



FACULTY  
OF SOCIAL  
SCIENCES

# Reinforcing Europol's mandate

A case study of the recent power extension of the European  
Union Agency for Law Enforcement Cooperation

# Abstract

This study investigates the explanatory power of Liberal Intergovernmentalism and Neofunctionalism on reinforcing Europol's mandate. More specifically, this thesis studies two EU regulations 2022/991 and 1190/2022 with a focus on Sweden's position and applies Theory-testing Process-tracing as a method to investigate the case. The findings show that the hypotheses derived from Liberal Intergovernmentalism have a higher explanatory power in comparison to those of Neofunctionalism for the chosen case. The Commission, admittedly, has the power to initiate and design policy proposals, which strengthens the theory of Neofunctionalism. Moreover, it works efficiently to find agreements among the Member States in the negotiations in the Council of the European Union. However, as outlined in the theory of Liberal Intergovernmentalism, Member States exerted high control on the entire process. The initial call for enforcement of Europol's mandate originated from the Member States. It has also been shown that Member States decide how Law Enforcement cooperation will materialise as they effectively can discard parts of the Commission's policy proposals. The thesis' central contention of the case study is that the Member States set the pace for European integration in Law Enforcement policies, to which the Commission adapts its support.

Keyword: European integration, Europol, Liberal Intergovernmentalism, Neofunctionalism

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# 1 Introduction

The European Union Agency for Law Enforcement Cooperation (Europol) is a police cooperation between Member States of the European Union (EU), whose mission is to prevent and combat serious and international organised crime, cybercrime, and terrorism. Police cooperation in the EU started with the Trevi group in 1976 with the ambition to assist Member States in tackling organised crimes in the EU, which became more difficult to handle at the domestic level (Carmen 2019, p.2). Europol officially became an EU body with the approval of regulation 2009/371/JHA, which was signed by the Council of the European Union (Carmen 2019, p.3). The EU Member States have slowly transformed Europol from a purely intergovernmental organisation into an EU Agency where new regulations are legislated at the EU level.

Member States in the EU have slowly and steadily entrusted Europol with extended power since its creation. European integration grapples with notions of proportionality and subsidiarity. The principle of subsidiarity ensures Member States' ability to authorise intervention by the European Union in areas which could be better dealt with at the international level. The principle of proportionality means that the European Union will not exceed what is necessary to achieve the objective in a treaty (Hix and Høyland 2011, 42). European integration is a sensitive aspect especially in the area of Law Enforcement since it requires Member States to give up power to an overarching institution which could be seen as the slow erosion of Member States' sovereignty.

To the background of these inspirational aspects, this thesis sets out to investigate the nature of the recent reinforcement of Europol's mandate and, more specifically, the procedures leading to regulation (EU) 2022/991 and (EU) 2022/1190 (EUR-Lex 2022a & EUR-Lex 2022b). This thesis aspires to better understand the process behind the reinforcement of Europol's mandate. Which actors and factors are driving European integration forward in police cooperation?

## 1.1 Background to the reinforcement of Europol's mandate

Crimes have a more transnational dimension today and criminal groups use online components and incorporate new technology as tools to operate their illicit activities (Europol 2021, pp.14-15). These new methods make it more difficult for Member States to handle these issues on a domestic level thus requiring adaptive methods to tackle serious and organised crimes in the EU, which is the reasoning behind reinforcing Europol's mandate (Europol 2022). The main actors involved in European integration are the three legislative bodies of the EU: the European Commission (hereinafter the Commission), the European Parliament and the Council of the European Union. The process of regulating Europol is subjected to the ordinary legislative procedure.

Europol's purpose consists of supporting Member States Law Enforcement Agencies by processing and exchanging information between EU Member States and other parties (Statewatch 2022a). Nils Hänninger, Sweden's representative in the negotiations for reinforcing Europol's mandate, interviewed for the research purpose of this thesis, contends that there are ideological differences between the Commission and the Member States, as well as among Member States, about the extension of the competences and mandate of Europol (Hänninger 2022, 20:10). By looking at the recent power extension of Europol this thesis aims to understand who and what factors are driving the process of reinforcing Europol's mandate forward.

Giving decision making power to the Commission in Justice and Home Affairs (JHA) areas has been slower compared to more economic issue-areas. This could be seen in the 1992 Maastricht Treaty when the National Governments refused to delegate executive powers to the Commission in areas encompassing security issues such as the Common Foreign and Security Policy (CFSP) as well as JHA (Hix and Høyland 2011, 30). However, decision making procedures in JHA remained inefficient due to the lack of political leadership. Hence, Member States agreed to share policy initiation rights with the Commission through the 1997 Amsterdam Treaty (Hix and Høyland 2011, p. 30).

Decision-making procedures in the EU today differ greatly depending on the policy areas. When it comes to areas such as customs union, competition rules, monetary policy for euro-countries, common commercial and fishery policies, the Commission and the European Parliament have a broad scope of manoeuvre and the EU has exclusive regulation competences (EUR-Lex 2022c). Whereas, in questions related to Foreign Security, the Commission and the European Parliament have limited participation and are excluded

from any legislative activities. Instead, Common Foreign and Security Policies are debated within the European Council and the Council of the European Union among National Governments (EUR-Lex 2022c). The policy area Freedom, Security and Justice, in which law enforcement cooperation resides, is characterised as a policy area of 'shared competences' where both the EU and the Member States are able to legislate legally binding acts (EUR-Lex 2022d). This thesis will take a closer look at the power relation between the Member States and the Commission on the recent development of Europol's mandate.

## 1.2 Structure of the paper

The first part of the study reveals the research question which will be thoroughly answered during the course of the thesis and in the Conclusion. The first part also sets out to explain the aim of the study and argues for its relevance. Previous research on the topic will also be covered in the first part. In the methodology part, the characteristics of the research design and the method used will be demonstrated. The Theory part discloses the two EU integration theories, which will be tested on the selected case: Liberal Intergovernmentalism and Neofunctionalism. This part also sets out to explain the operationalisation of the theories and whether the theorised hypotheses can be observed in the selected case. Thereafter, the Analysis Part will test the explanatory power of the theories on the case by examining if the theoretical hypotheses were present or absent in the selected case and if these functioned as predicted. The Conclusion will be dedicated to a discussion of the analytical findings as well as answering the research question.

## 2 Research question and purpose of the study

The research question for the study is as follows:

*“Which theory, Liberal Intergovernmentalism or Neofunctionalism, does best explain the recent reinforcement of Europol’s mandate?”*

The research will be conducted as a qualitative process tracing study of the new Europol regulation, testing the theories of Liberal Intergovernmentalism and Neofunctionalism. Due to practical limitations, as further discussed below, the case study will focus on Sweden’s position.

