union (EU). With this close and complex relationship to the union, the EEA EFTA States have been categorized as the “inner periphery” of the EU (Leruth 2015, 818). Norway, through its extensive agreements with the EU, is described as outside and inside the EU at the same time (Official Norwegian Report [NOU] 2012:2, 838). The EEA EFTA States’ relationship with the EU, largely shaped by the far-reaching EEA Agreement, is comprehensive and highly institutionalized. The three states have to implement large amounts of EU legislation, but they have no seat at the table when decisions are made. Therefore, they have to depend on different routes to influence EU, and consequently also national, legislation.

The EEA Agreement ensures some exclusive access points to EU policy-making, and Article 99 of the agreement ensures the EEA EFTA States the right to be consulted. A frequently used strategy to use this opportunity is to submit joint comments – so-called “EEA EFTA Comments”. Since 1995 at least 242 of them have been submitted to the EU. Despite being one of the most important and most commonly used forms of collaboration between the EEA EFTA States, these comments have received minimal attention. The EFTA Secretariat describes them as a tool for “decision-shaping”, the EEA-term for influencing policy proposals (EFTA Secretariat 2009, 20-24). Apart from in EFTA documents, they are only briefly described (e.g. Jónsdóttir 2013, 49; Frommelt 2017, 59-60). The current status in the literature is that one knows very little about the EEA EFTA Comments, such as their impact on EU decision-making and how the EEA EFTA States work together to produce them. To the best of my knowledge, no prior studies have examined the comments in particular. In general, joint efforts by the EEA EFTA states appears to be a largely overlooked subject.

Having in mind that the EEA EFTA States’ relationship with the EU may entail considerable democratic deficits (e.g. Official Norwegian Report [NOU] 2012:2, 853-854; Pelkmans and Böhler 2013, 53; Eriksen 2015, 96-97), the lack of examination of this potential channel of influence is particularly puzzling. Given that the EEA EFTA Comments may be the main strategy of collaboration between the three EEA EFTA States as well as a potential opportunity to shape the outcome of EU decision-making, I argue that the comments deserve attention. In an attempt to fill parts of this glaring gap in the literature, this thesis aims to contribute to the

understanding of the EEA EFTA Comments. Understudied as these comments are, there are many questions that remains to be answered. A key element of the democratic deficit is the EEA EFTA States' role as "rule takers" rather than "rule makers" (Baimbridge and Whyman 2017, 196). Thus, I argue that the potential impact of the comments on EU decision-making are not only interesting from an academic point of view, but also of high practical relevance. I study what has been achieved after more than 20 years of EEA EFTA Comments. As influence is a complex concept which is difficult to observe and measure, I focus on preference attainment. Accordingly, this thesis aims at answering the following research question:

*To what extent are the preferences stated in the EEA EFTA Comments attained in the EU decision-making process, and what are the determinants explaining the level of preference attainment?*

Building on the scarce literature on third country influence on EU policy and the more developed theory on interest groups influence, I suggest an exchange model for the EEA EFTA States' influence in the EU. The model emphasizes the importance of resources and suggests that resources relevant to specific policy areas to determine the degree preference attainment. Further, the effect of resources is expected to be conditional on both the resources of other involved actors and the ideology of decision-makers. To address the research question, I apply a multimethod approach. As the topic is underdeveloped, some preliminary interviews are first conducted to ensure important contextual information about the EEA EFTA Comments. This is done to be able to make some assumptions about the comments, building the necessary foundation for directly approaching the research question. Thereafter, specific positions in the EEA EFTA Comments are identified and the degree of preference in them are measured by comparing the EEA EFTA States' preferences on Commission proposals with the proposal itself and the adopted legislation. For each of the 273 identified positions, it is measured whether the outcome is closer to the EEA EFTA States' preferences than the proposal. When positions are identified and a dataset of EEA EFTA Comments and positions are made, the hypotheses are tested with logistic regression analysis. Multinomial regression and multilevel logistic regression analyses are used as robustness checks.

The analysis covers all 242 publicly available EEA EFTA Comments submitted jointly by Iceland, Liechtenstein and Norway between 1 May 1995 and 31 December 2019. To make the measuring of preference attainment feasible, this part is limited to all clearly defined positions that suggest changes to a formally adopted Commission proposals. Positions that are supportive

to the proposals and positions in EEA EFTA Comments addressing other things than formal legislative proposals are thus not measured. To be able to compare the positions with an outcome, the positions must be on proposals that have resulted in adopted legislation.

The thesis contributes theoretically with the suggested exchange model for the EEA EFTA' States influence in EU decision-making – emphasizing area-specific resources, issue controversy and the ideological positions of decision-makers. Empirically, the thesis contributes with some general insight in the collaboration of the EEA EFTA States, and a mapping of the EEA EFTA Comments' general characteristics. Even more important, a dataset of positions within the comments and the level of preference attainment for each of them is produced, and subsequently carefully analysed with various types of logistic regression analysis. The empirically findings here can be of practical relevance, as it contributes to the general understanding of the EEA EFTA States' use of this formal channel to the EU decision-making provided by the EEA agreement. More specifically, it illustrates how successful the EEA EFTA States are in attaining their preferences in EU decision-making using this channel.

The structure of this thesis is divided into nine chapters. The complicated and multifaceted relationship between the EU and the EEA EFTA States needs a more detailed explanation. Chapter 2 serves this purpose. A thorough analysis of this relationship is beyond the scope of this thesis, but the chapter provides a brief description of important elements of the relationship as well as a more detailed description of what the EEA EFTA Comments are. Chapter 3 presents the scarce existing literature on EEA EFTA influence and the collaborations between Iceland, Liechtenstein and Norway. Subsequently, interest group and third country influence theory are presented in chapter 4. Building on these theoretical approaches, the chapter also includes my suggested exchange model and the theoretical expectations deriving from it. In Chapter 5 the data and data collection – the definite most time-consuming part of the thesis – is thoroughly explained. This chapter includes a presentation of the preference attainment approach, and discussions of challenges with human-coding and measuring influence. The individual applied methods are presented in chapter 6. Here, the decision to use a multimethod approach is further explained as well. Chapter 7 shows the results of the analysis, which subsequently is discussed in in chapter 8. The discussion chapter also includes sections on the limitations of the thesis. Lastly, chapter 9 briefly summarise the findings and the implications of the thesis, and presents the recommendations for future research.

## **2.0 Background: The relationship between the EEA EFTA States and the EU**

The EEA EFTA States have significant ties to the EU. While not being members of the European Union (EU) – which implies that they do not have voting rights – they are highly affected by the outcomes of the EU decision-making process. In this section, important aspects of the relationship between the EEA EFTA states and EU will be outlined. First, the EEA Agreement will be explained, including scope and dynamics of EEA Agreement. An historic overview of the processes that led to the agreement will also be provided, as well as the EFTA side of the agreement and their internal collaboration. Secondly, the institutional framework of the dynamic agreement – the two-pillar system – is thoroughly explained. Being the two most relevant institutions for this thesis, the Standing Committee of the EFTA States and the EEA Joint Committee receives especially much attention. This is followed by a subsection about the potential channels the EEA EFTA States can use to impact EU decision-making, before the last subsection discuss the potential motives and procedures of submitting the EEA EFTA Comments.

### **2.1 The EEA Agreement**

The EEA EFTA States are to a large extent integrated into the EU, and the complex EEA agreement – which is the most comprehensive of several agreements the EEA EFTA States have with the EU – is the fundament for much of this relationship. Importantly, there are several other bilateral and multilateral agreements of varied complexity and comprehensiveness between the EU and the EEA EFTA States, probably most notably the Schengen agreement which all the three states have signed. Iceland, Liechtenstein and Norway have different compositions of agreements with the EU<sup>1</sup>, but it is safe to say that the EEA Agreement is the most important agreement with the EU for each of the three states. Frommelt (2017, III) describe the EEA agreement as “the most far-reaching agreement that the EU has ever concluded with a non-member state”. Similarly, the European Commission (2012, 3) describe the EEA Agreement is “the most far-reaching and comprehensive instrument to extend the EU's

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<sup>1</sup> Bergmann (2009, 13-14; 18-19) provides a brief overview of Iceland’s most important agreements with the EU. For an overview of agreements between Liechtenstein and the EU and the trilateral relationship between the EU, Liechtenstein and Switzerland, see Pelkmans and Böhler (2013, 57- 63; 66-68). The EEA Review Committee (Official Norwegian Report [NOU] 2012:2, especially pages 35-37; 878-881) provides an extensive overview of Norway’s agreements with the EU.

internal market to third countries“. It covers most policy areas, and all new legislation that are characterized as “EEA relevant” continuously have to be implemented (Official Norwegian Report [NOU] 2012:2, 64). Consequently, what is decided in Brussels and Strasbourg is essential also for the EEA EFTA States.

### *2.1.1 The dynamics and scope of the EEA Agreement*

Article 1 in the EEA Agreement clearly states the fundamental objectives and principles of the agreement. The aim is strengthened trade and economic ties between the signatory countries. Importantly, it is stressed that this must be achieved “with equal conditions of competition, and the respect of the same rules, with a view to creating a homogeneous European Economic Area”. Accordingly, the article also stresses the four freedoms of the Single Market; free movement of goods, persons, services and capital (EEA Agreement Article 1). These four freedoms – and the removal of barriers to achieve them – can be said to constitute the core of the EEA Agreement (Frommelt 2017, 77). Article 1 also stresses closer cooperation in other fields. Furthermore, Article 78 states that cooperation shall be strengthened in several other policy areas, but underlines that this is not regulated by the agreement

A thorough assessment of the EEA Agreement itself is beyond the scope of this thesis, but a general overview of what the agreement includes – and perhaps just as important; what it does not include – may be useful. The thousands of EU legislative acts implemented in the EEA EFTA States illustrate the magnitude of Europeanization of the three states resulting from the EEA Agreement (Frommelt 2017, 164-166). While the EEA Agreement have not changed significantly, the EU treaties have been subject to change several times. This have implications for the EEA EFTA States, as more and more legislation become EEA relevant (Frommelt 2017, 78). Due to the complexity and extent of the agreement, it is easier to state what is not a part of it. The Customs Union, the Common Trade Policy and Common Foreign and Security Policy – important policy areas related to the EU’s common relationship with third countries – is not EEA relevant. Justice and Home Affairs is also excluded, and the same goes, naturally, for the Monetary Union (Frommelt 2017, 79). Perhaps most important – at least for Iceland and Norway – is that the Common Agriculture Policy and the Common Fisheries Policy does not apply to the EEA EFTA States. These are important policy areas for Iceland and Norway and have been important issues in the EU/EEA debates in the two states (Bergmann 2009, 207-208; Jónsdóttir 2012, 3-4; Official Norwegian Report [NOU] 2012:2, 645-646). Agriculture and

fisheries have also occasionally been sources of tensions between the EU and the two biggest EEA EFTA States (European Commission 2012, 10-12).

The EEA Agreement is highly dynamic, and the agreement now appears “far wider and deeper” than when it was developed in the early 1990s. The agreement was customized to how the EU<sup>2</sup> was back then and shows signs of that (Official Norwegian Report [NOU] 2012:2, 85-86). In their review of the EEA of 2012, the Commission claim that the agreement has been flexible enough to adapt to a changing context (European Commission 2012, 10-12). The flexibility and dynamics have had implications for the scope of the agreement. The numbers of EEA relevant acts have increased drastically since 1992, and more policy areas are affected (Official Norwegian Report [NOU] 2012:2, 85; 107-111). The mentioned policy areas which formally are excluded from the EEA Agreement, are also increasingly affected. This is mainly due to willingness or initiatives of the EEA EFTA States to cooperate in new areas, but sometimes they have been subject to EU pressure. Examples of the former is cooperation on veterinary rules and food safety<sup>3</sup>, and examples of the latter is the EU’s push for increased trade liberalization of fish and agricultural products (Official Norwegian Report [NOU] 2012:2, 85; European Commission 2012, 10-12). Consequently, while the EEA Agreement materially is largely the same as it has been since it was signed in 1992, the scope of the agreements and its implications are increasing.

### *2.1.2 History of the EEA Agreement: EEA negotiations and national debates*

Already at the Luxembourg Summit in 1984 – the first multilateral meeting between the EU and EFTA at ministerial level – plans for a deepening of the relationship between the two organizations were initiated (EFTA 2009, 7-8). An important remark here is that this process mainly focused on substance, such as harmonization and removal of trade barriers, rather than structure or institutionalization of the relationship. In 1989, Commission president Jacques Delors advocated an EU-EFTA relationship more like the EEA (Rye 2015, 11-14). When the EEA negotiations started, the focus was not only on substance, but also on the form of the relationship. The question was not only what will be included in a future relationship, but also a discussion about how this relationship would work. At the core here was decision-making in the EEA, which made the negotiations difficult. The EU was clear that non-members should

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<sup>2</sup> Technically EC, but EU is used hereafter for simplicity.

<sup>3</sup> Importantly, the Food Law Package was a contested issue in Iceland, and there were tensions between both Iceland and EU and between Iceland and Norway. See Jónsdóttir (2012, chapter 7) for a thorough assessment.

not have voting rights, and the EFTA countries were reluctant to give up sovereignty (Rye 2015, 14). Sovereignty and independency was used as an argument against both EEA Agreement and EU membership in the EFTA countries – including in the 1992 referendum on the EEA Agreement in Switzerland (Kux and Sverdrup 2000, 249), the EEA Agreement debate in Iceland (Bergmann 2009, 217; 2011, 10) and the EU membership referendums in Austria (Sully 1995, 68), Finland (Moisio 2008, 87), Norway (Ringdal 1995, 51; Sæter 1996, 134) and Sweden (Twaddle 1997, 199-200).

According to the Official Norwegian Report [NOU] (2012:2, 55) on Norway's agreements with the EU, the negotiators on the EU side was in February 1992 instructed to be more flexible. Some further flexibility could be accepted by the EU since the EEA Agreement was seen simply a short-term transition solution for states preparing for membership. On 2 May 1992 in Porto the EEA Agreement was signed (Official Norwegian Report [NOU] 2012:2, 56). It is important to mention that in addition to all the four current EFTA States, also Austria, Finland and Sweden were a part of the EFTA side during the negotiations (Jónsdóttir 2013, 3). Thus, while the agreement certainly not was only short-term for the current EEA EFTA States, it was the case for Austria, Sweden and Finland. They joined the EU in 1995 after having held referendums in 1994 resulting in majorities for membership. Oppositely, the Swiss citizens voted with minimal majority to reject the EEA Agreement in a referendum in 1992 (Kux and Sverdrup 2000, 249). Consequently, the countries that constituted the EFTA side of the negotiations was substantially larger than the current EFTA side of the EEA Agreement, both in absolute terms and relative to the EU side. While the EU have gone through four enlargements and more than doubled in number of member states, the EFTA side of the agreement have more than halved in number of states, and even more in terms of population.

While Iceland, Liechtenstein and Norway all ended up with the EEA option, their respective road there were quite different. One week after the Swiss referendum, the people of Liechtenstein voted in favour of the EEA agreement in a similar referendum (Frommelt and Gstöhl 2011, 14). Given the historically close relationship to and interdependence with Switzerland – which among many other agreements include a customs union and shared currency – this was unexpected (Pelkmans and Böhler 2013, 15). This interdependency is still strong between the two states, and according the Pelkmans and Böhler (2013, 138-140; 147-148) this relationship has been and will be crucial for Liechtenstein's future strategy towards the EU. Neither Iceland nor Norway held referendums on the EEA Agreement. For the

Norwegian government the EEA Agreement was probably seen as a short-term solution, as they prepared for an application for EU membership application in parallel with the EEA negotiations. The official application was sent in November 1993, and negotiations for membership was conducted during the first months of 1994 (Official Norwegian Report [NOU] 2012:2, 57-58). However, after the Norwegian electorate voted against EU membership in 1994 this process ended. Thus, the EEA option does not seem to have been intentional and can rather be seen as a compromise in Norwegian politics – which it appears to have been ever since (Official Norwegian Report [NOU] 2012:2, 19-20; 271-272). For Iceland, on the other hand, the EEA appears to be an intended result, rather than an accidental outcome. The debate in Iceland in the early 1990s was not about EU membership, but it was about whether or not the country should enter the EEA (Bergmann 2009, 205-206).

### *2.1.3 The EFTA side of the EEA Agreement: a peculiar composition of states*

The resulting composition of EEA EFTA States is three rather different states, in terms of their paths into their current relations to the EU, their population size and their national interests. Iceland joined after a parliamentary debate on the EEA Agreement largely shaped by the issue of sovereignty (Bergmann 2009, 217), and Liechtenstein joined when the citizens surprisingly voted opposite than their Swiss neighbours, with which the state had very strong bilateral relations (Pelkmans and Böhler 2013, 15). In Norway, the agreement was more of a compromise after a referendum majority against EU membership (Official Norwegian Report [NOU] 2012:2, 271-272). While all three states can be seen as small in size in a global context, the internal size differences between the EEA EFTA States are worth mentioning.

In terms of population, Norway with its over 5.3 million citizens is about 15 times larger than Iceland, which again is almost ten times larger than Liechtenstein (Eurostat 2020a). One result of the size differences is the varying amounts of administrative resources between the three states. According to Frommelt and Gstöhl (2011, 31), “the administrative capacity will always remain a big challenge for Liechtenstein’s participation in the European integration process”. Limitations due to having a small administration have been a challenge for Iceland as well, but the Icelandic government are working actively with European issues. To handle these limitations, they apply various strategies – such as prioritizing certain policy areas and relying on Nordic cooperation and interest groups for information (Bergmann 2011, 17; Jónsdóttir 2013, 37).



When it comes to national interests, the three states vary substantially. While fisheries are highly important policy areas for both Iceland and Norway (Bergmann 2009, 207-208; Official Norwegian Report [NOU] 2012:2, 645), this is not the case for double landlocked Liechtenstein. Iceland and Norway do certainly have some historic connections and current relations from Nordic cooperation, but they have few common interests apart from fisheries – and also in fisheries there’s also some disagreements (Official Norwegian Report [NOU] 2012:2, 298). Furthermore, Norway has particular interest in EU energy policy, as the second-largest exporter of oil and gas to the EU and with existing pipelines between the state and the European continent (Hofmann, Jevnaker and Thaler 2019, 158). The same cannot be said about the two other EEA EFTA States. In the extensive Official Norwegian Report ([NOU] 2012:2, 298) on Norway’s agreements with the EU, it is simply stated that the three states “are not natural allies”<sup>4</sup>. Along the same lines, Bergmann (2009, 17) compares the relationship between Norway and Iceland with an “arranged marriage between distant cousins”. Of course, it is clear that all three are rather small and rich states, but apart from that they have little in common. In sum, it is clear that the EEA Agreement bind together three diverse states with different interests.

## **2.2 The institutional framework: the two-pillar structure**

That the “EFTA side” of the EEA Agreement were considerably larger – both in absolute size and relative to the EU – during the negotiations than it is now is reflected in the resulting institutional structure. This institutional framework of the EEA Agreement is as the agreement itself highly complex. The institutional structure is formed in two pillars, where the EFTA side have institutions with responsibilities similar to the EU institutions (See Figure 1 below). In addition to these two pillars there are several joint institutions established by the EEA Agreement (Articles 89-96), connecting the separate yet parallel pillars. About this comprehensive structure, especially regarding the EFTA pillar, the following is stated in the Official Norwegian Report ([NOU] 2012:2, 862):

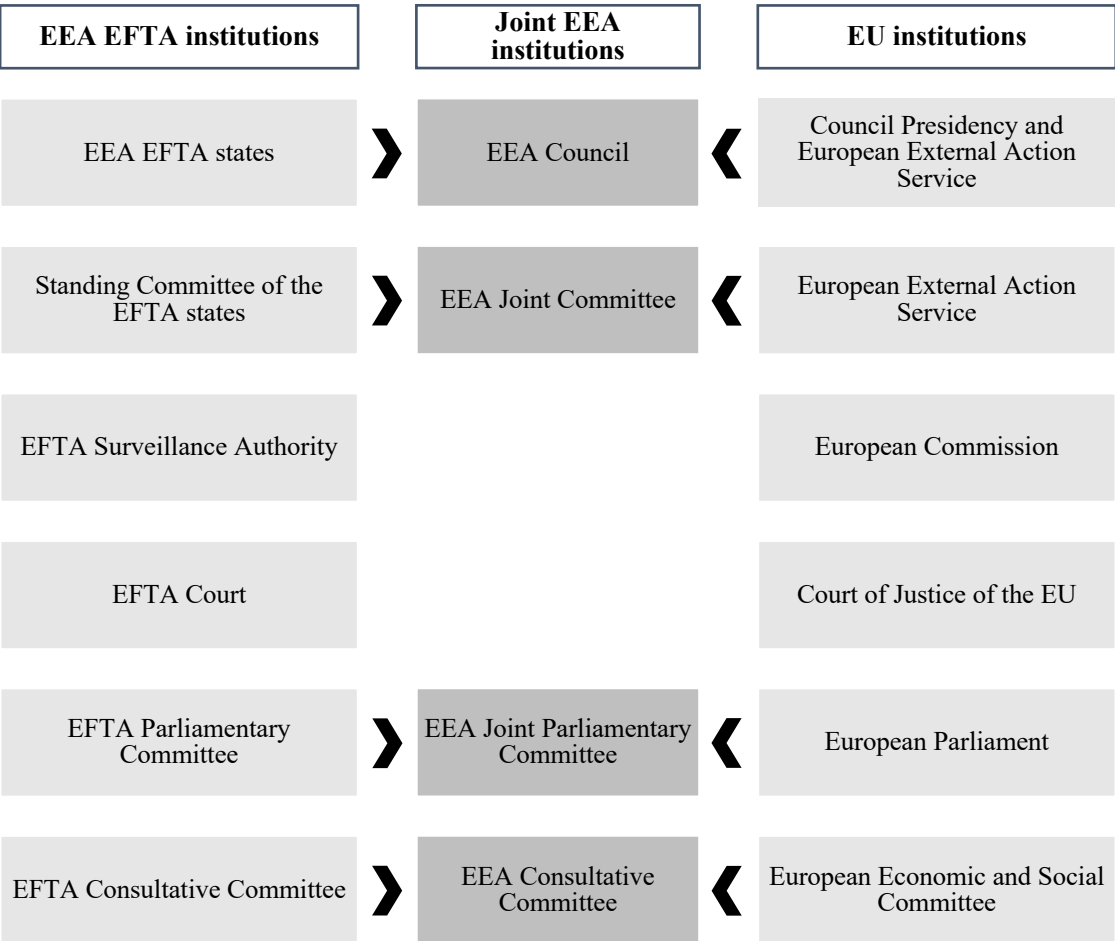
*“There is something strange about an international organization with so many and important institutions just to handle the cooperation between a small, a very small and an extremely small country. It is a safe assumption that the institutional system would never have been constructed this way during the negotiations in 1990-1991 if one had known that it would only apply to Norway, Iceland and Liechtenstein.”*<sup>5</sup>

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<sup>4</sup> Own translation. Original in Norwegian.

<sup>5</sup> Own translation. Original in Norwegian.

The institutions in the EFTA pillar is supposed to correspond to the institutions in the EU pillar, formally ensuring decision-making autonomy of both sides, and thus also avoid formal transfer of sovereignty (Frommelt 2019b, 2). This institutional system was an attempt at combining decision-making autonomy of the EEA EFTA States with homogeneity within the EEA, where the latter refers to that the same rules should apply all over EEA, and that they are interpreted similarly (Van Stiphout 2007, 432-433). The result is a highly complex institutional framework where decision-making autonomy of the EEA EFTA States may be sacrificed in the push for homogeneity of EEA law (Frommelt 2017, 37-38; 2019, 2). The democratic implications of this is discussed in subchapter 3.1.



**Figure 1:** The two-pillar structure of the EEA Agreement. Source: EFTA (n.d.(e))

The rest of this sub-chapter will briefly explain the joint EEA institutions and the EFTA pillar and its relation to the EU pillar. A special attention is devoted to the Standing Committee of the EFTA States and its subcommittees and working groups, as these bodies are key in the production of the EEA EFTA Comments, which is described with detail in subchapter 2.4.

### *2.2.1 Joint EEA institutions*

The joint institutions work as connectors between the EU institutions and their equivalents in the EFTA pillar. The EEA Council shall consist of the members of the Council of the EU and the Commission as well as a representative from each EEA EFTA States, and shall “assess the overall functioning and the development of the Agreement” and take political decisions that leads to amendments of it (EEA Agreement Articles 89-90). The EU side is represented by representatives from the European External Action Service (EEAS) and the Commission as well as the rotating Presidency of the Council. The EEA EFTA States is represented in the EEA Council by their Ministers of Foreign or European Affairs (Frommelt 2019b, 3). Despite the fact that the EEA Council is the highest political institution in the EEA, the imbalance between the two sides have led the EEA EFTA to rather address challenges with the agreement at more technical levels (Frommelt 2019b, 3).

Of the joint institutions, the most important to this thesis is the EEA Joint Committee. According to the EEA Agreement Article 92, this body shall “carry out exchanges of views and information and take decisions in the cases provided for in this Agreement”. Furthermore, the article state that the contracting parties “shall hold consultations in the EEA Joint Committee on any point of relevance to the Agreement giving rise to a difficulty and raised by one of them”. Thus, this is the main decision-making body of the EEA. The committee manages the day-to-day activities of the Agreement, and it meets usually 6-10 times a year. The EEA EFTA States are represented at ambassadorial level, and the EEAS represent the EU (Official Norwegian Report [NOU] 2012:2, 69; Frommelt 2019b, 3-4). All decisions have to be unanimous, and the EFTA side have to speak with one voice in the EEA Joint Committee (EEA Agreement Article 93). This requires agreements within the EFTA side in advance, and have led to challenges when the views of the EEA EFTA States have diverged (Frommelt 2019b, 3).

The two other joint bodies, the EEA Parliamentary Committee and the EEA Consultative Committee, have advisory roles in the EEA, contributing to dialogue between relevant stakeholders on both sides (Frommelt 2019b, 4). The former meets twice a year and consists of an equal number of members of the European Parliament(MEP) and members of the national parliaments of the EEA EFTA States. The latter meets once a year and consists of an equal number of members of the European Economic and Social Committee and members of the EFTA Consultative committee (EEA Agreement Articles 95-96; Official Norwegian Report [NOU] 2012:2, 69).

### *2.2.2 The EFTA institutions*

In a sense, the institutions in the EFTA pillar could be viewed as serving three main roles: (1) monitoring, (2) consultation, and (3) politics and decision-making. The EFTA Surveillance Authority (ESA) and the EFTA Court plays monitoring roles. Both these bodies are not established by the EEA Agreement, but in a separate agreement (Official Norwegian Report [NOU] 2012:2, 71). ESA is similar to the Commission in that it monitors compliance of EEA-relevant legislation in the EEA EFTA States, similar to how the Commission (The Surveillance and Court Agreement Article 5; European Commission 2012, 10). ESA have particular powers on trade and competition related issues. In general, the responsibility of ESA is usually limited to trade between the EEA EFTA States, while the Commission covers both intra-EU trade and trade between EU states and EEA EFTA States (Frommelt 2019b, 8). In similar fashion the EFTA Court have similarities with its EU pillar equivalent – the Court of Justice of the EU. In case of infringement procedures by ESA against EEA EFTA States, the EFTA Court deals with this. The EFTA Court may also hear complaints against ESA decision and settle disputes between the EEA EFTA States. Furthermore, in case of requests by courts in the EEA EFTA States the EFTA Court can issue opinions on interpretation of EEA law (The Surveillance and Court Agreement, Articles 34-38; Frommelt 2019b, 8-9).

The EFTA Parliamentary Committee and the EFTA Consultative committee constitutes the more consultative bodies in the EFTA pillar. Their members constitute the EFTA side in the EEA Parliamentary Committee and in the EEA Consultative Committee, connecting them to their EU counterparts (Official Norwegian Report [NOU] 2012:2, 71). The EFTA Parliamentary Committee consists of parliamentarians from all four EFTA States – two from Liechtenstein, five from Iceland and Switzerland and six from Norway (EFTA n.d.(c)). The EFTA Consultative Committee cooperates with its EU equivalent – the European Economic and Social Committee – and works as a platform for dialogue between EFTA authorities and social partners. The members of this committee are chosen by the EFTA States, and consists of social partners such as employers' organizations and trade unions (EFTA n.d.(d)).

The EFTA pillar is matching the institutions in the EU pillar also when it comes to the more political institutions related to decision-making. The EFTA equivalent to the Council is simply the three EEA EFTA States. In this analysis, the most relevant EFTA institution is however the Standing Committee of the EFTA States and its subcommittees. The Standing Committee is also based on a separate agreement from 1992 between the EEA EFTA States, and shall “carry

out functions in respect of decision-making, administration and management, as well as consultations, among EFTA States” (Agreement on a Standing Committee of the EEA EFTA States, Article 1). The EEA EFTA States are represented with their ambassadors in the Standing Committee, and Switzerland and the EFTA Surveillance Authority have observer status (EFTA n.d.(b)). It draws up decisions to be taken by the EEA Council and the EEA Joint Committee. It plays an important role in the collaboration between the EEA EFTA states, and is the place where common positions are formed (Official Norwegian Report [NOU] 2012:2, 70-71; Frommelt 2019b, 5). It is also in the Standing Committee and its subsections that the EEA EFTA Comments are made (See subchapter 2.4).

The Standing Committee consists of five subcommittees; Subcommittee I on Free Movements of Goods, Subcommittee II on Free Movement of Capital and Services, Subcommittee III on Free Movement of Persons, Subcommittee IV on Flanking and Horizontal Policies and Subcommittee V on Legal and Institutional Matters (EFTA n.d.(b)). They consist of representatives either from the Prime Minister’s Office or the foreign ministries of the EEA EFTA States (Frommelt 2017, 35). Except from Subcommittee V, there are working groups reporting to all subcommittees. In sum, there are 32 working groups working under the subcommittees, but the composition of working groups has not always been the same. These working groups consists of national experts in the relevant areas from the administrations of the EEA EFTA States (Frommelt 2019b, 6). These subcommittees and working groups of the Standing Committee are also working with the EU pillar in terms of formal and informal negotiations with the Commission (EFTA Secretariat 2009, 19). Thus, the contact with the EU pillar is not limited to the bodies shown in the two-pillar structure in Figure 1. It also goes further down in the hierarchy.

