

...Thanks, but I'll bypass

How state gatekeeping impacts regional bypassing in the EU

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Abstract

This thesis centres around the question of how two theories – intergovernmentalism and multilevel governance – explain regional government mobilisation at an EU-level. The central debate is what actually remains of central state control in keeping regional governments out of Brussels. This debate is embodied by two key concepts: central state control, or *gatekeeping*, and regional government participation, or *bypassing*. Previous literature has been riddled with both conceptual and empirical ambiguity in what exactly the role of state gatekeeping is, which leads to the research question: How does state gatekeeping impact regional government bypassing in the EU?

Using multiple different statistical models, I analyse the impact of gatekeeping on bypassing in 298 regions across nineteen EU Member States. I measure gatekeeping in three different ways using data from the Regional Authority Index and develop my own bypassing indices based on three different activities. I control for other factors using Eurostat and Eurobarometer data. It turns out that the role of gatekeeping depends on how gatekeeping as a concept is looked at. When envisioned as a lack of autonomy over the self, gatekeeping constrains bypassing, but when measured as a lack of influence over the national polity, gatekeeping instead incentivises bypassing.

Key words: gatekeeping, bypassing, multilevel governance, intergovernmentalism, paradiplomacy

Words: 19 908

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1 Introduction

The participation of subnational governments at the EU-level has outright proliferated since the 1980s (Moore, 2007: 3). What started as a few ambitious regions setting up offices in Brussels quickly grew from a handful, to fifty, to common practice (Jerneck & Gidlund, 2001: 63-64). In EU scholarship, these developments were painted as the creation of a *Europe of the Regions* and multilevel governance, where direct channels of communication and influence from the local and regional level have been institutionalised into the European integration project. This, it was hypothesised, would allow regional governments to circumvent or *bypass* their national governments, engaging directly with the EU-level in mobilising the interest of the region.

The idea of a Europe of the regions saw its heyday in the 1990s, before falling in favourability (Anwen, 2008: 483). The predictive nature of the theory made it so that when regional governments failed to become as systematically influential as the theory suggested, criticisms amassed (Anwen, 2008: 485). These criticisms boil down to the argument that Europe of the regions cannot be realised because central state control still matters – the traditional sovereignty of the central state allows it to remain a *gatekeeper* of interests at an EU-level.

The central debate is therefore what actually remains of central state control, i.e. gatekeeping. One side argues that the EU project has undermined state sovereignty and that the gates are now open to regional participation. The other side emphasises the authority of the national government and argues that the EU remains classically intergovernmental (Bache, 1996: 9-10; Bache, 1998: 17). That is, gatekeeping scholars expect gatekeeping to effectively constrain bypassing, while regionalist scholars expect regions to rise above this gatekeeping.

However, the state of the art is limited when it comes to the actual empiricism of gatekeeping. First, the concept of state gatekeeping itself remains unexplained and understudied (Bache & Bristow, 2003: 406). The literature has tended toward an end-state definition that does not lend itself for empirical examination, and while it is clear that gatekeeping amounts to ‘state control’, there is great ambiguity if ‘state control’ is constituted by the institutional set-up of a country, or the national executive that currently runs the uppermost level of it (Marks, Hooghe & Blank, 1996: 347). Second, existing studies have biases in their case selection. Studies of regional mobilisation tend to survey only regional governments with offices in Brussels (see Marks, Haesly & Mbaye, 2002; Tatham, 2010; Callanan & Tatham, 2014; Chalmers, 2013), meaning these findings pertain only to already active regions. Establishing liaison offices are

known to be the most expensive and ambitious form of bypassing (Rowe, 2011: 44), meaning these studies speak only to what the high-flyers of regional mobilisation want, say and do. Other studies tend toward case studies, where there is an over-focus on Germany and the United Kingdom (see Kern & Bulkeley, 2009; Bomberg & Peterson, 1998; Bache, 1996; Bache & Bristow, 2003; Pollack, 1995; Dickson, 2014; Rowe, 2011; Blatter et al., 2008; Burch & Gomez, 2002; Gibbs et al., 2001), with few studies moving beyond these cases. Because of these gaps, it is clear that the idea of gatekeeping requires both conceptual and empirical clarification.

In this paper, I contribute to these and other gaps. Where the literature has been dominated by end-state definitions, I go beyond this and showcase the nuances of how gatekeeping might influence bypassing. First, by thoroughly deliberating on the concept of gatekeeping, which I then investigate as a centralisation of power between regional and national level, measured in three different ways. This approach uses the understanding of a 'state' as the institutional set-up of a country, but the outcome of gatekeeping has direct implications for the national executive as well. Second, by opting for a cross-sectional statistical analysis of 298 regions in nineteen EU Member States, I avoid pooling regions based on their activity levels. Third, by creating a new dataset covering different bypassing activities (owning a Brussels office, responding to the European Commission's public consultations and being a member of international interregional networks) I develop a nuanced index for bypassing. Finally, by focusing my efforts on the question of gatekeeping rather than many different determinants of regional bypassing, I am able to show in a detailed and nuanced way how gatekeeping impacts bypassing – and it turns out that what really matters is *how* you look at gatekeeping.

The research question therefore becomes:

How does central state gatekeeping impact regional government bypassing in the EU?

The paper will unfold as follows: First, I describe the literature and theories that lay at the heart of the debate, in order to then go into more detail about what the concepts of gatekeeping and bypassing actually mean. In this section I also introduce and discuss other bypassing explanations present in the literature. Second, I establish in more detail how to spot gatekeeping and bypassing and deliberate on the expected findings. In the third section I describe the analytical decisions from how I selected my cases, what data I used and how I measured each concept, to what statistical models I ran and why. After this, the fourth step is to present the results of the analysis, before I in the final section return to the theories and propose my own understanding of how central state gatekeeping impacts regional government bypassing.

2 The central debate: what remains of state control?

Regional government mobilisation in the EU has interested scholars for quite some time. The focus has been not only on what the factors that cause or constrain regional mobilisation are (see the extensive body of work by Michäel Tatham, e.g. Tatham, 2010; Tatham, 2012; Tatham, 2013; Tatham, 2015), but also on what the goal of this mobilisation is to begin with (Marks, Haesly & Mbaye, 2002; Kern & Bulkeley, 2009; Moore, 2007; Rowe, 2011; Marks et al., 1996; Lindh, 2018; Scully & Wyn Jones, 2010 – these make up just the tip of the iceberg). In regard to the latter, the consensus seems to be that regional governments have carved out a role for themselves as regards information-sharing, networking, and other pragmatic lobbying activities at the EU-level.

Some authors understand this regional role as indicative that the EU has become a system of *multilevel governance*, escaping the traditional confines of the sovereign state. What remains unclear is the extent to which this reading rings true. On one hand, regional governments have failed to crystallise into a strong pan-European lobby (Anwen, 2008: 483), but on the other hand, there has been a proliferation in regional government activity (Moore, 2007).

The unanswered question looming over the literature is this: What actually remains of central state control? The debate is about whether regional mobilisation – what the literature calls *bypassing* – is occurring irrespective of whether the national governments allow for it, or if national governments actually are able to thwart – or *gatekeep* – regional governments from participating at an EU-level.

This may be seen as a debate of two theories. One side argues that the EU project has undermined central state sovereignty and that the gates are now open to regional participation. This side of the debate represents a broader theory with many names: sometimes it is known as multilevel governance, other times post-functionalism, and sometimes the strand specifically interested in regional governments is referred to as Europe of the Regions. This latter term was popularised by Marks (1992) and sought to describe “a new political order” where “states are outflanked by subnational governments dealing directly with Community-wide bodies” (Marks, 1992: 192). Consider these theories as of now to be synonymous in name and concept, because the overall idea when applied to regional governments is the same: The EU institutions incentivise regional governments to come to Brussels and seek representation through

various (in)formal institutions: independent lobbying, the Committee of the Regions, interregional networking, and so on. The result is that the distinction between the domestic and the international is muddled, and central state gatekeeping has, to some extent, dissolved (Piattoni, 2009: 165-166; Pollack, 2015: 35; Tatham, 2016: 4). This allows for regional bypassing to occur irrespective of whether the national governments allow for it – central state sovereignty has fundamentally been undermined (Hooghe & Marks, 2001).

The other side in this narrative emphasises the authority of the national government and argues that the EU remains classically intergovernmental (Bache, 1996: 9-10; Bache, 1998: 17). The specific theory was developed as the *gatekeeping hypothesis*, but the argument takes broader inspiration from bargaining theory and (liberal) intergovernmentalism (Bache, 1996: 9; Bache, 1998: 17; Bache & Bristow, 2003: 406; Pollack, 1995: 362; George, 2004). According to this, the sovereignty and authority of the national governments lead them to retain their gatekeeping capacity, constraining regional mobilisation at an EU-level (Piattoni, 2010: 18). That is, central state sovereignty remains intact and this has implications for the capacity of regional governments to act.

In reality, the two sides of this debate are not nearly as diametrically opposed as this picture would have it. The idea that central state control matters reappears in what has been called the “federal” strand of multilevel governance (Piattoni, 2010: 24). Scholars dominating this view include Hooghe and Marks (2001), who call their own theory a post-functionalist approach to multilevel governance. Here, regional government mobilisation occurs in the “shadow of state hierarchy”, i.e. the central state control continues to be the key determinant of whether bypassing can occur (George, 2004: 117): More gatekept regions would participate less, while less gatekept regions would participate more. Similarly, multiple intergovernmentalist scholars concede that central state control has been transformed and, in some cases, undermined (see for example Bache, 2005: 14; Bache & Flinders, 2004: 199-200; and Jessop, 2004: 64). Regions *have* moved into Brussels, and so their mobilisation must be acknowledged. Scholars on both sides thus actually concede that the other is correct to some extent.

The empirical reality behind these claims is still unclear. Gatekeeping as a concept remains rather underdeveloped (Bache & Bristow, 2003: 406), and much of this can be seen in how the two sides empirically engage with it. First, both sides routinely study gatekeeping as the *outcome* of a bargaining game (see for example Bache, 1996; Marks, Hooghe & Blank, 1996; Hooghe & Marks, 2001). The findings therefore centre around whether the central state was dominant in the policy process. Much less attention is placed on the more nuanced question of *when* and *how* gatekeeping keeps regional governments from participating. That is, central state control is not studied as a causal factor on bypassing, but instead as an alternative outcome. If gatekeeping is, for example, seen as a tactic of a national government, then it is clearer how the two might co-exist: a regional government might remain unaffected by the national

government's tactic, and bypass in spite of gatekeeping. Second, there is an intense focus specifically on cohesion policy as an if-Europe-of-the-Regions-works-anywhere-then-it-would-be-here type of case study (Bache, 1998: 23; Bache, 2015: 260-261). This scholarship neglects the fact that bypassing can occur also outside of specific policy negotiations, e.g. regions have established permanent offices in Brussels and routinely lobby through these. Agenda-setting is also lobbying, which can be used to either get something on or keep something off the negotiation table (Young, 2015: 53-54). It is therefore not enough to consider Europe of the Regions as something that only happens inside specific policy negotiations. For these reasons, the works of these original scholars do not really showcase the extent to which gatekeeping might impact bypassing.

Gatekeeping has also been studied implicitly, through the concept of *(de)centralisation of power* (see Marks, Haesly & Mbaye, 2002; Moore, 2007; Tatham, 2010; Donas & Beyers, 2012; Beyers & Donas, 2014; Greenwood, 2011; Lindh, 2018; Antunes & Magone, 2020; Jerneck & Gidlund, 2001). In these cases, the literature suffers three major data problems which lead the findings to not be generalisable.

First, there is an intense overfocus on the UK and Germany as case studies of how a gatekept and a non-gatekept region might act (see Kern & Bulkeley, 2009; Bomberg & Peterson, 1998; Bache, 1996; Bache & Bristow, 2003; Pollack, 1995; Dickson, 2014; Rowe, 2011; Blatter et al., 2008; Burch & Gomez, 2002; Gibbs et al., 2001). The problem here is that the analysis fails to move beyond these cases. If the increased activity of German Länder are due to a lack of gatekeeping, then one would expect the literature to move into studies of this across the EU, and not just as regards Germany. The depiction of the UK as a (successfully) gatekept nation is also problematic considering the fact British regions were the first to establish regional offices in Brussels - meaning they catalysed contemporary regional mobilisation at an EU-level (Jerneck & Gidlund, 2001: 63-64).