The research question falls into the category of an explanatory question. This means that the researcher must go deeper in the analysis compared to descriptive questions research design and draw conclusion that is based on the context of things that are not explicitly stated (Teorell and Svensson 2020, p.55). The ambition is to investigate which theory best explains the process leading to the recent reinforcement of Europol’s mandate.

The strategy of this research is to test Liberal Intergovernmentalism and Neofunctionalism on the selected case, investigating the actors and factors driving EU integration forward. It is a compelling strategy since different hypotheses can be drawn and tested from the theories. This is typically done through process tracing methods where the researcher conducts casual inferences of hypothesised mechanisms with the purpose of examining if the mechanism function as predicted (Beach and Pedersen 2013, p.3).

As both theories refer to Member States, especially Liberal Intergovernmentalism which draws attention to interstate bargaining, this thesis has chosen to examine Sweden’s perspective. It will be done by investigating societal aspects in Sweden and by analysing Sweden’s interest in interstate bargaining among the other Member States of the EU. This thesis will also be referring to common agreements and interest among Member States in the Council of the European Union, which then also includes Sweden’s interest. Ideally, the perspective of all 27 EU Member States should be considered. However, due to the practical limitations of this thesis, mainly Sweden’s perspective will be considered. Another reason for this choice is the accessibility to material. Sweden has made accessible a higher number of official documents. Secondly, the mother tongue of the

author of this thesis is Swedish. Lastly and more importantly, this thesis includes an interview with Nils Hänninger, Sweden's representative in the Council of the European Union for the interstate negotiations regarding the process of reinforcing Europol's mandate.

## 2.1 Relevance of the study

Giving away power in police matters to an overarching institution is a sensitive topic for Member States. This can be understood through the traditional Weberian definition of the state focusing on the monopoly of legitimate use of coercion (Hix and Høyland 2011, p.14). The subject of the thesis grapples with the principle of subsidiarity and the principle of proportionality. Why did Member States extend Europol's power? How can we understand this process?

The recent process of reinforcing Europol's mandate was heavily criticised by 23 civil society organisations in an open letter to the European Parliament and Member States representatives. The letter stressed that the power extension of Europol's mandate would harm individual rights since it is decreasing privacy and jeopardising data protection rights in the EU (Statewatch 2022b). However, this thesis will not focus on any subjective speculations on whether the EU should be granting Europol more power or not. This could be addressed in future studies with more normative features.

Deeper international police cooperation of this scale is a rather new and unique phenomenon. Europol's extended mandate is more integrated than the International Criminal Police Organisation (Interpol), yet it does not cooperate as deeply as the Federal Bureau of Investigation (FBI) of the United States. The recent reinforcement of Europol's mandate was formalised through the Europol regulation (EU) 2022/991 and regulation (EU) 2022/1190 on the Schengen Information System (SIS) during summer 2022. Prior to that, Europol's mandate was reinforced in 2016 with the regulation (EU) 2016/794. These efforts highlight Europol's increasing power. The question this thesis seeks to answer is how can we understand the process which led to a broader mandate for Europol in the EU?

## 2.2 Previous Research

Kaunert and Leonard (2012, 422) contend that exogenous shocks in security issues, specifically the 9/11 terrorist attack in 2001, have been pushing



Member States to deal with new security threats. Member states have delegated power to the EU with an increased role of the European Commission and increased supranational governance as important tools to deal with these (Kaunert and Leonard 2012, 422). This is supported by the study of Bifulco and Nato (2020, 86) who assess that exogenous events and more precisely external threat poses a challenge for the perception of national sovereignty as the state seek to protect itself from these by undertaking integrative measures (Bifulco and Nato 2020, 55, 62). Bifulco and Nato (2020, 86) compare this phenomenon by stating that weak sovereignty spark a push towards a new federal sovereignty.

Piquet (2017, 1201) reveals that Europol is driven by an interest to increase its role within the EU while trying not to displease its legislative actors extending its mandate. However, Piquet (2017, 1203) asserts that this power is restricted to the Member States' decision-making power and by their reluctance to supranational way of governing the agency. Moreover, Lingenfelter and Miettinen (2021, 191) argue that the potential for an autonomous and supranational governance of law enforcement is restricted to strong legal limits which ensures state sovereignty. Their central contention is that Europol will, as it looks like now, remain an element of support for the national police agencies work against organised crimes (Lingenfelter and Miettinen 2021, 191).

# 3 Methodology

## 3.1 Case study

This thesis will focus on the process leading to the reinforcement of Europol's mandate and, more specifically, the procedures leading to regulation (EU) 2022/991 and (EU) 2022/1190. Although both regulations target different specificities, they both focus on reinforcing Europol's mandate and were initiated, debated, and implemented during the same time frame (December 2020 to June-July 2021). Both regulations were continuously referenced by Nils Hänninger during the interview. The Swedish Government published their initial opinions regarding both regulations together on the same document.

This is an intensive study design which falls into the category of non-experimental method (Teorell and Svensson 2020, p.74). Typically, these are recognised because the causative factor cannot be manipulated. In other words, the causes cannot be controlled through experimental and control groups (Teorell and Svensson 2020, p.77). Nonexperimental studies are also known as 'ex post fact' studies which means that the researcher usually analyses events that already have occurred (Teorell and Svensson, p.80).

In the first steps of setting up a case study, the researcher must assess what the study object is a case of. Reinforcing Europol's mandate is a case of European integration. It is the result of Member States' trust in the EU and Europol's capability to tackle the problems of transnational crimes in the EU. Eventually this has broadened Europol's mandate through the adoption of new regulations.

The strength with an intensive research design is that it enables the researcher to examine an event on a deeper level with more attention to details (Teorell and Svensson 2020, p.82). This enables the researcher to pay more attention to the causal explanation of the event (Teorell and Svensson 2020, p.80). However, case studies are harder to generalise than quantitative studies. Therefore, a thorough description on the analytical strategy emphasising on linking the theories to the empirical evidence is accentuated. This allows readers to comprehend the structure of the study thus making it possible to reproduce and test the findings in the analysis. Case studies are

nevertheless not disqualified from generalisable conclusions. Theory-testing studies draw attention to the theory and its explanation power on a specific topic thus, making it more possible to draw generalisable conclusions on similar cases (Essaisson et al. 2017, p.89).

The findings brought forward in this thesis could be applicable on similar cases in JHA areas in the EU or more generally in other regional intergovernmental structures such as ASEAN or MERCOSUR over issue areas of high politics. The findings could be tested and compared with these structures to understand if similar inferences can be made.