Several of the EFTA institutions are supported by the EFTA Secretariat, which is not part of the two-pillar structure. The EFTA Secretariat assists the EFTA Parliamentary Committee, the EFTA Consultative Committee and the Standing Committee and its subcommittees and working groups with administrative support (EFTA Secretariat 2009, 6). It also helps implementing EU law into the EEA Agreement and provides the public with information about the EEA (Frommelt 2019b, 7).

## 2.3 The EEA EFTA States' channels of influence

There are several channels the EEA EFTA States can use when attempting to influence EU policy. One important channel for third countries is bilateral relations with Member States. For example, Haugevik (2017, 283-286) found that Norway have sought to develop their long-term relations with selected member states such as Nordics, as well as “rotating bilateralism” aimed at current or soon-to-be holders of the Council Presidency. Furthermore, there are several access points to the EU for third country lobbyists, as they in early stages are not distinguished from EU lobbyists (Korke-Aho 2016, 56-60). This is not limited to governmental actors, but also includes NGOs and private actors. Neither is it limited to actors from third countries that are especially closely connected to the EU – such as the EEA EFTA States. However, the EEA Agreement does entail certain rights and access points that provide potential channels of influence that other third countries don't have. This subchapter presents these rights and access points and discuss how they are related to “decision-shaping” in EU policy-making.

### 2.3.1 “Decision-shaping”

The term "decision-shaping" is not a widely used term, and it is largely limited to the EEA context. Despite not being part of the EEA Agreement, it has according to the EFTA Secretariat (2009, 20) become the standard term, and is described as a seemingly “sui generis EEA term”.. The EFTA Secretariat (2009, 20) broadly defines decision-shaping as "the process of contributing to and influencing policy proposals up until they are formally adopted". It is specifically used when referring to the EEA EFTA States using the opportunities ensured by the EEA – such as access to committees and their right to be consulted – in order to shape EEA relevant legislation. This does not necessarily have to be attempts to shape specific decisions, but also more broadly general policy directions in the EU (EFTA Secretariat 2009, 20). Consequently, it differs from decision-making – which refers to when the decisions are formally made and thus requires voting rights.

### 2.3.2 EEA-exclusive access points

While lacking voting rights, the EEA EFTA States may affect the decision-making process in the EU. In addition to the opportunities that all third countries and interest groups have to informally impact decision-making in the Union, the EEA agreement does ensure some

exclusive access. In a variety of ways, the EEA EFTA States have access to the European Commission that other third countries lack (Jónsdóttir 2013, 38-40).

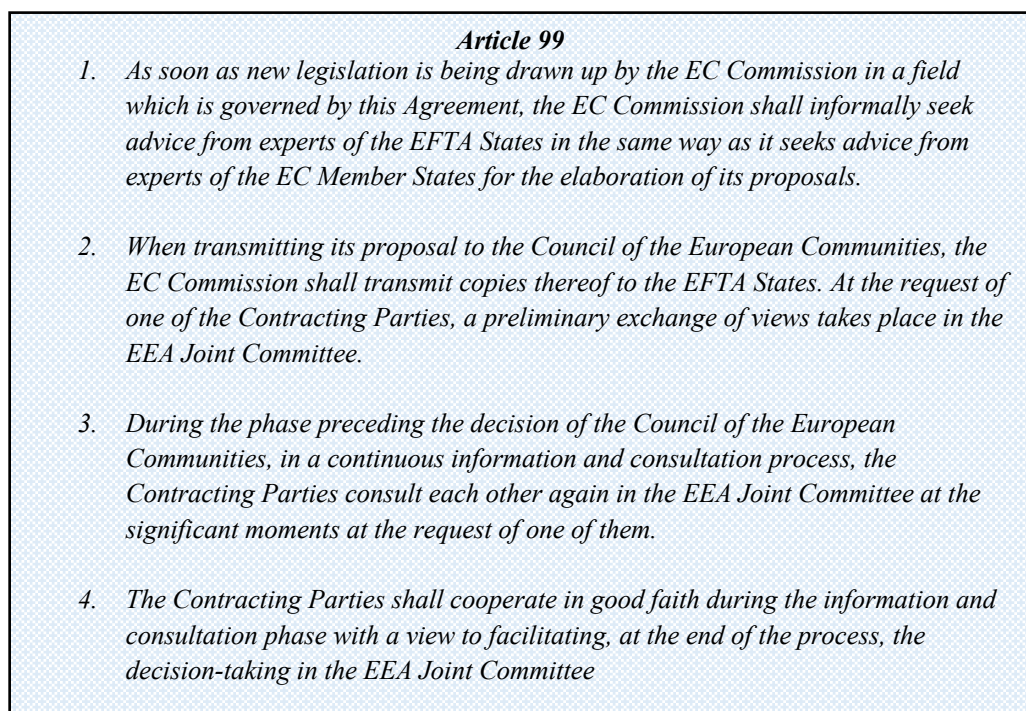
According to article 100 in the EEA agreement they have access to comitology committees of the Commission. Voting rights are exclusive for member states, but among other things the EEA EFTA States participate in preparatory work in the comitology committees (EFTA Secretariat 2009, 22-23). Article 99 in the EEA agreement underpins that the Commission informally should seek advice from EEA EFTA state experts in the same way as from member state experts. This opens for participation in the advisory Commission expert groups which assist the drafting of new proposals (EFTA Secretariat 2009, 21-22). Furthermore, Article 81 ensures access to the relevant committees of EU programmes that the EEA EFTA States participate in. The Programme Committees assist the Commission in drafting calls for proposals, selecting projects and specifying content of the programmes (EFTA Secretariat 2009, 20).

A more indirect yet noteworthy possibility to influence is the EEA EFTA States' seconded national experts to the European Commission. National experts are seconded from public administrations, and work for the Commission (Frommelt 2017, 59). Of a total of around 1000 national experts, at the time of writing there are 38 national experts from the EEA EFTA States working in the Commission – three from Iceland and 35 from Norway (EFTA. n.d.(g)). While working at and for the Commission during the secondments, survey data indicates that the national experts in the Commission may identify as representatives of their home country (Murdoch, Trondal and Geys 2015, 343-344). Consequently, there are a variety of ways the EEA EFTA States may influence different steps in the EU decision-making, and several of those are ensured or enhanced by the EEA agreement.

## **2.4 EEA EFTA Comments**

In addition to the mentioned possibilities for decision-shaping, Article 99 in the EEA agreement underlines that the EEA EFTA States should be consulted on relevant issues (See Figure 4. under). Consequently, the EEA EFTA States have the right to submit comments, either alone or in collaboration, in response to Commission initiatives (Jónsdóttir 2013, 48-49). Joint comments from all three states, called EEA EFTA Comments, have been a regularly used

strategy since the 1990s (EFTA Secretariat 2009, 23). They vary in policy area and the whether they are approving or opposing proposed legislation (Jónsdóttir 2013, 49).

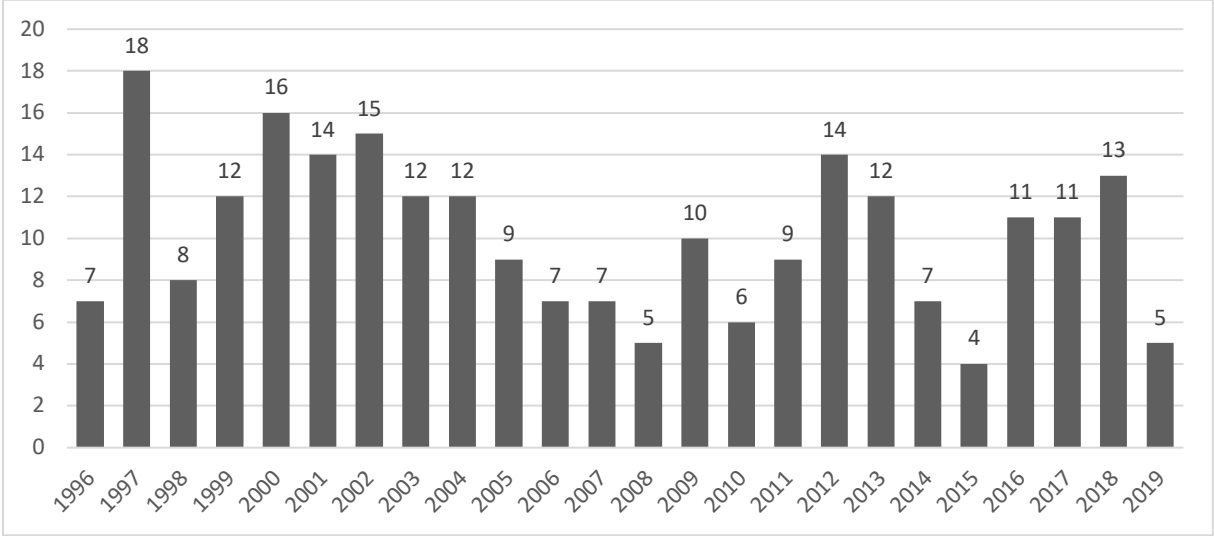


**Figure 2:** Article 99 of the EEA Agreement

The phrase “EEA EFTA Comment” does not appear to have been used previous to a comment submitted in February 2000. After that point in time “EEA EFTA Comment(s)” or “Comment(s) from the EEA EFTA States” have been increasingly used, and apparently exclusively used since 2004. Prior to 2000, the comments were usually titled differently. Several are titled “Comments from the EFTA Working group on ...” with a note that it comprises the delegations of the EEA EFTA States. Others were named “EFTA Comments”, where some include the positions of the EEA EFTA States, and others appears to include the positions of all four EFTA states. These latter EFTA Comments, where reference consistently is made to the “EFTA States” and there is nothing indicating otherwise, are seen as collaboration between EFTA States rather than between the EEA EFTA States. Thus, these comments cannot be seen as an exchange of views in line with the right to be consulted following the EEA Agreement Article 99 and is thus outside the scope of this analysis. In this thesis, *the* “EEA EFTA Comments” term is used to describe comments submitted jointly by the EEA EFTA States. Consequently, comments that appears to be sent by all four EFTA States are excluded. By the end of 2019, at least 242 comments have been submitted by the EEA EFTA States since May 1, 1995. This number is the amount of comments that both are available



at the EFTA webpage and passes mentioned criteria. If one includes “EFTA Comments” that appears to represent all four EFTA states, the number is at least 257 comments. The exact number varying between 4 and 18 a year (EFTA. N.d.).



**Figure 3:** Number of EEA EFTA Comments submitted each year

*2.4.1 Motives of submitting EEA EFTA Comments*

Clearly, the EEA EFTA Comments are written submissions from the EEA EFTA States to the EU including political positions. But what assumptions can be made about the comments, and what are the motives? On the EFTA webpage where the comments can be accessed, they are described as “one of the ways which the EEA EFTA States participate in shaping EU policies and legislation” (EFTA n.d.(a)). This is also stated in the “Guidelines on the Drafting, Approval, Distribution and Follow-Up of EEA EFTA Comments”, which was adopted by the Subcommittees I-IV in the Standing Committee in 2018. According to the guidelines, the comments are an important tool for “participation in the shaping of EU policy, programmes and legislation” (Standing Committee 2018, 1). The adopted guidelines are also rather clear about why they are submitted: “The aim of EEA EFTA Comments is to communicate the EEA EFTA States’ position to the EU institutions”. (Standing Committee 2018, 1). That the comments are tools for decision-shaping is also stated in the EFTA Bulletin on decision-shaping (EFTA Secretariat 2009, 23). There are no differing interpretations of the comments of my knowledge, and when discussed by scholars the comments appear to be treated along the same lines – as political position papers (e.g. Jónsdóttir 2012, 48-49; Frommelt 2017, 59-60). In sum, the EEA EFTA Comments are documents containing the positions of the EEA EFTA States, and the general assumptions seems to be that the motive is to be influential.

### 2.4.2 The procedure of submitting EEA EFTA Comments

The EEA EFTA Comments are produced in the Standing Committee of the EFTA States and its substructures. EFTA (n.d.) briefly describe the process in the following way: “the comments are elaborated by working groups, cleared by the relevant subcommittees, endorsed by the Standing Committee”. There are no formal rules on how the comments are produced. However, there exist guidelines on how to draft, approve, distribute and follow-up the comments (Standing Committee 2018), which includes instructions on the various stages. The key institutions and their roles in the process are shown in Table 1.

<b>Institution</b>	<b>Representatives</b>	<b>Tasks related to the EEA EFTA Comments</b>
<i>Working group</i>	Experts from the national administrations	<ul style="list-style-type: none"> <li>• Makes draft comments (Unless it decides that the EFTA Secretariat should do it).</li> <li>• Sets a timeframe</li> <li>• Suggests recipients</li> <li>• Suggests actions for follow-up</li> </ul>
<i>Subcommittee</i>	Representatives from foreign ministries or the Prime Minister’s Office	<ul style="list-style-type: none"> <li>• Approval</li> <li>• Inform the EFTA Secretariat in case it wants something changed</li> </ul>
<i>Standing Committee</i>	Ambassadors	<ul style="list-style-type: none"> <li>• Final approval</li> </ul>
<i>EFTA Secretariat</i>	Employees of EFTA (Not representatives of the EFTA States)	<ul style="list-style-type: none"> <li>• General administration/support of the process</li> <li>• Information between the institutions</li> <li>• Ensuring that comments comply with guidelines</li> <li>• Proofreading</li> <li>• Submission of comment to the EU and making of accompanying cover letter</li> </ul>

**Table 1:** Institutions involved in the production of EEA EFTA Comments. Sources: Frommelt (2017, 35); Standing Committee (2018)

The working groups decides whether one of its delegation or the EFTA Secretariat should make the first draft. They also set out an intended date of submission of a comment, a clear timeframe and suggest recipients of the comment (Standing Committee 2018, 1-2). Thereafter, the EFTA Secretariat informs the relevant subcommittee (Standing Committee 2018, 1-2). When the draft is finished, the EFTA Secretariat sends it to the relevant working group and subcommittee. The Subcommittee have a one-week deadline (or shorter) to approve the comment. If the Subcommittee have any amendment proposals or other input, they must inform the EFTA Secretariat within the deadline, and consultations with the working group will be arranged. When approved at subcommittee level, the comment is sent to the Standing Committee

(Standing Committee 2018, 2). Then, the Standing Committee have 24 hours to raise any concern it may have. If no concerns are raised, the Comment can be regarded as finally approved (Standing Committee 2018, 2). When the Standing Committee have approved, the EEA EFTA Comment leaves the EFTA pillar. The comments are then “officially noted by the Joint Committee after they have been sent to the relevant services in the Commission and the European Parliament” (EFTA n.d.(a)).

Timing is an essential part of producing the EEA EFTA Comments. According to the EFTA Secretariat (2009, 23-24), comments should be submitted early in the decision-making process. The guidelines on the production of comments state that comments can be submitted at various stages: during public consultations by the Commission, after the adoption of a proposal, after the adoption of draft reports in a European Parliament Committee or before the conclusions of trilogue negotiations. However, the guidelines also state that the comments shall be made “as early as possible in the EU’s legislative process” (Standing Committee 2018, 2).

### **3.0 Existing literature**

As mentioned, the EEA EFTA collaboration in general and EEA EFTA Comments in particular have received little attention. This section presents a general overview of the literature conducted on the relationships between EEA EFTA States and the EU, and a more extensive review of the literature on influence which is more relevant to this thesis. The vast majority of studies on the EEA EFTA States and the EU focuses on bilateral relations between the Union on the one side and a single EEA EFTA state on the other side. Thus, most literature referred to in this section is studies of that nature.

#### **3.1 General effects of the EEA Agreement: Democratic deficits and economic benefits**

Several studies and reports have touched upon the democratic perspective of the EEA Agreement as a model of association with the EU. A striking trend among this literature is the consistent claim that the relationship between the EU and the EEA EFTA States entails a democratic deficit for the latter (e.g. Kux and Sverdrup 2000, 262-264; Official Norwegian Report [NOU] 2012:2, 853-854; Pelkmans and Böhler 2013, 53; Eriksen 2015, 96-97; Fossum 2015, 154; Gstöhl 2015, 21-22; Sjursen 2015, 205). Frommelt and Gstöhl (2011, 28) question the claim that EEA agreement implies a weakening of legitimacy in the case of Liechtenstein. They state that “compared to the customs and currency union with Switzerland the participation and transparency in the EEA are much higher “. Further, they argue that for such a small country the EEA agreement may be more legitimate than any alternatives, and that the EEA membership is seen as a “gain of sovereignty” (Frommelt and Gstöhl 2011, 28).

Moving over to the economic perspective, the findings are more optimistic for the EEA EFTA States. An extensive independent report of Norway’s agreements with the EU clearly concluded that the Norwegian economy have benefited substantially from this relationship (Official Norwegian Report [NOU] 2012:2, 808-809). Government reports and studies on the relationship to the EU also concludes that it is beneficial for the economy of Liechtenstein and Iceland (Frommelt and Gstöhl 2011, 17; Pelkmans and Böhler 2013, 54; Government of Iceland 2019, 9). Using synthetic counterfactuals with the synthetic control method and the difference-in-difference method, Campos, Coricello and Moretti (2015, 14-15) found that the productivity in Norway would have been 6 percent higher if the country had joined the EU in 1995. However, this says nothing about the potential effects of the current agreements relative to no agreement.

In short, the literature on the EEA EFTA states appears to suggest that the relationship with the EU is problematic democratically, but clearly beneficial economically.

### **3.2 Influence of the EEA EFTA States**

To study the influence of the EEA EFTA member states is difficult. In the absence of voting rights, they have to use other channels to influence – such as those described in section 2 – and to measure the effect of those is a complicated task. Nevertheless, several analyses are worth mentioning. The majority focuses on the influence of an individual EEA EFTA State, but lobbying actors from Norway have been studied as well. Lazowski (2014, 40) argue that while the EEA EFTA States are not involved in the formal decision-making, the access to numerous working groups and committees enables them to influence by shaping legislations in the first stages by “the power of persuasion”.

In her comprehensive book about Iceland and the policy process in the EU, Jónsdóttir (2013) provides a detailed analysis of the country’s possibilities and achievements in influencing EU policy. She argues that Iceland’s potential for exerting influence have increased over time with an increasingly active Foreign Service and a change in strategies. Despite being clearly less powerful in the decision-making process than member states, and despite the inherent disadvantage of being a small state with accordingly small amounts of resources, there are some successful examples of exerting influence (Jónsdóttir 2013, 53-54). The findings from the four case studies of specific proposals in the book supports this, and Jónsdóttir (2013, 152-154) concludes that Iceland “has developed some identifiable, albeit fairly weak, uploading capacity as a result of its participation in the EEA”.

Liechtenstein – despite being tiny even inside the EFTA – appears to have some influence at times. However, this is only occasionally (Frommelt and Gstöhl 2011, 31). The limited capacity not only restricts success at decision-shaping, but also affects the country’s strategies. Efforts to influence EU policy are concentrated on highly prioritized issues (Frommelt and Gstöhl 2011, 30). Interestingly, despite the obvious restrictions on participation in decision-making through the EEA Agreement, Liechtenstein’s influence in their regional Union with Switzerland is weaker (Frommelt and Gstöhl 2011, 15).

Comparing the influence of the different EEA EFTA States is difficult, but as the biggest in the group one could expect Norway to have more impact on the policy process in the EU than the rest of the group. However, while stressing the challenges of measuring influence, the EEA Review Committee argues that the Norwegian impact is quite restricted and limited to early stages and cases where the EU agrees. They also argue that most of the country's activities towards the EU concerns gathering of information rather than affecting policy (Official Norwegian Report [NOU] 2012:2, 195-196). In their study of different third countries and the EU energy policy, Hofmann, Jevnaker and Thaler (2019, 158) found that Norway actively target the relevant actors in the EU and works to shape this policy area – and to a certain extent with success. The amount of natural resources and expertise on energy important factors. The authors describe Norway as a “policy shaper” in EU energy policy (Hofmann, Jevnaker and Thaler 2019, 158-159).

One could argue that two important factors have made decision-shaping more complicated for the EEA EFTA States. The first refers to the diminishing power of the Commission. The Commission is the counterpart of the EEA EFTA States and the main target when they attempt to shape the EU policy process (Bergmann 2011, 12; Official Norwegian Report [NOU] 2012:2, 170; Jónsdóttir 2013, 38; 53). However, since the Maastricht Treaty of 1992 the institution's influence relative to the other institutions have decreased (Kassim et al. 2013, 131-133), thereby making decision-shaping more difficult for the EEA EFTA States. Secondly, the relative size of the EFTA relative has decreased. While EFTA is reduced, the EU have gone through several enlargements, substantially weakening the weight of the EFTA-side of the EEA (Bergmann 2011, 12; Jónsdóttir 2013, 43; 167).

However, Jónsdóttir (2013, 54) points out that different strategies have been applied by the EEA EFTA States to tackle the changes – such as bilateral coalition-building with member states. Haugevik (2017) examine Norway's use of “the bilateral route” to the decision-making process in the EU and differs between long-term and rotating bilateralism. The former refers to long-term bilateral relationships with “allies” inside the EU, and the Norwegian government aspire to nurture such relations. Norway have in particular good relationships with the Nordic countries and Germany, the latter clearly underlined with the official “Germany strategies” – the first of which were published in 1999 (Haugevik 2017, 283-285). The rotating bilateralism refers to the deliberately increased contact with (soon to be) incumbents of the rotating Council Presidency, and the Norwegian government appears to have better access when long-

term allies hold the presidency (Haugevik 2017, 286-287). There are also findings indicating some surrogate representation of Norwegian interest, for example by MEPs Parliament from member states (Fossum 2015, 157-159).

Strategies towards friends inside the Union can also be found among interest groups. In her study of Norwegian interest groups working with the energy sector, Gullberg (2015, 1545-1546) found that the ones lobbying in Brussels often work together with member states or European associations. They seek to compensate for the lack of representation, but this is an insufficient alternative. Gullberg (2015, 1545) also find that the interest groups lobby considerably more in Oslo than in Brussels. In line with these findings, the EEA Review Committee argue that the activity of Norwegian non-governmental actors in Brussels is little compared to member states (Official Norwegian Report [NOU] 2012:2).

### **3.3 Intra-EFTA collaboration and the EEA EFTA Comments**

The limited research focusing on the relationship between the EEA EFTA States does not imply that it is not of importance for the group. For Iceland and Liechtenstein – small states with limited resources and capacity – working together is of particular importance (Jónsdóttir 2013, 48). Accordingly, the recent government report from Iceland state that “by strong arguments and coordinated efforts the EEA/EFTA countries can achieve significant results within the EEA in advancing their interests.» (Government of Iceland 2019, 15). For Liechtenstein, EEA EFTA collaboration is also perceived important (Frommelt and Gstöhl 2011, 31). While being considerably larger than the two other EEA EFTA States, Norway is still a relatively small state in Europe. Despite not being natural allies of, the EEA Review Committee describes the two other EEA EFTA States as important partners for Norway due to the institutional cooperation (Official Norwegian Report [NOU] 2012:2).

In general, the collaboration between the EEA EFTA States have been considered successful (Frommelt and Gstöhl 2011, 49; Official Norwegian Report [NOU] 2012:2, 298, Government of Iceland 2019, 6). Bergmann (2011, 17-18) found that the relationship between Iceland and Norway in sum works well, but that there are certain tensions. He argues that Norway is often prone to act alone rather with Liechtenstein and Iceland, and that Icelandic diplomats claim that the Norwegians sometime appears to forget that they are meant to act as one voice towards the EU. This view has some support in Liechtenstein as well (Frommelt and Gstöhl 2011, 49). On

the Norwegian side, on the other hand, there have been dissatisfaction with the limited administrative capacity of the partners, and that to achieve agreement between the three sometimes is a protracted process (Official Norwegian Report [NOU] 2012:2, 298).

Despite being a key joint strategy for decision-shaping, the EEA EFTA Comments have received even minimal attention in the academic literature. The literature appears largely limited to EFTA documents and brief mentions in academic texts. The EFTA Secretariat (2009, 24) claims that the comments are generally well received on issues where the EEA EFTA States have experience and/or expertise, and that they are often successful when the EU institutions are divided. There are indications for an impact on the final outcome of some proposals (Jónsdóttir 2013, 49). Frommelt (2017, 59-60) mention the comments, and argues that the opportunities for submitting comments gets bigger as the Commission increases their use of public consultations. However, for that reason the EEA EFTA Comments have to be promoted actively to the EU institutions and followed up – not only submitted in writing (EFTA Secretariat 2009, 26; Jónsdóttir 2013, 49). Thorhallson (2001 in Thorhallson and Ellertsdóttir 2004, 100) argue that even though the Commission have to transmit the comments to the member states, it cannot be seen as a reliable advocate of the comments unless the preferences coincides. These mentioned academic texts have mentioned the EEA EFTA Comments, but not much more than that. No one have done an analysis of them.



## 4.0 Theory and theoretical expectations

With no formal representation in the European Parliament or the Council, the EEA EFTA States lack decision-making powers. However, the EEA Agreement does ensure some exclusive access points for the EEA EFTA States. To what extent, and under which circumstances, can the EEA EFTA States shape EU policy and legislation? As outlined in section 2.4.1, one can assume that a central motive of submitting EEA EFTA Comments is attempting to influence EU legislation or policy. But to what extent can one expect the outcome of EU legislation to be in line with the common positions stated in EEA EFTA Comments? In this chapter, some suggested explanations for this is presented.

The limited literature on the joint influence of the EEA EFTA States in general, and the EEA EFTA Comments in particular, is also reflected by its absence in the theoretical context. The EEA EFTA States are in a unique position. With their lack of voting rights, they cannot be compared to the EU member states in terms of influence. Theory on member state influence thus makes little sense. At the same time, they are highly integrated and have exclusive access to the EU institutions as signatories of the EEA Agreement. With their right to be consulted and numerous access points, the EEA EFTA States are more than “just” any third countries. A different, yet somewhat related, theoretical approach is to apply theories from the field of lobbying and interest groups to explain the influence of the EEA EFTA States. Due to their institutionalized relationship with the EU and their exclusive access the EEA EFTA States cannot be seen as typical lobbying interest groups. At the same time, without formal decision-making power it may be the same factors in play explaining influence.

Building on interest group theory and third country influence theory, and assuming that actors are rational, I present four hypotheses. Inspired by the theory of Hofmann, Jevnaker and Thaler (2019) on third country influence in EU energy policy and different exchange models for EU lobbying, I develop a version of the exchange model suitable to this analysis. The model sets out expectations for the influence of the EEA EFTA States in the EU legislative process after Commission proposals are adopted. According to this exchange model, I expect three mechanism to be in play. The model emphasizes the importance of resources. I expect area-specific resources to be of importance, leading to varying influence across policy areas. Secondly, as there often are competing forces, the resources of other actors must be taken into account as well. Thus, I anticipate that issue controversy – the level of conflict – is important.

The last expected mechanism in play is that legislators may have own preferences (Whitaker 2014, 1511-1512), which can constrain the effect of resources. In addition, they have to be ideological consistent to appeal to voters (Downs 1957: 11; 110–12), which leads to an anticipation that the ideological distance between the member states' governments and the EEA EFTA governments should matter. Accordingly, I suggest that calls for more market regulation to be more successful when the Council are more leftist, as it is in line with their ideological stance.

#### **4.1 Third country influence on EU decision-making**

The literature on third countries' influence in the EU is very scarce. Hofmann, Jevnaker and Thaler (2019, 153-154) claim that the general assumptions when studying the relations between the EU and its neighbours tend to be that the EU always is the dominant partner, and that while the EU influence its neighbours, it does not go the other way around. Suggesting that third countries may shape EU policy, they diverge from the EU-centric norm and develop a typology of third country influence (Hofmann, Jevnaker and Thaler 2019, 154). While their typology covers EU energy policy only, important elements can probably be applied to other policy areas as well. According to their typology, the level of influence depends on two factors: “[1] their access to relevant venues and actors of EU energy policy-making, and [2] their structural power resources” (Hofmann, Jevnaker and Thaler 2019, 154). The access factor includes both formal and informal access. With formal access they refer to institutionalized access to relevant EU institutions and bodies, and informal access refers to contact with decision-makers outside of these institutions. With structural power resources, third countries can turn access into influence. The authors include four subfactors of structural power resources, namely energy supplies, being a transit country, having expertise and being a flexibility provider (Hofmann, Jevnaker and Thaler 2019, 154-155).

Depending on these two factors – access and structural power resources – a typology with four types of third countries were constructed, as shown in Figure 4 above. States with access and high structural power resources are classified as *shapers*. These states can influence policy formulation. *Followers* refers to states that also have access but have little structural power resources. Consequently, they have little influence while still being closely linked to the EU. States without access but with high structural power resources are classified as *challengers*, and they may have some informal influence. States with neither access nor structural power

resources are referred to as *outsiders*, and they have more or less no influence (Hofmann, Jevnaker and Thaler 2019, 155-156). The authors classify Norway as a *shaper* country and Iceland as a *follower* country, as both have access through the EEA Agreement but only Norway have structural power resources (Hofmann, Jevnaker and Thaler 2019, 160). Liechtenstein is not mentioned but would probably like Iceland be classified as *follower* as they are EEA members but does not have noteworthy structural resources.

		Structural power resources	
		High	Low
Access	Present	<i>Shapers</i>	<i>Followers</i>
	Absent	<i>Challengers</i>	<i>Outsiders</i>

**Figure 4:** Hofmann, Jevnaker and Thaler’s (2019) typology for third countries and their influence on EU energy policy.

4.1.1 Applying the typology for third countries to other policy areas?

While the typology is limited to the field of energy, important elements of it can be applied to other policy areas. Access is naturally relevant regardless of policy area and is also an important determinant of influence according to the interest group theory. While access does not equal influence (Dür 2008b, 1221), it can be seen as a prerequisite. Without access to decision-makers, powers cannot be reached. Access is therefore a fundamental step if one aspires to be influential (Truman 1951, 264). The EEA EFTA States enjoy exclusive access other third countries have not, as outlined in section 2.3. With their access to the EU institutions and as signatories of the EEA Agreement, it should be safe to assume that the EEA EFTA States qualifies as third countries with access. While there may be some differences across policy areas regarding participation and rights in specific agencies, many of the access points can be seen as relevant to all policy areas – especially those covered by the EEA Agreement.