The second and biggest problem is that the literature seems to know much less about the regional governments that do *not* mobilise on an EU-level. The quantitative part of the literature is overly reliant on surveying regional governments through their liaison offices in Brussels (see Marks, Haesly & Mbaye, 2002; Tatham, 2010; Callanan & Tatham, 2014; Chalmers, 2013), meaning inactive regions are systematically excluded from analysis. Liaison offices are the most expensive and ambitious form of regional lobbying (Rowe, 2011: 44). These studies therefore only speak about the high-flyers of bypassing and can say very little about what led the excluded regional governments to be excluded in the first place. Similarly, this might hide changes that have occurred over time: if the pool of cases increases but the change in behaviour or circumstance is not recorded, then regional government behaviour might look static.

Third and finally, despite the strong theoretical link between gatekeeping and bypassing, the empirical results have been rather ambiguous. While case studies of Germany and the UK have highlighted the important constraining power of

gatekeeping (Bomberg & Peterson, 1998), multiple quantitative studies have come back with both insignificant results (Tatham, 2013; Tatham, 2015) and results in the opposite direction (Tatham, 2010). These studies differ somewhat in their measurement of “bypassing”, sometimes considering its influence and other times regional activities that conflict with the national government, but the point about a lack of empirical consensus still holds. I go beyond this by investigating the concept of gatekeeping more thoroughly, not just as one big measure of centralisation of power, but also through its individual components. In this way, I am able to offer an explanation to the ambiguous findings in the literature.

I do not seek to falsify either theory as much as I seek to quantify both by analysing the nuances of how the main force in the intergovernmental argument, namely gatekeeping, impacts the main force in the multilevel governance argument, namely bypassing. Theories are ultimately just spectacles that organise the world around us. What these two sides differ on is therefore, more than anything, *perspective*. Even if central state control remains rather intact, multilevel governance scholarship still provided something of intrinsic value to the academic discourse. Namely, it shifted the focus away from state-centricity and suggested that subnational actors are worthy of study as well. It was this fresh perspective that forced state-centred authors to come up with new ways of framing their proposition, and this time they had to consider an actor that otherwise would have gone unmentioned. I seek to bridge the gap between these theories and to extract the notion of how the remnants of central state control might impact regional mobilisation. For the sake of simplicity, I dub these concepts *gatekeeping* and *bypassing*, since these are simple terms that already are commonly used for the concepts at hand. By analysing the empirical relation between the concepts across a wide set of European regions, I am able to provide a nuanced and practical analysis.

This section has situated the puzzle of gatekeeping and bypassing as being at the core of how to understand regional mobilisation at the EU-level. I argued that although these theories might initially be seen as diametrically opposed to each other, in reality both sides concede the others’ main point to some degree. The concepts of gatekeeping and bypassing are then used to encapsulate broader influences: *gatekeeping* represents the remnants of central state control while *bypassing* represents the activities of regional mobilisation at an EU-level. The empirical literature suffers one bias in focus and another in case selection which limits these findings.

This paper finds itself in the middle of this debate, seeking to develop and operationalise gatekeeping and bypassing to investigate the empirical reality behind them. The core objective is therefore to look at *how*, in the broader EU system, state gatekeeping impacts regional bypassing. This question is crucial to anyone who seeks to draw any tangible conclusions on why regions (do not) mobilise in the EU, because the answer relates to both the choice and capacity of regions to act. If gatekeeping consistently constrains bypassing, then there may not be an equal playing field for

regional government mobilisation after all. And if gatekeeping does not constrain bypassing, then credence is given to the idea that the EU doors are now open.

The next section will elaborate on what the concepts of gatekeeping and bypassing actually mean.

2.1 *Gatekeeping*: central state control

To make the concept of state gatekeeping more tangible, I would like to start with an example.

In Hungary, the regional structure of governance is made up of twenty counties including Budapest. These counties' governments are directly elected and had, for a long time, extensive autonomy that was constitutionally protected (Schakel, 2021).

In 2011, this all changed. The Orbán administration overhauled the entire political system with constitutional reform that significantly bit into the autonomy of regional governments (Schakel, 2021; Hajnal & Rosta, 2019). The list of changes is long and cover not just competences and finances, but also metagovernance: changes to regional government autonomy no longer require a supermajority in the national parliament, and the regions themselves have no input on the rules of the game (Schakel, 2021: 1, 3). These reforms are quite transparently a central government power-grab seeking to secure state sovereignty (Hajnal & Rosta, 2019: 423).

This disenfranchisement of subnational governments might also impact how Hungary's regions interact in the broader EU system: The regions no longer have competence on the policies on which they might previously have lobbied (Hajnal & Rosta, 2019: 415); the regions have reduced funding, making the expensive activity of lobbying perhaps more difficult to fit in a constrained budget (Hajnal & Rosta, 2019: 418); with less protection for and fewer staff, these regions might be less able to keep up interregional networks and partnerships (Hajnal & Rosta, 2019: 417-418, 419); and the central state even replaced the individual Hungarian regional offices in Brussels with one centralised one, directly reducing the independent lobbying of the regions (Brusis, 2014: 314). This centralisation of power ought to lead overall to a disenfranchisement of the Hungarian regional voice in the EU, making the Hungarian position in the EU more centralised, and making sure the regional governments do not undermine this national position.

In other words, these moves to centralise power are instances of *gatekeeping*.

The concept of gatekeeping is surprisingly underdeveloped in the literature (Bache & Bristow, 2003: 406). In the previous section I showed that it can refer to the general idea that central state control or sovereignty still matters in determining whether

regional governments can mobilise on an EU-level. The causal link suggested is therefore that where state gatekeeping is high, regional bypassing should be low, or that where state gatekeeping is occurring, regional bypassing should not be occurring, depending on how intense you believe the relationship to be.

An ambiguity plagues the gatekeeping literature that makes it difficult to pin down a clearer definition of the term. The ambiguity is this: Gatekeeping scholars focus on the control of the state, but make no effort in distinguishing between the “state” as pertaining to the institutional set-up of a country and the “state” as in the national executive that currently runs the uppermost level of it (Marks, Hooghe & Blank, 1996: 347). The literature is also unclear on whether or not gatekeeping is a deliberate act that is taken at a specific point in time (as in Bache & Bristow, 2003), or if it is instead a feature of the system, that regional governments find themselves in at all times (as in Bomberg & Peterson, 1998). Taking the case of Hungary as an example, what made this story symptomatic of gatekeeping is one of two things: either it was the disenfranchisement of the regional governments *per say* – indicative of a more general reading of gatekeeping; or it was the fact that this was a *deliberate act* of the *national government*. Interestingly enough, either reading brings about approximately the same understanding of gatekeeping, namely that it at least in part amounts to a centralisation of power at the state level. In these next paragraphs, I hope to explain how this happens, by focusing on and building on Bache’s (1996) definition of the state as a gatekeeper, which is arguably the most well-cited definition of the term.

To disprove the claims by Marks, Hooghe and others (Marks et al., 1996; Hooghe & Marks, 2001; Marks, Hooghe & Blank, 1996; Marks, Haesly & Mbaye, 2002; Keating et al., 2015) of a Europe of the Regions, intergovernmentalist scholars such as Bache (1996) and Pollack (1995) set up a “gatekeeping” hypothesis that drew on earlier intergovernmentalist writings of Hoffmann (1982) and Moravcsik (1993). In their arsenal was the two-level game (Putnam, 1988), which posits that the EU is actually classically intergovernmental: decisions made in the EU involve the national government bargaining domestically to reach a national position, and internationally to reach an agreement across countries. The domestic and the international table never meet, and the central state is the funnel portraying the position of one group to the other (Tatham, 2016: 5; Bache, 1996: 24; Putnam, 1988; Hooghe & Marks, 2001). Domestic state relations therefore remain the key barrier to regional mobilisation. The central state remains an effective *gatekeeper* of regional bypassing (Piattoni, 2010: 3).

In practical terms, Bache refers to gatekeeping as the “national government dominance of the policy process” (Bache, 1996: 55). He adds the word *extended* because he wants to show that this dominance exists not just in policy formulation but also in implementation. The extended gatekeeper therefore exudes dominance over the subnational governments in all stages of the policy process (Bache, 1996: 32). The factors that cause this dominance in turn are the relative centralisation of power in

terms of political power, financial power, informational resources, and power in terms of metagovernance i.e. the redesigning of the other powers (Bache, 1996).

Bache (1996) therefore uses both conceptions of a state (institutional set-up vis-à-vis national executive): His outcome is centred around the national executive, but the factors that determined this success concerned the broader conception of the institutional set-up of a country. Furthermore, the factors that led to the successful gatekeeping were already prevalent in the background, endemic to the system rather than a deliberate act.

Bache's definition is arguably underdeveloped. The weakness of the definition comes partly from the fact that it is seen as an end-state, and so what he considers determinants of gatekeeping are arguably more indicative of gatekeeping itself. In Bache's conception, if gatekeeping happens, it is successful, since it refers to no more than a dominance over the negotiation process. Crucially, an end-state definition cannot be used to measure the causal impact of gatekeeping on bypassing.

There are two more ways in which Bache's definition should be developed.

First, gatekeeping is not just about a national government being dominant in determining the outcome of a negotiation, rather it is about being the *keeper of keys* who determines who gets to participate in the first place (Piattoni, 2010: 3). Essentially, gatekeeping involves barring other players from even having a seat at the table (Barzilai-Nahon, 2011; Piattoni, 2010: 3). If regional governments can go directly to regions in other countries, to the EU institutions, or directly to other heads of state or government, then the common position is broken, and the state failed to effectively gatekeep the bargaining process. This makes the national position itself weaker, as other players know the national position of the gatekeeper and the gatekept to be fragmented. Therefore, gatekeeping is not just about influencing the outcome, but also the procedure of negotiations.

Second, Bache does not consider the hierarchy between state and region. Gatekeeping requires the pre-existence of some kind of hierarchical relationship between the gatekeeper and the gatekept – there has to be some control which the gatekeeper holds that the gatekept does not have access to. When it comes to states, this is the ability of the national government to change the constitutional set-up of a country, to redefine the relation between the region and the centre. In many countries, this is a unilateral decision of the national government, while in others, regional governments have some input (Hooghe et al., 2016: 96-97, Appendix). In both cases, the national government holds much of the control. This is why Bache's determinants of gatekeeping (the centralisation of power in national-regional relations) actually are better measures of gatekeeping itself: when power is centralised, and regions do not have an input either on policies or their own constitutional standing, they are given by the state structure a specific role. This conceptualisation is not unprecedented: Bomberg and Peterson (1998) close the gap between dominance and the cause of it

when testing how the constitutional standing of regions – explicitly an operationalisation of the state-centred approach – impact their ability to bypass.

These aspects, when combined, reach the core of the gatekeeping argument. According to Pollack (2015), Member States (successfully) act as gatekeepers when they control the “inroads of both the Commission and sub-national governments into the traditional preserve of state sovereignty” (Pollack, 2015: 37). That is, gatekeeping should be seen as the retaining of state sovereignty, which, when successful, preserves the dominant position of the gatekeeper in the two-level game by making sure the two tables never meet directly but that each tables’ position is channelled through the gatekeeper (Tatham, 2016: 5, 20).

I hope to now have shown how gatekeeping amounts to a centralisation of power, and that it can be read either as a deliberate power grab by the central state, or as a state structure that a regional government finds itself in. When gatekeeping is considered a deliberate power grab, many more informal gatekeeping activities can be thought up: a national government might suggest that regions should not break the national position in the Council, or they might suggest that it is not in the regional government’s budget to lobby the EU.