## 3.2 Process-tracing method

Process tracing focuses on identifying the correlations between the independent variables (Xs) and the outcome (Ys). It is the study of unpacking and tracing the causal mechanism linking the independent variables and the dependent variable (Beach and Pedersen 2013, pp.46-47). Process tracing is useful for studying the causal mechanism and making inferences to why something happened. There are three different ways of setting up a process-tracing method for a study. Choosing which of these methods best suit the research design vary depending on what the purpose of the study is. For this specific case, I aim to investigate the extension of Europol's mandate as a case of European integration with the purpose of understanding which of the chosen theories can effectively explain what caused European integration in the policy area law enforcement. Therefore, this thesis takes on a theory-testing process tracing approach.

Theory testing is a deductive research method with the purpose of assessing conclusions whether a causal mechanism was present in a case and if it worked as the theory expected (Beach and Pedersen 2013, p.9). The first step of theory-testing process tracing is to conceptualise a causal mechanism in which X produces Y (Beach and Pedersen 2013, p.14). In this case the dependent variable (Y) is the reinforcement of Europol's mandate. The independent variables are the characteristics that could explain the variation in the dependent variable (Essaisson 2017, p.52). These will be further explained in the Theory Part of the thesis.

The second step is to assess the causal mechanism between the dependent variable and the independent variables (Beach and Pedersen 2013, p.14). In theory testing process tracing, a causal mechanism is hypothesised from a theory's central ideas regarding a specific case. The purpose is to evaluate whether evidence support the hypotheses that a causal mechanism is linking the independent variables and the dependent variable (Beach and Pedersen 2013, p.11). The third step is to investigate if the predicted empirical

manifestations of the proposed causal mechanism were present or missing (Beach and Pedersen 2013, p.33).

The causal factors in theory testing process tracing are categorised as systematic factors as these are derived directly from the theories who then can be generalised to a broader population (Beach and Pedersen 2013, p.12). Theory testing only focuses on the explanatory power of the theories which is why no claim can be made if the causal mechanism was the only thing which caused the outcome (Beach and Pedersen 2013, p.3). This is instead done through explaining-outcome which is more case centric and focuses on discovering alternative explanations to the puzzling case. The difference between these two is that theory testing allows the researcher to draw more generalised conclusions across cases that are within the context in which they are expected to operate (Beach and Pedersen 2013, 12). Theory-building is another type of process tracing which purpose is to construct a theory that may be applied to a broader population of cases.

The case is selected from a most-likely criteria, where the scope conditions that allow the mechanism to operate are highly favourable (Beach and Pedersen 2013, 150). The European integration theories to be tested have a high level of compatibility with the selected case as these focus on principles of sovereignty which is slowly being transferred to the EU.

### 3.3 Material

The sources are carefully chosen with the purpose of explaining the actions leading to the reinforcement of Europol's mandate by focusing on central actors driving European integration forward. The two central actors in this study are the Commission and the Council of the European Union consisting of the Member States of the EU. Even if the European Parliament is one of the legislators in the EU, this thesis will not cover this actor because the theories mainly target the Commission and the Member States. Due to limitations, this thesis will focus on Sweden's official perspective and will additionally consider the public mass opinion in Sweden and interest groups in the EU.

This thesis will mostly rely on secondary sources comprising of books, official public declarations of different institutions, journals articles, websites, reports and statistical graphs covering the case. Furthermore, a primary source in the form of an interview will complement the secondary sources. This interview is highly valuable since the respondent, Nils Hänniger, was responsible for representing Sweden in the negotiations in the Council of the European Union for reinforcing Europol's mandate. Combining this primary source with secondary sources strengthens the potential to make credible inferences on

the subject. Especially because of the centrality of the respondent to the interview, who can provide valuable insights of the negotiations in the Council of the European Union.

The ideal material for this research would be to collect more primary sources such as protocols of negotiations, notes from personal notebooks and a handful of interviews from the Law Enforcement Ministers or Commission staff working on the new regulations. However, interstate negotiations within the Council of the European Union are secret and Member States Governments are not keen on sharing information on their positions even after multiple attempts to contact them. Similarly, the Commission staff did not respond to the interview request.

Saurugger (2014, p.3) argues that a phenomenon is always influenced by the social context which exist outside of the sense of the researcher. Furthermore, texts are subjected to the hermeneutic assumption that these are merely an interpretation of an actor describing the event which in turn is being interpreted by the researcher (Teorell and Svensson 2020, p.25). These assumptions are important to keep in mind while working with the sources in the purpose to achieve an independent analysis of the case.

## 4 Theories

Liberal Intergovernmentalism and Neofunctionalism are especially well-suited theories for this thesis since they have different approaches regarding European integration. Furthermore, the theories seek to identify key political actors affecting this (Hooghe and Marks 2019, 1114). Moreover, the two theories are widely used and compared by previous scholars in various case studies on European integration. This thesis will investigate both theories' explanatory power by applying them to the case of Europol's reinforced mandate.

There is a broad range of theories which could have been used as well for this thesis such as Institutionalism, emphasising the role of institutions (Saurugger 2014, 81), or Postfunctionalism, drawing attention to the causes and effects of political opinions (Hooghe and Marks 2019, 1117). Other theories such as Multi-Level Governance, which focus on multiple levels of political governance (Hatton 2011, 2) are better suited to highlight different aspects which make the reader understand the nature of European integration.

### 4.1 Liberal Intergovernmentalism

Two important conceptual frameworks can be identified in Liberal Intergovernmentalism. The theory asserts that the state is the core actor in interstate bargaining processes. However, preferences manifested by the states reflect the domestic interest of its civil society in which rational individuals pertaining to society groups are looking for advantageous deals (Saurugger 2014, p.68). The domestic interests are then mediated by the political institutions (Schimmelfenning 2021, p.62).

The other conceptual framework is that each state enters interstate bargains with the mindset of fulfilling its own interests (Saurugger 2014, p.68). States interests can be divided into two categories: economic interests and political interests. The latter encompassing threats a state perceives on its own national sovereignty or territorial integrity. Security is perceived as the top priority state interest, which is why economic interests will always be subordinate to security questions (Saurugger 2014, p.69). These two concepts will be at the centre of the analysis.

Liberal Intergovernmentalism perceives European integration as a three-stage process. In the first stage, the formation of national interests, the theory seeks to understand how a political objective is established in a country. Societal actors form their interests based on the national and international environment which shapes domestic preferences by evaluating costs and benefits of potentially deeper cooperation at the EU level (Saurugger 2014, p.69). Moravcsik highlights (2018, p. 1652) that the primary interest of a government is to remain in power therefore it is in their interest to listen to domestic preferences, which reflect electoral partisans and mobilisations. Therefore, for future reference, when this thesis refers to states' interests, it concludes that these preferences derive from the domestic society in which the government exist.