As access is relevant across areas, and as the EEA EFTA States have such access, the decisive factor of influence will then be structural power resources. The decisive question would then be in which policy areas the three states can turn access into influence. If one uses the same categories of third countries, the EEA EFTA States will then be either *shapers* or *followers*, depending on the resources on the field. Of the four sources of structural powers that Hofmann,

Jevnaker and Thaler (2019, 155) presents, only expertise is relevant to other fields than energy. The indicators for expertise are technical knowledge, experience and number of staff working with the policy are at the country's mission to the EU – indicators that are relevant not only for energy policy (Hofmann, Jevnaker and Thaler 2019, 155). Thus, parts of this typology of third countries can be applied to other policy areas. To make it suitable to other fields, one could make the structural power resources indicators more flexible. The question that remain is then what kinds of resources that matters. This, with help of interest group theory, will be dealt with in the next subchapter.

## **4.2 Resources and interest group influence**

Resources play a fundamental role in the more developed interest group theory and are commonly seen as a determinant for interest group influence. Relevant resources that interest groups can possess may for example be expertise and knowledge – as also underlined in Hofmann, Jevnaker and Thaler's (2019) typology – but also money, public support, legitimacy and information. Therefore, one should expect the actors that are endowed with such resources to have more influence (Dür 2008b, 1214).

### *4.2.1 Resource dependency and exchange models for lobbying*

The logic here is that interest groups may have influence if they possess resources the one to be influenced need. This is thoroughly discussed by Pfeffer and Salancik (1976) with their general resource dependence perspective in organizations. Fundamentally, organizations need resources to survive, and for that reason, they need to interact with external actors who controls these resources. According to their model, organizations are thus dependent on their environment. The providers of resources receive partially control over the organization in return, which means the ability to “initiate or terminate actions at one's discretion” (Pfeffer and Salancik 1976, 259). The degree of control, or influence, over the organization depends on the scarcity of the resources, as well as their importance for the organization to be influenced (Pfeffer and Salancik 1976, 258-259).

A related concept to the resource dependency models is exchange models. Almost 60 years ago, Levine and White (1961, 587-588) stated that “interorganizational exchanges are essential to goal attainment”, emphasizing how exchange can be useful for both parties. Approaches building on the same fundamental principle have been applied more recently specifically in the

context of influence in the EU. In their study of lobbying in the Common Agriculture Policy, Pappi and Henning (1999, 272) apply an exchange model indicating that actors offer resources in the form of expert knowledge and public support in return for influence. Bouwen (2002, 372; 2004; 339-340) suggests an exchange model for how private actors provides resources to the EU institutions in return for access. The resources he emphasizes – which he refers to as access goods – is expert knowledge and information about the needs and interests of domestic and European sectors (Bouwen 2002, 369). Other scholars have also theorized that interest groups provides information to the EU decision-makers to achieve influence or access (Crombez 2002, 10; Dür and De Bièvre 2007b, 81-82) The key feature with this exchange model, as well as other perspectives such as Pfeffer and Salancik's (1976), is the interdependency in the relationship between the actors. However, they differ somewhat in that the resource dependency perspective sees exchange as crucial for the very survival of the organizations (Aldrich and Pfeffer 1976, 83).

Partly building on both these theoretical perspectives, Klüver (2013, 17-18) develop a theoretical exchange model on the relationship between the European institutions and lobbying coalitions. Her focus on coalition of lobbying actors is different from the lobbying of single actors, but the mechanism is of interest anyway. The logic behind the model is that the Commission, the Council and the European Parliament demand resources from interest groups, and, oppositely, that interest groups demand influence over the institutions. The model builds on the assumption that both the European institutions and the lobbying actors are “rational, goal-oriented, and purposeful actors that aim at maximizing the attainment of their preferences” (Klüver 2013, 17-18). As it is important for interest groups to maximize their influence, they will lobby European institutions. As Klüver (2013, 30) puts it, “interest groups demand influence from the European institutions”. The Members of the European Parliament and the national governments in the Council seek survival. As they are the legislative institutions of the EU, that goal is – in line with rational choice theory of democratic governance by Downs (1957, 11) – to be re-elected. To be re-elected, they also need information, public support and economic resources (Klüver 2013, 36; 38-39). In sum, the institutions and the interest coalitions are dependent on each other's goods.

As this analysis focuses on the stage after proposals are made, Commission is not as important. However, the Commission also search survival, meaning that it has to successfully carry out its tasks to keep its competences. To do so the Commission need information, public support and

economic power, making them able to make proposals that transforms into policy (Klüver 2013, 32-33). In sum, the European institutions demands these resources from interest groups (Klüver 2013, 45; 49; 53). Again, it should be noted that Klüver's model is about the resources of the lobbying coalitions, meaning that the resources of all actors with same goals is essential – not only the resources of the single actor. There is, however, one further important detail to this exchange model. The demand for expertise will be higher when issues are of complex nature, and lower in simple issues. Klüver (2013, 57-58) therefore expect an interaction between the effect of possessing information to interact with issue complexity.

#### *4.2.2 Types of resources*

The types of goods interest groups can provide needs to be described in detail, as well as mechanisms of how they can be transferred into influence. According to Klüver (2013, 30-39), three types of resources are important for all the three mentioned institutions; information, public support and economic power. However, the resources can be important for the different European institutions for different reasons.

Scholars have argued that information is more important when lobbying in the EU than in other political systems (Crombez 2002, 10; Chalmers 2011, 475). It has been claimed to be the most important determinant of lobbying success (Bouwen 2002, 369-372). Of course, information is a vague concept, and in the mentioned literature it includes expert knowledge, legislative intelligence, information about European and domestic markets and sectors. According to Klüver (2013, 40-41), policy-relevant information is crucial for the Commission. EU policy-making is complex, and the executive institution which initiates legislative proposals are understaffed. As a result, the Commission needs to interact to receive technical expertise to be able to produce legislative proposals (Klüver 2013, 40-41). The MEPs are also often busy and need both technical expertise and information about impacts of proposed policy. This is especially the case for the rapporteurs, who in limited time has to prepare reports. The national government also needs such information, both from domestic interests and from external sources (Klüver 2013, 41-42). Thus, also the European Parliament and the Council depend on information. Klüver (2013, 43) divides the information needed by the institutions into two groups: policy-related expertise and information about the preferences of major stakeholders. While not limiting the scope to EU but focusing on lobbying in general, Hall and Deardorff (2006, 74) also identify two similar categories of information that is particularly useful for

legislators. First, they emphasize the importance of technical expertise, arguing that such information is valuable for legislators as it will save them time and resources. While the legislators may deal with several issues, lobbyist are specialists that have more expertise in the particular policy area in question (Hall and Deardorff 2006, 73-74). Secondly, they stress the importance of information about legislative developments and relevant actors – what they refer to as “political intelligence” (Hall and Deardorff 2006, 74). Chalmers (2011, 472-473; 2013, 41-43) also emphasizes the importance of information, and sees it as a key determinant for lobbying success.

Another essential resource for the European institutions is public support, which is of particular importance in two ways. First, public support is as mentioned fundamental for re-election of the legislators. If interest groups express their public support, they can swing votes towards certain politicians and parties (Dür 2008b, 1214). This way, interest groups may influence both the European Parliament and the Council, as they depend on their public support. As interest groups may represent a large share of the electorate, the EU decision-maker will take their demands into account. This electoral dependence is also indirectly affecting the Commission as they again depend on legislative approval of their proposals (Klüver 2013, 45-46).

Secondly, support by citizens is important for ensuring legitimacy of the European institutions and EU policy. This is in particular important for the unelected European Commission officials (Dür 2008b, 1214). However, it is in the interest of all the EU institutions to appear legitimate. According to Schimmelfenig (2001, 63) there are institutionalized standards for legitimacy and how political processes should be in every polity that is based on the collective identity and the norms and values in the community. Since democratic governance is a fundamental value in political communities, one can expect public perception of democratic procedures to be essential for the legitimacy of political institutions, and to constrain the institutions. Having the democratic deficit of the EU in mind, legitimacy is especially crucial for the European institutions (Klüver 2013, 46-48). Thus, interest groups that represent large numbers of citizens may have leverage and as a result be able to pressure the institutions (Klüver 2013, 47).

The last type of resource included in Klüver’s (2013) model is economic power. With economic power one does not simply refer to financial resources. This is not to say financial resources may not be of importance, as interest groups with such resources can support electoral campaigns. Such resources may be needed by actors seeking re-election (Dür 2008b, 1214).

However, Klüver (2013, 49) describes economic power as the ability to control investments and create jobs. This is important because economic distress can lead to unsatisfied voters. Those in control of such resources can for example threaten with relocating their investments (Dür and De Bièvre 2007a, 6). Thus, both the MEPs and the national governments in the Council are dependent on support from economic powerful actors if they want to be re-elected. As the Commission needs approval of their proposals to achieve its goals, they also depend on economical powerful groups. Furthermore, the Commission may attempt to build alliances with these interests and try to exploit the legislative bodies' dependence on economic power resources (Klüver 2013, 49-52). Consequently, economic power is a resource needed by the MEPs and the national governments to be re-elected and needed by the Commission to deliver successful proposals. Actors who possess such economic power may then be more influential than actors without.

### **4.3 Issue controversy: the role of competing forces**

If the influence of an actor depends on its resources, the same should also apply to all competing actors as well. While resources may be used to lobby an issue in a certain direction, there can be other actors using their resources to lobby in the opposite direction. The more actors involved, the more resources must be added to the equation. For that reason, issue controversy – which here is refers to the level of conflict – may be of essence. Not only may actors lobby in different directions, they may also deliberately try to counter the lobbying attempts from other actors (Austen-Smith and Wright 1994, 29). Presence of such “countervailing forces” may have an impact on whether an actor is successful or not. In other words, if there are more competition between different actors, the chance for an actor to be influential is therefore lower than with little opposition (Mahoney 2007, 40; 2008, 187). The fundamental logic is rather simple, and suggest that it is easier to be successful when there is little lobbying competition and the institutions therefore to a smaller extent are pulled in different directions. In cases like this “policy outcomes run the risk of ending up in watered-down compromises and the absence of clear winners and losers” (Klüver, Braun and Beyers 2015, 452). Thus, even if an actor or a group of allied actors have been influential in such controversial issues, they may only have managed to prevent something that otherwise would have been worse, and not been successful.

The concept of issue controversy – or level of conflict – should not be mixed with the related concept of issue salience. Issue salience can be defined as the level of political attention a



particular issue gets (Klüver, Braun and Beyers 2015, 452). Discussing the relationship between lobbying success and salience, scholars have argued that similar mechanisms are expected to be in play here as for conflict level. Several scholars have made the argument that, as with conflict, high levels of salience can lead to less lobbying success for each actor because it may lead to more competition (Dür and De Bièvre 2007a, 7; Mahoney 2007, 40; Bunea 2013, 556; Klüver, Braun and Beyers 2015, 451-452). However, the concepts are not the same. As Klüver, Braun and Beyers (2015, 452) points out, while salient issues may attract more actors, those actors may agree on the issue. Thus, even if the issue saliency is high and many actors are involved, it does not mean that the level of conflict is high (Klüver 2011, 489). While saliency may tend to lead to conflict, one could argue that conflict is the essential component of the argument, and thus of most importance for actors' possibilities to influence. In sum, the effect of an actor's resources may be affected by opposing (or supporting) actors using their resources.

#### **4.4 The ideology of decision-makers: unwilling or unable to be influenced?**

Countervailing forces are not the only potential constraint of the effect of resources. The ideological stance of the targeted decision-makers can be relevant. This is the case for two main reasons, that decision-makers' personal policy objectives make them less willing to be influenced and that their vote-seeking objectives makes them less able to be influenced.

First, the decision-makers may have their own policy preferences that they are working towards. According to Dür (2008b, 1214), the effect of resources also depends on whether the available resources can help the decision-makers achieve their own policy objectives. This is therefore an extension of the theoretical approaches indicating that the decision-makers' only goal is re-election. This is also covered in the literature on political parties, where "the policy-seeking party" is a well-known model for party behaviour, where parties are expected to maximise their influence on public policy (Strom 1990, 567-568). More specifically, scholars have theorized that the individual Members of the European Parliament can be policy-seeking – that they may work towards their individual goals (Hix, Raunio and Scully 1999, 12; Kreppel 2002, 23-25; Whitaker 2014, 1511-1512). If decision-makers also have other objectives than re-election, the demand for resources from the interest groups may be lower, and the effect of resources be weaker. If an actor is lobbying for an outcome that departs from the decision-maker's personal preferences, it can be harder to achieve influence. Interestingly, Kreppel (2002, 23) argued that policy objectives are the most important objectives in the EP, as the ties between the electorate

and the MEPs is limited, entailing that there is little the MEPs can do to be re-elected. If this is the case, one can expect lobbying to be particularly difficult, unless the decision-maker shares preferences with the lobbying actor. If one assumes that parties are policy-seeking, also the ministers in the Council may be working towards the policy goals of the parties they represent. In sum, the first theoretical argument is simply stated that decision-makers can decide to stick to their ideological position because they *want* to.

Second, the ideological stance can be essential because the decision-makers have limited room for manoeuvre. This is also based on the assumption that actors are rational and goal oriented. The primary goal of those in office is to be re-elected in the upcoming election, and the goal of their opponents is to achieve office. Both the incumbent and the challengers depend on public support (Downs 1957, 11-12). As voters are expected to be rational as well, they will vote for the party they believe will provide most benefits for them (Downs 1957, 36). To appeal to the electorate, ideologies may be useful for political parties as it makes it easier for the voters to find their preferred party (Downs 1957, 98-99). However, when parties have established an ideological platform, it can be hard to change it without being at risk of losing votes. It is important for the parties to be considered as honest and responsible. Thus, to appeal to voters, the parties have to appear ideologically consistent which makes ideological shifts difficult (Downs 1957, 109-112). In other words, assuming that the political system is democratic, decision-makers must in general stick to their ideological platform. Consequently, decision-makers cannot be pushed far away from their position, indicating a bias towards actors with similar preferences. It should therefore be difficult to be influential in the EU if it requires the decision-makers to diverge from their positions. In sum, the second theoretical argument is simply stated that decision-makers may stick to their ideological position because they *have* to.

#### **4.5 A model of EEA EFTA States' influence in the EU**

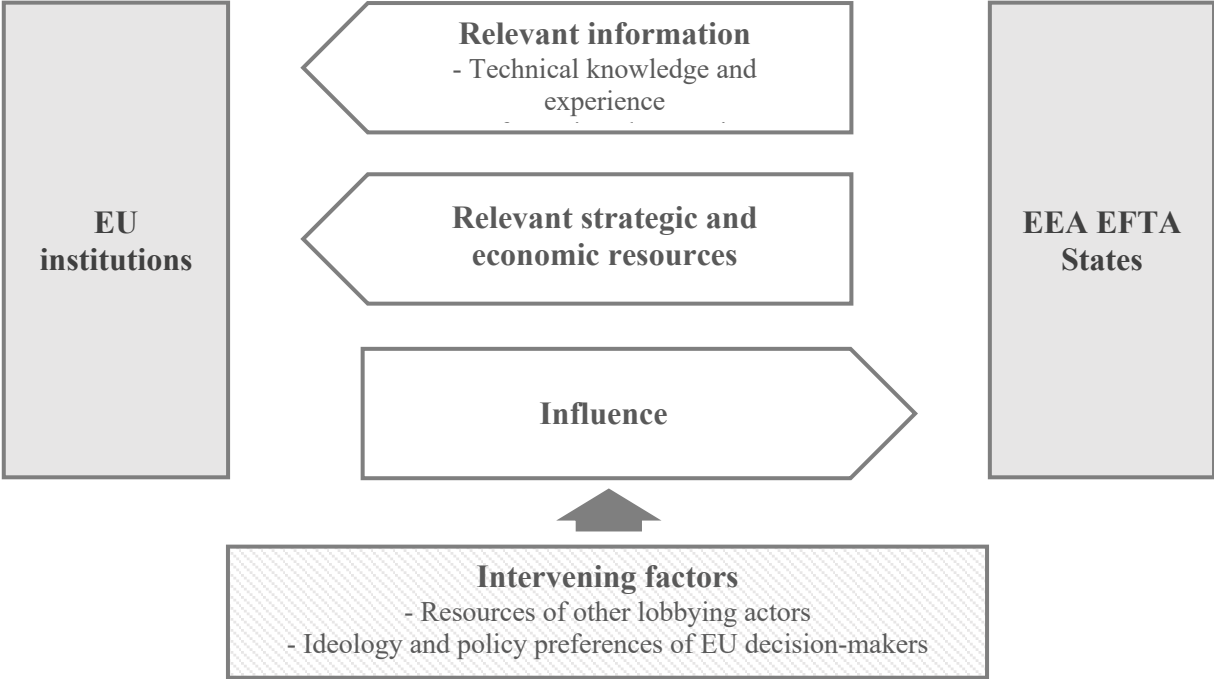
Based on these theoretical frameworks, resources appear to be crucial. Resources can take many forms and differ between policy areas. The logic of exchange models is that interest groups get influence in return for resources, depending on their capacity to provide them. However, the relationship between the actor trying to influence and the relevant institutions are not necessarily as simple as that. Other involved actors may have resources as well, and these may be used to support or oppose the efforts of other actors. If the latter is the case, meaning that there is competition, lobbying can be more difficult. Furthermore, the ideology of decision-makers may

also constrain influence of interest groups if preferences collide, both because they may want to and because they may have to be consistent. These mechanisms are based on the assumption that actors are rational. Interest groups seek influence, and decision-makers seek re-election, policy or both.

How, then, does these mechanisms apply to the EEA EFTA States? They are neither interest groups nor peripheral third countries. Despite being non-members, they are highly integrated and part of the internal market. As mentioned in section 4.1.1, access does not vary very much across policy areas for the EEA EFTA States, indicating that structural power resources are most important of the two factors presented by Hofmann, Jevnaker and Thaler (2019). They used several area-specific indicators for the energy field. Accordingly, indicators specifically related to each policy areas should be of importance. To make it applicable to other fields than energy, more generalizable and less accurate indicators are needed. The various resources mentioned in the interest group theory are probably not equally relevant to third countries as for interest groups in the EU. The citizens of the EEA EFTA States neither participates in the election of MEPs nor any the governments in the Council. Thus, the three states can probably not provide them with much public support. Information, on the other hand, may be effective regardless of the provider, as long as it is useful for the relevant European institutions. Economic power can be important as well, provided that it is relevant for job creation and investment, or at least have some impact on the economy of the EU. The role of other actors' lobbying efforts and the ideologic constraint of decision-making should be more or less similar for the EEA EFTA States as for interest groups in general.

The model I propose is shown in Figure 5 below. In line with exchange models for interest group influence in the EU (e.g. Bouwen 2002; 2004; Klüver 2013), it suggests exchange of resources in return for access. Which types of resources that are relevant will depend on the issue or the policy area and can be divided into two categories: (1) information and (2) strategic and economic resources. The former refers to technical knowledge and experience relevant to the issue that may be helpful for the EU institutions when making and voting on policy proposals, as well as information about important stakeholders within the policy area. Strategic and economic resources is rather vague because what is relevant may vary a lot across policy areas. It could for example be the size of relevant industries, the level of area-related trade with the EU, relevant infrastructure that the EU in some way may depend on, or other economic factors that have importance for the economic situations in the EU. This exchange relationship

is affected by the resource exchange between the EU institutions and other involved actors, and by the policy preferences of the decision-makers. Both these factors may intervene in the exchange between the EU institutions and the EEA EFTA States.



**Figure 5:** Theoretical model for the influence of the EEA EFTA States

This model has three important implications. First, the resources of the EEA EFTA States matter on their own. All else being equal, the amount of relevant resources the EEA EFTA States possess should at least to some extent explain their level of influence. Second, the resources of all the other actors trying to shape the outcome matter as well. When the EEA EFTA States are not the only actors who are in possession of the demanded resources, the institutions can also get them elsewhere. Third, the extent to which the resources of an actor matter depend on the policy preferences of the decision-makers. It will matter more if the outcome favoured by the EEA EFTA States is in line with the preferences of MEPs and the governments in the Council. Oppositely, it will matter less if the preferences collide. If the decision-makers have policy goals they can be unwilling to depart from their political platform. If re-election is their primary objective, decision-makers can be unable to do so, as they have to be consistent and credible to secure votes in the upcoming election.

*4.5.1 The expected effect of resources*

Based on the proposed model one should expect the resources of the EEA EFTA States to be a determinant of influence. As mentioned, the first implication was that resources on their own have an effect. Focusing specifically on the EEA EFTA Comments, the question is then which areas they have most information the European institutions need and economic and strategic resources that the European institutions find important. An extensive mapping of the area-specific resources of the EEA EFTA States is not within the scope of this thesis. Nevertheless, there are two policy areas that really sticks out as fields where the three states may have relevant resources.

As thoroughly argued by Hofmann, Jevnaker and Thaler (2019, 158-159), Norway have important resources within the field of energy, such as a comprehensive and improving energy infrastructure connected to the EU and technical knowledge and experience. Perhaps most important, Norway is after Russia the largest provider for oil and natural gas to the EU. In the first half of 2019, 30 percent of the natural gas and 11 percent of the oil imported by the EU came from Norway (Eurostat 2020b). Hence, Norway should have influence in this area according to the model of third country influence. Another area in which I expect the EEA EFTA States to have valuable resources is maritime issues. Then Commissioner for Maritime Affairs and Fisheries Joe Borg claimed in 2009 that “the experience of Norway and Iceland on maritime affairs and the constructive proposals and practical information provided in their contributions fed our reflections on the whole subject” (EFTA Secretariat 2009, 10). On issues more specifically related to maritime transport the EEA EFTA States may have important economic powers. The Norwegian shipbuilding industry is of considerable size in European context, and is highly productive (Ecorys 2009, 52-54). In the period 2006-2010, Norway was the third largest producer maritime supplies in Europe, both in terms of total production and in export value, and it was the fourth largest in numbers of employees (BALance 2014, 33-34).

Having this in mind, one should expect that Norway to also be able to provide relevant resources in both the mentioned fields, and Iceland in maritime affairs. As Norway is the by far largest in size among the EEA EFTA States, one could expect these resources to also play an important role on EEA EFTA level. Based on this, the following hypothesis is proposed:

*H1: The preferences of the EEA EFTA States are more likely to be attained when the addressed proposal is on energy or maritime-related issues*

#### *4.5.2 The expected effect of issue controversy*

Another implication of the suggested exchange model is that also the resources of other involved actors matter. If the issue in question is controversial – meaning that the level of conflict is high, and more actors are involved – more resources may be in play. Consequently, the MEPs and the Council may be less dependent on the resources of the EEA EFTA States. Following this reasoning, I anticipate that the degree of preference attainment to be lower on controversial proposals. Accordingly, the following hypothesis is proposed:

*H2: The preferences of the EEA EFTA States are less likely to be attained when the legislative proposal is controversial*

#### *4.5.3 The expected effect of the ideology of decision-makers*

The third implication of the model was that the policy preferences of the decision-makers also may be an intervening factor. In addition to area-specific resources and issue controversy, I anticipate that the ideology of the MEPs and the government in the Council to be of importance. For simplicity in the data collection phase, the MEPs are excluded from this analysis. The specific theoretical expectations are thus limited to the ideology of the Council. When voting in the Council, I expect the national governments to be ideologically consistent. As they are expected to seek policy goals, re-election or both, they are unwilling and/or unable to depart much from their ideological platform. Resources may be too costly if acquiring them entails policy shift. Actors with an ideological stance diverging from the stance of the decision-makers are thus expected to be less successful in trying to influence the decision-makers. This should be the case both because it would entail that decision-makers depart from their voters' expectations and because it would entail that they depart from own policy goals. Having this in mind, I anticipate that the chance of being successful is smaller when one's position diverges from the overall preferences of the decision-makers. For these reasons, I anticipate that the governments in the Council are more likely to accept the views of the EEA EFTA States when the ideological distance to them is lower. Therefore, the following hypothesis is proposed:

*H3: The preferences of the EEA EFTA States are more likely to be attained when the ideological distance between the EEA EFTA States' governments and the EU member states' governments are small*

For the same reasons, one could expect that the Council will vote for policy in line with its ideology. The voters may expect that a right-wing government would vote less regulation of

the economy, and oppositely, that a leftist government would vote for more regulation, because these are fundamental issues related to the economic left-right scale. Also, if the composition of governments in the Council on average is leaning towards either right or left, the median position is located on that side of ideological scale. This means that if a Council composition is leftist on average, compromises will entail leftist policy – both because it is in line with their preferences and because it is in line with the preferences of the citizens who may or may not re-elect them. Accordingly, the following hypothesis is proposed:

*H4: EEA EFTA preferences that suggest more market regulation are more likely to be attained when the EU member states' governments are more leftist*

#### *4.5.4 Other determinants not included in the model*

In addition to the determinants discussed here, it should be mentioned that there are several other factors that have been theorized to impact influence of interest groups, both in the EU and beyond. Two frequently suggested determinants of influence are political institutions (Pollack 1997, 575-582; Beyers 2004, 218-220; Dür, Bernhagen and Marshall 2015, 959-960; for an overview see Dür and De Bièvre 2007a, 3-5) and access (Tallberg et al. 2015, 215-217; Hermansson 2016, 182-183). Institutional factors could be an important factor in this case, but there was not enough space to develop a rigorous theoretical argument and empirical analysis to examine such effects in this thesis. Access is, as discussed in section 4.1.1, more or less the same for the EEA EFTA States across policy areas. This determinant would have been more relevant if several actors had been studied.

The format and interests of organizations trying to lobby have also been emphasized, including the difference between businesses and non-governmental organizations, and between diffuse and concentrated interests (Dür and De Bièvre 2007b, 82-84; Bunea 2013, 557-558; Dür, Bernhagen and Marshall 2015, 957-958). Furthermore, lobbying strategies have also been argued to have an impact (Beyers 2002; 2004; Binderkrantz and Pedersen 2019, 78-81; De Bruycker and Beyers 2019, 60-63). However, as I am studying one strategy only utilized by one actor only (as the EEA EFTA States are seen as one), this is not very relevant. Also, much of this literature on lobbying strategies focuses on outsider vs. insider lobbying strategies. As this study is limited to a single insider strategy, this also falls outside the scope. There are also other issue characteristics that may be important, such as whether the issue is technical in nature and requires expert knowledge or what is referred to as “high politics” (Greenwood 2003, 20). This can be said to be partly covered by issue controversy.

## **5.0 Data**

When addressing the research question, the most important and by far most work-intensive part of this thesis is the data collection. Data is naturally of fundamental importance when conducting research and is seen as more important than how it is analysed. While subsequent statistical adjustments can help reducing the potential mistakes in the data collection phase, this is only to limited extent (Berk 1991, 316-317; Gerring 2012, 78-79). Both the dependent variable and most of the independent variables is entirely based on self-collected human-coded data. Consequently, the hypothesis testing – which is explained in the next chapter – fully depend on the data set. To make it clear what data is collected and the procedures of how it is done this is outlined in this chapter, over five distinct subchapters. The first subchapter explains the process of the identifying the positions in the EEA EFTA Comments. These positions are the units of analysis. This subchapter includes a clear delineation of what is included and not, and a brief overview of the identified positions. The second subchapter discuss preference attainment and the challenge of measuring influence. As this is the dependent variable, the process of measuring and operationalization is thoroughly outlined. The third subchapter presents all the independent variables, and the fourth provides a discussion of the opportunities and challenges when human-coding text. In the last subchapter, the validity and reliability of the data is discussed.

### **5.1 Identifying the EEA EFTA positions**

First, all the available EEA EFTA Comments were thoroughly read, and some key features of them were coded. This includes among other things the year and date of submission, title, what type of document or meeting that was addressed, whether the comment addressed a concrete and published legislative proposal and which subcommittee of the Standing Committee was responsible. In a single EEA EFTA Comment, there can be several distinct positions. Analysing the preference attainment of whole comments would therefore be difficult, as there may be different preferences on different issues and proposals within a comment. Thus, specific positions must be identified. It is easier to measure preference attainment of clear positions, and the number of observations gets higher, making them more suitable for quantitative analysis.



### *5.1.1 What is and what is not included*

The analysis is based on all available EEA EFTA Comments submitted between 1 May 1995 and until the end of 2019. The EEA Agreement entered into force 1 January 1994 and Austria, Finland and Sweden joined the EU on 1 January 1995. Liechtenstein became part of the EEA before 1 May 1995. Therefore, this is the starting point of the analysis. As mentioned in subchapter 2.4, only comments that either are clearly named “EEA EFTA Comment(s)” or where it is specified that is sent by the three EEA EFTA States are referred to as EEA EFTA Comments in this thesis. While there are some included comments that are supported by Switzerland, these comments are specifically called EEA EFTA Comments in the comment itself. In other words, the comments included are those submitted jointly by Iceland, Liechtenstein and Norway, within the framework of the EEA Agreement, in the period since the current composition of EEA EFTA States was established. About 15 comments fails to fulfil one or more of these criteria, and a total of 242 comments are thus included.

To be able to actually measure preference attainment, it must be clearly stated what the EEA EFTA States want and what is addressed. Thus, the analysis is limited to EEA EFTA Comments that addresses concrete and published legislative proposals – which includes decision proposals, directive proposals, recommendation proposals and regulation proposals. 129 EEA EFTA Comments passes this requirement for the time period studies. To measure preference attainment, one has to compare the comment to the outcome. For that reason, only comments addressing proposals which have led to adopted legislation are included, resulting in 103 comments that also passes this criterion. It would not be possible to measure the degree of preference attainment if the legislative procedure is not ended. Thus, the position must be addressing a legislative proposal that was adopted by the European Parliament and the Council by 1 January 2020.

Moving over to the positions more specifically, there are some further delineations. Only positions that disagrees with or proposes amendments to the Commission proposal are included. Identifying all the positions indicating support for the proposal would be very difficult, if not impossible. As further discussed in subchapter 7.2, the general impression is that most of the EEA EFTA Comments are generally supportive of the addressed proposals. Only on very rare occasions they take a sceptical stance towards the proposal as a whole. The supportive statements in the comments are often rather general, making it difficult to identify the EEA EFTA States’ position on specific issues. Further, if those were included, then a question arises

about what to do with the issues that were not mentioned. Could one simply assume that anything that's not mentioned is supported? And how should one then interpret the proposal that are not addressed? One possible approach to include the supportive positions could perhaps be to do it like Thomson et al. (2012) did to make their DEU dataset, where they identified controversial legislative proposals in the EU. However, they did this by interviewing several hundred experts (Thomson et al. 2012, 608), which requires time and resources far beyond what is available in this analysis. Furthermore, as some of the identified positions are on issues that are not controversial at all (such as wordings that are proposed changed "for clarification"), even the number of issues in each legislative proposal would be exceptionally difficult to find.