Both readings of gatekeeping are legitimate, and I suggest referring to them as structural vis-à-vis specific gatekeeping. Future research should study both, but the focus of this paper is solely on the structural type. By using this definition, I am able to showcase how the broader argument of “state control matters” plays out in practice. The focus is therefore much less on tactics or deliberate attempts at gatekeeping, and more on how effective these formal constraints are to begin with. That being said, future research should look into the more specific attempts at gatekeeping, and a good place to start might be with the 2011 Hungarian constitutional reform.

In the above section, I have laid out the core concept of gatekeeping and explained how it amounts to the distribution of power between the national and the regional. Structural gatekeeping is therefore the relative centralisation of power in a state, when these concern regional government activities (Bache, 1996; Pollack, 1995; Keating et al., 2015).

2.2 *Bypassing*: regional government participation

I return now for a moment to the case of Hungary. Karacsóny, mayor of Budapest, has for multiple years fought Orbán’s administration, and the fight is not just domestic. Together with the mayors of Bratislava, Warsaw and Prague, Karacsóny brought the fight to the European arena in 2019, when signing the Pact of Free Cities and pledging to protect liberal democracy and sustainable development. Together, this pact lobbies the EU for funding to uphold liberal values in their countries (Politico, 2020). The

pact is open to other European cities that wish to circumvent their national governments (the Guardian, 2019).

Hungary's gatekeeping attempts did not just fail to be effective for the capital-city, it may actually have led to an *acceleration* of regional cooperation and a strengthening of the regional position in the EU. Where the central government took away regional resources, these mayors pooled their resources together and mobilised their interests on an EU-level. The pact might not have directly changed a policy outcome in the Council of Ministers, but the county of Budapest now has an independent network from which to pool information, and to signal to other governments and regions that Budapest will implement certain EU policies even if the Hungarian government promises not to. Essentially, this pact has broken Hungary's position in the two-level game as neither Karacsóny, nor the EU institutions, are dependent on the provision of information from Orbán's national government. What is more, Budapest can and will defect from certain national positions they do not agree with, and the rest of Europe knows this.

In other words, *bypassing* accelerated.

The concept of bypassing developed in EU scholarship as the argument that regional mobilisation is on the rise, and it is well-established in two bodies of literature: multilevel governance (see for example Keating et al., 2015; Ansell, Parsons & Darden, 1997; Piattoni, 2010; Moore 2007) and paradiplomacy (see for example Rowe, 2011 and Tatham's works). Some authors use the word bypassing, while others do not. Bypassing is broadly synonymous to paradiplomacy in that it refers to the foreign policies of subnational governments, but the specific element of interest in bypassing is this: it refers to the *direct* communications between the subnational and the trans- or supranational level that *circumvent* or *neglect* to interact with the national government (Tatham, 2010: 78). That is, it is a mobilisation of interests that bypasses the national government and goes directly to the European level, in the case of regions in the EU (Rowe, 2011: 4). This activity is considered by multilevel governance scholars as challenging the traditional role of nations, while paradiplomacy scholars seem to put less emphasis on this implication (see Tatham, 2010: 77).

While this broader picture of bypassing meaning direct linkages is clear, there are two main issues on what this might mean in practice.

The first is whether bypassing activities have to defy the national government, or if it is enough that they occur outside the confines of national structures. Tatham (2013) argues that bypassing should be considered a subtype of paradiplomacy, where regional governments "promote interests that had been ignored or blocked by their own member state" (Tatham, 2013: 64). That is, bypassing circumvents the national government not just in the method of mobilisation, but in content as well. He goes on to say that bypassing is a broader term and that therefore he is more interested in using the term "conflicting interest representation", and so ultimately, he does not fully

suggest that conflict is necessary for an activity to be considered bypassing. Nevertheless, I will now examine the idea that what it is conflicting vis-à-vis cooperative bypassing that should be looked at – that the nature of the activities ultimately matter.

When considering the original proposition of gatekeeping and bypassing, it arguably becomes clear that conflict is not actually necessary for bypassing to occur. Bypassing is about breaking away from the hierarchies of state sovereignty. Establishing independent informational channels and infrastructure to communicate directly on an international arena is in and of itself breaking away from this hierarchy, because the central state is unable to filter the flow of information. That is, the control has slipped the central state. What Tatham (2016) sees as ‘cooperation’ rather than bypassing, I argue is instead a partnership of equals between state and region. This is because once a region is engaged in lobbying at an EU-level, the central state is unable to control what that region is saying or doing. The core of the two-level game has been undermined: Bypassing is occurring – the rest is just the strategy of the regional government. There is therefore no need to distinguish between strategies when examining how structural gatekeeping impacts bypassing; it is the activity overall that can be gatekept, not the strategy pursued under this activity.

The second dichotomy concerns the outcome of bypassing: whether participation is enough or if the activity needs to lead to influence over a policy decision. This proposition was not necessarily in the original bypassing literature, where for example Marks et al. (1996) talked about mobilization of domestic actors rather than influence of them. The idea that policy influence is necessary for something to be considered bypassing comes instead implicitly through the gatekeeping criticism, where the dominance of the national government in influencing the policy outcome is seen as a non-event of bypassing (as in Bache, 1996). But bypassing can serve multiple goals, and policy-specific influence is too narrow of an approach. This is for two main reasons.

First, influence should be conceived as broader than influencing the final wording of a legal text under negotiation. If anything, this bias in focus necessarily stacks the cards against the regional governments and in favour of the national government: regional governments are not the most active during a Council negotiation, their influence is more pervasive than that (see Moore, 2007: 8-9). There is also influence before the proposal ever reaches the bargaining table. For example, the agenda-setting power in being able to get a topic on the agenda or keeping a topic off the agenda (Young, 2015: 53-54). These things cannot be measured by looking only at the final outcome of a legal text. There is also influence in implementation, especially regarding directives, where the legal text itself does not determine the implementation (Young, 2015: 63).

Second, influence might not even be the goal of bypassing. Rather, the regional government might seek autonomy and independence, as in the rationale for the Pact

of Free Cities. Establishing independent channels of information can have huge importance for the autonomy of a regional government that feels under-represented or overruled by its national government. It can also lead to alliances with other regional governments, the EU institutions or even other heads of state or government. These aspects can undermine the national government and its position in bargaining contexts, not to mention the fact that they may very well be worthy goals in and of themselves (Rowe, 2011: 106). The goals of bypassing should therefore be conceived of as broader conceptions of influence and independence, that are not possible to measure as easily as through a bargaining agreement.

Summing up this discussion, bypassing is here seen as regional government participation at an EU-level, when this occurs outside the channels of the national government. It is about extra-national connections with actors outside the state, and mainly concerns informal activities such as lobbying in various forms, although it may also include activities through formal institutions such as the Committee of the Regions.

2.3 What other explanations are there?

Before delving into the expectations and more practical aspects of gatekeeping and bypassing, it is necessary to deliberate on what other factors – other than gatekeeping – that might impact bypassing. Some of the authors mentioned below write about bypassing as conflicting interest representation, but the logic of each factor holds also for my conception of bypassing. The factors mentioned here will be the basis for the control variables used in the analysis, which serve to make sure that the relationship between gatekeeping and bypassing is not incidental.

The first explanation to consider is geographical and demographic characteristics of the region in question. The two main types are population and gross domestic product (GDP), at times together with landmass. The hypothesis is that bigger regions in absolute terms (both population and GDP) also bypass more (Tatham, 2010: 79; Tatham, 2013: 69; Tatham, 2015: 389), because they have more of an incentive to make their voice heard, both in terms of economic power and representation (Tatham, 2010: 79). When measuring the size of the region as a share of the national, the direction of the relationship is ambiguous. Tatham (2010) hypothesised that a greater relative size in terms of GDP, population and geography ought to lead a region to cooperate more with the national government, and bypass less, because they can more easily influence the national polity and therefore would use national channels of influence (Tatham, 2010: 79). This idea was not empirically supported at first (Tatham, 2010), but found support in later articles (Tatham, 2013; Tatham, 2015). On another note of regional characteristics, it has been suggested that more culturally

distinctive regions might be more independent from the national context and therefore seek to bypass more (Tatham, 2015; Moore, 2007). Neither article reported the findings for these factors, but it could be hypothesised that for example island regions, metropolitan regions, and border regions might bypass more due to a sense of independence or detachment from the national polity vis-à-vis the international sphere.

A second major category of explanations is that of a region's perception of the EU. The broad category can be envisioned partly as the salience of the EU: regional dependency on EU-funding (Beyers & Donas, 2014), Europeanisation levels of a specific policy-area (Tatham, 2015 – turned out to not matter) and even an individual official's EU embeddedness (Tatham, 2015 – did matter). If a region has a populace that is interested in what the EU can do for the region, it makes sense for that region to participate more actively in Brussels. A region where the population trusts the EU but does not trust the national government is more likely to bypass that national government and go to the EU. Similarly, if EU salience is low, it makes sense for the region to not spend resources going to Brussels. Outside of the general population, the salience of the EU to civil society and business might also matter. I.e. regions where civil society and business lobby the EU might be expected to also lobby the EU. The logic is one of representation and electoral gains. I therefore bring it with me to the analysis of gatekeeping and bypassing.

Similarly, a third set of explanations deal with the relationship between the regional and the national. Some of these concern party-political constellations, such as whether the regional party is nationalist or regionalist (Tatham, 2013), and whether the regional governing party is in opposition to the national government (Tatham, 2010; Tatham, 2013; Tatham, 2015; Moore 2007). Regions that are more in conflict with the national government are more likely to bypass and go directly to Brussels looking for likeminded regions. However, Tatham's articles returned insignificant results, and Moore (2007) never tests these factors. Another angle is that of whether the regional government officials are nationally embedded, and whether they see the national government as policy allies, but these too have come back as insignificant in explaining regional activity (Tatham, 2015). Finally, a third angle is to look at the national government's leverage in EU decision-making, where regions in countries with more leverage would be less likely to bypass and more likely to use the influential domestic channels. However, this too was insignificant when measured by Tatham (2013). Despite rarely showing up as significant explanations, scholars often refer to these as important factors, and so I bring this with me in the form of the populace's trust in the region vis-à-vis the national government on EU issues.

A fourth set of explanations concern the institutionalisation of the region in Brussels. The biggest one is how long the country has been an EU Member State (Tatham, 2013; Tatham, 2010). Length of membership did not matter in either of the two articles, but Jerneck and Gidlund (2001) suggest that accession of new Member States was the main factor driving the second and third wave of regional office

establishments, as in regions in the new Member States also established offices (65). Expanding on this, regions with a longer history in the EU are likely to have more of a routine in actively participating in EU policies. Other aspects of institutionalisation are the status of the region in Brussels; for example whether the regional staff have diplomatic accreditation (Tatham, 2013) The idea is that regions with accreditation are “expected to behave as state officials” and therefore cooperate with their national governments rather than bypass (Tatham, 2013: 66). Similarly, regions with the right to appeal decisions in the Court of Justice of the EU would cooperate more with their national government and bypass less, through the mechanism that national governments would be more attentive to the regions’ wishes in these cases (Tatham, 2013: 67). The Appeal rights turned out a non-significant factor in Tatham’s 2013 paper, and the cause of the diplomatic accreditation is not clear enough to warrant inclusion: is this diplomatic accreditation ensured in the constitution of certain countries, or handed out to regions’ that have actively sought it? If it is the former, it is more so a measure of gatekeeping, and if the latter, it is rather an outcome of active regions lobbying for their own position.

From this I take with me elements of each as alternative (or complementary) explanations to be controlled for in the final analyses. What precise measurements were used will be detailed in chapter 4. Before this however, I will first discuss in detail how to spot gatekeeping and bypassing, and what the expected findings are.

3 What to look for and what to expect from gatekeeping and bypassing

The debate of regional participation in the EU is indicative of a broader discussion of what the EU system is and how it functions. This discussion can be pinned down to the key question of what actually remains of central state control (state gatekeeping) in keeping a two-level game going (by limiting regional bypassing)? Where the literature has been dominated by end-state definitions, I go beyond this and showcase the nuances of how gatekeeping might influence bypassing. In doing so, I have developed two versions of gatekeeping hidden in the literature and focus on what I refer to as structural gatekeeping. The question in terms of causation is not whether or not gatekeeping and bypassing occur, but how the latter is impacted (perhaps even constrained) by the former.