In the second stage, the intergovernmental bargaining, EU Member States negotiate over issues with common interests. It is important to underline that preferences from different states are hardly ever harmonious. States must be ready to make concessions in some areas to fulfil national interests in prioritised policy areas (Saurugger 2014, p.70). States need to be interdependent on one another as well as have compatible preferences for regional integration to be beneficial for them (Schimmelfennig 2021, p.63). The main requirement for a successful integration is that Member States benefit from it.

Saurugger (2014) points out that European integration is the outcome of strategic calculations done by Member States to promote their key interest (Saurugger 2014, pp.67-68). Schimmelfennig (2021, p.62) highlights that economic interests most clearly shape states preferences. However, Moravcsik (2018, p.1651) argues that non-economic concerns such as security could also dominate national preferences.

The theory focuses on explaining interstate bargaining strategy which operates in two dimensions, efficiency, and distribution of gains (Moravcsik 2018, p.1653). Efficiency implies that Member States have sufficient incentives and relevant information to reach agreements on issues with common interests without the influence of the EU Commission and other third parties (Moravcsik 2018, p.1653). Liberal Intergovernmentalism distinguishes clearly between involvement and influence. Member States could invite the Commission or other third parties to provide logistical or technical assistance, however as mediators they can only be influential if they provide crucial information facilitating an agreement between the Member States (Moravcsik 2018, p.1653). Nevertheless, Saurugger (2014) points out that Liberal Intergovernmentalism expects that Member States possess more information and act as a political entrepreneur without being influenced by the Commission and third parties (Saurugger 2014, p.70). In other words, Member States are the driving actors behind European integration.

Distribution of gains refers to the benefits a state obtains from an agreement. Moravcsik (2018, p.1653) asserts that states least benefiting from an agreement could exert a stronger bargaining power in intrastate negotiations by threatening to not accept the common agreement thus, implying that bargaining power is not always related to size. Indeed, Member States can reject an agreement if they deem that they would benefit unilaterally from a policy. This is mostly applied to decision making procedures where agreements on an issue require unanimous support from the Member States. However, this situation can be avoided through Qualified Majority Voting (QVM) in the Council of the European Union, freeing Member States from a few deviant opinions exerting strong negotiation power with the purpose of satisfying their national objectives (Moravcsik 2018, p.1655).

In the last stage, the institutional choice is a method of binding governments to a number of agreements thus, eliminating chances of one-sided control over an issue (Schimmelfenning 2021, 63-64). These are ways of coordinating Member States cooperation in a policy domain which seeks to minimise costs and maximise advantages (Moravcsik 2018, 1654). However, given the size constraints this thesis will only be focusing on the two first stages.

## 4.2 Neofunctionalism

Liberal Intergovernmentalism contends that Member States control the process of pooling sovereignty to the EU by acting as political entrepreneurs in interstate bargaining. Their interests are based on strategic calculations of benefits. Meanwhile, Neofunctionalism focuses on supranational institutions, in this case the Commission, who have an autonomous interest to increase its influence (Saurugger 2014, p.37). The theory believes that European integration is taking place within a centralised structure, acting above the Member States, which National Governments do not entirely control.

Hence, Neofunctionalism believes that the Commission acts as a supranational entrepreneur driving European integration forward. Niemann (2021) argues that the Commission works efficiently to facilitate agreements on integrative outcomes between partners (Niemann 2021, p.119). This is because the Commission is in possession of more valuable information and can convert vague proposals to specific proposals (Saurugger 2014, p.70). Furthermore, the theory contends that the possession of information is key since it enables the Commission to manipulate discussions and finds compromises between the Member States on specific issues (Saurugger 2014, 70). This is in stark contrast to Liberal Intergovernmentalism, which



deems that Member States reach an agreement without being influenced by external actors.

Spill over effects and transfer of loyalty are central concepts highlighted by Neofunctionalism, driving European integration forward (Saurugger 2014, p.39). The spill over effect refers to a dynamic in which a decision leading to deeper integration within the EU will lead to unintentional consequences in the form of new possibilities for cooperation or by generating unanticipated problems which need to be addressed (Hooghe and Marks 2019, p.1115). These unintentional consequences will create pressure for more actions leading to further integration triggering a spill over effect (Saurugger 2014, p.39). This demonstrates an ontological difference between Neofunctionalism's perception of European integration as a longer process which has developed its own dynamics whereas Liberal Intergovernmentalism focus on isolated events that are repeated by the same power politics between Member States National Governments (Niemann, Lefkofridi and Schmitter 2019, p.5).

Those who trigger spill over effects are rational societal actors who seek to promote their own interests (Saurugger 2014, p.37). The theory expects that these groups promote their interest to the Commission directly bypassing National Governments as they believe that the Commission with its integrative interest would benefit them more (Saurugger 2014, p.37). In this logic, Neofunctionalism perceives European integration as an interplay between societal actors rather than a game among States as perceived by Liberal Intergovernmentalism (Hooghe and Marks 2019, p.1114).

The functional Spill over effect refers to a dynamic in which integrative measure in a sector creates pressure for integration in another sector as a result of functional necessities (Niemann 2021, p.118). This shows that policy sectors are interwoven, and it is hard to keep them separate since they affect one another. The theory believes that European integration has its core in economics and economic integration creates a higher level of transaction between States which in turn creates more opportunities and potential for political integration (Saurugger 2014, p.39). Political integration takes more time to form since it is more of a complex issue to pool sovereignty to the EU compared to economic integration.

The Commission, as a supranational entrepreneur, occupies a privileged position of centrality in this process (Hooghe and Marks 2019, p.1115). The capacity of the Commission to find solutions to specific problems produces incentives for societal groups to present their interests directly to the Commission (Saurugger 2014, p.38 & Hix and Høyland 2011, p.181).

## 4.3 Operationalisation

The theories will be operationalised based on their theoretical factors which highlight why European integration occurs. Theoretical factors will be presented in italics. Thereafter, hypothesis will be drawn from each of the theories theoretical factors. Given the practical constraints, this thesis will only derive two hypotheses from each theory to test whether these are present and worked as expected. These are underlined and marked by acronyms: LI for Liberal Intergovernmentalism and NF for Neofunctionalism. Lastly, specific operational indicators will be outlined under the hypotheses.

### 4.3.1 Expectations from Liberal Intergovernmentalism

#### *Formation of state preferences*

Liberal Intergovernmentalism's main assumption is that the preferences of the States reflect the domestic societies' interests. These societal actors form their preferences based on the logic that they want to benefit from advantageous deals. Their interests are promoted by individuals in society and taken into consideration by politicians. In other words, the theory predicts that societal groups will be favourable for more cooperation in law enforcement within the EU.