Lastly, another requirement for the positions is that they must be clearly stated. In some comments, the EEA EFTA States simply asks for clarifications on certain issues or they provide information about conditions in the EEA EFTA States. This is not identified as positions. In many comments, clear and detailed amendment proposals are suggested. These are obviously identified as positions. In some EEA EFTA Comments, however, there are a high level of uncertainty. For example, when the EEA EFTA States state that "We are slightly hesitant about Article 16 (6)"<sup>6</sup> or "it may be useful to..."<sup>7</sup> it is difficult to be totally sure what the intention is. Such questionable cases are thus not included. Summing up, for a position to be included, it must past the following criteria:

- It must be part of a comment that is publicly available.
- It must be part of a comment that clearly have been submitted jointly by Iceland, Liechtenstein and Norway within the framework of the EEA Agreement.
- It must be part of a comment that has been submitted between 1 May 1995 and 31 December 2019.
- It must be part of a comment that addresses a legislative procedure that was ended by 1 January 2020.
- It must be a clearly stated position
- It must propose some kind of change to a Commission proposal.

The positions which passed all these criteria where then coded and included in the dataset. Each of the positions point to something in the addressed proposal that EEA EFTA States wants removed, changed or added. If included in the comment, the specific part of the initial proposal that they propose to amend is described. Any details on what exactly the EEA EFTA States suggests is included in the dataset. For example, a suggestion to increase a budget post or to

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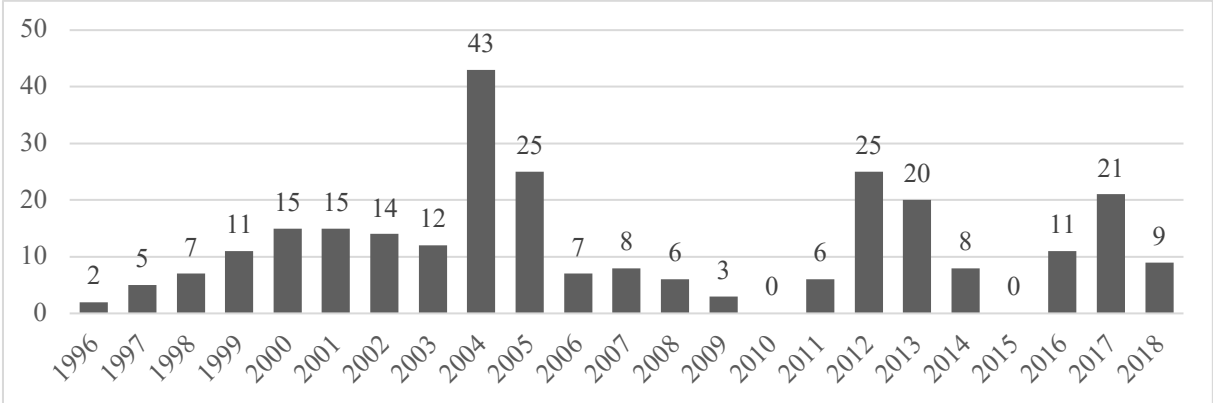
<sup>6</sup> "EEA EFTA Comment on the proposal for a regulation on occurrence reporting in civil aviation" submitted 22 March 2013 (EFTA. n.d.(a))

<sup>7</sup> "EEA EFTA Comment on the proposal for a directive establishing the fundamental principles governing the investigation of accidents in the maritime transport sector" submitted 20 October 2006 (EFTA n.d.(a))

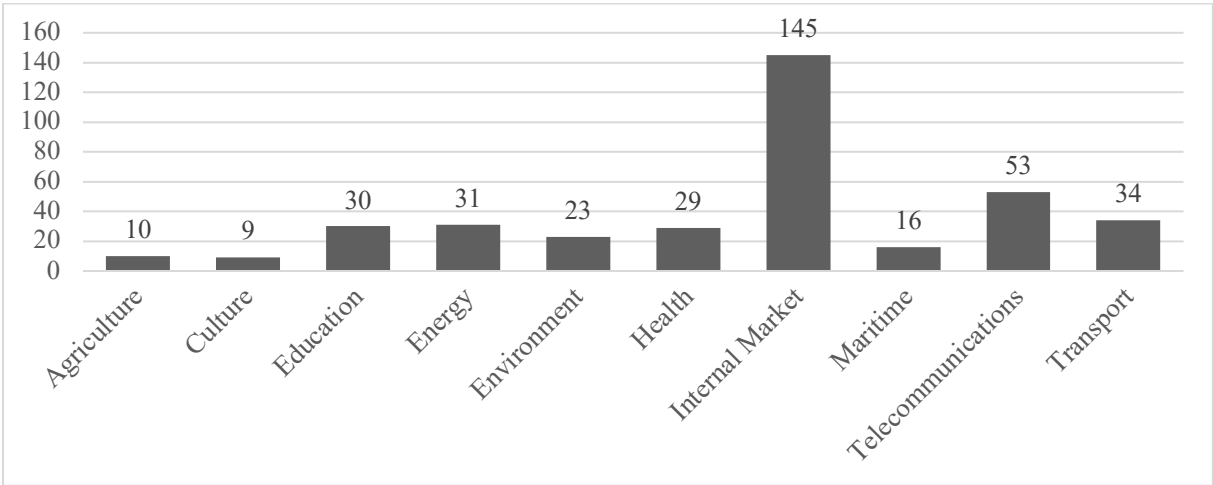
decrease some threshold may or may not include a specific preferred number. If a specific outcome and not only a direction of change is stated, this is included as well.

*5.1.2 The positions included in the dataset*

In total, 285 positions were identified that passed all criteria. When removing the positions where I was unable to measure the degree of preference attainment, 273 positions from 80 different EEA EFTA Comments remains. The figures below show the number of positions in dataset across years, policy areas and the types of legislative proposals that was addressed. Figure 6 show that the positions are far from evenly distributed across the years. While the number of comments varies from 4-18 per year, the number of positions ranges from 0 to 43. This is partly because the numbers of positions in a single comment range from 0 to 12. It should be noted that positions on ongoing procedures are not included.

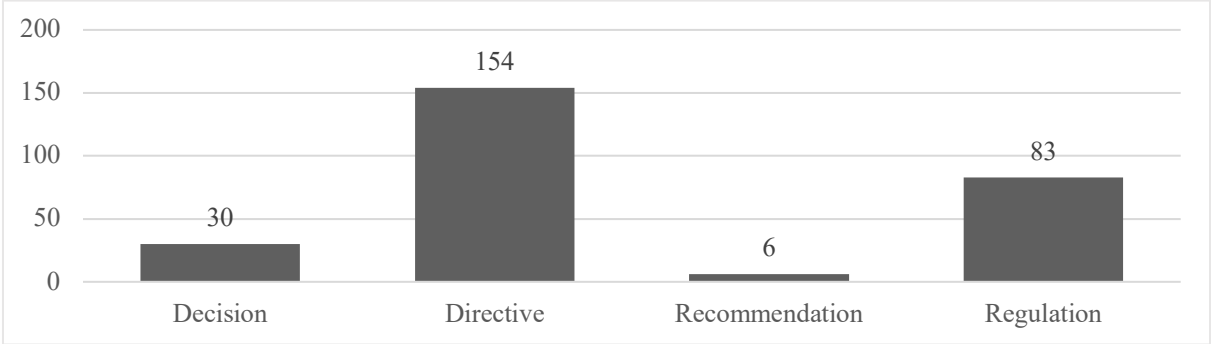


**Figure 6:** Number of positions included in the dataset depending the year of submission



**Figure 7:** Number of positions included in the dataset across policy areas. Note: Non-exclusive categories

Figure 7 above shows the number of identified positions across policy areas. The categories Agriculture, Energy, Health and Maritime are rather straightforward, as the label describes the categories well. However, some of the policy area groups should be explained further, as they serve as simplified and shortened labels for broader categories. The Culture category includes sport. In addition to direct education-related issues, the Education category covers vocational training and volunteering. Under Environment issues related to climate is also present. Internal Market is a very broad category as it refers to issues related to regulation of the internal market and consumers. For that reason, this “policy area” includes many positions. Telecommunications covers digitalisation, communications and media. Lastly, the Transport category covers all types of motorized transport – including airborne, seaborne, rail and road transport. Consequently, these are non-exclusive groups, and many of the positions are included in more than one group. Figure 8 below show that more than half the 273 positions in the dataset addressed directive proposal. Almost a third addressed regulation proposals, almost ten percent addressed decision proposals.



**Figure 8:** Number of positions included in the dataset depending on the type of legislative proposal that is addressed

**5.2 The dependent variable: Measuring preference attainment**

The second main step of the data collection is to measure the “success” achieved with the EEA EFTA Comments. Measuring influence is a huge challenge in the literature in general and also in this analysis. This subchapter aims at explaining this issue, and more importantly, how it is dealt with in this case – which is to focus on preference attainment rather than influence. As this is the dependent variable and thus an essential part of the analysis, the process behind the measurement and coding of the variable is thoroughly outlined. First, the challenges of measuring influence are discussed. Secondly, the preference attainment approach is presented, focusing on how it compares to other methods used to measure influence, and to what extent it

actually measures influence. Finally, the coding and operationalization of the preference attainment variable is comprehensively presented.

### *5.2.1 The problem of measuring influence*

Measuring the influence of interest groups has long been a tricky challenge. There is no shortage on scholars emphasizing the difficulties related to this task (e.g. Dür and De Bièvre 2007a, 1; Mahoney 2007, 35; Dür 2008a, 559-562). Mahoney (2007, 35) state that “group scholars have not, by and large, studied lobbying influence. Instead they have avoided it at all costs, troubling as it is to measure the concept quantitatively”. The EEA EFTA States are not like a typical interest group, but as discussed in the theory chapter, they have in common in that they do not have a vote when decision in the EU are made. The difficulties of measuring interest group influence are thus also relevant to measuring EEA EFTA influence in EU policy-making.

First, it may be difficult to find out what actors actually want – what their ideal point is. Measuring the influence of an actor is difficult if it is unclear what the actor sees as the preferred outcome. The best way for actors to push the outcome towards their ideal point may not necessarily be to lobby for that specific point. According to Ward’s (2004, 32-34) vector model, lobbying actors may exaggerate their ideal points to neutralise the efforts of competing interests. Consequently, lobbying efforts may not reflect exact preferences, making it difficult to measure to what extent the outcome is in line with the preferences. The outcome may thus be more satisfactory for the actor than it seems (Dür and De Bièvre 2007a, 7). It seems unlikely that there are such strategies in play in EEA EFTA Comments, as they are accepted by all three EEA EFTA States and their administrations, and thus differs greatly from typical lobbying interest groups. However, it cannot be entirely ruled out that there could be such strategic decisions behind the stated positions in the comments.

When the challenge of identifying preferred outcomes are dealt with, another challenge is to isolate the influence of a single actor. There may be several actors working to push the outcome in the same direction. It may seem obvious, but it could be very difficult to distinguish the effect of each of these actors, and to locate the actor(s) who actually have been influential. This may lead to an overestimation of the influence of the actors whose preferences are in line with the outcome (Mahoney 2007, 36). Conformity between preference and outcome may simply be luck rather than influence (Klüver 2013, 63). Oppositely, if the outcome is not in line with the

preferred outcome, the potential influence may be underestimated because of the concept Austen-Smith and Wright (1994, 29) refers to as counteractive lobbying. There may be actors attempting to push the outcome in different directions, and the influence of the “loser” may thus be underestimated (Dür and De Bièvre 2007a, 8; Dür 2008a, 561). An actor could actually have been influential in countering the efforts of competing actors. As Mahoney (2007, 37) points out, should one describe an actor as successful or not if “if they get nothing but prevented something worse”? Making the measuring of influence even more difficult, whether or not the preferences are supported by the public opinion may also be of importance, as it may constrain the possible actions of legislators (Dür and De Bièvre 2007a, 7-8).

Another issue is that influence may be exercised at different stages. Lobbying may be aimed at different stages of the policy cycle – at the agenda-setting stage, during the decision-making stage or during implementation (Dür 2008a, 561-562; Pritoni 2015, 188-189). As this analysis compares formal Commission proposals with adopted legislative acts, the decision-making stage is naturally the one most relevant. While the Commission of course is a common target for lobbyists (e.g. Bouwen 2009), this analysis is constricted to the stage after the proposal is adopted. Another challenge is that influence may be attempted exercised with different strategies and through different channels (Dür 2008a, 561), further complicating the measurement of influence. In sum, the complex multi-level system of the EU makes it difficult to measure influence, as there is a huge variety of actors trying to influence at different stages and with different strategies.

### *5.2.2 Why the preference attainment approach?*

Different approaches to measure influence have been used. Dür (2008a, 562-569) presents three broad methodological approaches: process-tracing, measuring attributed influence and measuring preference attainment. The rather broad qualitative method of process tracing aims at finding causal mechanisms and paths by carefully study diagnostic evidence (George and Bennett 2005, 206; Collier 2011, 834). This approach can, if done rigorously, give comprehensive insight about what and who have influenced a decision as well as how this have happened (Dür 2008a, 563). However, there are also several problems with this method. Among other things, Dür (2008a, 563-565) mentions among other issues potential lack of available evidence, difficulties related to measure degrees of influence, and that it is difficult to generalize based on small-N analyses. The attributed influence approach is usually done through surveys.

One way to do this is to ask the relevant actors to assess their own or their peers influence. This is problematic because the estimations can be biased. The actors asked may exaggerate or downplay their own or their peers' influence for personal gain (Dür 2008a, 565-656). Another possibility is to ask experts to assess the influence of political actors. This is criticized because experts may base their assessments on existing academic studies or generally accepted beliefs, or they may be shaped by specific cases (Dür 2008a, 566). Common for all the approaches based on attributed influence is that they all build on perceptions, and thus not necessarily actual influence (Dür 2008a, 566; Klüver 2013, 16).

The decision not to use these two approaches was partly based on the mentioned general weaknesses of process tracing and attributed influence, but mostly due to specific characteristics of the topic of EEA EFTA Comments. The comments cover several different policy areas, and are often drafted and initiated at the working group level, where often employees of the relevant ministries are represented. Consequently, there is a huge variety of people on the EEA EFTA side that produces the comments, and there is a variety of DGs in the Commissions who receives them. This means that there are few people with thorough knowledge of several comments. Using qualitative methods to assess the research questions is then difficult without limiting the analysis to few cases or interview a considerably large number of individuals. There are little available information and few potential interviewees. The EFTA Secretariat certainly are involved in the workings with the comments, but not necessarily at a technical level, and they are usually employed on fixed-term contracts of three years (EFTA n.d.(f)). These issues, as well as the problem of generalizing based on small-N analyses, led to the decision not to take a qualitative approach. The attributed influence approach was not used because it measures perceived influence, and because it would be difficult to find many people with a thorough knowledge of the influence achieved with the EEA EFTA Comments.

The last approach presented by Dür (2008a) – preference attainment – is applied in this analysis. The core idea of analysing preference attainment is to study the distance between the policy outcome and the actor's ideal preference (Dür 2008a, 566). This approach can be used both quantitatively and qualitatively, and both with objective and subjective data (Vannoni 2017, 371). There are several strengths of the preference attainment approach. It is an objective measure and it covers all channels of influence, also when no visible activity has taken place (Dür 2008a, 567; Klüver 2013, 16). Also, the approach makes it possible to code degree of

preference attainment into intervals. Furthermore, it makes it feasible to analyse many cases. This, in turn, may entail that potential errors cancel each other out (Dür 2008a, 567). By comparing a position of an actor and a legislative outcome, one can see whether – or to what extent – the preferences of the actor are attained. This can be operationalized in different ways. Using various preference attainment measures, McKay (2012, 911) operationalize this this on a dichotomous scale, Mahoney (2007, 44) and Bunea (2013, 560) uses an ordinal scale with three levels, while others and measures positions and outcomes on a 0-100 scale (Bernhagen, Dür and Marshall 2008, 213; Dür, Bernhagen and Marshall 2015, 960-961). All but the dichotomous measure thus allows for some differentiation of levels of attainment.

There are also weaknesses with the preference attainment approach as well. As discussed in the last subchapter, there may be problems associated with locating political positions (Klüver 2013, 16). Another issue is that this approach may be problematic when studying multidimensional issues (Vannoni 2017, 373). According to Dür (2008a, 568-569), this calls for the researcher to divide the issues in smaller and more specific ones, which in turn may make the data collection more difficult. As I started by identifying specific positions and thereafter measured the level of preference attainment, the latter weakness is not that big of an issue in this analysis. While the preference attainment approach can cover all channels – visible or not – it does not tell which channel was used (Dür 2008a, 568). Having in mind that the intention in this analysis is to study only one channel, this should be noted. Along the same lines, it is difficult to rule out alternative explanations, or to rule out that attained preferences may simply be luck (Dür 2008a, 568).

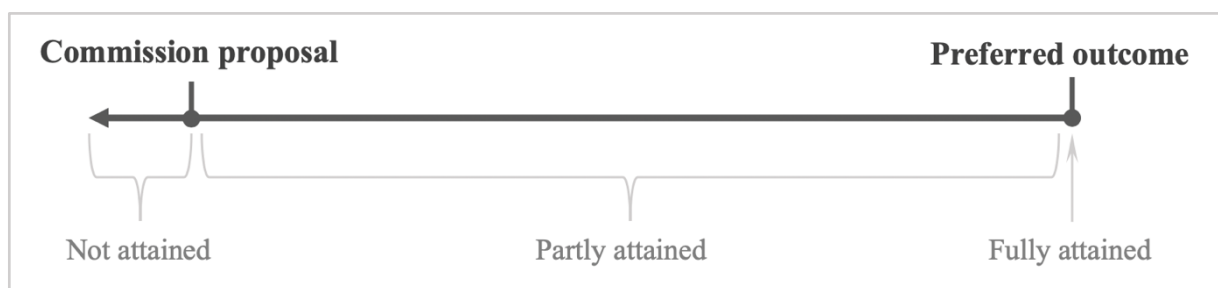
The latter point is of great importance, as it implicates that one cannot simply assume that preference attainment equals influence. The preferences of an actor may be fully attained, even if the actor have had no influence at all. Thus, the two concepts are not the same. Some scholars claim that they measure “success” rather than influence when using this approach (Mahoney 2007, 37; Dür, Bernhagen and Marshall 2015, 962). Simultaneously, while it is at best some kind of proxy for influence, degrees of preference attainment are interesting on its own. Also, when analysing the determinants of preference attainment, the findings may also be relevant for influence (Mahoney 2007, 44). However, as the two concepts are clearly different, the term preference attainment is used in this analysis, and no clear claims are made regarding the influence achieved with the EEA EFTA Comments.



### 5.2.3 Measurement and operationalization of preference attainment

The approach applied here is a simple version of preference attainment, where it is measured only based on the distance between stated preferences and the adopted act. The degrees of preference attainment were measured by studying the initial Commission proposals, the EEA EFTA Comments and the adopted legislative act, which was done in two main steps. First, clear positions were identified (see last subchapter). The positions were found by studying the EEA EFTA Comments, which are retrieved from EFTA website (EFTA n.d.(a)) and are therefore publicly available. As these are positions that suggested some kind of change in the proposal, there is a distance between the Commission proposals and the point of preference which is stated in the positions. Thus, for each issue there is now two different positions; the outcome proposed by the Commission and the outcome preferred by the EEA EFTA States. Second, the degree of preference attainment is measured by comparing the adopted legislative act with these positions. The legislative proposals and the resulting legislation are also publicly available<sup>8</sup>. The level of preference attainment is the extent to which the outcome is closer to the preferred outcome than the initial proposal.

It should be noted that there are more complex approaches based on preference attainment. Vannoni (2017, 372) argues that one should include both the status quo and the reference point – the resulting outcome if the proposal is not adopted – into the equation and proposes a more complex preference attainment model with two separate measures. This approach is, however, criticized. Dür (2017, 381) argues that while this method may be useful in some cases, it may also add unnecessary complexity. For simplicity, and to save time and resources, this approach was not applied in this analysis.



**Figure 9:** How preference attainment is coded in the analysis. Note: The dark line represents the dimension in which both the Commission proposal and the preferred outcome is located. The light grey texts indicate how an issue is coded depending on the outcome of the legislative proposal.

<sup>8</sup> They are publicly available at <https://eur-lex.europa.eu>

The logic of measuring and coding preference attainment used in this analysis is shown in Figure 9. Similar to Mahoney's (2007, 44) analysis, preference attainment is coded on an ordinal scale as either 0, 1 or 2 – not attained, partly attained or fully attained respectively. If the adopted legislative act is perfectly in line with the preferred outcome of the EEA EFTA States, there is full preference attainment and these cases are coded as fully attained. If the outcome is the same as the Commission proposal or further away from the preferred outcome, there has been no preference attainment. Consequently, these are coded as not attained. If the outcome is not similar to the preferred outcome, but closer to it than the Commission proposal was, it is coded as partly attained. This include any change in the direction of the preferred outcome, even if the degree of preference is 1 percent or 99 percent. This is done to make the coding easier and thus reduce the risk of coding error.

Some of the positions in the EEA EFTA Comments are formulated in a way that does not make it possible to use an ordinal scale and must thus be coded dichotomous. This cover among other things cases where the EEA EFTA States suggests a change in certain direction without specifying how big of a change they prefer. In these cases, any case in the right direction would indicate preference attainment. The dependent variable was therefore coded both on an ordinal scale with the values 0 (not attained), 1 (partly attained) or 2 (fully attained) and dichotomously with the values 0 (not attained) and 1 (attained). In the latter, "attained" include both partly and fully attained positions. The dummy variable is used as dependent variable in the main analysis, and the three-level version will be used in the robustness test (See chapter 6).

## **5.3 Independent variables**

### *5.3.1 Policy areas and resources*

To be able to see the variation in preference attainment across policy areas, the relevant policy areas of the positions were coded. Some of the policy area categories are rather broad, and all are non-exclusive. In section 5.1.2 the categories and distribution between them were shown. The data is gathered by studying the EEA EFTA Comments. More specifically, to be able to test Hypothesis 1 – that the variable *Energy + Maritime* is used. With the hypothesis it is expected that the degree of preference attainment is higher within these policy areas. This variable is dichotomous, where 1 indicates that the position is about an energy- and/or maritime-related issue, and 0 if it is not. The reason for using a joint variable for both policy areas is the low numbers of positions within these categories (31 energy-related and 16 maritime-related

positions). The joint category includes 46 positions, because there is one position that was both energy- and maritime-related. There are, however, also two separate variables for energy and maritime-related issues, which are used as a robustness test.

### *5.3.2 Issue controversy*

Hypothesis 2 expected lower levels of preference attainment on controversial issues. To measure this in a feasible and simple way, duration of the legislative procedure is used as a proxy for issue controversy. The logic behind this is that when issues are more controversial, it will take longer time to agree. The *Duration* variable is measured as the number of days between the date when the Commission proposal was published and the date when the adopted act was published the Official Journal. The data is collected by looking at the timelines of the legislative procedures at the European Parliament Legislative Observatory. The values on this variable ranges from 269 to 1392 days. This variable has some shortcomings that should be noted. First, duration of procedure is not an ideal measure for issue controversy. It is no guarantee that the duration of a procedure is a result of the level of controversy or conflict alone. Beyer (2004, 221) had experts measure the level of controversy and Mahoney (2007, 43) coded conflict on a three-level scale. These options would better capture the level controversy and would be more suitable to test the hypothesis. However, this would not be feasible for me to code, as it would be way too resource intensive as there is 273 different issues. Another weakness of this proxy is that to the extent it measures controversy, it does so at comment level, not on issue level. This implies that there may be other issues in the proposal that are the source of controversy.

### *5.3.3 Ideology and ideological distance*

With Hypothesis 3 it was expected that the ideological distance between the governments in the Council and the EEA EFTA States should matter. When the distance is smaller, the preference attainment should be higher. This is measured in multiple steps, based the ideological distance between the governments of the EU member states and the EEA EFTA States. First, the ideological position of every government for each year has to be identified. To do this, data from the Comparative Political Data Set (CPDS) by Armingeon et al. (2019) is used. The *gov\_party* variable in the CPDS is used, which measures the cabinet composition based on ideology from 1 to 5: (1) hegemony of right-wing and centre parties; (2) dominance of right-wing and centre parties; (3) balance between left and right; (4) dominance of left-wing parties; (5) hegemony of left-wing parties. This dataset is used for the time period 1995-2017.

The years 2018 and 2019 are not covered by the dataset, so I had to code the cabinet compositions for these years myself. For this part, I used ParlGov (Döring and Manow 2019) to identify which parties were in government as well as their vote shares. I used the Irgen variable 2019 Chapel Hill expert survey (Bakker et al. 2020), which is a left-right scale from 0 to 10 on the general ideological stance of parties. It should be noted that the cabinet compositions in the CPDS uses the Schmidt index, which is based on the distribution of cabinet posts (Armingeon et al. 2019). To simplify the process, the self-coded values for 2018 and 2019 is based on vote share of the parties in government rather than the distribution of cabinet posts.

Secondly, when the ideological positions of the governments were coded, both the EU side and the EEA EFTA side needs a single value. For the EU side, the value is simply based on the average of the EU member states. One cannot claim that the influence of all member states is equal in the Council (see for example Thomson 2011, chapter 9). However, weighting the power of all member states would be very resource intensive and difficult to do right. One would at least need to take the changes following three enlargements into account, and one could argue that there is way more that should be included into the equation – for example the rotating Presidency. Thus, a simple average of the EU governments for each year is used instead.

Another issue with this measure is that the left-right scale may be interpreted and applied differently in different parts of Europe. Scholars have argued that the ideological dimensions are different in Eastern Europe than it is in Western Europe (e.g. Rovny and Edwards 2012, 64). Marks et al. (2006, 158-159) argue that the economic left-right scale and green/alternative/libertarian-traditionalism/authority/nationalism(GAL-TAN) axis is combined oppositely in Eastern than in Western Europe. Similarly, Thomson (2011, 54) argues that the left-right scale captures social issues differently across countries. He also emphasizes that few of the EU competences are directly relevant to distribution. The EU budget is small, and most taxes are dealt with on national level (Thomson 2011, 54-55). Consequently, measuring the distance based on the left-right scale only is not ideal. Ideally the distance should have been measured by several dimensions, for example the GAL-TAN and economic left-right axes. Measuring the difference in terms of European integration could also be interesting. In their supranational scenario model for EU legislation, Tsebelis and Garrett (2000, 15-17) emphasizes the importance of the anti-/pro-integration dimension. The distance should therefore ideally be tested on more dimensions than the left-right scale alone, but due to limitations in terms of data availability this was not possible.

For the EEA EFTA States the value is weighted, partly due to lack of data and partly by intention. There was no data for Liechtenstein available, so the EEA EFTA ideological position is only based on the Icelandic and Norwegian governments. As the preliminary interviews revealed that Norway often initiates comments and that they seem to have more weight in the process (see section 7.1.2), the Norwegian government is expected to matter the most. Thus, the EEA EFTA “average” is based one third on the ideological position of the Icelandic government and two thirds on the ideological position of the Norwegian government, and is calculated this way:

$$\text{Weighted EEA EFTA average} = \frac{\text{Iceland} + \text{Norway} + \text{Norway}}{3}$$

Finally, the distance between the EU average and the weighted EEA EFTA average is measured, and the resulting value is the *Ideological distance* variable. The values on the variable varies from 0.2 to 2.6 on the five-point scale. Naturally, as the EEA EFTA value is based on only two states, this fluctuates more over the years than the EU average. Each position in the dataset is assigned the value for the year in which the legislative act in question was adopted by the Council.

Hypothesis 4 anticipated that EEA EFTA positions suggesting more market regulation are more likely to be attained when the average ideological positions of EU government are leftist. This is tested with an interaction between the *Market regulation* variable and the *EU left* variable. *Market regulation* is a self-coded variable indicating the position of the EEA EFTA States on preferred level of market regulation. Each position is coded 0 (less market regulation), 1 (neither more or less regulation) or 2 (more regulation). The *EU left* variable is simply the EU average which was used for the distance variable, as this is measured on a 1-5 scale where 5 is most leftist.

#### 5.3.4 Control variables and other variables

Three control variables are used to control for other potential explanations. Both the Commission and the Members of the European Parliament may be dependent on input on complex issues and may thus be more prone to listen to other actors on complex issues (Crombez 2002, 10; Klüver 2013, 41). While the Commission is not of much relevance in this analysis, the European Parliament is, and issue complexity will therefore be controlled for. The

numbers of recitals of the initial Commission proposal is a common proxy for issue complexity (Keading 2006, 236; Rasmussen and Toshkov 2011, 86; Klüver 2013, 120; Bressanelli et al. 2014, 12). Accordingly, *Recitals* is used to control for complexity. It is coded as the number of recitals in the Commission proposal that is addressed, and the values range from 7 to 104.

Following the legislative model by Tsebelis and Garrett (2000, 15-16), one can assume that the Council on average is less integrationist than the Commission. The analysis by Crombez and Hix (2011, 304-306) of four Commissions also indicates that most member states have been less pro-Europe than the Commission. This makes sense, as the Commission may want to increase its powers (Hix and Høyland 2011, 24). As the Council have to approve a proposal for it to be adopted, one could thus assume that the outcome of legislative processes tends to be less integrationist than proposals whenever they imply more integration. With this logic, one can assume that preference attainment is more likely if the positions of the EEA EFTA States suggest less integration than the addressed proposal. For these reasons it was controlled for this with the variable *Less integration*. The positions are coded 0 if the EEA EFTA States do not suggest less integration, and 1 if they do. In cases where level of integration is not relevant for the position, it is coded 0. *Year of submission* is also used as a control variable. It is coded by the year the EEA EFTA Comment in which the position is located were submitted. This is simply to control for potential variance in preference attainment over time. All variables and how they are operationalized are shown in Table 2.

Two other variables were added to control of for positions that are expected to be of less importance for the EU. *Technicality* refers to whether the position suggests a change that is rather unimportant. This is an entirely subjective measure, of course, and it is coded 1 if it appears like a technicality and otherwise coded 0. *EEA EFTA specific* is also a dummy, where the positions are coded 1 if they are on an issue that are mostly relevant only to the EEA EFTA States. This cover mainly positions emphasizing the states' rights to participate in EU programmes or other rights as EEA Agreement signatories. For example, addressing a Commission proposal to establish a European Food Authority, the EEA EFTA States suggested that "Representatives from corresponding bodies in the EEA EFTA States should participate in work of the Advisory Forum."<sup>9</sup>

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<sup>9</sup> "Comments from the EEA EFTA States on the proposal for a regulation establishing the European Food Authority" submitted 7 May 2001 (EFTA n.d.(a))

Of course, one could argue that the EU member states also are affected by these issues – at least indirectly. For example, whether the EEA EFTA States participate in a programme or not, this could possibly have an impact on the programme, for instance budgetary implications.