I have in the above section given initial ideas about what these concepts mean, but further explanations are needed before tangible concepts to be empirically studied can be derived. This section will operationalise the two concepts and review the possible outcomes of the analysis.

3.1 Spotting bypassing

Bypassing comes in many different forms of activities. Below, I will go through what the literature highlights as some of the key bypassing activities that I have opted to include in my analysis.

The first type of activity is perhaps the most often mentioned, namely the establishment of regional, or liaison, offices in Brussels (George, 2004: 115, Rowe, 2011). These regional representations are permanent physical structures, which serve both to lead to direct lobbying but also to give the region in question an 'in' to what is in the pipelines of EU policymaking. Simultaneously, these offices are the most expensive and ambitious form of lobbying (Rowe, 2011: 44), due to the costs of renting or owning a locale and keeping permanent staff in Brussels. These offices used to be rare but are now common practice. Some countries see individual regions establishing an office alone or in groups of two or three, while others establish one regional association office for all regions in the country. Regional offices are permanent

structures, and although their influence in the EU is informal, their physical structure and permanent staff makes the lobbying more tangible. By including this I am able to capture more expensive and ambitious forms of bypassing.

A second type is formal yet ad hoc lobbying of specific policy proposals, namely participation in the public consultations hosted by the European Commission (Rowe, 2011: 35; Van Hecke, Bursens & Beyers, 2016). It is a relatively new phenomenon that is being increasingly used by regional governments (Van Hecke, Bursens & Beyers, 2016: 1434). Responding to public consultations is perhaps the cheapest form of lobbying and including it in the analysis has the benefit of capturing ambitious bypassing conducted despite limited resources, as well as bypassing that is limited to individual policies. It is also an understudied type of regional lobbying, despite its ability to show in an objective way how much a region participates.

The final type of activity involves not just lobbying the EU institutions but doing so in partnership with regions in other countries by becoming a member of international interregional networks (George, 2004: 115; Rowe, 2011: 52). These networks are not necessarily expensive to join, but it may be time consuming to keep up relations, meaning it requires staff. More importantly, it might in the long-term make interest representation cheaper for the regions, if they feel that the networks that they have joined are able to lobby the region's interests well. These networks also directly involve regional collaboration, meaning that the membership itself is an interesting form of bypassing, where the lobbying may not even be directed at EU institutions, but instead about forming networks and policy allies. By including membership in networks, I am able to include a second type of relatively inexpensive, but this time permanent, form of lobbying.

By including these three forms of lobbying, a wider set of bypassing activities can be captured: both ad hoc and permanent, both expensive and inexpensive. Although the list could be extended to include many more examples of activities (see George, 2004: 115), the three captured here are some of the most common in the literature that are also publicly available in terms of comparable data (Rowe 2011: 44, 52-53; George, 2004: 114; Van Hecke, Bursens & Beyers, 2016). The literature has tended towards surveying regional offices and simply asking them about their bypassing activities. While this helps capture nuance and activities that are not public record, surveys might exaggerate how active some regions are, making it less reliable as a comparative measure. I avoid this risk and ensure the validity of a comparison, while still going into detailed analysis of government activity.

3.2 Spotting gatekeeping

If structural gatekeeping is the centralisation of power in national-subnational relations, then there are two avenues to look for measurements of these: one is through the literature that explicitly looks at gatekeeping and its determinants, and the other is through the literature that looks at the impact of devolution of power on acts of bypassing. These will be combined in the below section to discuss different elements of gatekeeping.

First, gatekeeping overall concerns the relative autonomy of the regional government. This is by Bache (1996) considered the general dependence of the regional government on the national, and it concerns the distribution of power in a country. This concerns issues such as policy competence, financial authority, legislative capacities, and representative abilities. All of these make up the general centralisation of power in a country (Hooghe et al., 2016), and by considering all as one overarching measure of structural gatekeeping, it is possible to see how gatekeeping impacts bypassing.

Second, gatekeeping may be divided into two relational aspects of centralisation of power, namely *autonomy* over the own region as opposed to *influence* over national policy. This is often divided into self-rule and shared rule (Hooghe et al., 2016). For example, financial gatekeeping can either be the decision-making power of a region to decide on its own financing, or its ability to influence the national government's financial decisions, especially when these affect the region. The expectations for how self-rule and shared rule might affect the bypassing abilities of the regional government are quite different. This, and other expectations, will be discussed in the next section.

Elaborating on these self- and shared rule aspects more thoroughly, three different forms of gatekeeping can be derived.

The first is, similar to self-rule, the general policy competence and institutional depth of a regional government. That is, the width and depth of regional governance in the own region. Bache (1996) captures this through his measurement of political resources, namely the ability of the national vis-à-vis the regional government to make and decide on policy (Bache, 1996: 55). The mechanism of gatekeeping is simply the fact that where regional governments do not have competence to act, they also would lack competence to lobby.

The second of the three is specifically isolating financial authority from both self- and shared rule. This asks questions such as: if a regional government cannot tax its own population, can it influence or vote on the national decision on taxation in the region? The same question goes for borrowing: if a region cannot borrow money on its own, is it at least consulted on the borrowing constraints that apply to it? Rather than looking at these factors of financial gatekeeping separately as self- or shared rule, these can be investigated together.

Finally, the third form of gatekeeping is similar to shared-rule and focuses on the legal and constitutional influence of a region on national policies. Can it redefine its own competences? Is it consulted on the national position in the EU? Does it have voting rights on national legislation? This final form of gatekeeping, as will be seen in the next section, might have a different impact on bypassing than do the other forms.

3.3 What to expect

The overall expectations that gatekeeping scholars vis-à-vis regionalist scholars have are effectively summarised by Piattoni (2010):

“The state-centric (intergovernmentalist) model expects transnational contacts among regions to be scarce; member-states to be effective gatekeepers of the relations between subnational actors and European institutions; and the nature and intensity of these contacts to be determined by national institutions and practices. This is the scenario of a *Europe des patries*, in which politics are elitist. The supranational (neo-functional) model expects subnational mobilization to directly challenge state power and instead support supranational authority; to be policy-specific but to spill over from one policy area to the next; and to gradually build an ‘uninterrupted and uniform subnational political tier’ (Hooghe 1995: 178). This is the scenario of a Europe of the regions, in which politics are pluralist.” (Piattoni, 2010: 109)

That is, gatekeeping scholars expect gatekeeping to effectively constrain bypassing, while regionalist scholars expect regions to rise above this gatekeeping. As noted in an earlier section, many regionalist scholars concede that gatekeeping *does* play a role in constraining bypassing, so in actuality, this difference in expectation is better portrayed as a matter of degree. Regionalist scholars might expect gatekeeping to not be particularly effective, or not a particularly important determinant, while gatekeeping scholars would say it remains the main determinant. The expectation to be on the lookout for is either way the constraining effect of gatekeeping in bypassing.

Digging deeper, this original expectation becomes more ambiguous. Recall the division between autonomy over the region and influence over national politics. Some articles mainly include the former (Tatham, 2010; Tatham 2013), while other articles use both in one index (Tatham, 2015), suggesting that both are effective constrainters. Overall however, the discussion around the influence of shared rule has been low and many authors do not mention if they are referring to only self-rule or also shared rule.

In fact, there is an ambiguity in how shared rule (influence over the national polity) impacts bypassing. On one hand, a region that has a say on its own standing domestically is also more in charge of its own fate and could be more independent. There is therefore an expectation that these regions would have more ownership over

the competences delegated to them, and therefore they might also have more of an initiative to lobby the EU. EU lobbying would then not be a substitute but a complement to domestic lobbying. A region with a strong standing domestically could vote on the national position to be held in the Council, but if overruled at home it might still benefit from having an office in Brussels to voice its dissent to the other members of the Council, other regions, or the EU institutions.

The other side of this argument concerns how the mechanism of gatekeeping is viewed, which may be hypothesised to work in two different ways: either as a hard power – a disenfranchisement of powers that lead regional governments unable to bypass, either because they cannot afford it in terms of money or other resources, or in extreme cases because the national government has made such an activity illegal, as attempted by Spain and Italy in the 1980s (Jerneck and Gidlund, 2001: 102-103). The other way in which it might work is through soft power, namely incentives and suggestions: in this case, a national government might suggest to their regions that it would be outside their competence to lobby on policies on which they have no implementation power, or by instilling in them the importance of presenting a unified front in the Council.

Through this softer mechanism, the other effect of shared rule gatekeeping is visible: a region with a powerful standing domestically might be less inclined to go to Brussels, so long as they are able to influence the national government at home. Similarly, national governments who wish to keep the two-level game unbroken might focus on satisfying the regions at the domestic bargaining table, so that the regions have no incentive to bypass. This argument was suggested by Tatham (2010) to be the explanation of a relationship between overall autonomy and regional activities in Brussels that suggested that autonomous regions cooperated more with their national governments and pursued less conflicting lobbying. If this hypothesis also holds for bypassing activities overall, and shared rule effectively incentivises regions to not lobby the EU directly, then this is of great interest to future studies of deliberate and specific forms of gatekeeping.

The final expectation to be discussed concerns the isolating of financial factors from both self- and shared rule. This expectation builds on the idea that gatekeeping might work in a hard power form, where the disenfranchisement of resources leaves a region simply unable to bypass. If a region cannot set its own budget or change its own income structure by borrowing or taxing, then it can less flexibly add new expenses. Regions that are not in charge of their own finances could struggle to fit EU lobbying into their budget and daily workload. Because of this, I hypothesise this form of financial gatekeeping to be the most effective at constraining bypassing.

Summing up the expected findings, I will investigate whether there is a dual effect of gatekeeping, where increased centralisation of power might both constrain and incentivise regional government bypassing. The next section will discuss how I went about the analysis.

4 Analytical decisions

To study the impact of structural gatekeeping on bypassing, I have opted for a cross-sectional statistical analysis. This kind of structural approach is fitting since the question itself is structural – *how does gatekeeping impact bypassing?* Does it impact it at all? In what direction? What aspects of gatekeeping are most important, and how do they stack up against other explanations of bypassing?

The previous section laid the grounds for how to spot gatekeeping and bypassing and elaborated on the expected findings. This section gets into the details of how this theoretical undertaking is translated into practical statistics: First, I ask the ‘*who*’ question – who are these regional governments? Second, I ask the ‘*what*’ question – what is the data I am dealing with? Finally, I return to the reasons for doing it this way at all, explaining my methods and answering the ‘*how*’ as well as the ‘*why*’ question.

4.1 ...who? Selecting regional governments

I close one crucial gap in the literature by structuring my case selection in the way that I do. Namely, the body of literature studying the activities of regions in Brussels have a tendency to pick their cases on the dependent variable, by only surveying regional offices *in* Brussels (see Marks, Haesly & Mbaye, 2002; Tatham, 2010; Callanan & Tatham, 2014; Chalmers, 2013). As noted in an earlier section, this is the most expensive and ambitious form of bypassing activity (Rowe, 2011: 44) and studying only regions with these offices may lead to an over-inflated sense that regional governments are truly very active and financially capable. I combat this by choosing not to survey only regions with regional offices, but rather making my own EU-wide index of regional governments.

My interest lies in the direct relationship between a national and a subnational government. When referring to regional governments, I therefore refer to the highest level of subnational government in each country. These may be considered local government in one country, and regional in another. There is little conceptual difference between local and regional governments, not least because governments that bear the same title can differ widely in function in different countries. Other structural differences such as size and constitutional standing are included in my analysis: the first

as control variables and the second as explanatory factor. As such, I draw for my sample the highest level of subnational government from each EU country.

I define these subnational governments as permanent public authorities that are general-purpose administrations (rather than statistical units or task-specific bodies) that represent the population by having some element of direct election (OECD/UCLG, 2019: 9), whether that be in reference to the executive or the legislature. These two requirements weed out planning committees, assemblies and implementing bodies that merely consist of lower level government officials meeting to coordinate on specific issues, and instead I am able to capture regional governments that have a direct impetus and reason to represent their population and lobby the EU for policies that suit their preferences.