#### LI-1 Domestic opinion influences the National Government to take action to reinforce Europol's mandate

- Public concern regarding security issues has risen.
- Public opinion supports more cooperation between Member States in law enforcement issues.

#### *Interstate bargaining*

Liberal Intergovernmentalism asserts that Member States run the show in European integration. The theory's central contention is that Member States control the process of European integration without being influenced by an external actor, since they are in possession of valuable information and can therefore reach agreements on their own. Member States seek to satisfy their own interests and act by the dimensions of efficiency and distribution of gains in interstate bargaining.

#### LI-2 Member States control the process of European integration

- Member States wanted integrative measures
- Member States can reach agreements without the influence of an external actor
- Member States attain their interest

### 4.3.2 Expectations from Neofunctionalism

#### *Supranational entrepreneurship*

Neofunctionalism asserts that the EU Commission is the driving force behind European integration. The theory expects that the Commission has an autonomous interest to develop the EU. The Commission is in possession of valuable information and works efficiently to facilitate agreement on integrative outcomes between partners.

#### NF-1 The Commission is driving European integration forward

- The Commission worked within its rights and managed to accomplish integrative measures.
- The Commission was in possession of critical information and acted efficiently to facilitate agreement between Member States.

#### *Spill over effects*

Neofunctionalism believes that societal actors trigger Spill over effects by presenting interests directly to the EU. Integrative outcomes will create pressure for more integration based on functional necessities.

#### NF-2 Spill over effects are driving European integration forward

- Interest groups stipulate integrative measure.
- Integrative outcome creates pressure for more integration.

## 4.4 Critics of the theories

Liberal Intergovernmentalism works best in intergovernmental decision-making procedures where decisions are taken by unanimity, but it loses explanatory power in structures with majority voting system (Saurugger 2014, 72). This is because partners can exert more power in negotiations requiring unanimity voting as they can threaten to veto a decision. Moreover, Liberal Intergovernmentalism perceives institutions as organisations to enhance inter-state bargaining as mentioned before. However, the theory fails to explain that institutions have their own autonomous interests (Saurugger 2014, 73). Furthermore, the theory focusses on explaining that domestic societal groups compete to influence political leaders who defend the domestic society's interest on an international level. However, it neglects that non-state actors can also influence the outcome of the decision directly on the EU level. The latter ideas are better captured through Neofunctionalism.

Neofunctionalism on the other hand, was heavily criticised following the "empty chair crisis" where the French Government left the Council of Ministers (Saurugger 2014, 40). This event demonstrated that the National

Governments hold significant power, especially in decision making procedures which are taken by unanimity. Moreover, Neofunctionalism ignores that Member States' interests can change after membership to international organisations because Spill over is not constant and automatic. Finally, the theory admits that it misses to explain external factors leading to integrative measures. These can take form in external relations to countries outside of the union which can have an impact on integrative measure (Saurugger 2014, 41).

# 5 Analysis

## 5.1 Liberal Intergovernmentalism

### 5.1.1 LI-1 Domestic opinion influences the National Government to take action to reinforce Europol's mandate

In 2017 Eurobarometer published a document outlining European's attitude towards security and law enforcement cooperation in the EU comparing the evolution from 2015 to 2017. By looking at the graph QB-1, Swedish citizens perception on how secure Sweden and the EU are, has decreased during the timeframe of 2015-2017 (Eurobarometer 2017, p.1). This highlights that Swedish citizen believe that the perception of threat has increased at the national and at the EU level. Interestingly, Swedish citizens perception of how secure its surrounding is (immediate neighbourhood, city, country and the EU) was slightly higher compared to the EU average (Eurobarometer 2017, p.1).

Furthermore, question QB4 also present evidence that 84% of Swedish citizens agree that the National Police Agency should exchange information with other EU countries, compared to the EU average 64% (Eurobarometer 2017, p.4). This is essentially what the role of Europol and the purpose of the recent reinforcement Europol's mandate targets - to facilitate communication and exchange of information between the Police Agencies of the Member States (Hänninger 2022, 07:23). Therefore, we can outline that the Swedish population is highly favourable of cooperating by the exchange of information with the rest of the EU in Law Enforcement. Although, the pie chart in QB5 demonstrates that only 57% of Swedish citizens believe that the National Police Agency should always and in every case exchange information with other countries in the EU compared to the EU average 69% (Eurobarometer 2017). This shows that the Swedish population is a little more careful to when and how this should be done.

These last years in Sweden, the public has become increasingly concerned over security in the society and has gradually started to perceive criminal organisations as more threatening. An article from Sveriges Television

(Widestrand 2021), asserts that Swedish citizens made it into an important election question during the 2022 elections in Sweden. The right coalition, led by the political party 'Moderaterna' defeated the left bloc. The preferred question of their electorate base (Moderaterna 2022) was the issue of reducing criminality. However, it is important to keep in mind that the process of regulating the new Europol regulation started long before the recent elections and was proceeded at the time when the left coalition was governing Sweden. Nevertheless, the evidence demonstrates that security issues have gained importance in Sweden over the last years and that political instances reflect the electorate interest.

Overall, Swedish citizens believe that the perception of threat has increased thus, calling for the need to act upon it. This can be seen from the chart in QB3 where Swedish citizens generally don't believe that the Law Enforcement authorities are doing enough to tackle crimes in Sweden (Eurobarometer 2017, p.3). The evidence can to some extent partly explain why the right coalition in Sweden won the recent elections in 2022 by emphasising on strengthening Law Enforcement. Simultaneously, Swedish citizens are rather positive regarding police cooperation in the EU as demonstrated in QB.4, although they, at the same time, express a more restricted view than the EU average on the sharing of information between National Law Enforcement Agencies.

Although there has not been a debate in Swedish society specifically dedicated to the strengthening of Europol's mandate which in practice would be uncommon to see due to the high salience of the issue, this thesis contends that Liberal Intergovernmentalism expectations are present in the case. Evidence shows that Swedish citizens are overall favourable to EU cooperation in law enforcement. It could be understood by the perception of threat which has increased during the period of 2015-2017 and their willingness to act upon it. This thesis asserts that the Liberal Intergovernmentalism hypothesis on formation of interest is present and has worked as predicted to shape states' preferences.