<b>Variable</b>	<b>Description</b>	<b>Coding</b>	<b>Coding details</b>
<i>Preference attainment dummy</i>	Degree of preference attainment	0, 1	0: Not attained 1: Attained
<i>Preference attainment</i>	Degree of preference attainment	0, 1, 2	0: Not attained 1: Partly attained 2: Fully attained
<i>Energy+Maritime (H1)</i>	Whether or not the position is related to maritime issues or energy	0, 1	0: Not relevant to maritime issues or energy 1: Relevant to maritime issues and/or energy
<i>Duration (H2)</i>	The number of days between the date when the Commission proposal was published and the date when the adopted act was published in the Official Journal		
<i>Ideological distance (H3)</i>	The ideological (left-right) distance between the EU average and the weighted EEA EFTA average*	0-4	0: No difference ... 5: Maximum difference
<i>EU left (H4)</i>	The average ideology of the EU governments on a right-left scale*	1-5	1: Most right-wing ... 5: Most left-wing
<i>Market regulation (H4)</i>	Whether the position of the EEA EFTA States suggests less market regulation, more integration, or neither.	0, 1, 2	0: Less market regulation 1: Neither less nor more market regulation 2: More market regulation
<i>Recitals</i>	The number of recitals in the initial Commission proposal that is addressed		
<i>Less integration</i>	Whether or not the position suggests less European integration than in the addressed Commission proposal	0, 1	0: Does not suggest less integration 1: Does suggest less integration
<i>Year of submission</i>	The year the EEA EFTA Comment in which the position is located were submitted		
<i>EEA EFTA specific</i>	Whether or not the position is on an issue that is mostly related only to the EEA EFTA States	0, 1	0: Not EEA EFTA specific issue 1: EEA EFTA specific issue
<i>Technicality</i>	Whether or not the position is on a rather trivial/ less important issue	0, 1	0: Not a technicality 1: Technicality
* Sources: Armingeon et al. 2019; Döring and Manow 2019; Bakker et al. 2020			

**Table 2:** Overview of the variables and how they are operationalized

## 5.4 Limitations of human-coding

All the positions are coded manually. An important strength is that human-coding may be better fit to code technical or complex cases. It can be a useful approach to measure policy positions of interest groups because it gives better insight of text characteristics (Bunea and Ibenskas 2017, 349). However, with such an approach there are also some important weaknesses. One perhaps obvious and in this case very important weakness of human-coding is the risk of coding errors. Mikhaylov, Laver and Benoit (2012, 84-87) found low levels of intercoder agreement when they used trained human coders to code party manifestos and argues that this may be very problematic in terms of reliability. Extensive coder training is thus necessary, and it is important to have a clear codebook (Neuendorf 2002, 158-158). While neither intercoder agreement nor training of other coders are directly relevant in this case, it still shows the potential of coding error as well as the need for preparations before starting the coding. If anything, only one coder could increase the level of uncertainty. Bunea and Ibenskas (2017, 347-348) emphasize that the risk of error is especially relevant within the area of EU lobbying and policy-making as this can be very technical. Another important weakness with human-coding is that it requires a lot of resources, making it difficult to use on large-N analyses (Pritoni 2015, 187; Bunea and Ibenskas 2017, 348).

### 5.4.1 Efforts to minimize the weaknesses

Having in mind that more or less this whole analysis builds upon the human-coding in the data collection, minimizing the coding errors is critical. To do so, several tactics were used. All the EEA EFTA Comments was read through at least one time before coding any specific positions. Thereafter, having read several hundreds of pages of comments, a general insight about the EEA EFTA Comments was developed. Clear coding rules was established on how to identify suitable positions (as shown in section 5.1.1) and how to measure preference attainment<sup>10</sup>. Some simple testing was done with a fellow master's student with knowledge of EU policy, who was informed about the coding rules and asked to identify specific positions that matches the criteria in five different EEA EFTA Comments. The results of that test showed the same positions were identified. A similar test was done when measuring preference attainment, where eight randomly selected positions were measured. Of the eight positions, my helper managed to code seven, all of them coded the same way as I did. In cases where there was some uncertainty, I

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<sup>10</sup> See Appendix A for the coding rules of how positions are identified and preference attainment is coded.



asked for the opinion of at least one fellow student on how to code that particular case. This was rarely needed when identifying positions but was done on approximately 20 occasions when measuring preference attainment. In cases where the uncertainty was high, the degree of preference attainment was not coded.

The shortcoming of the human-coding related to resource intensity is luckily not that big of an issue in this analysis, as I managed to analyse all the EEA EFTA Comments that passed the criteria. Thus, the number of units would not have been larger if for example automated coding was used. While the coding process have been a time-consuming task, the N is as high as it could be, and I have avoided the potential risk of missing important information that automated coding would entail.

## **5.5 Reliability and validity**

The reliability and validity of the data is important concepts for the quality of the data. Reliability refers to the consistency and precision of the data. With high reliability it should be possible to repeat the analysis with similar results (Grønmo 2011, 220; Gerring 2012, 83). All the data used in this analysis is gathered from public available sources. Validity refers to whether the data actually explains what it is supposed to explain (Gerring 2012, 82). If it had been taken for granted that preference attainment – the dependent variable – equals influence, the validity could have been questionable. Thus, the dependent variable should be interpreted as what it is – a measure of preference attainment, and not a measure of influence. Both the validity of the reliability of the dependent variable obviously also depends on the preliminary human-coding of positions and subsequently the manual measuring of preference attainment. Human-coding of positions was chosen because it makes it able to see detailed and complex text characteristics that otherwise could not have been possible. The coding was done in a rigorous way by spending a substantial amount of time, which increases the reliability of the human-coding. To investigate the reliability of the coding, the tests describe in the previous section were conducted. This included a cross-coder reliability test, both on the identification of positions and when measuring preference attainment. Furthermore, clear and objective coding rules were established prior to the coding (See Appendix A).

Regarding validity, two variables used in this analysis is especially worth noting. Duration of the legislative procedure is used to measure issue controversy, and the number of recitals is used to measure issue complexity. The validity of the data then largely depends on to what extent the variables serves their purpose as proxy variables. The variable Technicality should also be mentioned. It is based on a subjective assessment of the “importance” of the changes proposed in the positions. It could thus be challenging to replicate this coding.

This analysis covers all EEA EFTA Comments and positions that fulfils the criteria, entailing that the findings should be more or less true for the chosen sample (depending on the measurement). This is what one refers to as the internal validity. External validity, on the other hand, refers to whether one can apply the findings from the analysis to other contexts (Gerring 2012, 84). The EEA EFTA States’ complex relationship to the EU is unique, which makes it difficult to compare it with other cases. One could argue that some elements of this analysis may be applicable to other third countries closely associated with the EU, but no other non-members are integrated into the EU to the extent the EEA EFTA States are. It may be possible to generalize the analysis to the preference attainment of the EEA EFTA States more generally, and not only through the comments. Such generalization should, however, be done with care. The positions analysed here are all proposing a change, meaning that they are not representative for the EEA EFTA States’ general stance on Commission proposal. Most likely there are numerous supportive positions for each position suggesting change. Furthermore, the EEA EFTA Comments are a formal channel of decision-shaping, meaning that it could be challenging to generalize to less formal channels.

## **6.0 Methodological approach**

The research question at hand should drive the selection of research design and methods, and the research design should carefully be selected to fit the purpose (George and Bennett 2005, 17; Gerring 2012, 78). To assess the research question, a multimethod approach is applied. While the main analysis is quantitative, some preliminary interviews were first conducted. The EEA EFTA Comments are barely mentioned in the academic literature. Thus, preliminary interviews were used to get important contextual information. These are not aimed at answering the research question but does rather serve an exploratory role. Subsequently, all available EEA EFTA Comments were analysed, and a dataset was created with concrete positions identified in them. The degree of preference attainment in these positions was manually measured. Trying to find the determinants of preference attainment, a logistic regression analysis was conducted. Finally, multilevel logistic regression and multinomial logistic regression were used to test the robustness of the findings.

The structure of this chapter is divided into four main sections. First, the strengths and weaknesses of applying a multimethod approach is discussed. Secondly, the preliminary interviews of the analysis and how they are used is presented. Interviews as a research method is discussed, focusing on what is important when conducting interviews. Thereafter, the methods for the explanative part of the analysis is presented. This part includes general characteristics of logistic regressions, its assumptions and how it is applied in this thesis. To test the robustness of the results, multilevel logistic regression and multinomial logistic regression, as both were used as robustness tests. Since the proportional odds assumptions was violated, a multinomial rather than an ordinal logistic regression analysis was conducted as the second robustness test. This is outlined in the last part of the chapter.

### **6.1 Why a multimethod research approach?**

There are a variety of definitions of multimethod research, but a common trait of the definitions is that more than one method is used – often a combination of qualitative and quantitative methods (Goertz 2006, 4-5). The use of multimethod approaches increasingly popular (Seawright 2016, 44), and it has some substantial advantages. Most importantly, different methods may serve as compensators of each other's shortcomings. Ragin (1987, 70) argues that quantitative methods have an inherent bias towards explanations that are structural. Qualitative

research, on the other hand, have a bias towards explanations that emphasizes human agency. Multimethod approaches give the ability to cancel out weaknesses of the different methods, while at the same time get the strengths of both (or all) of them (Ragin 1987, 70-71). According to (Lieberman 2015, 240), integration of multiple methods can be used to reveal causal mechanism and test rival explanations.

However, there are also important disadvantages of conducting multimethod research. Rohlfing (2008, 1493) argues that “one might lose more than one gains” due to the risk of travelling mistakes. As this is not a nested analysis where the methods are deeply connected, this should not be a problem in this case. A common criticism is that it is difficult to do be good at both quantitative and qualitative research (Lieberman 2015, 253). Another important criticism is the fact that it takes more resources when more than one method is used (Halcomb 2018, 500). For this thesis, economic resources are not really relevant. Time, on the other hand, is of essence in this case, so deciding to use two methods is of course to some extent a trade-off. Nevertheless, as the EEA EFTA Comments is in academic terms a rather unexplored topic, it was decided to conduct a few preliminary interviews to get a general understanding. These cannot be seen as tools for assessing the research question. While it has been the goal to carry out the interview as rigorous as possible, most of the focus and time has been devoted to the other parts of the analysis, as these are more essential in dealing with the research question. Consequently, little time has been “sacrificed” by adding a qualitative element to the analysis.

## **6.2 Preliminary interviews**

The EEA EFTA Comments are barely mentioned outside of EFTA documents, with few exceptions (Jónsdóttir 2013, 47; Frommelt 2017, 59-60). Therefore, preliminary interviews were conducted in order to get a general understanding of the context in which the comments are submitted, including the motives of producing comments, how they are produced, how the EEA EFTA States collaborates and how the comments are received. It is not uncommon to use qualitative research methods prior to statistical research, and according to Ritchie (2003, 40) “this is particularly valuable in studies where the subject matter under investigation is new or underdeveloped”. Furthermore, she argues that it could be fruitful when “some identification of the underlying constructs is needed” (Ritchie 2003, 40). In this case, the information gathered through the interviews – in addition to provide useful general information about the topic – contributed to operationalization of one of the key explanatory variables (see section 5.3).

### *6.2.1 Planning and implementation*

The aim was to interview one person who have represented each of the three EEA EFTA States when working with the comments and one EFTA Secretariat official, and ideally at different levels in the process of making and submitting comments. Recruiting interviewees was first done by contacting individuals who according to public sources online appeared to be working with EEA EFTA Comments, then continued by snowball selection procedure – which means that the interviewees are asked to recommend potential interviewees (Ritchie, Lewis and Elam 2003, 94). For the interviewees to remain anonymous, it was ensured that several individuals were proposed from each of the groups. Three individuals with experience with working with the EEA EFTA States was interviewed: One Senior Official of the government of Liechtenstein, one employee of the Section for European Affairs in the Norwegian Ministry of Education and Research and one Officer of the EFTA Secretariat have been interviewed. One the interviewees have been included mainly at working group level, one has been involved at the later stages, and one have had more of a role as facilitator of the process of producing comments.

Prior to the interviews, approval of the ethical aspects of the projects from the Norwegian Centre for Research Data was ensured. This includes procedures for data protection and other privacy issues. When that was done, an information letter was sent to the interviewees, stating the general topics of the interviews<sup>11</sup>. They were also sent a consent form that was signed. The interviews were conducted over skype and phone, and were audio recorded. Recordings were done on a device not connected to internet and stored separately from identifiable information. In the beginning of each interview, the information from the consent form was repeated. The interviews had a semi-structured format, making it possible to gather information in detail while also being able to compare the answers of the interviewees (Leech 2002, 665). The interview guide included questions that was asked to all participants, and several potential follow-up questions was planned. It was also ensured some room for improvisation if needed<sup>12</sup>.

When the interview guide was made, it was emphasized to avoid leading or presuming questions, as the researcher should not influence the answers (Leech 2002, 666-667; Legard, Keegan and Ward 2003, 154). For example, when trying to map the motives of submitting the EEA EFTA Comments, the interviewees was first asked the following question: “Why are EEA EFTA Comments submitted?”. Only after that question, the interviewees were asked more

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<sup>11</sup> See Appendix B for the information letter.

<sup>12</sup> See Appendix C for the interview guide used in the preliminary interviews.

specifically if there are other motives as well. It is recommended to start with easy and uncontroversial questions before dealing with the controversial issues (Leech 2002, 666; Grønmo 2011, 163). Thus – while none of the questions could be classified as particularly controversial – the issues where some reluctance could occur was dealt with in the second half of the interviews. This includes questions about how the collaboration between the three states works in practice, and about potential controversial EEA EFTA Comments. After the interviews, the interviewees were sent a transcription for approval before anything was used. All in all, the interviews were conducted with few problems, and the information gained exceeded the expectations.

### *6.2.2 Considerations and limitations*

There are, however, some shortcomings that should be addressed. Perhaps most important is the lack of an interviewee having represented Iceland working with the comments. It was attempted to recruit an Icelandic representative, but at some point, it was decided to stop the recruiting to not spend too much resources on this. At the same time, this part of the analysis is not directly aimed at the research question. The fact that the interviews were not conducted face-to-face also entail some limitations, such as the inability to analyse body language and the danger of connection problems or other interruptions (Seitz 2016, 230-232). It was nevertheless decided to do it like this due to resource limitations. Nevertheless, apart from few seconds of audio missing in one of the interviews, no problems occurred during the skype and phone interviews. In hindsight, on a few occasions more time should be given the interviewees to elaborate their answers before moving on to the next question. That could have revealed more information (Leech 2002, 666; Legard, Keegan and Ward 2003, 157). Furthermore, my occasional extraneous remarks like “I see” should have been avoided, as it might have led the interviewees to wrap up their answer earlier than planned (Legard, Keegan and Ward 2003, 159).

## **6.3 Logistic regression analysis**

To test the hypotheses, logistic regressions are conducted. This – and not ordinary least squares regression – are used because the dependent variable is dichotomous. In such cases, logistic regressions are preferred (Gelman and Hill 2007, 79). While linear models also predict values higher than 1 and lower than 0, this is not the case with logistic regression models. Logistic models rather predict the effect of the explanatory variables on the probability of 1 occurring

rather than 0 (O'Connell 2006, 11; Dougherty 2016, 370-373). Before running the regression, the variables were tested for collinearity by conducting variance inflation factors (VIF) tests. Collinearity refers to correlation between the variables – that there is a linear relationship between them (Tjønnedal 2018, 165). Multicollinearity simply refers to intra-correlation between several variables. High collinearity may lead to unstable coefficients and thus be problematic (Fox 2016, 341). To test the goodness-of-fit of the models, Hosmer-Lemeshow tests was done on the different models. This test show whether the models follows S-curves, and thus whether logistic regressions are appropriate (Cohen et al. 2003, 506).

Hypothesis 4 expected that preferences suggesting more market regulation are more likely to be attained when the EU member states' governments are more leftist. Thus, was tested by analysing whether there is an interaction effect between the variables Market regulation and EU left. Interaction effects refers to simultaneous effect of more than one variable and implies that the effect of the variables depends on each other (Dougherty 2016, 218-219). In other words, it is tested whether the degree of preference attainment of positions suggest more regulation are dependent on average ideology of EU governments.

## **6.4 Robustness checks**

### *6.4.1 Multilevel logistic regression: controlling for random effects*

To test if the findings from the main analysis with binomial logistical regressions are robust, both multilevel logistic regressions and multinomial logistic regressions have been conducted. As the positions in the dataset is nested in different EEA EFTA Comments, multilevel logistical regressions were conducted to control for potential effect of belonging to a certain comment. First, the variance between groups – which in this case is the EEA EFTA Comments – was analysed. Variance between the second-level groups is an empirical presumption for conducting a multilevel analysis (Luke 2004, 17-21). The variation was first tested by analysing the random intercepts of the comments. Thereafter, the variance was also measured with testing the intraclass correlation coefficient (ICC) on an empty model. ICC show the variation on the dependent variation between the different groups (Finch, Bolin & Kelley 2014, 24). Multilevel logistic regressions were conducted using all variables. Then, the results were compared to the results of the main analysis, to test if those are robust when controlling for which comment the positions were located in.

#### *6.4.2 Multinomial logistic regression: does the coding of preference attainment matter?*

To test if the results were similar if the three-levelled measure of preference attainment was used rather than the dummy variable, an analysis with a three-levelled ordinal dependent variable was used as well. The initial plan was to use ordinal logistic regression. Normally, it would make sense to use the ordinal logistic regression method with such a dependent variable. However, one of the assumptions when applying this method is the proportional odds assumption, which implies that the independent variables have the same effect on the dependent variable for each outcome category (O'Connell 2006, 29). The proportional odds assumption was tested with a Brant test (Brant 1990). The Brant test has been criticized for having a tendency to claim the proportional odds assumption is violated often (O'Connell 2006, 29). Thus, also a graphic test of linear predictions from the logit models are used, as recommended by Harrell 2015, 315-316). Both the Brant test as well as the graphic test of linear predictions indicated violation of the proportional odds assumption (the test results are described in subchapter 7.5.2). Hence, instead of ordinal logistic regression, multinomial logistic regressions were chosen as the method to study the ordinal dependent variable.

While binomial logistic regression analysis calculates one logit coefficient between each explanatory variable and the dependent variable, multinomial logistic regression provides one logit coefficient for each category relative to a reference category (O'Connell 2006, 76). Applying the multinomial approach to this case, this means it will provide both a coefficient for the probability of a position being partly attained rather than not attained, and a coefficient for the probability of a position being fully attained rather than not attained. A potential problem with this approach is that interpretation may be difficult with complex models (Ledonter 2013, 133-134). Thus, the interaction effect – and therefore also Hypothesis 3 – are not tested in the multinomial logistic analysis.



## 7.0 Analysis

Several steps are needed to properly assess the research question – “*To what extent are the preferences stated in the EEA EFTA Comments attained in the EU decision-making process, and what are the determinants explaining the level of preference attainment?*”. This chapter contains the analysis of the research question and is divided into five parts. First, in order to further understand the context in which the EEA EFTA Comments are submitted, the results from the preliminary interviews are presented. The motives of submitting comments and the collaboration between the EEA EFTA States are particularly emphasized. Secondly, a general overview of the EEA EFTA Comments is provided, with an emphasis on what type of documents or events the comments are submitted as response to. Thirdly, the degree of preference attainment in the 273 identified positions from the comments is presented. In this section the first part of the research question is dealt with. The degree of preference attainment is illustrated with descriptive statistics from the gathered dataset, showing the general level of preference attainment, as well as the variation of attainment across policy areas, depending on the type of proposal that is commented, and depending on which EFTA subcommittee which have submitted the comment. The following section is where the results from the logistic regression analysis is presented. The regression analysis makes it possible to test all hypotheses, and this section is thus crucial for the second part of the research question. Finally, in the last section the results from multinomial logistic regressions and the multi-level logistic regressions are presented in order to assess the robustness of the main analysis.

### 7.1 Preliminary interviews: understanding the lay of the land

To briefly cover issues largely overlooked in the literature – such as why the EEA EFTA Comments are submitted and how the EEA EFTA States collaborate – three semi-structured preliminary interviews were conducted. Importantly, the goal of these interviews was not to be able to generalize, but to get a deeper understanding, and to be able to make some general assumptions about the comments. The interviewees of the three preliminary interviews have in common that they have all worked with the EEA EFTA Comments. However, they represent different actors and have had different roles in the process of producing and submitting comments. One employee of the Government of Liechtenstein, one employee of the Section for European Affairs in the Norwegian Ministry of Education and Research and one employee of the EFTA Secretariat have been interviewed. The interviewees have been involved in various stages of the process of producing comments.

### *7.1.1 Producing EEA EFTA Comments in practice*

As outlined in section 2.4.2, there are no formal procedures for producing EEA EFTA Comments, but it does exist some guidelines. As stated in the guidelines (Standing Committee 2018, 1-2), the comments should be drafted at working group level (unless the EFTA Secretariat are asked to do it). This was also how it is in practiced (Interview A; B; C). The official of the Government of Liechtenstein describe the process as a bottom-up approach, driven by the individual working groups and for the most part only formally approved at the later stages (Interview C). In many cases it is Norway that takes the initiative to make a comment (Interview B; C). Also, it is often Norway who produce the drafts in cooperation with the EFTA Secretariat (Interview B). In the working groups, the EEA EFTA States are mostly represented by employees from national ministries relevant to the issue, while at later stages from the foreign ministries or the missions/delegations to the EU (Interview B; C). In addition to occasionally drafting comments, the EFTA Secretariat has a role as a facilitator throughout the process, which includes managing the administrative elements of the process (Interview A).

After the EEA EFTA Comment are produced, the follow-up of the comment is important. An important part of the follow-up is meetings with stakeholders (Interview C). Norway are the most active EEA EFTA State also in this phase, since they have more resources in their delegation to the EU. With resources, it was referred to number of employees and experts. (Interview C). In general, the variation in administrative capacity and resources between the EEA EFTA States appears to have a substantial effect on the role of the different states, and it was mentioned several times by two of the interviewees (Interview B; C).

From the interviews it was revealed that there have been drafts or ideas of potential EEA EFTA Comments that were not submitted. At least two reasons for this was mentioned. One of these is that it may take too long time to produce a comment. If the EEA EFTA States uses too much time to agree on a common position, the legislative procedure in the EU can be finished before they are able to submit a comment (Interview A). Thus, it was underlined that timing is essential. This is not only important for being able to submit a comment before a formal decision is made, but also because it may be easier to achieve influence if one is involved early in the process (Interview A). However, it is far from often the case that the process is so slow that it is overtaken by events on the EU side (Interview A; C). A more obvious reason is simply that the EEA EFTA States simply does not agree on an issue. The employee in the Norwegian Ministry of Education and Research could recall an issue where the three states could not agree.

This resulted in that the states rather would use other channels to promote their views. Nevertheless, this is rather rare (Interview B).

### *7.1.2 Collaboration between the EEA EFTA States*

The EEA EFTA Comments are documents submitted commonly by the EEA EFTA States. The three states also have to speak with one voice in the EEA Joint Committee – the joint EEA institution where views are exchanged and decisions are taken (EEA Agreement Article 92; 93). One could therefore argue that the collaboration between the states are highly relevant. All three interviewees points out that the EEA EFTA States are very different in several ways, but at the same time that the general collaboration between the EEA EFTA States works well (Interview A; B; C). One interviewee said that *“it almost works surprisingly well. We are very different in a number of respects – in terms of size, interests, economies and so on.”* (Interview C). Another pointed out that the EEA Agreement still exists after 25 years, and that *“one of the reasons for that must be that cooperation works well”* (Interview A). Thus, the general impression of the interviewees seems to be that the three states works well together despite their differences. This is in line with the findings of the Norwegian EEA Review Committee (Official Norwegian Report [NOU] 2012:2) and its accompanying reports written from the two EEA EFTA partners (Bergmann 2011, 17-18; Frommelt and Gstöhl 2011, 49), which argues that cooperation overall works well, despite some tensions.

When it comes to collaboration with EEA EFTA Comments more specifically, the general view also seems to be that it works well. Different levels of capacity between the states is underlined, and it is often Norway that initiates new comments (Interview B; C). The employee of the Norwegian Ministry of Education and Research said it is often Norway that does most of the work, but that it makes sense given the differences in size between the countries. In the field of this interviewee, drafts are often made by Norway and the EFTA Secretariat, and subsequently the drafts are commented by the two other states (Interview B). The employee highlighted that Iceland efficiently gives feedback and contributes with their views despite limited capacity (Interview B). Liechtenstein is not much involved in this area, but the employee underlines that Liechtenstein is not part of the current research programme of the EU, and state that while they are not contributing much, they are not hindering a good and efficient cooperation (Interview B). The official from the Government of Liechtenstein also said that the production of comments is often driven by Norway, and that it probably matters which of the EEA EFTA

States that feels strongly about an issue. The official also said the following about how the collaboration works:

*“There is a general understanding in our collaboration that with the single voice principle we are all equal partners, but of course Norway has greater weight. That cannot really be disputed. We don’t take a mathematical approach to the weights. We take a professional, diplomatic approach to it, and wherever possible we try to go towards each other and come up with solutions that are acceptable for everyone.”*  
(Interview C).

Consequently, it seems like Norway – due to size and capacity – does more of the work when producing the EEA EFTA Comments, but that in return they appear to have greater influence in the production of EEA EFTA Comments. Having in mind that the comments are supposed to reflect coordinated positions (Standing Committee 2018, 1), this is particularly interesting. This entail that some the EEA EFTA Comments to a larger extent may reflect the position of the Norwegian government than the common position. According to the Liechtenstein official, the delegations of the states would typically not delete what the others have proposed. It is in general a mutual “hands-off approach” to what has been suggested by others, and the delegations would rather add additional text (Interview C).

### *7.1.3 Motives for submitting EEA EFTA Comments*

All interviews were asked about the motives behind submitting EEA EFTA Comments. When openly asked why EEA EFTA Comments are submitted, all the interviewees pointed at influencing EU policy. While one of the interviewees refers to influence in general, the term “decision-shaping” was used by two of the two others, and both specifying that the comments were aimed at negotiations on the EU side prior to the formal decision-making. The EFTA Secretariat underlined that they differ between decision-making, which is limited to the member states, and decision-shaping, which refers to influencing prior to when decisions are taken in the Council and the European Parliament (Interview A). According to both the EFTA Secretariat employee and the employee of the Norwegian Ministry of Education and Research, influence is clearly the main motive for submitting comments (Interview A; B). This is not very surprising, as it is in line with the description of the EEA EFTA Comments on the EFTA website (EFTA n.d.(a)) and the guidelines for submitting comments (Standing Committee 2018, 1). The employee of the government of Liechtenstein, on the other hand, said it was two

main reasons for submitting comments, and emphasized that the motive also can be to remind the EU of the position of the EEA EFTA States. The interviewee underlined that the aim is not always to influence, and also described the comments as “*a broader policy tool by which we want to make sure that EU member states have it in their mind that we are part of the Single Market as well, because that needs reminding, unfortunately. It is not something that goes without saying*” (Interview C).

That the motive in some cases may be highlight the role of the EEA EFTA States rather than a wish to change something, was also underlined by the employee of the Norwegian ministry. This was mentioned when the interviewee was asked – after answering what the motives are – whether there also are other reasons for submitting comments than to influence. The interviewee emphasized that the three states as signatories of the EEA Agreement have certain rights other third countries does not have, and stated that the EEA EFTA Comments may be a way to draw attention to this (Interview B). While not describing the highlighting of the EEA EFTA States’ rights and status as a motive for submitting comments, the EFTA Secretariat employee said increased awareness on the EU side could be a bonus of submitting EEA EFTA Comments (Interview A).

According to the official in the Government of Liechtenstein, the motives may vary from comment to comment, and that it may vary between countries. The official said the issues in some comments are specifically relevant for one of the EEA EFTA States, and also stated that it is not often that Liechtenstein feels strongly about a specific comment. Furthermore, the official said that in general “*Norway of course has more capacity than Liechtenstein and also Iceland to be active in decision-shaping and to try to influence the outcomes*” (Interview C). The differences in size between the states is mentioned by all interviewees. It is often the case that Norway initiates new EEA EFTA Comments (Interview B; C). It is also interesting that the interviewee representing the smallest EEA EFTA State does appears to emphasize the influence the least (Interview C). Sure, all interviewees emphasize that attempting to achieve influence is a key motive of submitting EEA EFTA Comments. However, it may be the motives of submitting EEA EFTA Comments vary between the states, and that it may depend on the capacity of the state.

These findings have some interesting implications. First, and perhaps most importantly, influence is not necessarily the only reason for submitting EEA EFTA Comments, as appears

to previously have been assumed. Other motives than influence have seemingly not even been mentioned in the relevant literature. Thus, this is both interesting and somewhat surprising. However, influence – or more precisely decision-shaping – is certainly the overall dominating motive. Secondly, the interviews indicate that the three EEA EFTA States may have different motives when comments are submitted. Finally, and building on the latter point, capacity may be a possible explanation for why the motives differentiates. Having these implications in mind, it is not given that the political positions stated in the comments are seen as equally important by all the EEA EFTA States.

#### *7.1.4 Achievements from submitting EEA EFTA Comments*

The submitted EEA EFTA Comments appears to be received well at the EU side, according to the interviewees. The comments are always received with a lot of respect, and it is not seen as inappropriate interfering in internal processes in the EU, according to the interviewee from the Government of Liechtenstein (Interview C). The EEA EFTA States often gets feedback on the comments, either in writing or in a meeting (Interview A; C). The EFTA Secretariat officer had a clear impression that EFTA is a good trademark in Brussels, and that the EU want to hear what the EEA EFTA States have to say. The officer believed that EU does not see the EEA EFTA States as lobbyists, but “*as three states that often have useful suggestions*” (Interview A).

All three interviewees points out that it is difficult to measure whether or not a comment have had any influence. Two of the interviewees argues that it would be difficult to claim that a certain outcome is a result of an EEA EFTA Comment. Both pointed out that a comment would hardly make any difference if the EEA EFTA States are alone, but that they can reinforce a position or a side when there are disagreements among the member states (Interview A; C). Along the same lines, the EFTA Secretariat officer said that it is nothing to be achieved in Brussels when you are alone (Interview A). An interviewee suggested that the Nordic member states in particular may appreciate the voice of the EEA EFTA states (Interview C).