To draw this pool, I therefore have three conditions that must be fulfilled: first, that the authority in question is general-purpose¹; second, that the regional government is in some way directly elected²; and that once all authorities that fulfil the prior two are pulled for each country, I include the highest level of subnational government³.

My sample is therefore an effort at capturing the whole population of uppermost regional governments in the EU. In terms of data availability, I relied on these regions being present in the Regional Authority Index (Hooghe et al., 2016), because this dataset is what I am using to measure gatekeeping. This index does not collect data for regions where the average population is less than 150 000 unless the region has a special status in the country (Hooghe et al., 2016). Similarly, my control variables relied on regions not cutting across NUTS levels (based on Eurostat, 2020). NUTS regions are geographical regions used by the EU to collect consistent statistics across the EU and time, and regional governments that cut across NUTS regions had to be excluded from the final analysis in order to make sure the control variables used were valid measurements for the region.

I collect data for 2018, with the exception of public consultations which was collected for 2019 due to better data availability for this year. While my design is unable to capture developments over time, a cross-sectional approach is the most fitting considering the ambiguous standing of gatekeeping overall, and especially in terms of the contemporary EU system of governance.

The final sample consisted of 298 regions across nineteen countries. The missing countries are generally on the smaller side: Cyprus, Malta, Luxembourg, the Baltic states, and Slovenia, but also includes two slightly larger countries, namely Bulgaria and Ireland.

¹ Using *institutional depth* in the Regional Authority Index (Hooghe et al., 2016)

² Using *representation* in the Regional Authority Index (Hooghe et al., 2016)

³ As defined by OECD (OECD/UCLG, 2019) and the Regional Authority Index (Hooghe et al., 2016).

The lack of cross-country comparable data on small regional and local governments is a problem in broader political science that I have done my best to overcome. Sampling bias reduces the generalisability of the findings, and in this case the question is how much of a conclusion can be drawn from this research about smaller local governments. While my sample has a cut-off point for smaller governments, it is important to note that the sampling bias is not gradual and not persistent throughout the actually selected cases. That is, any regional government for which there was data was included – no matter size. This means that the final sample still has a large variation in the size of the regions, as the smallest region is Åland with 29 489 inhabitants (data available because it is a special region), and the largest being North Rhine-Westphalia with close to eighteen million.

Overall, my sample consists of a large number of regions that cover a large number of countries, and within this sample I have regions that differ widely in size, autonomy, relation to the national government and other relevant factors. These aspects will be included in the analyses to make sure they are controlled for. The missing data on smaller local government is unfortunate but not a problem isolated to this paper, and my method of case selection remains a step up from the tendency of the literature to sample on the dependent variable. The generalisability of my findings ought to be high so long as one makes a note to not draw too many conclusions about specifically small local government.

4.2 ...what? Data and measurements

4.2.1 Bypassing

To measure bypassing, I score the regions on three components: regional offices in Brussels; responses to public consultations; and memberships in international interregional networks. These three indicators of bypassing were then combined in different indices, described in Table 1.

Table 1. Bypassing indices

| | Brussels office | Public consultations | Network membership | Empirical range and Comment |
|----------------|------------------------|-----------------------------------|---------------------------|---|
| Index 1 | 0 or 1 point. | 0 or 1 point. | 0 or 1 point. | 0-3. Shows width but not depth of bypassing. |
| Index 2 | 0 or 10 points. | Scale from 0-10. | Scale from 0-10. | 0-25. Ensures that public consultations and networks are not exaggerated but pits the performance of regions against each other. |
| Index 3 | 0 or 5 points. | 0, 2 or 3 points per consultation | 0 or 1 point per network. | 0-39. Does not pit regions against each other. Shows the importance of consultations, but therefore also potentially overscores them. |
| Index 4 | 0 or 5 points. | 0 or 1 point per consultation. | 0 or 1 point per network. | 0-15. Addresses overscoring of consultations and does not pit performances against each other. |

The first index asked the question of whether the region has participated in these activities at all. Regions scored 1 point for having a Brussels office, one point for being a member of *any* network, and one point for responding to *any* public consultation. This index helps highlight the width rather than depth of bypassing activities, since it equates the act of having a Brussels office with responding to one public consultation or being a member of one network.

The second index is where Brussels offices shine. In this, a region could score anywhere between zero and ten points on each type of activity. The score of each region is decided by the empirical range, meaning the lowest scoring region gets no points and the highest scoring one gets ten, on each component. These were added together for the final index, which theoretically ran between zero and thirty, but the empirical range was between zero and twenty-five. This index ensures that best practice in each component is equivalent across components.

The third index used a half-weighted approach. It scored a regional government five points for having a regional office, one point per network membership, and two or three points per public consultation response. This index lifts up the importance of Brussels offices without pitting regional performances against each other, but it has the limitation of inflating the importance of public consultations.

The fourth and final index is identical to the third except it accounts for this overscoring of public consultations. Here, a region could score only one point per public consultation response.

Each index thus has something to offer depending on where the focus is put, and I run my analyses against all four. For the sake of simplicity, I have decided to present in tables only the findings for the final index, but my findings hold across all models. I will now explain where the data came from and how the scores were assigned.

Data on regional offices were collected using Committee of the Regions factsheets (Committee of the Regions; n.d). This was checked against transparency registry data

(European Commission, 2018) to ascertain that the data was relevant for 2018.⁴ I scored a region a point for having an office, and no points for not having one. Some regions have shared offices with their municipalities, or with one or two regions close by. I score these smaller shared offices a point as well, since regional offices in Brussels show both lobbying infrastructure and initiative. I do not, however, score bigger joint offices that attempt to cover all the regions of the country in one office. This is because these national organisations cannot really be assumed to be the activities of regional governments, as the regions are automatically covered.

For public consultations, some data for 2019 was available online, and I requested all remaining missing data in August and September. Some applications were continuously extended, and others came back with key information redacted. Upon analysing the documents, it also became clear that the amount of consultations on the Commission website was inflated, as many consultations were not unique but bundled multiple proposals in one. My final sample consisted of 62 unique public consultations, out of roughly 71 altogether.

I initially scored a region three points for responding alone (it could be the region itself or a region's responsible governmental department or ministry), and two points for responding in a small group, for example with a neighbouring region. The goal was to always be able to attribute the response to the regional government per say, and therefore my initial inclusion of larger joint statements was excluded from the final analysis. If a region responded both alone and together with a neighbouring region, they would get points for both. This scoring system was used in index 3 as described in Table 1 (above). For index 5, I instead scored a region only one point for responding, whether that be alone or in the small group. This reduces some nuance in showing extra active regions but was used as an added measure to make sure I was not exaggerating the importance of public consultations. The scoring assumes that regional governments do not respond anonymously, and since the type of organisation is still visible in anonymous replies, it was clear that this was not a major issue.

Finally, I examined entries in the transparency registry to extract a list of EU-wide, interregional, international networks that regions can be active in (European Commission, 2018). I decided against including non-EU-wide networks in the final analysis, because many of these had particular criteria for membership that would have biased my results. For example, many of the policy-specific networks only allowed competent authorities from each Member State to be members. Had I included this in the analysis it would have rigged the results in favour of gatekeeping constraining bypassing, since only non-gatekept regions on that policy-area can be members. My final sample consisted of six large networks. While this proxy was suitable for this project, a larger study might have tried to find more networks by looking also to non-

⁴ Since running the analyses of this paper, an updated version of the list has been published. I checked if the new additions had an impact on one of my main models, but the results are near identical.

EU-wide networks, researching the membership criteria of these and trying to control for other relevant factors.

4.2.2 Gatekeeping

Gatekeeping is inversely measured in three different ways, based on 2018 data retrieved from the expert survey Regional Authority Index (Hooghe et al., 2016), which is arguably the best comparative measure of regional autonomy available (Tatham, 2015: 392-393).

Overall gatekeeping is measured through the composite index that shares the same name as the project: *Regional Authority Index (RAI)*. This index includes many measurements of (de)centralisation of power, where regions are scored on their competences, functions and capacities. The theoretical range of the index is between zero and thirty, while in my cases score between five and twenty-seven.

The second way of viewing gatekeeping is autonomy over the own region vis-à-vis influence over the national. This is a pre-existing division in the RAI, scored as *self-rule* and *shared rule* respectively. *Self-rule* consists of *institutional depth*, *policy autonomy*, *representation*, *fiscal autonomy* and *borrow autonomy*. It runs theoretically between zero and eighteen, and in my sample between five and seventeen. *Shared rule* runs both theoretically and in my sample between zero and twelve. The components are *law-making*, *executive control*, *constitutional*, *borrow control* and *fiscal control*. Together, *self-rule* and *shared rule* make up the *RAI*. Note that the components of shared rule capture national policies that affect the region specifically (Hooghe et al., 2016), making it immediately relevant as a measure of gatekeeping.

The final way of looking at gatekeeping was to isolate ‘financial authority’ from self- and shared rule. Financial authority was measured through the components of *fiscal autonomy*, *borrow autonomy*, *fiscal control* and *borrow control*, leaving the remaining components of self-rule as ‘general autonomy’, and the remaining components of shared rule as ‘legislative influence’. Financial authority has a theoretical range between zero and eleven, and in my sample between zero and nine. General autonomy runs theoretically between zero and eleven, and in my sample between five and eleven. Finally, legal influence runs both theoretically and in my sample between zero and eight (Hooghe et al., 2016). These are the three final measures of gatekeeping used in the analysis.

4.2.3 The other explanations

I then include control variables based on the literature.

Geographical and demographic characteristics of the region were measured in multiple ways. Data was retrieved from Eurostat. I measured 2018 GDP per capita in absolute and relative terms, where the relative measure was regional GDP per capita minus the national average (both using *2018 Euro per inhabitant* data from Eurostat, 2021a). A positive score on the relative measure therefore indicates that the region is richer than the national average, and a negative indicates it is poorer. For population, I include three measures: first, the total population as of January 1, 2018; second, this number as a percentage of the total population of the country, meaning that a higher number here indicates that the region is bigger in terms of population (Eurostat, 2021b). Finally, population density is measured as number of persons per square km, where a higher number indicates a more metropolitan area (Eurostat, 2021c). I also include self-coded dummy variables about whether the region is an island region, and whether it is a border region (land-borders with other countries, internally or externally using Eurostat, n.d.). The idea for both of these is that regions on borders or islands may be more likely to engage in EU lobbying: border regions because of their close connection to other countries and therefore immediate connection to the single market. Similarly, island regions are likely to be more self-sufficient or feel more disconnected to national politics and may therefore be more likely to elbow-in on European ones.

The second and third category of control variables were derived from the issue of EU salience and regional-national relationships. I measured these in multiple ways.

On a country-level, I measured EU salience and EU lobbying culture through the proxy of how many entries were on the transparency registry from the country in question (European Commission, 2018). This measure shows therefore not only lobbying cultures and EU salience, but specifically also EU lobbying culture. Regional data was not retrievable, but this national proxy turned out to be a very important determinant. Secondly, I included a dummy variable of whether or not there is an EU agency in the region, as a measure of not only EU in the region, but also of EU salience (European Union, n.d.). I opted for this rather than flow of structural funds into the region, since the latter could also be an effect of successful lobbying.

Similarly, I added four control variables based on public opinion data (using European Commission, 2019). First and second, the percentage of people in the region that trust the EU, and the percentage of people that do NOT trust the national government, thinking that higher values on these might lead to more bypassing in a region. I then also added the percentage of people that cited the national government as the most apt in explaining EU impact on everyday lives of citizens, and the same measure but with the region as the subject. The idea for this was that people who consider the region the best at explaining the impact of the EU could incentivise the

region to bypass more. These public opinion data were collected on a NUTS 2 level (the intermediate level of the EU's statistical regions) as no relevant public opinion data could be found that also had enough responses from each region (see for example European Social Survey, 2018). While this use of data might reduce some of the regional nuance, it should overall pick up differences between divisions of a country, making this the best solution to these data constraints.