### 5.1.2 LI-2 Member states control the process of European integration

The decision-making procedure of the regulations put in place to reinforce Europol's mandate are made through the ordinary legislative procedure requiring a qualified majority to reach an agreement in the Council of the European Union (UK government 2014, p.7). Qualified majority is met when 55% of Member States, representing at least 65% of the EU population vote in favour for a legislation (Council of the European Union 2022a). Moreover, the policy proposals can either be initiated by the Commission or by at least a quarter of the Member States (UK government 2014, 7). When it is the

Member States who initiate a policy proposal, the Commission has no formal role in the procedures, but legislation still needs to be agreed on with the EP. From this perspective, the Member States hold significant power because they have the right to initiate a policy proposal. This only requires a quarter of the Member States, which is reasonably easy to reach if there is common interest on an issue. However, in this specific case, it wasn't the Member States who initiated the law proposals (EUR-Lex 2022a) (EUR-Lex 2022b) but the Commission.

However, this does not exclude the fact that the Member States have had an impact on the new reinforcement of Europol's mandate. The European Council and the heads of governments of the Member States, set the long-term guidelines of the EU and its political agenda, which guides the Commission's work (Hix and Høyland 2011, p.32). As previously mentioned, and emphasised, the European Council is not part of the EU's three legislative bodies which means that it does not negotiate on law proposals. However, as it is composed of heads of governments of the Member States who set the guidelines of the EU, Member States have considerable strong power to decide which issue areas the EU should focus on.

As we can perceive from the recent agenda for the EU for the coming five years agreed by the European Council in 2019, Member States mention police cooperation as one of their goals for the ongoing cycle 2019-2024. In the document it is stated that the EU has to strengthen its fight against terrorism and cross-border crime by "improving cooperation and information sharing" (European Council 2019, p.3). Furthermore, it highlights that the EU should further develop common instruments and revise its working methods in order to fulfil its role under the treaties (European Council 2019, p.7). This built the foundation for the potential for deeper European integration as the head of government brought forward Law Enforcement cooperation as one of their priorities.

On a lower level, the Council of the European Union, part of the EU's three legislative bodies, composed of the ministers related to the issue-area at hand, is debating over specific policy proposals. Similarly, to the European Council, the Council of the European Union through the Home Affairs ministers published in 2020 a declaration on the future of Europol. The declaration highlights that the Member States wish to maintain the successful concept of Europol but also to strengthen and develop it (Germany's Presidency of the Council of the European Union 2020, 1). The declaration emphasises that Europol needs new legal framework so that it can meet its objectives which is to fulfil its role defined as "EU criminal information hub, to help with analysis, and to provide operational support" (Germany's Presidency of the Council of the European Union 2020, 3). This declaration proves once again that the Member States want integrative

measures, which is supported by the ministers who have more expertise on the matter who deem that this is beneficial for the countries.

Statewatch (2021a) highlights that some Member States, such as France and Austria, were in fact pressuring the Commission to reinforce Europol's legal basis. Even though the Member States did not initiate the policy proposal, this information showcases strong motivation among some of the Member States to strengthen Europol's mandate. Seeing this from a larger perspective, the Member States pushed the Commission to act by publishing statements on their will to further integrate in the domain of Law Enforcement, as mentioned above.

Sweden had a relatively strong bargaining power in the process of reinforcing Europol's mandate. The matter is, just as the theory expects, of high importance for Sweden because it deals with security concerns, hence the Swedish Government is engaging with the question in an active way. The Swedish Government acknowledges that the Member States' National Police Agencies cannot solely handle the new criminal landscape (Regeringskansliet 2021, p.5). As a result, the Swedish government welcomed the new law proposal from the Commission and deemed that the new measures would qualify to the subsidiarity principle where the EU acts in a deeper level because of strategic calculations of benefits.

Furthermore, the respondent to my interview asserted that Sweden was one of the countries driving the matter forward to further cooperate on EU level in Law Enforcement question in comparison to other more 'passive' countries on this issue (Hänninger 2022, 11:54). It is noteworthy how Sweden emphasises that Europol's work should only be a point of support for the Member States' Police Agencies (Regeringskansliet 2021, 2). Nils Hänninger also stressed during the interview that Europol only should assist the National Police forces (Hänninger 2022, 20:34). This shows that Sweden draws a clear line of not supporting the idea of extending power to Europol to oversee the National Police Agency.

Moreover, the Swedish government did not accept all the changes the Commission suggested in the policy proposal. In the document of Regeringskansliet the specific law proposal on SIS is highlighted several times where the Swedish government deemed that further discussions together with the other Member States was needed (Regeringskansliet 2021). Looking at the outcome of the negotiations, the most sensitive part on sharing information in the SIS system was never included in the regulation put in place (EUR-Lex 2022b), which was the preferred outcome for Sweden, as this specific measure would deteriorate the efficiency of the SIS (Hänninger 2022, 09:49). This shows that Sweden and other Member States manage to defend their positions and can be successful in altering parts of a policy proposal that they deem too controversial. Member States with incentives in terms of



benefits can work efficiently to find an agreement on a contentious policy proposal so that the outcome of the regulations would benefit them more.

It is worth mentioning that it is difficult to thoroughly analyse Sweden's or other Member States' exact position in this matter as negotiations in the Council of the European Union are kept secret from the public. The UK based non-government organisation Statewatch, who monitors EU lawmaking and civil liberties has succeeded to collect some restrained documents in relation to these negotiations and published them on their website (Statewatch 2021b). Although these documents give a somewhat apparent understanding of different positions of the Member States it does not demonstrate exactly how negotiations proceeded. However, considering the opportunity to conduct an interview with Nils Hänniger representing Sweden in the negotiations, this thesis argues that the interview has provided sufficient information and useful insights to understand interstate bargaining for the selected case.

This thesis infers that the theory's hypothesis was proved satisfactorily strong on the case. The European Council and the Council of the European Union's work laid a strong foundation for the elaboration of a new law proposal which proved that the Member States wanted integrative measure. However, it is important to keep in mind that it was not the Member States who initiated the policy proposals for reinforcing Europol's mandate even if they had the power to do so. Regarding the interstate bargaining process, the Member States, including Sweden, had a reasonably strong power to delete parts of the policy proposals regarding SIS.

## 5.2 Neofunctionalism

### 5.2.1 NF-1 The Commission is driving European integration forward

The Commission was virtually excluded from the policymaking in the JHA field under the Maastricht Treaty and argued that the lack of policy development in this issue area was because it did not have an agenda setting role (Hix and Høyland 2011, p.296). Member states understood that the Commission needed to be given an agenda-setter role in the purpose of finding solutions in JHA questions since it has more of an independent position among the diverging opinions of the Member States in this issue-area (Hix and Høyland 2011, p.293). Therefore, in the Amsterdam Treaty, the Commission was given the right to initiate policy proposals - a right which is

still shared with the Council of the European Union today when regulating Europol's mandate (Hix and Høyland 2011, 296) (UK government 2014, 7). In this case it was the Commission who initiated the process.