Based on the preliminary interviews, the EEA EFTA Comments seems to have some other implications than just potential influence. Comments may have contributed to awareness-raising. It is often complex issues that are treated in the EEA EFTA Comments, so producing a comment can contribute to raise awareness of these issues (Interview A; B). The EFTA

Secretariat officer also said that it is easier for the EFTA Secretariat to speak with contacts in EU, since the submission of a comment requires the EEA EFTA State to clarify their position on the issue at hand. Furthermore, the officer said that it hopefully has led to an increased awareness of the EEA Agreement on the EU side (Interview A).

## **7.2 An overview of the EEA EFTA Comments**

In total, there are 242 comments on the EFTA website (EFTA n.d.(a))<sup>13</sup> from 1 Mai 1995 to the end of 2019 that are defined as EEA EFTA Comments in this thesis. In this subchapter, some general characteristics of the comments found by studying all the available comments from this time period are presented. A first general impression is that most of the comments are rather supportive of Commission proposals or other documents. In most cases there are some level of disagreement, but it is rarely the case that the EEA EFTA States takes a sceptical stance towards a proposal in general. However, apart from that the comments vary in many respects. The length of the comments varies from one to 16 pages, with an average of 3.9 pages and mode of two pages. Table 3 below includes various characteristics of the comments. For 207 of the comments, the responsible subcommittee is identified. Subcommittee IV have been responsible for 78 of these, which equates 37 percent. Subcommittee I and II have submitted respectively 27 and 32 percent of the comments. In 6 percent of the comments Subcommittee III was responsible, and Subcommittee V have submitted only two comments. It should be noted that for a couple of the EEA EFTA Comments more than one of the subcommittees have been responsible.

The EEA EFTA Comments differs largely in terms of what they address or comment. Just above half of the EEA EFTA Comments have addressed concrete legislative proposals, formally adopted by the Commission. In sum, 129 (53 percent) of the comments addressed at least one such proposal, which includes decision, directive, recommendation and regulation proposals. Several of the comments addressed more than one document, and many of them more than one type of proposals. 24 percent of the comments addressed regulation proposals, 22 percent addressed directive proposals, 7 percent addressed decision proposals and only 1 percent addressed recommendation proposals. 47 percent of the comments did not address formal proposals. Most common among these comments is Commission communications, public

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<sup>13</sup> Last checked March 24 2020.

consultations and green papers are addressed. There are also some occasions where upcoming or draft legislative proposals are commented. The category “Other” includes everything not included in the other categories, such as comments that addressed upcoming meetings, ongoing negotiations and Commission strategies and reports, as well as comments that address more general trends in the EU.

	EEA EFTA Comments	Percentage
<b>Responsible Subcommittee* (N = 207)</b>		
Subcommittee I on the Free Movement of Goods	56	26.79%
Subcommittee II on the Free Movement of Capital and Services	67	32.06%
Subcommittee III on the Free Movement of Persons	12	5.74%
Subcommittee IV on Flanking and Horizontal Policies	78	37.32%
Subcommittee V on Legal and Institutional Matters	2	0.96%
<b>Comment addressed a concrete proposal (Total N = 242)</b>		
Yes	129	53.31%
No	113	46.69%
<b>What is addressed* (N = 242)</b>		
Regulation proposal	57	23.55%
Directive proposal	54	22.31%
Commission Communication	31	12.81%
Decision proposal	18	7.44%
Consultation	17	7.02%
Green paper	17	7.02%
Upcoming/draft proposals	9	3.72%
White paper	7	2.89%
Recommendation proposal	3	1.24%
Other	36	14.88%

**Table 3: Characteristics of the EEA EFTA Comments** \*Non-exclusive categories: Possible for one EEA EFTA Comment to be in more than one category

Some other findings are also worth mentioning. In as many as 62 – just above a quarter – of the EEA EFTA Comments, the participation or role of the EEA EFTA States are emphasized. This includes for example that the right of the EEA EFTA States to participate in EU programmes or their role in EU agencies are pointed out in the comment. This does, however, not imply that the role of the EEA EFTA States was the main topic of all these comments. Several of the



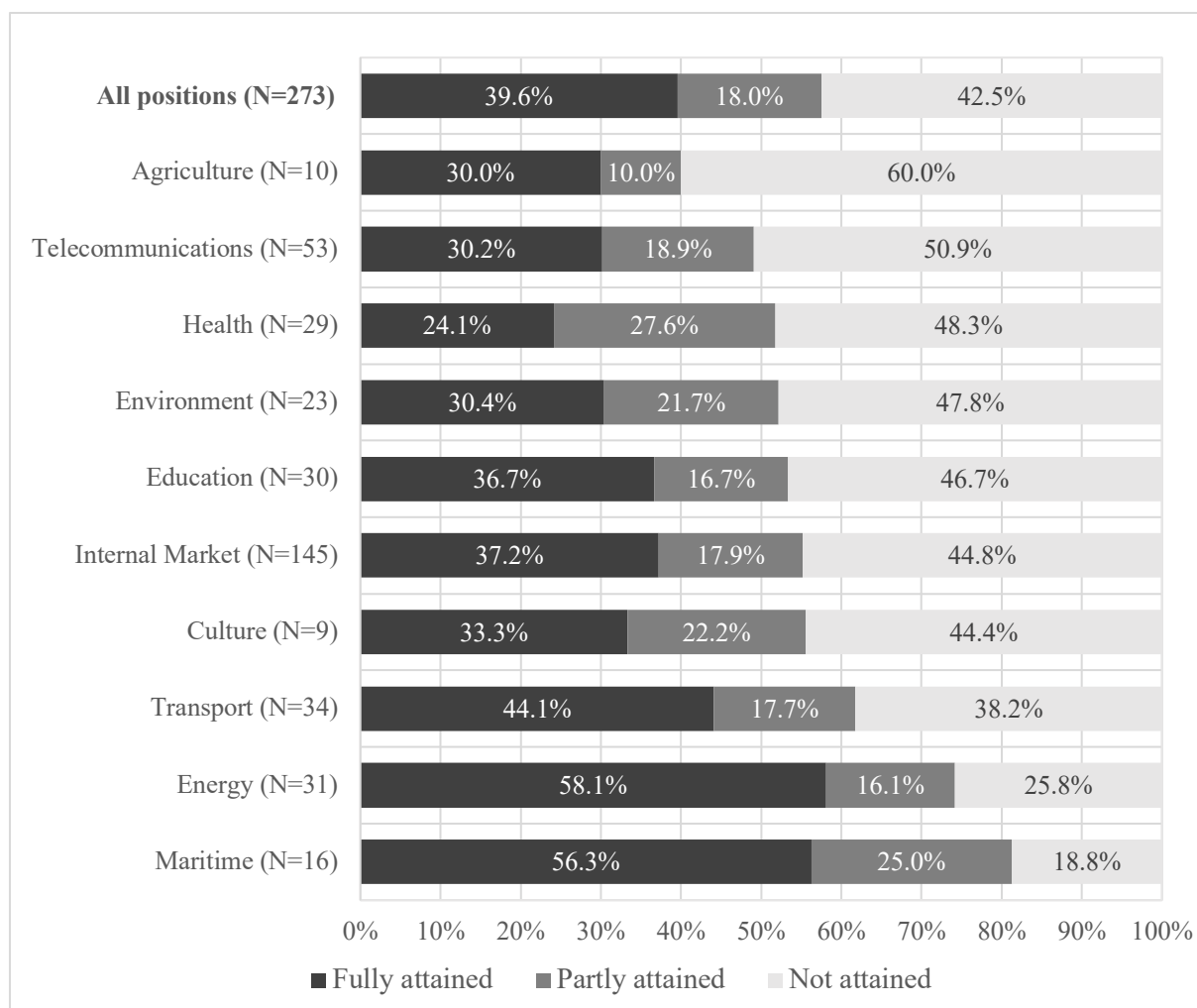
comments dealt with EU programmes. In a few cases diverging views of the EEA EFTA States are specified. Six of the comments are supported by EFTA-partner Switzerland.

### **7.3 Descriptive statistics: The degree of preference attainment**

Moving over to the specific positions in the produced dataset, this subchapter shows the degree of preference attainment, in general as well as between different categories. The 273 identified positions in the EEA EFTA Comments were classified as “Not attained”, “Partly attained” or “Fully attained”, based on the degree of preference attainment in the adopted legislative proposal. Importantly, this is only the positions that passes all the criteria outlined in section 5.1.1. Thus, this does not include the large amount of comments that can be seen as response to Commission communications, Green papers, public consultations, forthcoming proposals or other documents that cannot be seen as a formal legislative proposal. Overall, the manual coding show that 108 (39,5 percent) out of the 273 identified positions in the EEA EFTA Comments were classified as fully attained, meaning that the adopted legislation was in line with position of the EEA EFTA States. 116 (42,5 percent) positions are classified as not attained, which implies that no move towards the EEA EFTA position. 49 positions (18 percent) were classified as partly attained, which refers to anything between not attained and fully attained. The “Partly attained” category is not relevant for all cases, such as cases where the EEA EFTA States call for changes without specifying the favoured extent of the changes. For example, if it is suggested to increase a post in a programme budget without stating a preferred amount, any increase imply that the position is coded as fully attained. Thus, in the logistic regression in the next subchapter all positions coded as either partly or fully attained are merged – and consequently simply seen as “attained”. In other words, any move from the initial Commission proposal towards the EEA EFTA positions is then seen as a case of preference attainment.

#### *7.3.1 Preference attainment across policy areas*

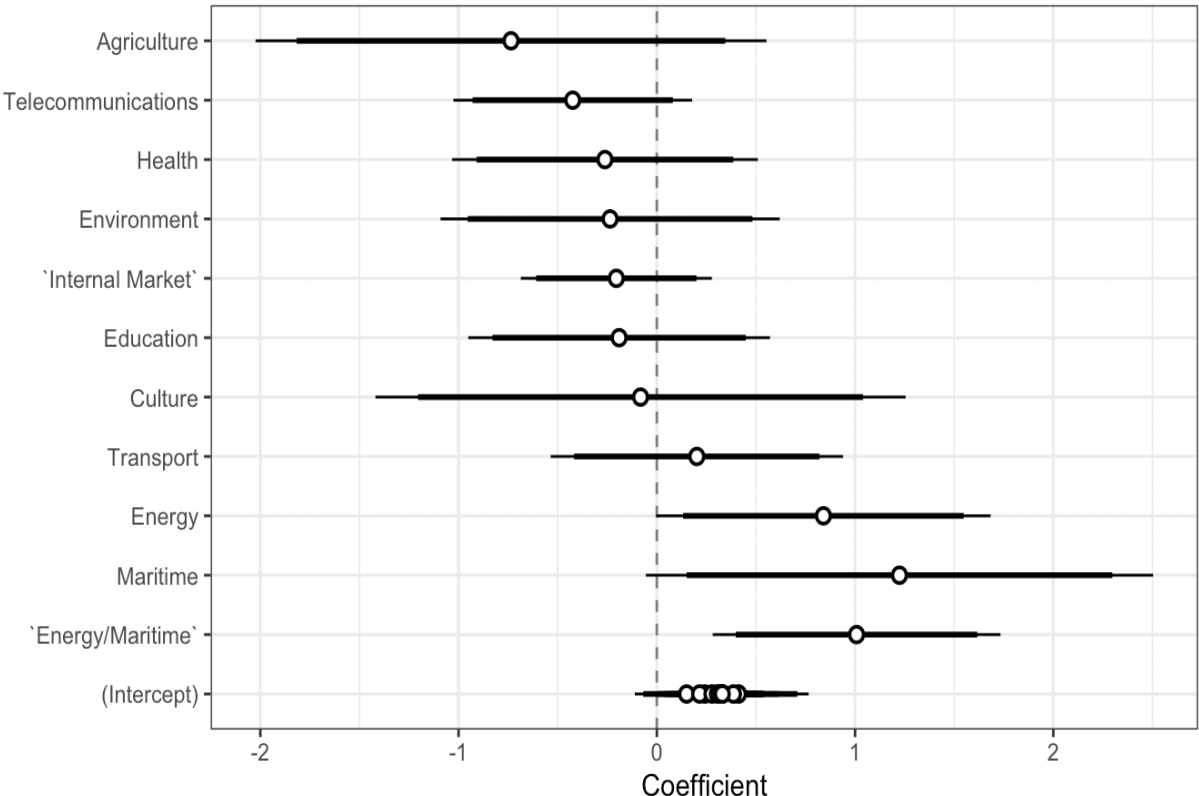
Figure 10 below the degree of preference attainment across different policy areas. The figure shows large variation across policy areas. The degree of preference attainment is lowest within the area of agriculture, where 40 percent of the positions are coded as partly attained or fully attained. In telecommunications just under 50 percent of the positions are either partly or fully attained. Agriculture and telecommunications are the two only policy areas where less than half of the positions were attained to at least some degree.



**Figure 10:** Degrees of preference attainment across policy areas. Note: The policy areas are not exclusive, and several positions covers more than one policy area. Only the most frequent policy areas are included (>5 positions).

Within the policy areas health, environment, education and culture, as well as within the rather broad area which is called “internal market”, between 51 and 56 percent of the measured positions stated in the comments are either partly or fully attained. Thus, within all the mentioned policy areas the degree of preference attainment is lower than the average. On average, 57.5 percent of the positions of the EEA EFTA States are either partly or fully attained. On transport policy the degree of attainment is slightly higher than the average, as attainment is evident in 61 percent of the cases. The two policy areas where the preferences in the measured positions are most frequently attained is clearly energy and maritime. Of the positions relating to energy, 58 percent was fully attained, and 16 percent was partly attained. Of maritime-related positions 56.3 percent was fully attained and 25 percent was partly attained. This means that as much as respectively 74.2 and 81.2 percent of the positions measured related to energy and maritime issues was attained to some degree. It is, however, important to mention that the

distribution of partly attained and fully attained cases within the different policy areas varies a lot. It should also be noted that many of the measured positions cover two or three policy areas, so the policy areas are not exclusive. For example, most of the positions on maritime-related issues are about shipping, which means that these positions are both within the maritime category and the transport category.



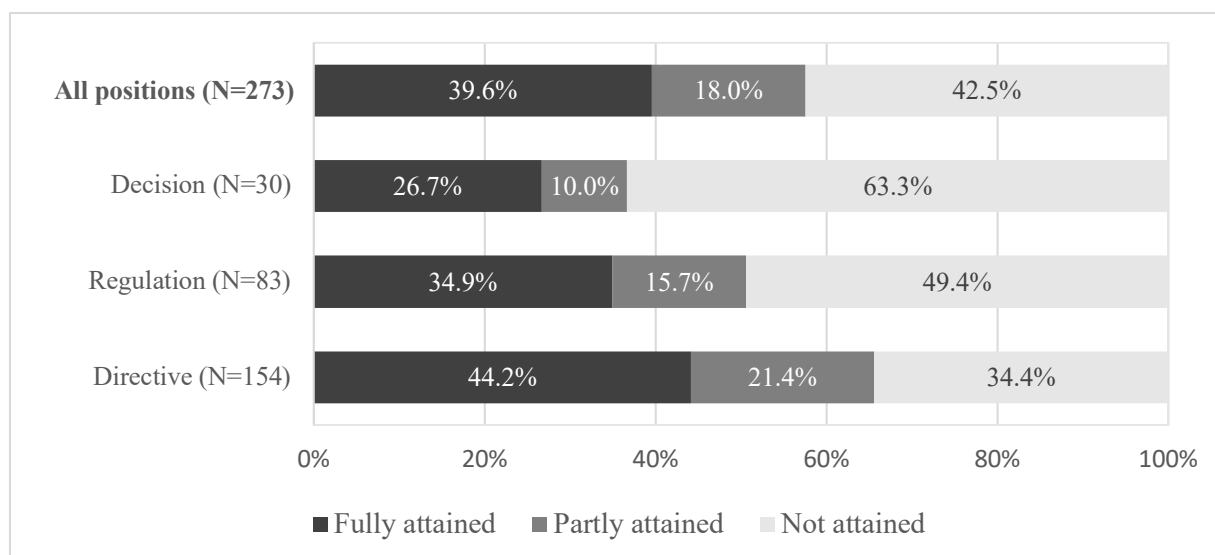
**Figure 11:** *Coefficients of preference attainment across policy areas.* Note: Coefficients relative to the overall mean with confidence intervals. Bold lines show 90 percent confidence intervals and thin lines show 95 percent confidence intervals. The dependent variable is coded as a dummy variable with the values “Not attained” or “Attained”, where the latter group consists of both partly attained and fully attained positions.

Figure 11 shows the confidence intervals across the policy areas. As seen, there is a lot of uncertainty, and within most policy areas the coefficient is not statistically significant different from 0. The number of positions that covers the different policy areas varies substantially, and it is clear that the confidence intervals are much larger where the number of positions covering the policy area are small. The confidence intervals for agriculture, culture and maritime – where the N is respectively 10, 9 and 16 – is for example considerable larger than for other areas. Oppositely, the smallest interval is for internal market, in which there are 145 positions. Maritime and energy is significant at the 90 percent level, and the latter almost exact at the 95 percent level. At the bottom of Figure 11 there is a constructed policy area called

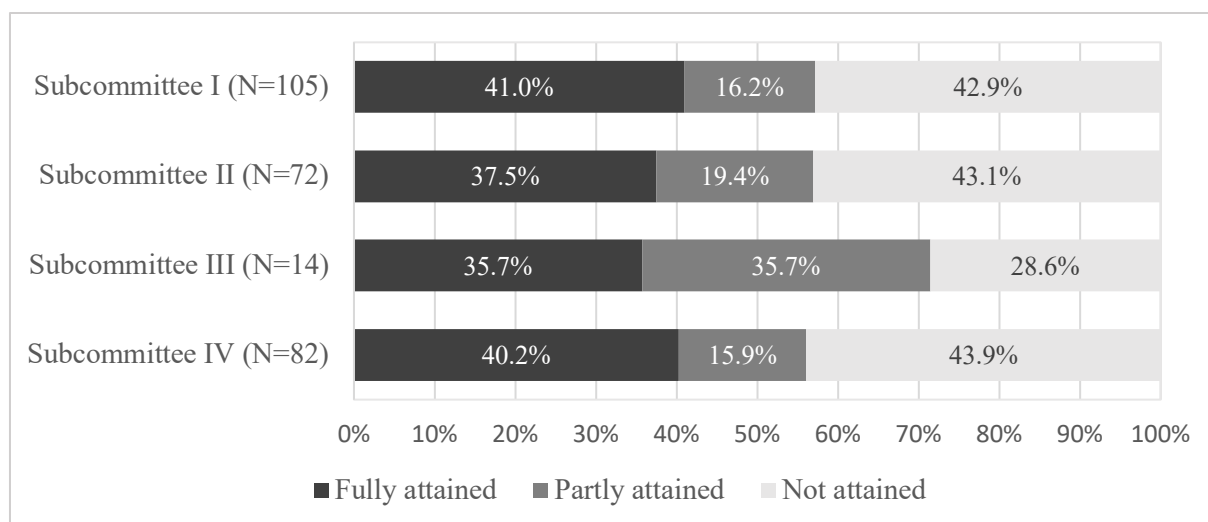
“Energy/Maritime”. This is simply a group where all positions that are either energy- or maritime-related are included. This is used to test the strategic resources hypothesis in the multivariate logistic regressions in the next subchapter. The coefficient of this “policy area” is just around 1 and is statistically significant at the 95 percent level with good margin.

### 7.3.2 Preference attainment depending on proposal types and subcommittees

Interestingly, the degree of preference attainment varies much depending on what type of legislation proposal is commented. While the type of legislative act is not relevant for the hypotheses in this thesis, this is worth mentioning. As shown in Figure 12, only 37 percent of the positions that are part of comments on decision proposals are attained to some extent. This is less than the degree of preference attainment in all the different policy areas included in Figure 11. Of the positions on regulations proposals, the preferences were either partly or fully attained in just over half of the cases. The degree of preference attainment in both decisions and regulations are below the average of all 273 measured positions. The EEA EFTA Comments seems to be more successful when they are based on directive proposals than other types of legislation. On directive proposals, 66 percent of the positions are attained to some degree. This is well above the average. As it was only six such cases, the EEA EFTA positions on recommendation proposals are not included in Figure 12. Three of these positions were not attained, and the other three were fully attained.



**Figure 12:** Preference attainment across types of legislation proposals



**Figure 13:** Degree of preference attainment across subcommittees under the Standing Committee

It does not seem to matter much whether the issue in question is about free movement of goods (Subcommittee I), capital and services (Subcommittee II) or persons (Subcommittee III), or if its flanking or horizontal issues (Subcommittee IV). Figure 13 show the degree of preference attainment depending on which subcommittee of the Standing Committee it comes from. The figure show that it does not seem to be of importance which subcommittee are the sender of a comment. Across subcommittees, preferences are fully attained in 35 to 41 percent of the cases. The percentages of partly or fully attained positions by Subcommittees I, II and IV are about 56-57 percent, and thus very close to the average of all the positions. In Subcommittee III, the portion of partly attained positions are much larger than in the other subcommittees. That said, the number of measured positions in comments submitted by Subcommittee III is only 14. None of the measured positions were part of EEA EFTA Comments submitted by Subcommittee V. In sum, the different subcommittees appear to have been more or less equally “successful”.

#### **7.4 Logistic regressions: Explaining the variation of preference attainment**

While the collected data covers the whole universe of positions that is within the scope of the analysis, regression analysis is needed to properly test the hypotheses. As explained in the research design chapter, the main test of the hypotheses is done by logistic regressions where the dependent variable is a dummy variable – whether there has been any degree of preference attainment or not. First of all, it was tested for multicollinearity by running VIF tests on models with all the variables to be used (See Appendix D for VIF values). When testing all variables, but excluding the interaction effect, none of the variables had a VIF value higher than 1.85.

This indicates low levels of multicollinearity. When including the interaction effect the VIF values of the variables used in the interaction are – as expected – much higher. However, all the variables not included in the interaction still have VIF values below 1.9. At which point the VIF value is considered problematically high seems to vary. That the VIF value should not exceed 10 is a common rule of thumb, but 5 and even 4 have been recommended as thresholds as well (O’Brien 2007, 674; Finch, Bolin and Kelley 2016, 9). Thus, multicollinearity should not be an issue for the selected variables even if the strictest recommendations is followed, and all variables were therefore kept.

Hosmer-Lemeshow goodness-of-fit tests was done on the various models to see whether the models actually follow S-curves. This way, the Hosmer-Lemeshow tests are used to see whether a logistic regression analysis is appropriate (Cohen et al. 2003, 506). As seen in Table 4 below, the p-value of the tests was not significant in any of the models, indicating that the logistic regression analysis is a suitable. It should be noted that such goodness-of-fit tests are not considered when the number of observations is less than 400 (Hosmer and Lemeshow 2000, 155-156). As the N is only 273 in this case, this weakness of the test should be noted, but it was decided to stay with logistic regressions as method.

#### *7.4.1 Strategic resources*

Model 1 show a simple model with only the Maritime + Energy variable. Energy and maritime was the policy areas where the EEA EFTA States are considered to have strategic resources, and this variable is thus used to test Hypothesis 1: *The preferences of the EEA EFTA States are more likely to be attained when the addressed proposal is on energy or maritime-related issues.* The logit coefficient is 1.007, indicating that the likelihood of preference attainment is larger if the positions is related to energy or maritime issues. This correlation is statistically significant at 0.01 level. The coefficient is still around 1 when all the explanatory variables are included in Model 4 and in Model 5 when also the control variables are added. The correlation remains statistically significant in these models as well, although at 0.05 level. As mentioned in section 5.3.1, the Energy and Maritime variables is merged rather than tested as two variables because the number of observations in each policy area was rather low.

To test to what extent this affected the outcomes, regressions were run on similar models but with the two separate variables (See Appendix E for these results). These models show that the

coefficients of Energy are 0.68-0.92 and the coefficients for Maritime are 1.2-1.36 throughout the models. Both variables have p-values <0.1 throughout the models, except from in the full model where the p-value of Energy was 0.16. The findings from the logistic regressions thus indicate substantial support for Hypothesis 1 – that the degree of preference attainment is higher in policy areas where the EEA EFTA States have more strategic resources.

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
<i>Energy + Maritime</i>	1.007*** (0.370)			0.935** (0.375)	1.046** (0.415)	0.897** (0.434)
<i>Duration</i>		-0.0007 (0.0005)		-0.0005 (0.0005)	-0.0006 (0.0005)	-0.001* (0.0005)
<i>Ideological distance</i>			-0.091 (0.203)	-0.113 (0.208)	-0.053 (0.216)	-0.189 (0.225)
<i>EU left</i>			-0.277 (1.100)	-0.181 (1.096)	-0.116 (1.123)	-0.179 (1.146)
<i>Market regulation</i>			-1.009 (2.527)	-0.846 (2.527)	-1.058 (2.535)	-1.136 (2.580)
<i>EU Left x Market regulation</i>			0.236 (0.971)	0.234 (0.969)	0.355 (0.973)	0.336 (0.990)
<i>Recitals</i>					-0.002 (0.009)	-0.001 (0.009)
<i>Less integration</i>					0.936** (0.395)	0.675* (0.404)
<i>Year of submission</i>					-0.012 (0.028)	-0.001 (0.029)
<i>EEA EFTA specific</i>						-2.231*** (0.806)
<i>Technicality</i>						-1.546*** (0.489)
<i>Constant</i>	0.150 (0.133)	0.834** (0.392)	1.570 (2.912)	1.419 (2.917)	-23.302 (55.785)	3.710 (58.286)
N	273	273	273	273	273	273
Log Likelihood	-182.011	-185.105	-184.909	-180.725	-177.281	-166.445
Lr-test (p-value)	-	0.000***	0.942	0.015**	0.076*	0.000***
AIC	368.021	374.211	379.818	375.450	374.562	356.891
BIC	375.240	381.430	397.865	400.717	410.657	400.205
Hosmer-Lemeshow (p-value)	1.000	0.247	0.738	0.392	0.137	0.283
*p-value < 0.1	**p-value < 0.05		***p-value < 0.01			

**Table 4: Logistic regression analysis.** Note: Results are shown with logit coefficients. Dependent variable is preference attainment. Standard errors in parentheses.

#### 7.4.2 Issue controversy

The number of days between the time of publication of the Commission proposal and the time of publication of the adopted act into the Official Journal was used as a proxy for issue controversy. Thus, the Duration variable is used to test Hypothesis 2: *The preferences of the EEA EFTA States are less likely to be attained when the legislative proposal is controversial.* Interestingly, the Duration coefficient is very close to zero, between -0.0005 and -0.001 in all models. While this may seem little, it is important to have in mind how the variable is coded. The different values for Duration vary from 269 to 1392, meaning that a practical effect of Duration may actually be sizeable. However, the correlation is not statistically significant except from in Model 6, where it is significant only at 0.1 level. Consequently, this analysis does not provide much support for the hypothesized negative relationship between duration of legislative procedure and preference attainment.

#### 7.4.3 Ideology and ideological distance

In Model 3 all the explanatory variables related to the hypotheses on ideology and ideological distance between the EU and the EEA EFTA States are included. Ideological distance is used to test Hypothesis 3: *The preferences of the EEA EFTA States are more likely to be attained when the ideological distance between the EEA EFTA States' governments and the EU member states' governments are small.* The coefficients for Ideological distance indicate a negative relationship with preference attainment in all models, as expected. But none of these are statistically significant, implying that there is little evidence for the expected effect. The hypothesis is thus weakened.

Within the same theoretical framework, an interaction effect was expected with Hypothesis 4: *EEA EFTA preferences that suggest more market regulation are more likely to be attained when the EU member states' governments are more leftist.* Neither the two variables separately nor the interaction variable – EU left x Market regulation – offers any significant correlations. Nevertheless, there are some interesting findings about these variables. Both Market regulation and EU left individually had negative coefficient throughout the models. The interaction of the two of them, on the other hand, indicate a positive correlation with preference attainment, as expected in Hypothesis 4. Nevertheless, as these are not statistically significant, providing little support for the hypothesis.



#### *7.4.4 Control variables and other variables*

The control variables – number of recitals, whether the position suggest less European integration than in the initial proposal and the year of submission – are included in Model 5 and 6. Recitals and Year of submission have small but negative coefficients, but these are not significant. The analysis indicates a negative relationship between Less integration and preference attainment. In Model 5 the coefficient is 0.936 and the p-value is  $<0.05$ , and the coefficient is 0.675 and p-value is  $<0.1$  in Model 6. In Model 6, the variables Technicality and EEA EFTA specific are also included. The former refers to cases when the proposed change is of rather little importance, such as when changes are proposed “for clarification”. The latter refers to positions on issues that are mostly relevant only to the EEA EFTA States, for example their role as EEA Agreement signatories. These were tested out of curiosity and were kept because of the interesting results, and because they due to these results may serve as control variables. Both variables have a considerable effect and are significant at 1 percent level. The EEA EFTA specific coefficient is -2.231 and the coefficient for Technicality is -1.546.

#### *7.4.5 Explanatory power of the models*

To assess the models in full, several measures are used. The likelihood ratio (LR) test is one way to measure the explanatory effect of the model. The test estimates the effect of models relative to the null hypothesis. The results from the LR-tests indicate that all models but Model 3 are statistically significant, suggesting that these models have more explanatory effect than the null hypothesis.

Akaike Information Criterion (AIC) and Bayesian Information Criterion (BIC) values are also included as measures of the explanatory power of the models. The single AIC and BIC values provide little information, but they are helpful when comparing competing models. The lower the values, the bigger is the explanatory power of the model (Midtbø 2012, 103). Both measures penalize complex models, but BIC penalize model complexity more than AIC (Hox, Moerbeek and van de Schoot 2010, 50-51). The AIC values for Model 1 is 368.021. This means little on its own, but the fact that the AIC values for Model 2, 3 and 4 are higher indicate that the other explanatory variables contributes with little explanatory power to the models. The AIC value of Model 5 is also higher than of Model 1, and barely lower than Model 4 with all the explanatory variables. This could signal that adding the control variables does not provide any considerable increase in explanatory power. The best model in terms of AIC alone is Model 6,

which also includes Technicality and EEA EFTA specific. The AIC value is 356.891 for this model, lower than any other model.