Finally, I included the length of EU membership coded as a dummy variable which distinguishes between old and new Member States. The cut-off point was before the large Central and Eastern European enlargement in 2004, in order to capture a potential East/West divide as well. More time as members means more institutionalisation, more integration and more routinisation. The East/West divide is interesting because the countries that joined share much of their political history and may be similarly inclined to bypass their national governments and engage with the EU.

4.3 ...how and why? Methodology and justification

In order to find out how structural gatekeeping impacts bypassing, I run multiple OLS regression analyses. Because the analysis I aim to do is well-informed by theory, an OLS regression model where I enter variables in a two-step model, with the gatekeeping factors in a first step and all the control variables in a second step, is an apt way to go about investigating the question. The analysis should therefore be read as the effect of gatekeeping on bypassing with and without control variables.

These statistical models rely on a set of assumptions about the data in question for the results to be considered robust. I tested my data for all of these and made adjustments where theoretically and empirically motivated. But statistical decisions are not clear-cut, and different statisticians believe in different methods.

The first issue is to investigate outliers and potentially overly influential cases. Outliers are cases that fall far outside the norm, either on individual factors or in terms of what the model could explain (e.g. residuals), and influential cases occur when a case has a disproportionately strong impact on the parameters in the final model (Field, 2018: 382). My philosophy on outliers is that they are natural nuance that should not be removed. I therefore investigate them to make sure they were not entered incorrectly, and to check that there are not any *singular* outliers to keep in mind. I do

however run all my regressions with and without overly influential cases, to see if the effects of the models still hold.⁵

The second assumption to investigate is that of normality. First, residuals, meaning the difference between what the model predicted and what each case scored, should follow a normal distribution. When residuals are non-normal, the calculated parameters in the linear regression are untrustworthy, but in this case, no clear violations were found.⁶ Second, the sampling distribution should be normally distributed, which relates to the idea that the cases should have an equal probability of being sampled. This fact is tricky to know in non-original data where it is unknown if there were any sampling bias, and so a common guideline is to say that when the number of cases is more than thirty, the normality of the sampling distribution can be assumed (Field, 2018: 235). I have in my final sample 298 cases, suggesting there is no problem. As previously discussed, data was missing on small local government and so I will be cautious about generalising the findings here to very small regions. This problem is not limited to my thesis, and I attempt to adjust for it by having cases that range in size and that cover nineteen countries, and by controlling for population size.

The third assumption concerns multicollinearity. Predictor variables are multicollinear when they have a strong linear relationship with each other, and this relationship makes it impossible to know which of the two was actually important for the outcome. While initially I had issues with this assumption in models including my three measures of gatekeeping, this was solved by removing two control variables that had returned insignificant results in my previous analyses.⁷

The two final assumptions can be examined together: linearity and homoskedasticity. Linearity is the assumption that there is no non-linear relationship present that is being described as linear (Field, 2018: 230). Homoskedasticity is the assumption that the variation in scores on the dependent variable does not differ between low and high values on the predictor variables (Field, 2018: 237). No clear violation was found on either assumption⁸, but there is a theoretical reason to control for heteroskedasticity (i.e. non-homoskedasticity) nevertheless. Because I measure regions that are nested inside countries, and because their gatekeeping is determined by national policies, I have a sort of common treatment effect. For example, German Länder all get the same “treatment”: the national laws that define the mandates of the German Länder. Where there are common treatment effects it may be useful to use

⁵ To determine this, I remove cases with absolute values on any Standardised DFBeta above 1 (Field, 2018: 384). For all regressions run against index 4, I check this individually for each model. For the regressions run against index 1-3, I use the cases that showed up on index 3, for the sake of simplicity.

⁶ I opted for visual tests, since test diagnostics often return significant for larger sample sizes (Field, 2018: 248).

⁷ I look for correlations in the covariance matrix that are .8 or higher (where 1 indicates a perfect linear relationship) and significant ($p \leq .05$). I then check tolerance and VIF values for each indicator, making sure that the average VIF in each model is close to 1 and that no VIF value is above 10 (and no tolerance value is below .1) (Field, 2018: 402).

⁸ I used visual tests here too, for the same reason as with the normal distribution of the residuals (Field, 2018: 258).

robust standard errors and clustered standard errors (a type of robust standard errors where you specify around what you want to cluster the standard errors – in my case that would be country-level) (World Bank Blogs, 2017; Abadie et al. 2017). Therefore, I also run robust standard errors using the standard HC3 method and using clustered standard errors, which make the models reliable despite assumption violations (Field, 2018: 1034). Remember that I also run all my analyses with and without overly influential cases. This allows me to ensure that my findings are not limited to the model, but it does come with one limitation that needs to be kept in mind: namely, examining the same data in different ways can lead to an overinflated confidence in the outcome of the models (Field, 2018: 737).

Summing up, I have taken a whole host of data considerations into mind when running these analyses. Not only do I run my analyses for different ways of measuring gatekeeping against different ways of measuring bypassing, but I also control for heteroskedasticity or a common treatment effect as well as for overly influential cases. I have also filled a gap of a case selection bias in the literature where previous studies have picked their cases on the dependent variable. With all of this in mind, it is time to move on to the actual findings.

5 (How) does gatekeeping *actually* impact bypassing?

To truly investigate the impact of gatekeeping on bypassing, I use multiple different measures. To look at the nuances in gatekeeping, I start by investigating overall gatekeeping, inversely measured through the composite measure of *RAI*. I then break this index down into autonomy over the own region (*self-rule*) and influence over national policies (*shared rule*). I then rearrange these indices into a final trio: (1) as general and policy *autonomy*; (2) as financial *autonomy* and *influence*; and (3) as legislative *influence*. Bypassing, my dependent variable, consists of multiple differently weighted indices of regional offices, public consultation responses and international network memberships. While I run my analyses against four different indices, I present in tables the findings of only one, and then at the end I show how these findings fit the other indices.

5.1 The role of gatekeeping overall

The first linear regression explained bypassing well. Table 2 (below) shows the first linear regression where an overall measurement of gatekeeping was used. Model 1 presents the findings of the linear regression without control variables, and Model 2 presents the same regression with control variables. Both models resulted in significant relationships, Model 1 ($F(1, 296)=112, p\leq.001$) with an adjusted R^2 of .271, meaning the model could explain 27.1 percent of the variance in regional bypassing. Model 2 performed even better in terms of variance explanation, having a significant relationship ($F(14, 282)=18.7, p\leq.001$) and explaining 47.2 percent of the variance.

Table 2. Linear regression model of overall gatekeeping (RAI) against bypassing

| | Model 1 | Model 2 |
|---|----------|---------|
| Regional Authority Index | .523*** | .130 |
| GDP per capita | - | .488*** |
| Regional – national GDP per capita | - | -.163* |
| Percentage of people that trust the EU | - | .097 |
| Percentage of people that do not trust the national government | - | .165* |
| Percentage of people that find national government most apt at explaining EU impact | - | .123 |
| Percentage of people that find region most apt at explaining EU impact | - | -.041 |
| Number of entries on transparency registry from the country | - | .301** |
| New or old member state (0 meaning new, 1 meaning old) | - | -.150* |
| Total population | - | .045 |
| Population of region as share of country | - | .066 |
| Population density | - | -.146** |
| Border region | - | .050 |
| EU agency in the region | - | .108* |
| Island region | - | .187*** |
| F | 111.6*** | 18.7*** |
| Adj. R ² | .271 | .472 |
| N | 298 | 298 |

Note: standardised OLS regression coefficients.

*** $p \leq .001$, ** $p \leq .01$, * $p \leq .05$

Gatekeeping initially seems to perform quite well - the standardised beta coefficient in Model 1 is relatively high at .523 ($p \leq .001$), meaning that an increase by one standard deviation in regional authority leads to half a standard deviation increase in bypassing.

However, when control variables are added in Model 2, the picture changes dramatically. Regional Authority is no longer a significant factor impacting bypassing at all, and the standardised beta coefficient falls drastically from .523 ($p \leq .001$) to .130, with no significance. Taking its place as powerful explanatory factor is GDP per capita, which has the by far highest standardised beta coefficient of all controls at .488 ($p \leq .001$), indicating that richer regions bypass more. The second strongest relationship comes from national EU lobbying culture, where the standardised beta coefficient of .301 ($p \leq .01$) suggests that regions in countries with a livelier EU lobbying culture also bypass more. The third strongest factor is whether or not the region is an island, indicating that island regions bypass more, with a standardised beta coefficient of .187 ($p \leq .001$). Fourth in place is the explanation that regions where a higher percentage of the populace distrusts the national government also bypass more, with a standardised beta coefficient of .165 ($p \leq .05$). The fifth strongest factor is the relative GDP per capita, indicating, where the standardised beta coefficient of $-.163$ ($p \leq .05$) indicates that relatively richer regions bypass *less*. It could be the case that these regions are more influential domestically and see EU-lobbying as an alternative to domestic influence. This will be discussed more later. Sixth, regions in older Member States seem to bypass

less, with a standardised beta coefficient of $-.150$ ($p \leq .05$), while regions in newer Member States bypass more. Note that the distinction between old and new also corresponds to the common East/West divide right before the big enlargement round, meaning that this factor also indicates that Central and Eastern European regions bypass more. The seventh important factor is population density, where more metropolitan areas bypass *less* than more rural ones, seen by the standardised beta coefficient $-.146$ ($p \leq .01$). This finding mirrors the same logic as relative GDP per capita; more metropolitan areas might also be more influential domestically, and therefore might not bypass as much at an EU-level, if they consider EU-lobbying mutually exclusive to domestic influence. Metropolitan areas also correspond in multiple cases to capital cities, and these are perhaps even more likely to value national domestic routes. Finally, regions where there is an EU agency also bypass more, with a standardised beta coefficient of $.108$ ($p \leq .05$). Overall, when including control variables, eight out of fourteen control variables had a significant impact on bypassing, and the effect of gatekeeping disappeared completely. How generalisable this finding is, is the next question.

Table 3. Overall gatekeeping in all models, when including control variables

| | Regional Authority Index |
|----------------------------------|--------------------------|
| Original regressions | |
| OLS regression | .072 (.041) |
| Robust standard errors (HC3) | .072 (.061) |
| Clustered standard errors | .072 (.085) |
| Influential cases removed | |
| OLS regression | .081* (.041) |
| Robust standard errors (HC3) | .081 (.062) |
| Clustered standard errors | .081 (.081) |

Note: Unstandardised OLS regression coefficients with standard errors in brackets.

*** $p \leq .001$, ** $p \leq .01$, * $p \leq .05$

In order to make sure that the findings were not biased by overly influential cases, heteroskedasticity or a common treatment effect, I ran the same models in both robust and clustered standard errors, both with and without noted overly influential cases. Moving onto these models in Table 3, it is evident that the effect of gatekeeping when measured as overall autonomy is practically non-existent. Only one of the regressions returned a significant relationship between gatekeeping and bypassing when control variables are included, namely the normal OLS regression run after removing

influential cases. Even in this instance, the unstandardised⁹ beta coefficient and significance level are low .081 ($p \leq .05$), indicating that for a one-point increase in regional authority, bypassing increases (on its fifteen-point scale) *by less than a tenth of a point*. Looking at the standard errors, it is also clear that these are half the value of the beta coefficient, indicating that the true beta coefficient could be as low as .04 (or as “high” as .12).

There is therefore no real reason to suspect that overall gatekeeping impacts bypassing. This finding might be considered surprising considering the insistence of the literature that overall gatekeeping does matter. However, this finding is *not* an indication that gatekeeping has no impact. Rather, as I will show below, what is hiding underneath this non-significant relationship are two strong and significant relationships pulling regions in *opposite directions*.

5.2 Self-rule or shared rule? A *crucial* difference!

We now return to the idea that structural gatekeeping, i.e. centralisation of power, can be thought of as either *autonomy over the own region* or as *influence over the national polity*. As described in the methods section, this division can be found in the Regional Authority Index (Hooghe et al., 2016): self-rule and shared rule. When these are separated, a whole new picture emerges.

⁹ Here I use *unstandardised* beta coefficients which are not comparable between variables. I use these because the standard errors given by SPSS are not calculated in relation to the standardised coefficients.