On the other hand, Member States seemed motivated and united in this question firstly because of the two documents of common interest published by the Member States as demonstrated in the analysis of liberal intergovernmentalism (European Council 2019) (Germany's presidency of the European Union 2020). Secondly, because agreements were reached on the first reading which leaves an impression that Member States were rather committed and positive to reinforce Europol's mandate (EUR-Lex 2022a) (EUR-Lex 2022b). Thirdly, because all Member States voted in unanimous support in the Council of the European Union on the agreement even if it only required qualified majority to pass a law which again leaves an impression that the Member States were united in their support to reinforce Europol's mandate (Council of the European Union 2022b, 2) (Council of the European Union 2022c, 2).

However, these interpretations are to be considered with care. It is important to keep in mind that agreements reached on the first reading are rather common than an uncommon procedure and does not reveal anything about the motivation and unity behind an agreement (Council of the European Union 2022d, 8). Moreover, Member States vote in unanimous support of an agreement in the Council of the European Union, but the result does not always show the real preferences of the Member States. This is because the few Member States opposing the agreement sometimes already know in forehand that the agreement will reach qualified majority even though they are against it and instead chose to vote for the agreement (Hix and Høyland 2011, 66). Therefore, the impression of the Member States being united behind a policy can instead be misleading.

More importantly, The European Council and the Council of the European Union's declarations of common interest on reinforcing Europol's mandate are merely general guidelines of expectations of the agency's work and does not go into details on how this will be done. Indeed, Nils Hänninger stated that there were ideological differences between Member States on the reinforcement of Europol's mandate (Hänninger 2022, 20:10). As mentioned earlier, policy making used to be slow in JHA issues as due to the intergovernmental nature of the policy making. By delegating an agenda-setter role to an independent actor, the Commission, the EU worked more efficiently to promote the collective interest of the EU in the decision-making rather than individual interest of the government holding the Council Presidency (Hix and Høyland 2011, 30, 293). The Member States preferred letting the Commission as an independent actor initiate the process of reinforcing Europol's mandate to facilitate agreement between Member States thus driving European integration forward.

The Commission only has a restricted amount of power in the decision-making procedure. Member States' national governments can halt an agreement if at least one-third of the Member States deem that the policy proposal of the Commission is in violation to the principles of proportionality and subsidiarity of the EU (Hix and Høyland 2011, 42). Reaching one-third of Member States could be easily achieved if the Commission proposes a policy which is perceived as controversial. The Commission's, rather slim, margin of manoeuvre when designing the new policy proposals was restricted to the guidelines of the Member States (European Council 2019) (Germany's presidency of the European Union 2020) and the power of the Member States to halt the policy proposal.

Similarly, to the European Council, the Commission sets their priorities for the future of the EU. This could be seen in the political guidelines for 2020 to 2024 settled by the president of the Commission, Ursula von der Leyen, who strive to "build strong European Societies" in which internal security is prioritised (European Commission 2020a, p.6). The Commission presented the objective to bring forward a proposal to strengthen Europol's mandate to reinforce operational police cooperation among Member states (European Commission 2020a, p.12). The strategy regarding Law Enforcement is merely a mirroring of the European Council's interest, which highlighted that the EU needed to focus on cooperation and information sharing to strengthen its fight against terrorism and cross-border crime (European Council 2019, p.3). It seems like both the Member States and the Commission worked towards the same target. This is also underlined in the interview where Nils Hänninger (2022, 19:35) asserts that everyone wants Europol to be more efficient in its work to support the Member States Law Enforcement Agencies.

Inside the EU, the centrality of Member States in EU make it seem like these are the only powerful actors in the legislative work of the union. However, as Hix and Høyland points out (2011, p.13) political demands may arise from a complex network of non-state societal groups who compete to influence the outcome of a procedure to their benefit: revealing that Member States do not have the monopoly of political demands. The Commission is equipped with expertise to be able to present credible policy proposals with a clear Migration and Home Affairs department focusing on internal security issues (European Commission 2022). Before the policy proposal, the Commission does an extensive information gathering work by consulting other competent authorities, different EU bodies, non-governmental organisations, academia citizens and stakeholders with the purpose to "capture different perspectives and expectations" (European Commission 2020b, p.5). Here one can argue that non-state actors also play an important role in the decision making as they get an opportunity to express their opinions on the policy area. Hix and Høyland (2011, 26) argue that this situation makes the Commission more

able to design a policy proposal to its ideal preferences and influence the outcome which is as the theory expects to increase its autonomous interest.

Moreover, the Commission and Europol were present during the bargaining process between the Member States (Council of the European Union 2021, 113) (Hänninger 2022, 15:21). This strengthens the theory's expectation that these external actors could potentially influence the outcome of the procedure as these were more technically informed in comparison to the Member States. However, Member States undertook measures to make sure that Europol could only intervene by the request of the Presidency, to avoid bilateral discussions that could have risked influencing the negotiations inside the Council of the European Union (Council of the European Union 2021, 113). It is difficult to assess if the external actors managed to influence the legislative procedure.

However, Member States were aware of controversial parts regarding the Commission's policy proposals before the negotiations in the Council of the European Union. This is highlighted in the document from Regeringskansliet (2021, 4), which describes that the SIS proposal needs to be further clarified. It shows that the Member States were aware of the policy proposal's implications. Furthermore, on the same specific topic, SIS, the interviewee Hänninger, (2022, 9:49) argued that the Member States opposed the Commission's policy proposal of more integrative measures. The result of the negotiations regarding SIS, shows that the Member States have the ultimate control of the information which is added in the SIS system (Hänninger 2022, 12:30). This demonstrates that the Member States possess relevant information to reach agreement among them to delete parts that they do not like and modify policies to match their preferences. In addition, this also reveals that the Commission sometimes proposes more integrative measures than the Member States are willing to undertake. This is supported by the interviewee Hänninger (2022, 13:05) who asserts that several parts of the proposed regulations were cropped down to match the interests of the Member States.

Overall, decision making used to be slow and inefficient when Member States were negotiating issues of JHA on an intergovernmental decision-making procedure. Therefore, the Commission was granted an agenda-setting role because the Member States deemed that its independent position facilitated agreement between Member States. The Commission has a role to form agreements between the Member States and acts within its margin of manoeuvre, which is restricted to the European Council and the Council of the European Union's declarations and the subsidiarity and proportionality clause of the Member States. Furthermore, the Commission works broadly with societal groups who can send their opinions regarding a specific issue area and who provide relevant information when designing a policy proposal which strengthens their central position in the policymaking.