That the BIC favours simple models more than AIC is illustrated in these results. In Models 1-5, the BIC values increase when more variables are added, from 375.240 in Model 1 to 410.657 in Model 5. But in Model 6, when Technicality and EEA EFTA specific are added, the BIC values decrease to 400.205. This indicate that these two variables contribute to the explanatory power even according the one of the mentioned measures that penalize complexity the most. Despite this, according to BIC values alone Model 1 has most explanatory power, and Model 2 and 3 as well are also better than Model 6. In sum, both measures seem to indicate that Model 1 has good explanatory power relative to other models, which may further support Hypothesis 1 about strategic resource. Models 2 and 3 on the other hand seems to explain less, giving little support to Hypotheses 2, 3 and 4. Also, both measures suggest that the explanatory power is added by including the Technicality and EEA EFTA Specific variables.

#### *7.4.6 Summary of the hypothesis testing*

The logistic analysis provided substantial evidence for Hypothesis 1, which highlighted the importance of strategic resources. With logit coefficients at 0.9-1 and significance at 0.05 level or lower throughout all models, there is strong support for the correlation between preference attainment and energy- or maritime- related issues. Duration, the issue controversy proxy, have negative coefficients, but this is only statistically significant in Model 6 of the logistic regression, and only at 10 percent level. This indicate that issue controversy may decrease the likelihood for preference attainment, as expected in Hypothesis 2. On the other hand, the level of uncertainty is high, indicating little to no support for the hypothesis. No statistically significant results were found on ideological distance or the interaction between market regulation positions and leftist EU governments, suggesting no support for hypotheses 3 and 4. Interestingly, positions suggesting less European integration appears to be more successful. When the positions are coded as EEA EFTA specific or as a technicality, on the other hand, the likelihood of preference attainment is considerably lower.

## 7.5 Robustness checks

### 7.5.1 Multilevel logistic regression

The 273 positions are nested in 80 different EEA EFTA Comments, where the number of positions per comment ranges from one to 16. The amount of preference attainment may not be equally distributed across the comments. Thus, the random intercepts for the comments were tested, and the results can be seen in Appendix F. None of the error bars for the comments are entirely more than or less than zero, and most of the intercepts are close to zero, indicating little variance between the comments. However, there certainly seems to be some variation, and the size of the error bars are worth noting. The variance was also measured with ICC, which show the variation on the dependent variation between the different groups (Finch, Bolin & Kelley 2014, 24). The ICC of the empty model was 0.061, which indicates that the degree of preference attainment varies 6.1 percent between the EEA EFTA Comments. This is not much, but LeBreton and Senter (2008, 338) argues that ICC values as low as 0.05 could indicate group effects. Thus, a multilevel logistic regression was conducted to ensure the robustness of the findings.

The results from the analysis can be seen in Table 5 below. First of all, the results are very similar to the standard logistic regression. The coefficients of the variables, which variables that statistically significant correlates with the dependent variable, and the relative explanatory power of the different models are mostly the same. However, there are some exceptions. The coefficients for EU left, Market regulation as well as the interaction of them is somewhat further from zero in Model 3-5. Nevertheless, these are as in the single-level logistic regressions not statistically significant. In Model 6, the control variable Year of Submission is significant at 0.01 level, which was not the case in the main analysis. According to Model 7, on the other hand, the variable does not significantly correlate with preference attainment. The AIC and BIC values suggest that the same models have most explanatory power in the multi-level and the single-level logistic regression. In sum, the results show that while there is some variation between EEA EFTA Comments, this doesn't appear to have any important impact on the results.

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7
<i>Energy + Maritime</i>		1.031*** (0.395)			0.951** (0.396)	1.057** (0.424)	0.897** (0.421)
<i>Duration</i>			-0.0007 (0.0005)		-0.0005 (0.0005)	-0.0006 (0.0005)	-0.001* (0.0005)
<i>Ideological distance</i>				-0.061 (0.228)	-0.099 (0.220)	-0.040 (0.227)	-0.189 (0.224)
<i>EU left</i>				-0.722 (1.245)	-0.423 (1.206)	-0.349 (1.210)	-0.179 (1.136)
<i>Market regulation</i>				-1.760 (2.766)	-1.237 (2.678)	-1.410 (2.667)	-1.136 (2.577)
<i>EU Left x Market regulation</i>				0.538 (1.065)	0.389 (1.029)	0.496 (1.027)	0.336 (0.989)
<i>Recitals</i>						-0.002 (0.009)	-0.001 (0.008)
<i>Less integration</i>						0.964** (0.402)	0.675* (0.399)
<i>Year of submission</i>						-0.011*** (0.001)	-0.001 (0.001)
<i>EEA EFTA specific</i>							-2.231*** (0.802)
<i>Technicality</i>							-1.546*** (0.489)
Random effects at comment level (N = 80)	0.212 (0.4604)	0.109 (0.331)	0.194 (0.440)	0.200 (0.447)	0.089 (0.298)	0.088 (0.296)	0.000 (0.000)
<i>Constant</i>	0.294** (0.140)	0.140 (0.144)	0.855** (0.432)	2.658 (3.272)	2.026 (3.189)	-20.95*** (4.070)	3.710 (3.849)
N	273	273	273	273	273	273	273
Log Likelihood	-185.289	-181.710	-184.344	-184.277	-180.563	-177.131	-166.445
AIC	374.578	369.419	374.687	380.555	377.127	376.262	358.891
BIC	381.797	380.248	385.516	402.212	406.003	415.967	405.814
*p-value < 0.1	**p-value < 0.05		***p-value < 0.01				

**Table 5:** Multilevel logistic regression analysis. Note: Results are shown with logit coefficients. Dependent variable is preference attainment. Standard errors in parentheses.

### 7.5.2 Multinomial logistic regression

18 percent of the positions in the dataset were coded as partly attained. In the main analysis, this category was merged with the fully attained category to make the dependent variable a dummy variable. To, take into account potential consequences of the choice of coding the

dependent variable, regression analyses were conducted on the three-levelled dependent variable. Ordinal logistic regressions are often used in such cases, but as the proportional odds assumption was violated, it was not suitable. The results from the Brant test (Appendix G) indicate that the proportional odds assumption may be violated as some of the variables have p-values under 0.05. The results from the graphical test (Appendix H) also indicate potential violation of the proportional odds assumption, as the effects of the variables do not appear to be similar across levels. Consequently, it was chosen to rather use multinomial logistic regression analysis. These regression analyses are conducted only on the positions with three possible categories of preference attainment – meaning that positions that could only be measured as not attained or fully attained are not included. The number of observations is thus lower than in the main analysis. To control for the potential effects of removing these positions, multinomial regressions were conducted on all positions as well (See Appendix I).

The results from the multinomial logistic regression is shown in Table 6 below. This analysis differs from the two other regression analyses, as it provides logit coefficients for both levels of preference attainment relative to no attainment. In general, the results are in line with the previous findings in thesis. The Energy + Maritime variable appears to increase the likelihood for full preference attainment also in this analysis, and this relationship is significant at 0.01 level throughout all three models. For Duration, the proxy for issues controversy, there is a small negative coefficient, but without statistical significance. No significant findings regarding ideological distance is found. The interaction effect is excluded from the multinomial logistic analysis due to the complexity that would entail when interpreting the results. In sum, the variables related to the hypotheses are in line with the results from the logistic regression. Interestingly, Year of submission decreases the likelihood for partly attainment, but increases the likelihood for full attainment according to Models 2 and 3. All these coefficients are significant at 0.01 level.

According to Model 1 and 3, positions calling for more market regulation may be more likely to be partly attained. The coefficients of Market regulation and the control variable Recitals are significant at 10 percent level under Partly attained in Model 3. However, this Model should be interpreted with care. The coefficient for Technicality and EEA EFTA specific in Model 3 under Partly attained should be noted, with coefficients at less than -300 and non-existent standard errors. This is probably due to the fact that none of the positions coded as EEA EFTA specific or Technicality have been partly attained – they have been either not attained or fully

attained. The high coefficients and the very low standard errors of the constants in both Model 2 and 3 are causes for concern, as they may indicate that something is wrong. Thus, these results should be considered with some scepticism. All in all, the results of the multinomial logistic analysis are to a large extent in line with the single-level and multilevel logistic analyses. Consequently, whether the dependent variable is coded as a dummy or as 0-2 does not seem to matter much.

	Contrast outcome category: Not attained					
	Model 1		Model 2		Model 3	
	Partly attained	Fully attained	Partly attained	Fully attained	Partly attained	Fully attained
<i>Energy + Maritime</i>	0.599 (0.537)	1.501*** (0.452)	0.932*** (0.226)	1.620*** (0.297)	0.886*** (0.229)	1.602*** (0.294)
<i>Duration</i>	-0.0002 (0.001)	-0.001 (0.001)	-0.0004 (0.001)	-0.001 (0.001)	-0.001 (0.001)	-0.001 (0.001)
<i>Ideological distance</i>	-0.317 (0.277)	-0.297 (0.262)	-0.305 (0.319)	-0.116 (0.300)	-0.476 (0.330)	-0.242 (0.306)
<i>EU left</i>	0.032 (0.236)	0.159 (0.217)	0.233 (0.286)	0.563 (0.371)	0.115 (0.285)	0.498 (0.361)
<i>Market regulation</i>	-0.723* (0.413)	-0.206 (0.373)	-0.623 (0.442)	-0.025 (0.382)	-0.704 (0.436)	-0.117 (0.385)
<i>Recitals</i>			0.017 (0.011)	-0.012 (0.012)	0.016 (0.011)	-0.013 (0.012)
<i>Less integration</i>			1.588*** (0.248)	1.094*** (0.239)	1.273*** (0.247)	0.859** (0.243)
<i>Year of submission</i>			-0.030*** (0.001)	0.043*** (0.001)	-0.038*** (0.001)	0.041*** (0.001)
<i>EEA EFTA specific</i>					-372.781 (NA)	-1.527*** (0.037)
<i>Technicality</i>					-359.859 (NA)	-1.294*** (0.034)
<i>Constant</i>	0.487*** (0.053)	0.044 (0.049)	59.620*** (0.001)	-87.392*** (0.002)	77.279*** (0.001)	-81.704*** (0.002)
<i>N</i>	208		208		208	
<i>AIC</i>	450.558		447.433		433.890	
<i>BIC</i>	490.608		507.508		507.316	
*p-value < 0.1      **p-value < 0.05      ***p-value < 0.01						

**Table 6:** Multinomial logistic regression analysis. Note: Results are shown with logit coefficients. Dependent variable is preference attainment coded 0-2. Standard errors in parentheses.

## 8.0 Discussion

### 8.1 Preliminary interviews: Understanding the context

#### *8.1.1 EEA EFTA collaboration*

Three individuals with experience from working with the EEA EFTA Comments on various stages in process were interviewed – one EFTA Secretariat official, one official from the Government of Liechtenstein and one official at the Norwegian Ministry of Education and Research. The preliminary interviews provided insight in the collaboration between the EEA EFTA States and how and why the EEA EFTA Comments are submitted. The collaboration between the EEA EFTA States is professional and works well both in general and when working with the comments in particular. Despite differences the collaboration is good, but there are some signs of the fact that Norway is larger than its two partners, as also emphasized in the literature (Bergmann 2011, 17-18; Frommelt and Gstöhl 2011, 49; Official Norwegian Report [NOU] 2012:2, 298). From the interviews it appears clear that the differences in size between the three states have important implications for the collaboration. With more administrative and resources Norway are often doing more work and draft more comments than Iceland and Liechtenstein. This, in turn, seems to lead to more influence over the joint decision-shaping by the EEA EFTA States. Consequently, the preferences of Norway do often have greater weight when producing comments. Achieving common position among the three states does not appear to be processes with tough negotiations, but rather diplomatic processes in search of consensus, where the resulting EEA EFTA Comments are acceptable to all three states.

#### *8.1.2 Motives*

Surprisingly, the interviews revealed that one cannot take for granted that decision-shaping is the only motive for submitting comments. In the guidelines for submitting comments (Standing Committee 2018, 1), on the EFTA website (EFTA n.d.), in EFTA documents (EFTA 2007, 1-2; EFTA Secretariat 2009, 23-24) and in academic literature mentioning the comments (Jónsdóttir 2013, 48-49; Frommelt 2017, 59-60), the comments are described as tools for decision-shaping in line with the EEA EFTA States' right to be consulted in Article 99 of the EEA Agreement. Decision-shaping does indeed seem to be the most common objective, but contrary to what seems to have been the general assumption, it is not the only reason for submitting comments. Simply reminding the EU of the status and rights of the EEA EFTA

States is mentioned as another motive. This was specifically mentioned as one of two motives by the interviewee from the Government of Liechtenstein (Interview C), and as a secondary motive by the interviewee representing Norway. This means that submitting an EEA EFTA Comment could possibly have a value in itself – regardless of the potential influence achieved – as it also may raise awareness in the EU about the EEA Agreement. This could for example mean that Liechtenstein may approve proposals from Iceland or Norway they do not feel strongly about or care about, because they still get the potential benefit in terms of awareness-raising. Consequently, the EEA EFTA Comments shall not be view only as tools for decision-shaping, as there may other motives involved as well. Furthermore, the motives may also vary between the three states

## **8.2 The degree of preference attainment**

The general overview of the 242 EEA EFTA Comments submitted 1995-2019 showed that 53 percent of the comments addressed a specific and officially published legislative proposal from the Commission. Most of these proposals were regulations or directive proposals. The other comments were targeted at a variety of documents and meetings, including consultations, white and green papers, draft proposals, upcoming summits and negotiations. Positions in the EEA EFTA Comments were identified and the degree of preference attainment were measured to provide answers to the first part of the research question – “To what extent are the preferences stated in the EEA EFTA Comments attained in the EU decision-making process ...?”. By human-coding all the available EEA EFTA Comments between 1 May 1995 to 31 December 2019, 285 positions that passed all the criteria set out in section 5.1.1 were identified. I was able to measure the degree of preference attainment on 273 of these.

Overall, 39.6 percent of the positions were classified as fully attained and 18 percent as partly attained – implying that the preferences were attained at least to some degree in almost 60 percent of the cases. This means that in 39.6 percent of the analysed, the outcome of the legislative procedure is similar to what the EEA EFTA States suggested. Oppositely, in little more than 40 percent of the cases the outcome was no closer to the EEA EFTA States’ preferences than the initial Commission proposal. In the 18 percent of the cases that was classified as partly attained, the outcome is anywhere between fully attained and not attained at all. A comparison of different policy areas revealed notably variation between the different areas. On energy- and maritime-related issued the degree of attainment was especially high, as



they were fully or partly attained in respectively 74 and 81 percent of the analysed cases. On issues related to transport the preference attainment also above the overall average. It is possible that this is partly because most of the maritime-related positions were on shipping, and thus also part of the transport category. Within agriculture the degree of preference attainment was definitely lowest, as some degree of preference attainment was achieved present in only 40 percent of the cases. It is hard to tell why this is the case. Agriculture is in general excluded from the EEA Agreement, and all of the identified positions related to agriculture is in the environment category. It could be that the EEA EFTA States' positions on agriculture are seen as less relevant as they are not part of the Common Agriculture Policy, but this is purely speculations. All other policy areas where slightly below average.

The substantial variation in the distribution between partly attained and fully attained positions across policy areas should be noted. For example, there are more partly attained than fully attained positions within health policy. There can be several reasons for this. One possible factor for this could be that the EFTA working groups dealing with health-related issues suggests more clear amendments than other working groups, for example by suggesting a new specific threshold rather than simply suggesting that a threshold should be increased or decreased. If no specific targets are proposed, any change in the right direction equals a fully attained position. Another possible explanation is that some working groups could be more "ambitious" than others by proposing unrealistic amendment proposals. Similarly, some working groups may exaggerate their ideal point to neutralise the influence of competing actors on the same issue, in line with Ward's (2004, 32-34) vector model. It could also simply be the case that the preferences of EU majority are located between the Commission and the EEA EFTA States more often in particular policy areas.

When comparing what type of legislative proposal was commented, huge differences were found. Just over one third of the positions on decision proposals were either partly or fully attained, while the numbers for positions on directive proposals, on the other hand, were almost two thirds. Which subcommittee who was responsible did not seem to matter for the degree of attainment. As revealed in the findings from the interviews, the working group level – not the subcommittee level – seems to be the most important when comments are produced. Therefore, there could be larger differences between working groups. However, the relevant working group was not coded, as that would be very difficult. First of all, in many of the EEA EFTA Comments it is not clear which working group it initially comes from, as the comments only

specify which subcommittee it comes from. Secondly, while the relevant working group is specified in many comments – predominantly the older ones – the names of some of the working groups are different from the current names. It is thus possible that the responsibilities of the working groups have changed.

### **8.3 Determinants of preference attainment**

The second part of the research question was to explain the degree of preference. According to theory on third country and interest group influence in the EU and exchange models from the lobbying literature, I suggest a type of the exchange model. With the model it was expected that area-specific resources, issue controversy and the ideological stance of decision-makers to matter. According the hypotheses suggested that these factors would determine the degrees of preference attainment. The hypotheses were tested with logistic regressions and the robustness of the findings were tested with multilevel and multinomial logistic regressions.

#### *8.3.1 Resources*

Building on the suggested exchange model, resources should matter. The EEA EFTA States were considered to have important expertise and economic resources in the fields of energy and maritime issues, and the following hypothesis was suggested: “*The preferences of the EEA EFTA States are more likely to be attained when the addressed proposal is on energy or maritime-related issues*». This was tested with the Energy + Maritime variable, combining the two policy areas due to few observations in each category. In the logistic regression results, the logit coefficients are around 0.9-1 and significant at 0.05 level throughout all models. Without any other variables included it was significant at 0.01 level. This provided strong support for Hypothesis 1, indicating that area-specific resources matter. The individual effect of the energy and maritime policy areas was also tested to see whether the operationalization of the variable matter, and these results also provided support for the hypothesis (Appendix E). The multilevel logistic regression provided very similar results. The multinomial logistic regression – where the three-levelled dependent variable are used – are also in line with the hypothesis.

In general, these findings are in line with the exchange model and resource dependency theory, which emphasizes that influence is gained in return for resources the relevant institutions demand (e.g. Pfeffer and Salancik 1976, 258-259; Pappi and Henning 1999, 272; Klüver 2013,

17-18). The exchange model applied in this thesis focused on resources that was relevant to specific policy areas, and it was thus expected that the likelihood for preference attainment is higher on energy- and maritime-related issues. According to Hoffmann, Jevnaker and Thaler (2019, 158-159), Norway is a “shaper” of EU energy policy because of their structural resources related to the policy area. The findings can be seen as line with this, if one assumes that the Norwegian relevant resources are applicable to the EEA EFTA States in general.

### 8.3.2 *Issue controversy*

As resources were expected to matter, the resources of opposing forces should matter as well. Thus, the model suggested that the level of conflict – issue controversy – should be a determinant, as it would lead to more resources to be used the opposite direction. Thus, Hypothesis 2 was formulated as follows: *The preferences of the EEA EFTA States are less likely to be attained when the legislative proposal is controversial.* The proxy variable used to test this variable was the duration of the legislative procedure. Throughout all models in all three analyses, the coefficients are negative – in line with the hypothesis. However, the coefficient was the coefficient was statistically significant statistically significant in the full models in the logistic and the multilevel logistic regression analyses. Furthermore, it was only significant at 10 percent level. The logit coefficients for duration are very low – at 0.001 in the models where they are significant. Yet, as the duration variable is coded in days it ranges from 269-1392, meaning that a 0.001 change in likelihood in practice may can be substantial. Consequently, the logit coefficients points in the same direction as Hypothesis 2, but as the results are not statistically significant, the results offer at best modest support of the hypothesis.

The duration variable has certain shortcomings, as discussed in section 5.3.2. Most important, duration is a proxy variable and not a direct measure of controversy. Also, the variable is coded on comment level, not on position level. The logit coefficients suggest an effect in line with the theoretical expectations. Mahoney (2007, 40; 2008, 187) and Klüver, Braun and Beyers (2015, 452) argued that the presence of opposing forces may reduce the influence of a single actor. The findings here are not opposing that. Indeed, the hypothesis are not supported, but this is due to the lack of certainty.

### 8.3.3 *The ideological stance of decision-makers*

A second intervening factor in the exchange model is the political position of decision-makers. Expecting that legislators both want to and have to stick to their ideological stance, Hypothesis

3 was proposed: “*The preferences of the EEA EFTA States are more likely to be attained when the ideological distance between the EEA EFTA States’ governments and the EU member states’ governments are small*”. It was tested with the ideological distance between the EU governments and the EEA EFTA governments in the year that the Council adopted the relevant act. All logit coefficients are negative both in the main analysis and in the multilevel logistic regressions used as robustness test. The multinomial logistic regressions indicated the same trend. However, none of the coefficients are statistically significant. Consequently, no support was provided for Hypothesis 3.

The measuring and operationalization of this variable should be noted. The EU average was simply measured by taking the average ideological stance of EU governments. As discussed in section 5.3.3, there are some issues with this. One cannot assume that all member states are equally powerful (e.g. Thomson 2011, chapter 9). Also, the left-right scale is not necessarily the same in Eastern and Western Europe (e.g. Rovny and Edwards 2012). Because the alternatives would be very time-consuming and difficult, these measures were used. The EEA EFTA value is based only on Iceland and Norway, as data on Liechtenstein not were available. This is a shortcoming, of course, but based on the information gained through the preliminary interviews it was appeared clear that the three states do not have equal weight (see section 7.1.2). It seemed like Liechtenstein rarely had strong opinion, and that Norway often initiated comments. It should thus not be a big problem that Liechtenstein is left out. Due to the information from the interviews, the EEA EFTA value is weighted, and is based 33.3 percent on ideological position of the Icelandic government and 66.6 percent on the Norwegian government. It should also be noted that this variable only covers the Council, and not the other legislative body in the EU – the European Parliament.

Also emphasizing the importance of the decision-makers preferences and ideological stance, Hypothesis 4 was proposed: “*EEA EFTA preferences that suggest more market regulation are more likely to be attained when the EU member states’ governments are more leftist*”. No statistically significant results were present for this hypothesis, which was tested with the interaction variable between Market regulation variable and the EU left variable. While the findings were not significant, the direction of the logit coefficients are of interesting. While the two variables individually are negative, the interaction are positive. This is the case in all models in the logistic and the multilevel logistic analyses. However, as none of these results are statistically significant, Hypothesis 4 is not supported.

#### *8.3.4 Other findings*

All analyses indicated small and statistically insignificant negative logit coefficients for the Recitals variable, which was used a proxy to control for issue complexity. The results for the Year of submission variable are somewhat unclear. Both the main analysis and the multilevel logistic regression the variable seems to have small negative effect on the probability for preference attainment. The coefficients for Year of submission are not statistically significant in these analyses, except from in Model 6 of the multilevel analysis where it is significant at 0.01 level. According to the multinomial analysis, Year of submission has a positive effect on the likelihood for full attainment rather than no attainment, and a negative effect on the likelihood for partly attainment rather than no attainment. The negative coefficient is stronger than the positive, but all these coefficients for the variable in this analysis is significant at 0.01 level. For these reasons, it is somewhat difficult to say what the effect of Year of submission are. It does seem like it overall may have a small negative effect on preference attainment. Nevertheless, the potential effect is small, meaning that despite enlargements and several treaty changes in the EU, the degree of preference attainment has at most reduced slightly over time.

A positive and statistically significant relationship between preference attainment and positions suggesting less European integration was found. This makes sense, as the Council is in general to a smaller extent in favour of European integration than the Commission (Crombez and Hix 2011, 304-306). The pivotal voter in the Council should then at least be less integrationist than the Commission on many issues. Thus, it is not surprising that the Council more frequently vote in line with the positions of the EEA EFTA States when the EEA EFTA Comments suggest changes to something that involve less integration than proposed by the Commission.

The Technicality variable and the EEA EFTA Specific variable were included to control for what can be seen as issues that are “less important” or less salient to the EU. Throughout all three analyses, the coefficients for both variables were large and negative, and all statistically significant. At first, one could expect the coefficient of the Technicality variable to rather be positive, as one could expect these issues to be uncontroversial and unimportant. Following that reasoning, the member states could be more willing to accept changes to the Commission proposal in line with the EEA EFTA States’ suggestions in such cases. On the other hand, if these cases are of lesser importance, it is perhaps more likely that the EEA EFTA States don’t use other channels to push their views. It could be that the use of other channels than the EEA EFTA Comments – formal as well as informal, and bilateral as well as multilateral – are more

frequent on more important issues, thus resulting in that these positions are less successful than others. A possible explanation to the apparent negative effect of the positions being EEA EFTA specific could be that in these issues there are probably only the three EEA EFTA States that promotes their suggestion. Other issues may be equally important to some EU member states or MEPs and thus promoted by these actors, while the EEA EFTA specific positions are by nature less relevant to others than the EEA EFTA States. While the suggestions may be uncontroversial, there may be no one in the room promoting them when decisions are made. However, this is only speculations and no conclusions can be made about these two variables. This empirical puzzle could, however, serve as a departure for further research.

#### **8.4 Practical implications**

In addition to the contributions to the literature, the results in this thesis have practical implication. The findings of the interviews were interesting and partly surprising. It is important to stress that no generalizations can be made based on three interviews. Simultaneously, one implication of the preliminary interviews, is that one cannot assume that the EEA EFTA Comments is tools for decision-shaping and nothing else. While it still appears to be the main objective, one should not take it for granted that this is the case for all comments, or for all three EEA EFTA States. Consequently, it does not seem like attempting to influence EU policy-making is not the one and only aim of submitting EEA EFTA Comments.

The degree of preference attainment alone is in itself interesting. The preferences of the EEA EFTA States are fully attained in 39.6 percent and partly attained in 18 percent of cases when they suggest changes to a Commission proposal through this channel. In other words, these numbers reflect to what extent the EEA EFTA States get what they want in cases where they disagree with the initial Commission proposal. For almost 60 percent of the addressed issues, the adopted legislative act was closer to EEA EFTA States' favoured outcome than the initial proposal was. In a sense, this provides insight in the results of the collaboration between the three states and their exclusive rights ensured by the EEA Agreement. This can also have broader implication. This does not imply that these numbers can be generalized to all adopted EU legislation. There are at least two important reasons for why this is not the case. First, most of the EEA EFTA Comments are in general supportive to the addressed proposals but suggest one or a few suggestions for change. Even very small and what seems like trivial positions are

included, but only those suggesting a change to the proposals. This means that there probably are numerous supportive positions in the comments for each position suggesting change.

Secondly, there are far more adopted legislative acts in the EU than those addressed in the EEA EFTA Comments. The combined number of adopted decisions, directives and regulations in the EU have been at least 1500 a year throughout the time period of this analysis (Toshkov n.d.). This entails that the EEA EFTA Comments have only addressed a small percentage of the total share of Commission proposals. Not all EU legislation is EEA relevant, but there are still thousands legislative acts that are (Frommelt 2017, 159-160), meaning that many relevant proposals are unaddressed in the comment. One reason can be that EEA EFTA States are unable to come up with a joint position, or that the process of making comments are overtaken by events on the EU side. This could be because the EEA EFTA States in general are satisfied with the legislative proposals coming from the Commission. Another reason could be that the EEA EFTA States uses other strategies or channels to achieve influence. This analysis does not cover the efforts used in the stages before the formal Commission proposal are adopted, where efforts can be directed. Nor does it cover individual efforts by the EEA EFTA States. They can for example take the “bilateral route”, by trying to influence their natural partners among the member states or the rotating Council Presidency (Haugevik 2017).

For these reasons, the overall level of preference attainment found in this analysis should not be interpreted as the overall level of attainment of the EEA EFTA States’ preferences in EU decision-making. This analysis is, as thoroughly discussed in section 5.1.1, is limited to positions suggesting change located in EEA EFTA Comments addressing adopted policy proposals that have resulted in legislative acts. The thousands of legislative acts that have had to be implemented due to the dynamic EEA Agreement have rarely been controversial in Norway (Official Norwegian Report [NOU] 2012:2, 850; 853-854). Reports also show that both Iceland and Liechtenstein are largely satisfied with their relationship to the EU (Pelkmans and Böhler 2013, 146; Government of Iceland 2019, 9-10). Consequently, one could expect most EEA relevant legislation to be acceptable to the Iceland, Liechtenstein and Norway, as their preference often coincides with the legislative outcome in the EU. The preferences of Iceland, Liechtenstein and Norway are thus probably attained at a percentage substantially higher. Simultaneously, to propose an overall number would be purely speculations without information about which proposals that not have been addressed in the comments and which have not.

All positions passing the criteria in all publicly available EEA EFTA Comments on Commission proposals were analysed. Thus – while not generalizable to all EEA relevant legislative act – the levels of preference attainment found in the analysis is still true for the analysed issues. When the EEA EFTA States have proposed changes to Commission proposals in the form of EEA EFTA Comments, their preferences have been attained to some degree almost six out of ten times. This does not imply that the three states can expect the same degrees of preference attainment if they for example would increase the amount of submitted comments. As discussed in section 5.2.2, preference attainment does not equal influence. Regardless of to what extent the EEA EFTA States have been influential, the degree of preference attainment is interesting on its own.

The findings suggest that the likelihood for the EEA EFTA States' preferences to be attained is larger on issues related to energy or maritime issues. Within these areas, the EEA EFTA States have expertise and substantial amounts of relevant economic powers. This is especially based on the resources of Norway, but also Iceland have relevant resources on maritime issues. It is probable that these resources let the EEA EFTA States punch above their weight and be influential in EU policy on these areas.

## **8.5 Limitations**

Most of limitations in this thesis have been discussed throughout the thesis<sup>14</sup>, but the most important ones should be emphasized once again. First of all, the scope and aim of the thesis should especially be stressed. This is rather delineations than limitations, but it is crucial to underline. Perhaps most important, what is measured in this thesis is not influence, but preference attainment. While it can be considered as quite related concepts, they are not identical. As thoroughly discussed in section 5.2, influence is difficult to measure. It has thus deliberately been decided to rather focus on preference attainment. Furthermore, this thesis cannot be generalized to cover the general attainment of the EEA EFTA States' preferences in the EU. This analysis covers only one channel, and it only analyse positions that passes a series of criteria – most notably that they suggest change, and that they address adopted Commission

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<sup>14</sup> Most of the limitations are discussed in more detail in the Chapter 5. See especially section 5.2 for challenges with measuring influence and preference attainment, section 5.3.2 and 5.3.3 for weaknesses with the variables *Duration* and *Ideological distance*, section 5.4 for potential problems with human-coding, and section 6.2.2 for considerations regarding interviews.



proposal. Accordingly, the analysis does not cover the stage prior to adoption of the proposal, which often are seen as a crucial stage in the lobbying literature. However, that the whole universe of relevant cases is studied means that the degrees of preference attainment found are the actual level of preference attainment.