Table 4. Linear regression model of self- and shared rule against bypassing

| | Model 1 | Model 2 |
|---|---------|---------|
| Autonomy over the self (self-rule) | .476*** | .373*** |
| Influence over the national (shared rule) | .092 | -.214** |
| GDP per capita | - | .535*** |
| Regional – national GDP per capita | - | -.213** |
| Percentage of people that trust the EU | - | .153** |
| Percentage of people that do not trust the national government | - | .213** |
| Percentage of people that find national government most apt at explaining EU impact | - | .089 |
| Percentage of people that find region most apt at explaining EU impact | - | .069 |
| Number of entries on transparency registry from the country | - | .274** |
| Old or new member state (0 meaning new, 1 meaning old) | - | -.186* |
| Total population | - | -.007 |
| Population of region as share of country | - | .132* |
| Population density | - | -.118* |
| Border region | - | .055 |
| EU agency in the region | - | .114* |
| Island region | - | .150** |
| F | 63.5*** | 19.8*** |
| Adj. R ² | .296 | .503 |
| N | 298 | 298 |

Note: standardised OLS regression coefficients.

*** $p \leq .001$, ** $p \leq .01$, * $p \leq .05$

The first finding that pops out when examining Table 4, a regression analysis of the two measures of gatekeeping – self-rule and shared rule – is the power of *autonomy over the self* in both models in explaining different levels of bypassing. Without control variables, Model 1 shows self-rule to have a standardised beta coefficient of .476 ($p \leq .001$), and this only decreases somewhat when including control variables, down to .373, while the significance level stays the same ($p \leq .001$). These results indicate that the higher the autonomy of a region, the higher the activity levels in Brussels of said regions. That is the same as to say that regions that are *less* gatekept also bypass *more*. Not only is this in line with the expected findings, but the linear relationship is also the second strongest factor out of all factors included in Model 2, beaten only by GDP per capita, which again has a strong beta coefficient of .535 ($p \leq .001$). This suggests that autonomy over the self is one of the most important and significant factors in determining the bypassing activities of these regions.

The second measure of gatekeeping, *influence over the national* measured as shared rule, paints a more ambiguous picture. Without control variables, the factor is not significant at all, meaning no clear relationship was found between shared rule and bypassing. As control variables are introduced in Model 2, a significant relationship is indeed found, with a standardised beta coefficient of -.214 ($p \leq .01$). Particularly

noteworthy is how when introducing control variables, the relationship becomes *negative*. This would seem to suggest that as influence over national politics *increase*, bypassing activities actually *decrease*. Phrased another way, *more* gatekeeping leads to *more* bypassing. What is even more interesting is the relatively high standardised beta coefficient in the second model. Namely, this negative relationship in terms of strength of relationship is the fourth strongest factor in Model 2.

This opposite directional finding is in line with the hypothesis posed by Tatham (2010) that a central government that allows its regional governments to participate in the national decision-making processes incentivise those regions to spend their energies there, and try to be influential nationally, rather than going to Brussels. This hypothesis poses bypassing as an either-or activity – that a region has limited attention and can choose if it wants to influence the EU directly or indirectly, through its national government.

The overall fit of the two models in Table 4 are both good. Both regressions are significant in explaining bypassing activities: Model 1 ($F(2, 295)=63.5, p\leq.001$) describes 29.6 percent of the variance in bypassing despite the significance of only one variable; and in Model 2 ($F(14, 281)=19.8, p\leq.001$) this increases to 50.3 percent, indicating that Model 2 can explain half of the variance of regional bypassing. R squares this high are generally considered good fits in social science, and the adjusted R square value can be trusted so long as enough variables have significant relationships. In this case, twelve out of sixteen factors had a significant relationship. This should be considered a rather good fit.

For the most part, the effect of the control variables in Model 2 in this regression align with the findings on the control variables in the first regression run in the previous section. The main difference from the previous findings are the now significant relationship between regions whose populace trusts the EU more, and regions that bypass more, with a standardised beta coefficient of .153 ($p\leq.01$), and the fact that there is now a significant relationship between regions whose population makes up a higher percentage of the national population, and regions that bypass more, although this effect is significant only at the lowest level, with a standardised beta of .132 ($p\leq.05$).

Table 5. self-rule and shared rule in all models, when including control variables

| | Self-rule | Shared rule |
|----------------------------------|-------------------|-------------------|
| Original regressions | | |
| OLS regression | .455*** (.097) | -.193** (.073) |
| Robust standard errors (HC3) | .455** (.149) | -.193* (.078) |
| Clustered standard errors | .455* (.208) | -.193 (.098) |
| Influential cases removed | | |
| OLS regression | .544*** (.097) | -.176* (.071) |
| Robust standard errors (HC3) | .544*** (.121) | -.176* (.075) |
| Clustered standard errors | .544** (.175) | -.176 (.090) |

Note: Unstandardised OLS regression coefficients with standard errors in brackets.

*** $p \leq .001$, ** $p \leq .01$, * $p \leq .05$

In the same vein of making sure the results were not biased by overly influential cases, heteroskedasticity (or through a common treatment effect), I ran the same regressions with robust standard errors, clustered standard errors and with and without overly influential cases.

Looking first at the findings on autonomy over the self, Table 5 shows how the significance holds across all models, only slightly dipping in the two clustered standard errors, as the standard errors increase. What is particularly noteworthy is the size of this significance, which is in half of the cases at the highest level ($p \leq .001$). The most noteworthy dip is the first clustered standard error where the significance dips to the lowest level ($p \leq .05$). However, as the overly influential cases are removed, this effect increases again ($p \leq .01$), and the standard errors decrease in size. Overall, the notion that self-rule matters is robust across models, and it seems there is relative certainty in the finding that as self-rule increases by one point on its empirical thirteen-point scale, bypassing increases by around half a point on its fifteen-point scale. This must be considered a relatively steep linear relationship, where the degree of autonomy has a strong effect on bypassing. All of this is to say that there seems to be a quite clear indication that when structural gatekeeping occurs in respect to autonomy over the own region, bypassing is seriously constrained.

The effect of influence over national politics (shared rule) is much less clear-cut. Table 5 showcases a significant relationship in four out of six models, but the significance is in three of these at the lowest level, and the standard errors are relatively high. This neither confirms nor rebuts the idea that shared rule is important, and instead provides uncertainty about what the true relationship between shared-rule and

bypassing is. Is there an impact, and if so, is it really in this negative direction? The next section will get to the bottom of this effect – and the key to doing so is to isolate the role of *financial authority* from these self- and shared rule variables.

5.3 Money talks? Isolating finances from self- and shared rule

When gatekeeping is divided into three factors: general *autonomy*; financial *authority* (both autonomy and influence); and legal *influence*, the picture becomes much clearer. As discussed in the previous chapter, these measurements differ from self- and shared rule only in the sense that the financial aspects of both were isolated and made into a third category: financial authority. Self-rule becomes general *autonomy*, as it measures policy competence, institutional depth, and control of national government on the executive and legislature of the region; shared-rule becomes legal *influence*, as it measures the control of the region on the national executive, and the influence of the region in national law-making and constitutional changes; finally, financial authority includes the region's ability to borrow and levy taxes in the region, but also the ability to influence national borrowing and taxation decisions.

Table 6. Linear regression model of three forms of gatekeeping against bypassing

| | Model 1 | Model 2 |
|--|---------|----------|
| Financial authority | .724*** | .374*** |
| General autonomy | .038 | .192* |
| Legal influence | -.204* | -.354*** |
| GDP per capita | - | .556*** |
| Regional – national GDP per capita | - | -.221** |
| Percentage of people that trust the EU | - | .092 |
| Percentage of people that do not trust the national government | - | .145* |
| Number of entries on transparency registry from the country | - | .241** |
| Old or new member state (0 meaning new, 1 meaning old) | - | -.160 |
| Total population | - | .003 |
| Population of region as share of country | - | .114* |
| Population density | - | -.121* |
| Border region | - | .048 |
| EU agency in the region | - | .110* |
| Island region | - | .146** |
| F | 51.2*** | 21.2*** |
| Adj. R ² | .337 | .505 |
| N | 298 | 298 |

Note: standardised OLS regression coefficients.

*** $p \leq .001$, ** $p \leq .01$, * $p \leq .05$

The models presented in Table 6 are similar to the previous models in many ways. Both are significant, with Model 1 ($F(3, 294)=51.2, p \leq .001$) explaining 33.7 per cent of the variance, and Model 2 ($F(12, 282)=21.2, p \leq .001$) increasing this number to 50.5 per cent. Moving onto the second model, similar control variables to previous models remain significant in the same direction, with the main difference being that the division between old and new Member States is no longer significant. Again, Model 2 is a good fit with the data considering its overall significance, the number of significant variables, and the ability of the model to explain half of the variance.

Starting with an analysis of financial aspects of gatekeeping, Table 6 shows that financial authority has a high standardised beta coefficient at .724 in Model 1, and that this is significant to the utmost degree ($p \leq .001$). As control variables are introduced in Model 2, the significance level stays the same, but the standardised beta coefficient deflates to .374. Despite this substantial decrease, financial gatekeeping retains in Model 2 the second highest beta coefficient of all factors, second to only GDP per capita, which retains its high standardised beta coefficient of .556 ($p \leq .001$). The natural follow-up to this strong relationship is whether the effect holds across models. Indeed, taking a peek at Table 7, where I have again run extra analyses to account for

possible heteroskedasticity and common treatment effect, as well as overly influential cases, it is evident that this relationship between financial authority and bypassing stays throughout the analyses. The relationship is also strong, considering the fact that a one-point increase in financial authority (measured on its empirical nine-point scale) results in half a point increase in bypassing (on its fifteen-point scale). Again, this is indicative of a substantial effect of financial authority on bypassing. All of this is to say that there are strong indications that when finances are isolated from both autonomy over the own region and influence over the national, it really does have a constraining effect on bypassing. This is unsurprising in light of the expectations, since the more influence a region would have in deciding its own financial existence – whether it be by being able to set their own tax rate or by having voting rights on national taxing decision that apply to them – ought to make them more able to budget for EU lobbying if they want to.

Table 7. Three factors of gatekeeping measured against all models including control variables

| | Financial authority | General autonomy | Legal influence |
|----------------------------------|------------------------|---------------------|--------------------|
| Original regressions | | | |
| OLS regression | .499*** (.137) | .463* (.209) | -.461*** (.125) |
| Robust standard errors (HC3) | .499** (.172) | .463* (.194) | -.461*** (.140) |
| Clustered standard errors | .499* (.201) | .463 (.318) | -.461* (.202) |
| Influential cases removed | | | |
| OLS regression | .486*** (.135) | .451* (.207) | -.435*** (.124) |
| Robust standard errors (HC3) | .486** (.172) | .451* (.193) | -.435** (.139) |
| Clustered standard errors | .486* (.198) | .451 (.313) | -.435* (.197) |

Note: Unstandardised OLS regression coefficients with standard errors in brackets.

*** $p \leq .001$, ** $p \leq .01$, * $p \leq .05$

The findings on the second factor of gatekeeping, general autonomy, are quite illuminating. Table 6 (previous page) shows that it is significant only in Model 2, as control variables are introduced to the model. The relationship is relatively weak, with a standardised beta coefficient of .192 ($p \leq .05$), making it the sixth strongest out of all factors in Model 2. This nevertheless indicates that as general and policy autonomy increase, bypassing increases too. Moving to Table 7, general autonomy was significant only in four of the six analyses including control variables. Simply put, it seems that when the financial aspects of self-rule are pulled out, what remains is relatively

unimportant for bypassing activities. This is surprising, and it provides some insight into how gatekeeping as a mechanism works. More on this in the next chapter.