Given the fact that the Commission designed policy proposals which resulted in the new regulations (EU) 2022/991 and (EU) 2022/1190 demonstrates its consciousness and competences to facilitate agreements between Member States in the purpose to drive integration forward. This is what the theory's hypothesis predicts. Moreover, similarly to the Member States, the Commission sets its objectives for the future. In this case they highly resembled the ones published by the Member States. However, since not all parts of the Commission's proposal were accepted by the Member States and were cropped down to match the Member States' interest this thesis demonstrate that the Commission's power to drive integration forward is restricted to the Member States' interest in Law Enforcement questions.

The Commission awaited the right time to initiate policy proposals to reinforce Europol's mandate. In the previous strategic plan, 2016 to 2020, the Commission described the previous process of reinforcing Europol's mandate (Europol regulation (EU) 2016/79) as a "complex and difficult process" (European Commission 2016, 31). This shows that the Commission is attentive to the Member States slower pace to adopt legislative acts regarding Police Cooperation in the EU. The Commission is an efficient policy entrepreneur as the Commission managed to find the right balance between national sovereignty and European integration in Police Cooperation in the EU and adapted to the integrative pace of the Member State. It therefore supports the theory's hypothesis that the Commission is driving European integration forward. However, as mentioned earlier, the Member States are ultimately the ones who set the pace in European integration in Law Enforcement questions as they can delete parts of the Commission's proposals that do not match their preferences.

### 5.2.2 NF-2 Spill over effects are driving European integration forward

Interestingly, interest groups in the EU have been heavily criticising the action of reinforcing Europol's mandate. This could be seen with the open letter to the European Parliament and Member States representatives' in which 23 societal groups stressed that the Commission's proposals would harm individual rights by decreasing privacy and jeopardising data protection rights in the EU (Statewatch 2022b). In practice, following the model of pluralism there should also be a counter movement to the ideas expressed by the 23 societal groups. (Hix and Høyland 2011, 159).

However, research conducted by Schneider and Baltz (2003, 28-29) contend that counter movements between interests does not necessarily need to be present. It is important to keep in mind that the research was conducted around 20 years ago and that findings about this issue can have developed.

However, regarding this specific case, a counter movement which opposed the 23 societal groups who spoke in a unified voice was nonetheless not observed at the same scope.

Hix and Høyland (2011, 163) argue that societal groups are less numerous when they represent a general and broad matter such as security. This is because security matters are characterised as 'diffused' and is of high salience for the public. Whereas "concentrated interest" encompassing economic questions, are more able to be well organised in societal groups (Hix and Høyland 2011, 160). This is shown in the research conducted by Coen (2007, 337) where interest groups in JHA are represented among the least numerous categories compared to more economical issues or individual rights issues (the 23 organisations who speak in a unified tone).

Interest groups are predicted to trigger Spill over effects as this pressure the national governments and the EU for integrative measure, since this would benefit them. However, interest groups in this specific case were not in favour for more integrative measures and criticised the new reinforcement of Europol's mandate. Interest groups have presumably been more influential in previous more economical decision-making procedure which have generated Spill over effects on Law Enforcement questions. It is difficult to specifically assess what has generated the functional necessity to reinforce Europol's mandate.

The removal of borders due to the single market regulation did not necessarily have an impact on raising organised crime activities in the EU (Hix and Høyland 2011, 292). However, it had an impact on Law Enforcement work since it removed the physical control Member States have had on their borders. This created an externality where Member State's Law Enforcement was forced to cooperate more in the purpose of making up for lesser control of its borders. Moreover, technological advancement has created unintentional consequences as it led criminal groups to exploit these. This generated a functional necessity for Member States to cooperate more broadly in the EU in order to keep up with the technological advancement (Regeringskansliet 2019, 2).

These findings reveal unforeseen consequences of previous integrative measures which has led to functional necessities to reinforce Europol's mandate to keep the efficiency of the agency. The theory's expectation was to a relatively large extent present. However, it does not effectively explain the action of the interest groups regarding the reinforcement of Europol's mandate. The 23 interest groups in this case were rather in stark opposition to the process. Although, Spill over effects from previous integration in other sectors created a functional necessity to further integrate in Law Enforcement Cooperation in the EU. This can be observed with the impact of the single market regulation and the technological advancement.

## 6 Discussion and conclusion

This study has demonstrated that European integration cannot be understood through the perspective of only one of the two theories Liberal Intergovernmentalism or Neofunctionalism. However, these are interesting to compare as they shed light on different dimensions affecting European integration.

The two Liberal Intergovernmentalism hypotheses investigated in this thesis were the ideas that domestic opinion influences the National Government to take action to reinforce Europol's mandate and that Member States control the process of European integration.

In the case study the first hypothesis proved to be present because European statistics shows that Swedish citizens perceive a rise of threat to security, as well as a willingness to act upon it. The second hypothesis outline that the Member States are controlling European integration because the European Council set the long-term guidelines which guide the Commission's work. Furthermore, on a lower level, the Council of the European Union expressed the need for new regulations for Europol. Ultimately, it is the Member States who decide how far the Law Enforcement cooperation between the Member States will be extended as they effectively can discard parts of the Commission's policy proposals.

The two Neofunctionalism hypotheses outline that both the Commission and Spill over effects are driving European integration forward. The Commission was the one, as mentioned earlier, who initiated the policy proposals in this particular policy area where the initiation right is shared with the Member States. However, the idea of strengthening Europol's mandate had already been voiced by the Member States. Moreover, the role of the Commission in this case was more of a facilitator to materialise the ideas that the Member States had already agreed upon. Also, it is important to keep in mind that they have been present in the negotiations which might have given them possibility to influence the outcome. However, as shown with the outcome of the negotiations, Member States can efficiently discard parts of the policy proposals that they deem would not benefit them.

The second Neofunctionalism hypothesis about Spill over effect had weaker explanatory power. This is because interest groups to a larger degree opposed the process of reinforcing Europol's mandate. On the other hand, previous Spill over effects in other sectors, such as the single market

regulation and technological advancements, had effectively generated functional necessities to further integrate in Law Enforcement cooperation among the Member States.

Overall, this thesis argues that the Liberal Intergovernmentalism framework proved stronger than Neofunctionalism since more aspects of this theory were present in the case. Admittedly, the Commission has the power to initiate policy proposals and drive integration forward which supports the theory of Neofunctionalism. However, European integration cannot happen without the will of the Member States. In the case study, the Commission acted after the Member States' statements on the need for enhanced cooperation in Law Enforcement. The Commission sensed that the timing was right, which demonstrates that the Commission adapts to the Members States who set the pace for European integration.



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