Secondly, the methodological choices were constrained by data availability and resources. The proxy variable for issue controversy – duration of the legislative procedure – is not ideal, both because it is measured on comment level and because it is not an exact measure of controversy. Simultaneously, to measure the level of actors involved on each single issue would be very time-consuming, and for some issues it would perhaps not be possible. The theoretical expected effect of the preferences of decision-makers could also have been tested with stance on European integration, and not only the ideological distance. The recently updated Chapel Hill expert survey (Bakker et al. 2000) could have been used to measure the distance in stance on integration. However, it would require coding of all governments in all countries for all years. Combined with the fact that the updated version with values for 2019 was released only one month prior to thesis submission, this led to the decision not to include positioning on European integration. Also related to the hypothesis on ideological distance, the lack of data on the ideological position of the government of Liechtenstein is a limitation worth mentioning. I could have collected such data myself, but this would be very time-consuming, and was thus decided not to do.

Thirdly, by and large the whole analysis rests upon my own human-coded positions and my own measuring of preference attainment. The dependent variable is entirely based on my own analysis of the EEA EFTA Comments, Commission proposals and the adopted legislative acts. This is not necessarily a limitation, but there is of course a risk of measurement errors, both in the identification of positions and in the measurements. Fellow master's students were consulted in cases of uncertainty and where the uncertainty was high the positions were excluded, but there is still a chance of errors (See section 5.4.1 for details). The last set of limitations is concerning the preliminary interviews. In hindsight, due to limited experience with conducting interviews I occasionally might have rushed some questions. Most important, however, is the fact that no individual representing Iceland were interviewed. If the interviews would have been conducted to assess the research question, this would have been a significant shortcoming. These limitations should be taken into account.

## 9.0 Conclusion

Motivated by the lack of literature on the joint efforts of the EEA EFTA States, I sat out to contribute to the understanding of the EEA EFTA Comments. Despite being in a position where they have to implement huge amounts of EU legislation but at the same time have no vote, the EEA EFTA States' attempts at influencing EU policy-making have been largely overlooked. This is certainly the case for the EEA EFTA Comments, which no one (of my knowledge) have empirically analysed. Due to the democratic deficit associated with the EEA EFTA States' relationship with the EU, I find the efforts of the three states to shape EU policy particularly interesting. The aim and of this thesis were thus to measure and explain the degree of preference attainment of the positions stated in the EEA EFTA Comments.

Building on third country influence theory and lobbying and interest group theory – most notably exchange models emphasizing resources – I suggested an exchange model for the EEA EFTA States influence in the EU. Like exchange models in the interest groups literature, the logic behind was that influenced in return for providing the EU institutions resources they need. Accordingly, the level of influence depends on resources relevant to the particular issue in question. At the same time, the models suggest that two factors are intervening this exchange – namely the resources of competing actors, and the preferences of the decision-makers. Consequently, area-specific resources were expected to increase the probability for preference attainment, and issue controversy and ideological distance to the Council governments were expected to decrease the possibility.

To ensure a proper understanding of the topic, and to help operationalize the variables used to test the hypotheses, three preliminary interviews were conducted. To assess the research question, positions suggesting changes to legislative proposals adopted by the Commission were located in all the publicly available EEA EFTA Comments between May 1995 and the end of 2019. The degree of preference attainment was measured for all positions passing the criteria, by analysing the initial proposals, the comments and the legislative outcome. The analysis overall showed that the preferences of the EEA EFTA States were fully attained in 36.9 percent of cases, and partly attained in 18 percent of cases. This varied substantially between policy areas, and the degrees of preference attainment were considerably higher within the areas of energy and maritime issues. The logistic regressions also suggested that preference attainment is substantially more likely within these policy areas. Due to the resources of the

EEA EFTA States (particularly Norway) within these policy areas, this was expected. The hypothesis on the effect of resources were thus supported, in line with the applied exchange model. This finding was robust also when controlling for comment-level characteristics by conducting a multilevel logistic regression. Furthermore, when controlling for the operationalization of preference attainment by conducting a multinomial logistic regression the resource hypothesis was still supported. No effect of preferences of the decision-makers or issue controversy could be confirmed.

In addition to the theoretical an empirical contribution to the literature, this thesis also has practical implications. It shows to what extent the outcome of EU policy is in line with the preference of the EEA EFTA States when they suggest changes to Commission proposals. To some extent, it shows what have been achieved with more than 20 years of EEA EFTA Comments.

## **9.1 Recommendations for further research**

The thesis contributes in the understanding of the collaboration between Iceland, Liechtenstein and Norway in general, and of the EEA EFTA Comments in particular. Yet, the gap in literature on the collaboration of this peculiar composition of highly integrated non-member and their joint efforts is far from filled. For that reason, further research is recommended on this topic. Specifically related to the EEA EFTA Comments, a thorough analysis of the motives and expectations when submitting comment could be interesting. As the few interviews I conducted indicated that the motives for submitting comments may vary between the states, and that one should not simply assume that it is only about influencing EU policy. This could be studied further, for example by more extensive qualitative studies. Along the same lines, one could also analyse what expectations the EEA EFTA States have of the collaboration. What do they expect, and do they expect to be influential in the legislative processes in the EU? Qualitative studies could also be used to further study the influence of the joint efforts, in order to reveal causal mechanisms. This could particularly be interesting within the fields of energy and maritime policy, where the degrees of preferences were high. Studies of these areas could further test the resource theory.

This thesis provided measures and to some extent explanations of preference attainment of the EEA EFTA Comments. The determinants included here could be tested further. Issue

controversy could be tested with other proxy variables, and the distance between the EU and EEA EFTA States could be tested on other scales than just the ideological left-right scale – for example by studying the pro-/anti-integration scale. Of course, other determinants than those included here could be tested as well. Institutional factors were left out of this analysis due to time and space constraints, but this deserves more attention.

To further understand the implications of these findings, studies on which proposals are addressed and not would be highly useful. Are there many unaddressed proposals that the EEA EFTA States would like to change? Are most of the issues the three states find problematic addressed in the comments, or are there many unaddressed issues they find problematic? Having such knowledge would also make the findings in this thesis more useful. Another interesting research topic would be to examine how the comments are combined with other strategies. It is not clear whether and to what extent the comments are supplementing or replacing the individual efforts of the EEA EFTA States. Furthermore, the follow-up of the comment could be analysed, for example by studying how the EEA EFTA Comments are perceived by the EU.

In sum, there are several ways in which this field could be developed empirically. The further research should not, however, be limited to empirical analyses. Theoretic development is also needed within the field of third country influence or decision-shaping. This is especially the case for non-members that are more or less integrated in the EU, but not limited to the EEA EFTA States.

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# Appendices

## Appendix A: Coding rules for identifying positions and measuring preference attainment

### EEA EFTA positions:

#### 1. *Identifying positions*

For a position to be included in the dataset, the position must be part of an EEA EFTA Comment that fulfils all of the following criteria:

- It is publicly available
- It has clearly been submitted jointly by Iceland, Liechtenstein and Norway within the framework of the EEA Agreement
- It has been submitted between 1 May 1995 and 31 December 2019
- It addresses a legislative proposal formally adopted by the Commission
- It addresses a legislative procedure that was ended by 1 January 2020

Furthermore, the position itself must fulfil both of the following criteria

- It is a clearly stated position
- It proposes some kind of change to a Commission proposal

#### 2. *Coding positions*

The positions are coded in the dataset as description of the EEA EFTA States' positions in a sentence or two. These may or may not be direct wordings taken from the EEA EFTA Comment. If there is a specific article that is addressed or proposed changed, that is included.

Examples:

*“Article 9 (2) should be strengthened to provide greater protection of children regarding the marketing/advertising of products high in saturated fats, trans-fatty acids, salt and free sugars”*

*“The 15 days deadline in Article 16(4) of the proposal should be lowered”*

### Preference attainment

The level of preference attainment is measured by analysing the EEA EFTA positions, the initial Commission proposals that they address and the adopted legislative acts. In this variable, the positions are coded as 0 (not attained), 1 (partly attained) or 2 (fully attained). This is done as such:

- A position is coded as 0 (not attained) if the outcome is further away or as far away from the position as the initial Commission proposal.
- A position is coded as 1 (partly attained) if the outcome is closer to the position than the initial Commission proposal, but not is not totally line with the preferred outcome stated in the position.
- A position is coded as 2 (fully attained) if the outcome is in line with the preferred outcome stated in the position.

The coding of each position is accompanied with a brief justification of why it is coded the way it is. This is coded in a separate column in the excel file for the data set.

### **Preference attainment (dummy)**

The preference attainment of all positions is also coded as a dummy variable with the values 0 (not attained) and 1 (attained).

- All positions coded as 0 in the three-levelled preference attainment variable is coded 0 here as well.
- All other positions, meaning all that is coded either 1 (partly attained) or 2 (fully attained) in the three-levelled preference attainment variable, is coded as 1 (attained).

## **Appendix B: Information letter and consent form sent to the interviewees**

The following letter and consent form was sent to all the potential interviewees, and was signed by all interviewees. The font size and is changed to fit better into this document.

### **Are you interested in taking part in the research project with the working title “*The effect of collaboration within the European Free Trade Association: an analysis of the EEA EFTA Comments*”?**

This is an inquiry about participation in a research project where the main purpose is to map and analyse the effect of the EEA EFTA Comments. In this letter we will give you information about the purpose of the project and what your participation will involve.

#### **Purpose of the project**

The purpose of the project is to map and analyse the EEA EFTA Comments submitted by the EEA EFTA states (Iceland, Liechtenstein and Norway). The research question of the thesis is “To what extent are the preferences stated in the EEA EFTA Comments attained in the EU decision-making process?”. This will be done by analysing public documents and by interviewing people working with the EEA EFTA Comments.

Prior to analysing to what extent the preferences in the comments are attained, some preliminary semi-structured interviews will be conducted. The purpose of these interviews is to provide a general description of the EEA EFTA Comments, including how and when they are produced, and which actors are involved in producing them. This part of the project – the preliminary interviews – is the part of the project that you are asked to take part in.

This project is a master’s thesis at the Department of Comparative Politics at the University of Bergen.

#### **Who is responsible for the research project?**

The Department of Comparative Politics at the University of Bergen is the institution responsible for the project.

#### **Why are you being asked to participate?**

You are asked to participate in this project because you fulfil the following two selection criteria:

- You are (or have been) working closely with the EEA EFTA Comments.
- You are an employee of the EFTA Secretariat OR the government of Iceland, Liechtenstein or Norway.



Additionally, you have been recommended by another person who also fulfils the selection criteria. In total, 5-10 persons will be asked to participate.

### **What does participation involve for you?**

If you chose to take part in the project, this involve that you participate in a semi-structured personal interview over Skype or phone. Participation in this project involves participation in a semi-structured personal interview over Skype or phone interview. This will take approximately 30 minutes. The interview will include questions about the EEA EFTA Comments, such as how they are produced and what makes them successful. Your answers will be recorded electronically.

### **Participation is voluntary**

Participation in the project is voluntary. If you chose to participate, you can withdraw your consent at any time without giving a reason. All information about you will then be made anonymous. There will be no negative consequences for you if you chose not to participate or later decide to withdraw. Shortly after the interview, you will be asked to approve the transcript of the interview you participated in. If the you want to retract some of your answers, it will be deleted at the first opportunity.

### **Your personal privacy – how we will store and use your personal data**

We will only use your personal data for the purpose(s) specified in this information letter. We will process your personal data confidentially and in accordance with data protection legislation (the General Data Protection Regulation and Personal Data Act).

- The student, Ole Johan Karlsen, and the supervisor, Raimondas Ibenskas, will have access to the personal data.
- The data will be saved at a locked computer, and names will not be shared with others than the student and the supervisor. Transcript of the interview will not be used until it is approved by the interviewee. If parts of the transcript are removed upon request of the interviewee, this will be deleted.
- The data will be stored on a password-protected computer in a password-protected folder.

In the thesis the following information about you and the interview will be published:

- Your workplace.
- Your position at your workplace. This will be referred to in general terms.
- Timing of the interview.
- If the interview is conducted in person (rather than for example over Skype), the location of the interview will be included

### **What will happen to your personal data at the end of the research project?**

The project is scheduled to end 3 June 2020 when the thesis is to be delivered. Names, exact position at your workplace and sound recordings will be deleted as soon as the thesis is graded – probably in July 2020. Approved transcripts and your position at your workplace in general terms (and thus unidentifiable) will be kept after the end of the project to ensure scientific quality (e.g. making it possible to verify the analysis).

However, personal information will be deleted if requested by the interviewee. Note that if you want retract parts of the approved transcript or withdraw your consent before the thesis is submitted, this should be done in good time prior to the deadline of submission, and at the latest Friday 29 May 2020 – five days prior to the submission.

### **Your rights**

So long as you can be identified in the collected data, you have the right to:

- access the personal data that is being processed about you
- request that your personal data is deleted
- request that incorrect personal data about you is corrected/rectified
- receive a copy of your personal data (data portability), and

- send a complaint to the Data Protection Officer or The Norwegian Data Protection Authority regarding the processing of your personal data

### **What gives us the right to process your personal data?**

We will process your personal data based on your consent.

Based on an agreement with Department of Comparative Politics at the University of Bergen, NSD – The Norwegian Centre for Research Data AS has assessed that the processing of personal data in this project is in accordance with data protection legislation.

### **Where can I find out more?**

If you have questions about the project, or want to exercise your rights, contact:

- Department of Comparative Politics at the University of Bergen via student Ole Johan Karlsen ([olejohankarlsen@gmail.com](mailto:olejohankarlsen@gmail.com)) or supervisor Raimondas Ibenskas ([Raimondas.Ibenskas@uib.no](mailto:Raimondas.Ibenskas@uib.no))
- NSD – The Norwegian Centre for Research Data AS, by email: ([personverntjenester@nsd.no](mailto:personverntjenester@nsd.no)) or by telephone: +47 55 58 21 17.

### **Consent form**

I have received and understood information about the project “*The effect of collaboration within the European Free Trade Association: an analysis of the EEA EFTA Comments*” and have been given the opportunity to ask questions. I give consent:

- to participate in a personal semi-structured interview through phone or Skype where the sound is recorded.
- for anonymized information about my workplace, position in general terms and timing of interview to be published, which may imply that I can be recognised.
- for anonymized information about my workplace, position in general terms and timing of interview to be stored after the end of the project.

I give consent for my personal data to be processed until August 2020.

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(Signed by participant, date)

## **Appendix C: Interview guide**

The following remarks and table constitute the interview guide used when conducting the preliminary interviews:

General remarks:

- The interviews will be conducted via Skype. Sound will be recorded.
- Since this will be semi-structured interviews, the interviewees will get some follow-up questions based on their response. They may be asked to elaborate their answers.
- Several of the questions in this interview guide are somewhat overlapping and some of the questions’ relevance depend on their workplace. These will be skipped if necessary.

- The interviews will be held in English or Norwegian, depending on what the interviewee prefers. A similar interview guide in Norwegian will be made in case this is preferred by some of the interviewees.

Introduction and information	<ul style="list-style-type: none"> <li>○ Thank the interviewee for accepting to participate.</li> <li>○ Give information about the project</li> <li>○ Give information about participation</li> </ul>
General information about interviewee	<ul style="list-style-type: none"> <li>○ Where are you employed?</li> <li>○ How are your work related to the EEA EFTA Comments?</li> </ul>
General information about the EEA EFTA Comments	<ul style="list-style-type: none"> <li>○ How will you describe the EEA EFTA Comments?</li> <li>○ Why are EEA EFTA Comments submitted?</li> <li>○ What are the main objective of submitting EEA EFTA Comments? <ul style="list-style-type: none"> <li>○ Any secondary objectives?</li> </ul> </li> <li>○ Do you see the EEA EFTA Comments as attempts at shape EU policy?</li> </ul>
How the EEA EFTA Comments are produced	<ul style="list-style-type: none"> <li>○ How are the EEA EFTA Comments produced? <ul style="list-style-type: none"> <li>○ Writing of comments</li> <li>○ How they are decided upon</li> <li>○ Involved actors</li> </ul> </li> <li>○ How are <i>[your employer]</i> involved in the production of the EEA EFTA Comments?</li> <li>○ To what extent does the EFTA Secretariat have influence over the production of the comments?</li> </ul>
When the EEA EFTA Comments are produced	<ul style="list-style-type: none"> <li>○ In what situations are the EEA EFTA Comments produced?</li> <li>○ Does it happen that comments are drafted but not submitted?</li> <li>○ In what situations are the EEA EFTA Comments NOT submitted? <ul style="list-style-type: none"> <li>○ What is the main reason for not submitting comments?</li> <li>○ Does disagreement matter?</li> <li>○ Other reasons?</li> </ul> </li> </ul>
The role of the EEA EFTA Comments and intra-EFTA collaboration	<ul style="list-style-type: none"> <li>○ What is the role of the EEA EFTA Comments <ul style="list-style-type: none"> <li>○ For <i>[your employer]</i>?</li> <li>○ For <i>[your country]</i>?</li> </ul> </li> <li>○ Follow-up on importance</li> <li>○ How would you describe the collaboration between the EEA EFTA states?</li> <li>○ What is the role of the EEA EFTA Comments for the collaboration between the EEA EFTA states? <ul style="list-style-type: none"> <li>○ Is it important?</li> <li>○ Are other common efforts used?</li> <li>○ Is the comments supplements or substitutes of other efforts/strategies?</li> </ul> </li> <li>○ Does the collaboration between the EEA EFTA states include other strategies than the EEA EFTA Comments?</li> </ul>
Effect of the EEA EFTA Comments	<ul style="list-style-type: none"> <li>○ What would you say have been the general effect of the comments?</li> <li>○ To what extent would you say that the comments have been successful <ul style="list-style-type: none"> <li>○ At influencing EU legislation?</li> <li>○ Achieving <i>[other objective(s) the interviewee has mentioned as objective of the comments]</i>?</li> </ul> </li> <li>○ How would you say that the comments are received by the EU institutions?</li> <li>○ When are the comments successful? <ul style="list-style-type: none"> <li>○ Determinants?</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Does the success vary <ul style="list-style-type: none"> <li>○ between policy areas?</li> <li>○ Between issue type (directive/regulation/decision)?</li> <li>○ Depending on timing of submission?</li> <li>○ Depending on legislative procedure in the EU?</li> </ul> </li> </ul>
Specific cases	<ul style="list-style-type: none"> <li>○ Are there any EEA EFTA Comments you found specifically? <ul style="list-style-type: none"> <li>○ Successful?</li> <li>○ Unsuccessful?</li> <li>○ Interesting?</li> <li>○ Controversial?</li> </ul> </li> </ul>
Finishing	<p>Thank the interviewee for participation once again, and underline that he/her will receive a transcript of the interview shortly.</p> <p>Finish recording.</p> <p>Ask about potential future interviewees.</p>

**Appendix D: VIF tests**

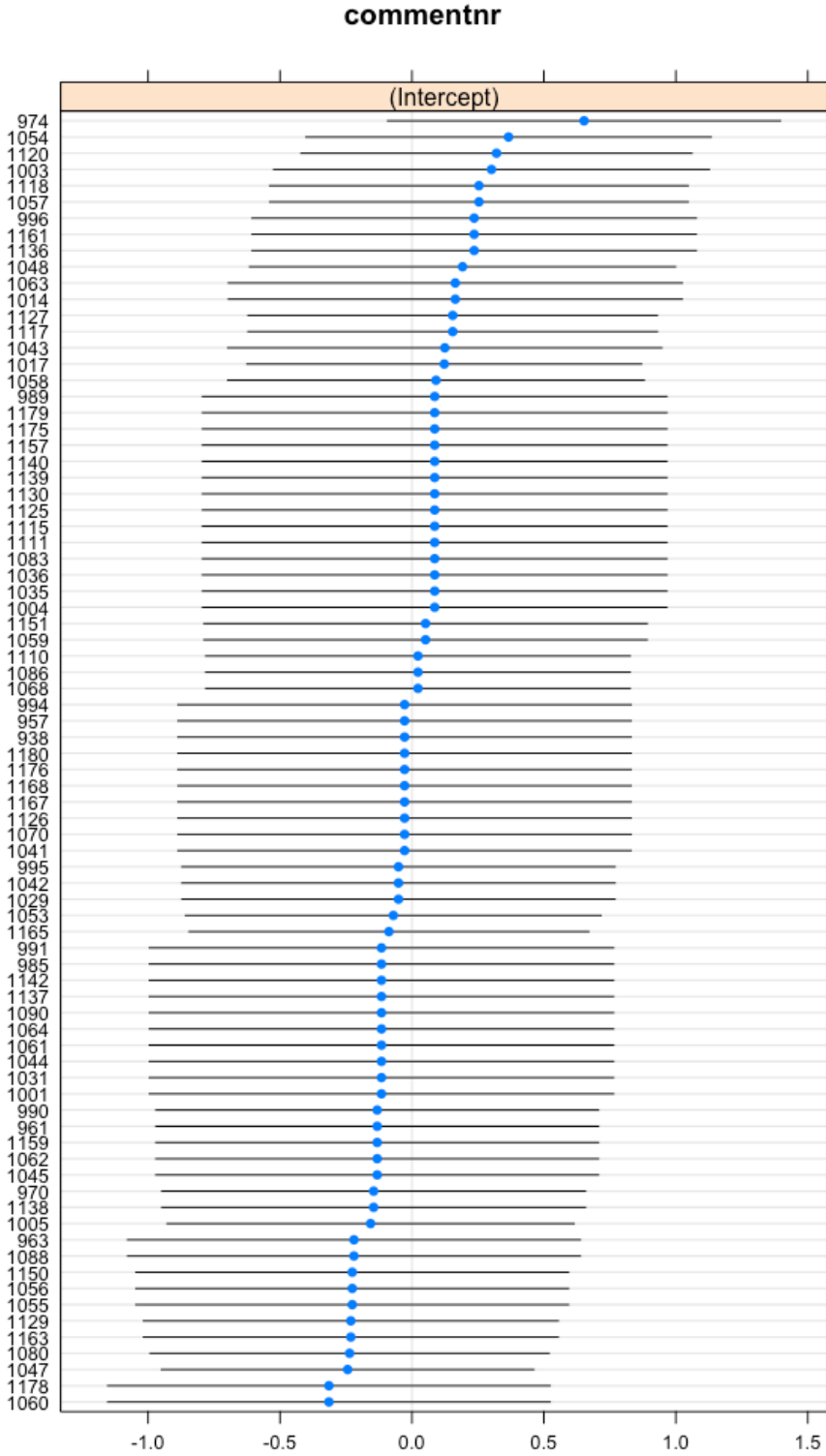
Variables	VIF values	VIF values	VIF values
Energy + Maritime	1.258148	1.257894	
Duration	1.157719	1.157078	1.155361
Ideological distance	1.121161	1.124745	1.118892
EU Left	1.462480	8.160820	1.456644
Market regulation	1.112805	85.259610	1.115319
Recitals	1.588754	1.591540	1.583476
Less integration	1.098464	1.099959	1.098266
Year of submission	1.848536	1.853541	1.849380
EEA EFTA specific	1.053839	1.053739	1.054357
Technicality	1.051550	1.051361	1.073505
EU Left x Market regulation		87.061239	
Energy			1.177442
Maritime			1.109697

**Appendix E:** Logistic regression analysis with separate Energy and Maritime variables rather than the merged variable.

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
<i>Energy</i>	0.879** (0.432)			0.812* (0.437)	0.918* (0.415)	0.681 (0.489)
<i>Maritime</i>	1.276* (0.655)			1.204* (0.660)	1.327* (0.683)	1.361* (0.720)
<i>Duration</i>		-0.001 (0.0005)		-0.0005 (0.0005)	-0.001 (0.001)	-0.001* (0.001)
<i>Ideological distance</i>			-0.091 (0.203)	-0.117 (0.208)	-0.057 (0.216)	-0.193 (0.225)
<i>EU Left</i>			-0.277 (1.100)	-0.154 (1.095)	-0.086 (1.122)	-0.141 (1.147)
<i>Market regulation</i>			-1.009 (2.527)	-0.792 (2.525)	-1.006 (2.533)	-1.062 (2.575)
<i>EU Left x Market regulation</i>			0.236 (0.971)	0.215 (0.969)	0.338 (0.972)	0.308 (0.989)
<i>Recitals</i>					-0.002 (0.009)	-0.001 (0.009)
<i>Less integration</i>					0.940** (0.394)	0.675* (0.404)
<i>Year of submission</i>					0.013 (0.028)	-0.001 (0.029)
<i>EEA EFTA Specific</i>						-2.230*** (0.807)
<i>Technicality</i>						-1.598*** (0.502)
<i>Constant</i>	0.148 (0.133)	0.834** (0.392)	1.570 (2.912)	1.338 (2.915)	-24.279 (55.785)	3.659 (58.362)
N	273	273	273	273	273	273
Log Likelihood	-181.709	-185.105	-184.909	-180.457	-176.966	-165.962
AIC	369.417	374.211	379.818	376.914	375.932	357.924
BIC	380.245	381.430	397.865	405.790	415.636	404.847
Hosmer-Lemeshow (p-value)	1.000	0.247	0.738	0.997	0.294	0.916
*p-value < 0.1		**p-value < 0.05				***p-value < 0.01

# Appendix F: Random effects on EEA EFTA Comment level

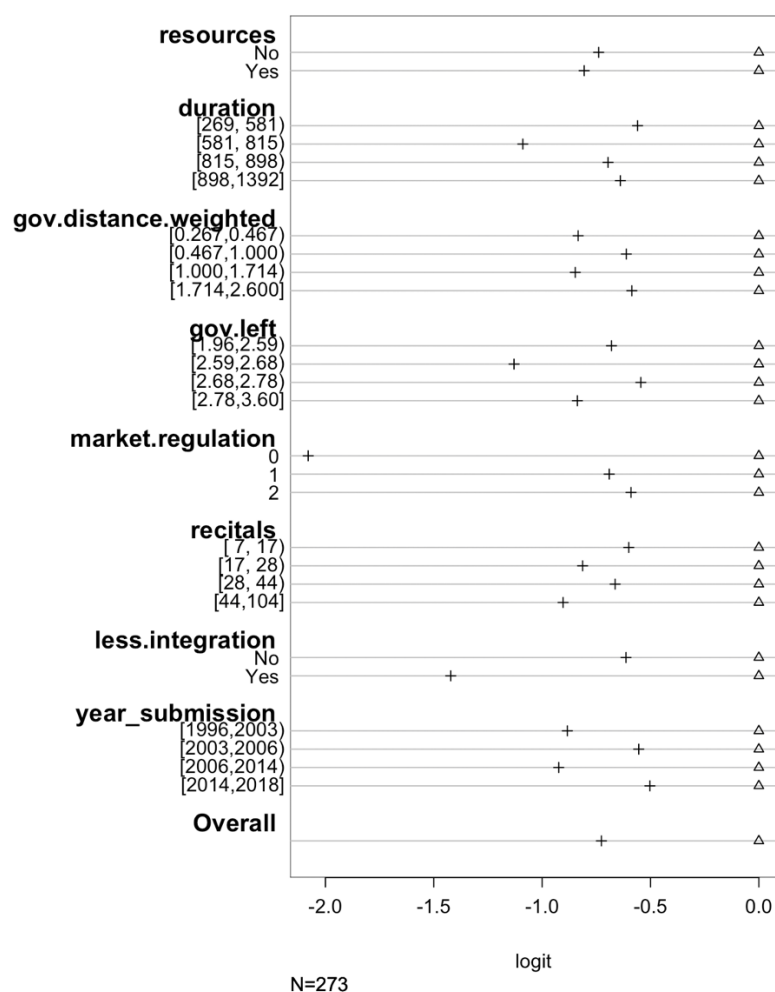
Random effects with error bars on EEA EFTA Comment level. In total, the positions in the dataset is part of 80 different EEA EFTA Comments. The numbers on the y axis is the id assigned to the different comments.



## Appendix G: Brant test results

Variables	X2	Degrees of freedom	p-values
Omnibus	16.04	8	0.04
Energy + Maritime	0.04	1	0.84
Duration	0.5	1	0.48
Ideological distance	1.18	1	0.28
EU Left	0.07	1	0.79
Market regulation	2.74	1	0.1
Recitals	3.49	1	0.06
Less integration	5.3	1	0.02
Year of submission	4.47	1	0.03

## Appendix H: Graphical test of the proportional odds assumption



## Appendix I: Multinomial logistic regression analysis with all observations

	Contrast outcome category: Not attained					
	Model 1		Model 2		Model 3	
	Partly attained	Fully attained	Partly attained	Fully attained	Partly attained	Fully attained
<i>Energy + Maritime</i>	0.491 (0.502)	1.109*** (0.388)	0.612*** (0.175)	1.207*** (0.286)	0.403** (0.178)	1.055*** (0.282)
<i>Duration</i>	-0.0003 (0.001)	-0.001 (0.001)	-0.001 (0.001)	-0.001 (0.001)	-0.001 (0.001)	-0.001 (0.001)
<i>Ideological distance</i>	-0.239 (0.267)	-0.060 (0.212)	-0.248 (0.295)	0.053 (0.233)	-0.423 (0.306)	-0.071 (0.237)
<i>EU left</i>	0.094 (0.231)	0.053 (0.180)	0.002 (0.187)	0.388 (0.348)	-0.120 (0.193)	-0.299 (0.332)
<i>Market regulation</i>	-0.675* (0.387)	-0.047 (0.292)	-0.627 (0.417)	0.036 (0.304)	-0.745* (0.406)	-0.087 (0.305)
<i>Recitals</i>			0.016 (0.010)	-0.013 (0.009)	0.017* (0.010)	-0.012 (0.009)
<i>Less integration</i>			1.469*** (0.212)	0.647*** (0.242)	1.139*** (0.205)	0.432* (0.245)
<i>Year of submission</i>			-0.052*** (0.0005)	0.046*** (0.001)	-0.071*** (0.0005)	0.031*** (0.001)
<i>EEA EFTA specific</i>					-303.302 (NA)	-1.169*** (0.078)
<i>Technicality</i>					-345.772 (NA)	-1.726*** (0.020)
<i>Constant</i>	0.077 (0.054)	0.192*** (0.043)	104.877*** (0.001)	-93.567*** (0.001)	142.804*** (0.001)	-62.068*** (0.001)
<i>N</i>	273		273		273	
<i>AIC</i>	576.004		571.180		550.944	
<i>BIC</i>	619.318		636.150		630.352	
*p-value < 0.1      **p-value < 0.05      ***p-value < 0.01						