Turning to legal influence as the third and final measure of gatekeeping, it seems this clarifies the root cause of the original ambiguous relationship between gatekeeping and bypassing. Namely, when financial aspects are pulled out of the shared rule measurement, what is left is how influential a regional government is in controlling the national government, co-deciding its EU policies, and enacting constitutional change. These are the factors of gatekeeping, if any, that one would hypothesise to have a different impact on bypassing. If a region is influential in deciding EU policies at home, it may not be as inclined to also spend money on going to Brussels and lobbying there, as it might feel more cost-effective to go the national route and try to change the national position in the Council. In Table 6, there is a significant negative relationship between legal influence and bypassing, with a standardised beta of $-.204$ ($p \leq .05$) in Model 1. When including control variables in Model 2, this beta increases to $-.354$, as does the level of significance ($p \leq .001$). This makes legal influence the third strongest factor out of all factors in Model 2. That is, not only does legal influence matter, but it matters quite a lot, and it matters in the direction that *more* legal influence leads to *less* bypassing: regions with a stronger domestic standing in this regard also bypass less. What is more, Table 7 showcases how this relationship holds in all presented models.

These findings truly do illuminate and explain the ambiguous results found in the literature, as I have in this section gone into the details of *how* regional autonomy, and therefore gatekeeping, impacts bypassing.

5.4 Reliability of results

This final section of the results will discuss the overall fit of the models and reliability of the results.

It is difficult to determine how robust statistical findings are, but a good indication is that my findings on gatekeeping hold not just across different statistical models, with and without overly influential cases, but also across different measures of bypassing. To make sure my findings were not caused by how I weighted the dependent variable, I ran my analyses against all four indices of bypassing. In the previous section, I presented the findings for one of these indices, and now I would like to briefly touch on how these held up across the other models, when including control variables. The first finding was that overall gatekeeping was not a significant factor in determining bypassing. This was mirrored in my unreported models, as it was significant in only two out of twenty-four analyses in total.

The second step concerned autonomy over the self and influence over the other. The first of these was found to be significant in my previous analysis, and this finding

held up across models, as self-rule was significant in all but two of the twenty-four analyses. Shared rule had ambiguous results in my presented models. This patterned continued when zooming out, as shared rule was significant in only seventeen of twenty-four analyses.

The third and final step of the analyses included financial authority, general autonomy and legal influence. Financial authority and legal influence were both significant in all but two of the analyses, mirroring the conclusions I drew in the previous section. General autonomy was presented as self-rule losing much of its significance. This was supported by the other models, where general autonomy was significant only eleven of the twenty-four analyses. These considerations show that my conclusions are not a fluke caused by the weighting or scoring of my dependent variable.

As briefly touched on in the previous section, the models are consistently able to explain a high percentage of the variation in the data. The adjusted R squared values averaged in the fortieth and fiftieth percentages, meaning about half of the variation could be explained in the models. In social science data, where variables are proxies of concepts and many external factors complicate the structure of the data, this is arguably a strong effect. To be certain that the adjusted R square is not misleading, it should be followed by an appropriate number of variables also being significant inside the model. My models consistently had most of the control variables being significant: in Table 2, seven out of fourteen control variables were significant; in Table 4, this number was ten out of fourteen, and in Table 6, it was ten out of twelve. These numbers give me no reason to suspect that the adjusted R squared is misleading, and therefore, my models can be said to be relatively good fits with the data.

I brought up in an earlier section the issue of how generalisable these results are to very small regions since they were not included in the study. I would suggest that theoretically, there is no reason to believe that these findings would not apply to smaller regions: for example, a higher regional GDP is still likely to correlate with more bypassing; and gatekeeping is still expected to work in the same way. Interestingly, population size seemed to not be a significant factor, as shown in Table 2, 4 and 6. Instead, it was relative population size that mattered, where relatively smaller regions engaged in bypassing less. This is likely to hold also if smaller regions had been included. Overall, since my cases ranged widely in population size, these considerations indicate that perhaps the exclusion of smaller regions were not a problem. The generalisability of these findings is something future research should look into, both in terms of data compilation for NUTS 3 regions (regions at the lowest level of the EU's statistical units), but also in terms of studying local governments and their gatekeeping and bypassing activities.

Summing up this discussion and reconnecting with the fourth chapter of this paper, I would argue that I have examined and considered many potential data issues and taken steps to counter these. While it is difficult to assess the absolute robustness

of these models, it seems that these findings fit the data well and that they hold up across models, measures and cases.

6 The mechanism of *gatekeeping*

I noted at the start of this paper that multiple intergovernmentalist and multilevel governance scholars concede each other's main point to some degree. Multilevel governance scholars concede that central state control still matters, and liberal intergovernmentalist concede that state sovereignty has somewhat been undermined. My findings suggest that central state control really does matter, and that it is one of the most important factors in determining regional bypassing. Whether or not this means state sovereignty has been undermined is not an operationalizable question, at least not in this thesis. Some might say that the mere presence of regions in Brussels means that state sovereignty has been undermined, while others might argue that so long as central state control remains as important as it is right now, sovereignty remains intact. But the interesting empirical question is not about sovereignty in Europe in an abstract sense, but about the actual control and power that a national government holds over its regions. My findings illuminate this in a crucial way, while also clarifying that not all power-grabs have the same effect – regional governments can and will bypass if their domestic position is not ensured or tended to.

I propose that structural gatekeeping works as a dual mechanism on bypassing that can be likened to carrots and sticks; soft and hard power.

Gatekeeping as concerns autonomy over the own region is one of hard power as national governments can stop or constrain the region from going to Brussels by disenfranchising them in function and set-up. I showed in the theory section of this paper that this logic is mirrored in the literature, and so even if my analysis did not examine the explicit mechanism of the relationship, this hard power hypothesis is supported. When dividing autonomy up further by removing the effect of financial competences, it became clear that general and policy competences lose much of their explanatory ability. This could be because the empirical range on this factor in my sample was not as wide as for the other factors (the lowest value was five on a theoretical eleven-point scale), or because this factor is most potent when considered together with financial issues.

Gatekeeping was also found to work in a soft power, incentive-based way, where what might be traditionally seen as “more gatekeeping” had an adverse effect on regions when financial influence was removed. In these cases, regions actually engaged in more bypassing activities. This is in line with the literature that suggest regions go abroad also to strengthen their position at home (Rowe, 2011: 56). Here too my analysis did not examine the actual mechanism behind the relationship, but the findings together

with the literature strongly suggest that the logic is one of incentives and that regions will go abroad if not listened to at home. Gatekeeping therefore has an effect in both cases, but more centralisation of power leads to different results depending on where it is applied. Regions with less power over their own regions are indeed constrained from bypassing, but regions with less influence in their domestic processes are given a reason to leave.

These findings on structural gatekeeping has clear implications for how what I earlier dubbed “specific” gatekeeping should be viewed. National governments that want to keep the national position in the Council unified might be expected to increase their attentiveness to the regions at home. To investigate how this plays out in Europe today, future studies need to investigate not just constraining or disenfranchising factors, but also factors that persuade and act incentives. Similarly, more needs to be discovered about how regional governments view this trade-off.

This point about incentives also has implications for the nature and purpose of regional bypassing. Previous literature has suggested that regions nowadays consider their EU lobbying to be an activity in its own right (Moore, 2007: 3-4). My finding that domestically powerful regions do not bother bypassing is therefore an interesting contrast. Since my measurement of bypassing was not one of conflicting vis-à-vis cooperative interest representation but of activity overall, my findings have a somewhat different implication than those in the pre-existing literature. Namely, while Tatham (2010) has found that domestically powerful regions are less likely to *defect* from national positions or pursue contrasting lobbying, I found that domestically powerful regions not just defect, but *participate* less. This gives credence to the idea that for some regions, EU lobbying might almost be mutually exclusive to domestic influence. Future research should therefore investigate if this is a sentiment found among regional governments, and if so, how widespread it is and whether it is conditional on the domestic influence concerning EU policies or if all national policies with a relevance for the region have the same effect.

These findings also speak to the development of the EU over time and as a system of governance. The EU has undergone a process where regional government mobilisation has outright proliferated (Moore, 2007: 3), and yet this seems to not have been to the detriment of central state control, which continues to be among the most important factors. This then begs the question if the increasing presence of regional governments in Brussels ought to be considered a result of the longer trend of decentralisation of governance that has been ongoing in Europe since the 1980s (De Vries, 2000: 193), where national governments would simply be giving up their two-level game by opting not to disenfranchise regional governments from participating. While most of the literature on regional mobilisation cite changes at an EU-level as a mobiliser (the forming of the Committee of the Regions, the revising of the structural funds), my findings instead suggest that perhaps the literature should also consider changes to national governance as a *mobiliser* of regionalisation. When seen in light of

decentralising governance in Europe, this also begs the question if gatekeeping can actually change pre-existing bypassing activities of regional governments: Can an already active region be pulled back? One example I illustrated early on was the constitutional reform in Hungary where all regional governments' offices were replaced by one country-wide one. The question is if outside of this measure, bypassing levels actually decreased in Hungary. Future research therefore needs to thoroughly examine changes in gatekeeping and bypassing over time, both for structural and specific attempts at gatekeeping.

Finally, these findings have implications for how unique the EU might be. While much of the literature on regional mobilisation and multilevel governance concerns the EU, the broader topic of paradiplomacy has consistently also studied US states (see for example, Duchacek, 1986). One theoretical difference to note is that the EU has institutionalised in it a direct relationship between supranational and regional level that other international organisations have not. Namely, while regions in other parts of the world can conduct its own foreign policy, there is seldom one clear target of this foreign policy. The EU institutions have institutionalised a regional voice, inviting regions to come lobby. The EU has also established a direct legal relationship between the supranational and subnational, where EU law often is to be implemented by the regions. These direct linkages perhaps suggest that regional bypassing ought to be higher in the EU than elsewhere. It is interesting therefore that central state control continues to dominate, even here.

7 ...In summary

In this paper, I showed that a central question in the literature on regional participation in the EU was this: what actually remains of central state control? This question concerned the remnants of the two-level game and whether the national government could – to some extent – keep its domestic bargaining game separate from its intergovernmental one. I specified this into the research question of if and how central state gatekeeping might impact regional government bypassing, where gatekeeping was divided into two parts: specific and structural gatekeeping, where the latter of these amount to a centralisation of power between the region and the national government in a country.

Focusing on structural gatekeeping, this analysis provided the clear answer that gatekeeping indeed does matter, quite a lot. In the models I built, gatekeeping was consistently among the strongest determinants for bypassing behaviour. The only factor that consistently had a stronger impact was regional GDP per capita, suggesting that how relatively well-off a region is economically is perhaps the main determinant for whether a region will muscle into decision-making in Brussels. This could be because of an interest logic; that regional GDP measures the producer interests of a region, or it could be because of a capacity- and domestic-standing type logic, that richer regions are more *able* to go to Brussels.

What was most illuminating was the dual nature of *how* gatekeeping impacts bypassing: rather than simply constraining it, gatekeeping seems to also incentivise bypassing. Where regions are disenfranchised as regards autonomy over their own region, gatekeeping constrains bypassing. When regions are gatekept in terms of influence into the national decision-making however, gatekeeping becomes an incentive for regions to seek influence elsewhere, giving it the opposite effect. This does not mean that gatekeeping as regards shared-rule is broken down so much as it shows that not all parts of centralisation of power actually functions in the same gatekeeping-like manner.

The words I use here – disenfranchising and incentivising – are mechanisms of hard and soft power that are both hypothesised in the literature and that find empirical support in my findings. My analyses seem to suggest, considering the strong basis in the literature, the controlling of other explanations, and the strength and direction of the correlations, that this is how gatekeeping impacts bypassing.

There are a number of ways that future research should go from here. One major topic is on the notion of what I called specific gatekeeping, i.e. acts by national

governments that aim to keep the two-level game going. Future studies should conceptualise this further and ask how prevalent such a tactic might be. Which national governments care about the two-level game? How do they try to enforce it? Are hard or soft powers more common? How successful are these deliberate attempts? Are the regions complying or do they counter these attempts?

These questions all follow from the overarching findings of this paper. Namely, I have shown, in empirical and EU-wide terms, *how* state gatekeeping impacts regional bypassing.

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9 Appendix

For those who are interested in either seeing the full results of the assumptions-testing or the unreported models, these are readily available upon request along with datasets, syntaxes, outputs and a codebook to follow. The full output is over 1 500 pages, and so could not feasibly be included here.