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The Impact of the European Union on National Legislation



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The Impact of the European Union on National Legislation

Introduction

“Today it is a tragedy that the European Union (EU) – that body long ago established with the high and noble motive of making another war impossible – is itself beginning to stifle democracy, in this country and around Europe. If you include both primary and secondary legislation, the EU now generates 60 % of all the laws that pass through Westminster.”¹

This claim was made by Boris Johnson, one of the leading figures of the ‘leave’ side during the Brexit referendum campaign. Referring to a video footage of Commissioner Viviane Reding, the United Kingdom Independence Party (UKIP) went even further than that, arguing that the figure was as high as 75 or 80 %.

‘Sensational video footage has emerged of EU Commissioner Viviane Reding admitting that either “75 % or 80 %” of laws that affect countries belonging to the EU are made in Brussels. The video clip gives the lie to the idea that Ms Reding’s comments to similar effect in London earlier this year had been misinterpreted by journalists. UKIP Director of Communications Patrick O’Flynn said: “This is a slam dunk moment for those of us who have been saying that a large majority of our laws are made by Brussels. One of the most senior European Commissioners has admitted exactly what Nigel Farage told Nick Clegg in their televised debates. There is no ambiguity about her words either. The only thing she is not sure about is whether it is still 75 % or now as much as 80 % of our laws that are made by the EU. UKIP invites you to watch, listen and judge for yourselves.”’²

Internet resources, last date of access: 1 December, 2016.

- 1 Online at: <https://www.thesun.co.uk/archives/politics/1139354/boris-johnson-uk-and-america-can-be-better-friends-than-ever-mr-obama-if-we-leave-the-eu/>.
- 2 Online at: http://www.ukip.org/the_truth_is_out_at_least_75_of_our_laws_are_made_by_eu_institutions_says_senior_european_commissioner_viviane_reding.

It is difficult to tell why Reding came out with such a figure, but one explanation might be that those politicians with more positive attitude towards European integration want to remind the electorate of the importance of the European Union (EU). Eurosceptics, on the other hand, use it primarily as easy-to-remember evidence of the dangerous centralization of powers to Brussels technocracy and the erosion of national sovereignty. Not surprisingly, the ‘remain’ side and the more quality British news media attacked the claims of the ‘leave’ campaign, referring for example to studies by the House of Commons Library³ according to which the share was between 1993 and 2014 on average 13 %. Interestingly, the same studies nonetheless admit that if regulations – that are not supposed to require separate national implementation – are taken into account the figure is around 50 % and even above in recent years.⁴ The House of Commons studies also pointed out the many difficulties involved in assessing the exact share of EU-related laws, arguing that it can be even impossible to arrive at an accurate figure. For example, if regulations are counted, then surely also domestic decrees should be included, while a bigger issue concerns the nature of regulations which for the most part consist of items that are highly technical and may have salience only for some of the member states. Two prominent legal scholars, Michael Dougan and Kenneth Armstrong, conducting a ‘fact check’ on the claims made by Johnson and UKIP concluded rather pessimistically:

‘To be fair, any competent legal scholar would confirm that attempts to quantify the amount of “UK law”, or the amount of “EU law”, let alone the statistical relationship between the two, could never be anything more than an inaccurate guess guided by contestable research methods.’⁵

The competing claims and the heated debates during the Brexit campaign, and the data and methodological issues brought forward are most relevant

3 Vaughne Miller, How much legislation comes from Europe? *House of Commons Library Research Paper* 10/62, 13 October 2010; EU obligations: UK implementing legislation since 1993, *House of Commons Library, Briefing Paper*, Number 07092, 10 June 2015.

4 Online at: <https://commonslibraryblog.com/2014/06/02/how-much-legislation-comes-from-europe/>.

5 Online at: <http://theconversation.com/fact-check-are-60-of-uk-laws-really-imposed-by-the-eu-58516>.

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in terms of our research problem – measuring the impact of EU on national legislation. We agree that no methodological approach is without its weaknesses, and hence the next section discusses the various ways of how European integration can influence domestic politics. The empirical analysis contains two parts. Based on previous literature, the first provides findings from comparative research, while the bulk of the analysis focuses on the case of Finland. Our main argument is that there is simply no evidence in favour of the ‘Delors myth’, according to which 80 % of national legislation would ‘flow’ from Brussels.⁶ Instead, the complement of the myth is closer to the truth.

The challenges involved in measuring the impact of Europe

Measuring the impact of Europe on domestic legislation is definitely no easy task⁷. It is tempting to simply agree with the warnings of Dougan and

- 6 Jacques Delors made the prediction in the late 1980s while serving as the President of the Commission: ‘My impression by and large – and apologies to those whose pride in the keen interest taken by their national parliaments in European affairs might be offended – is that there is an unawareness in many national parliaments of the quiet revolution that is taken place, as a result of which 80 % at least of economic, financial and perhaps social legislation will be flowing from the Community by 1993’. *Debates of the European Parliament* 15.6.1988, p. 156-157.
- 7 See Jørgen Grønnegaard Christensen, (ed.), EU legislation and national regulation, *Public Administration* 88(1), 2010, p. 3-87 (symposium); Vaughne Miller, How much legislation comes from Europe? *House of Commons Library Research Paper* 10/62, 13 October 2010; Sylvain Brouard/Olivier Costa/Thomas König, (eds.), *The Europeanization of Domestic Legislatures: The Empirical Implications of the Delors’ Myth in Nine Countries*, New York: Springer, 2012; Annette Elisabeth Töller, Measuring and Comparing the Europeanization of National Legislation: A Research Note, *Journal of Common Market Studies* 48(2), 2010, p. 417-444 and Concepts of Causality in Quantitative Approaches to Europeanization, in Claudio M. Radaelli/Theofanis Exadactylos (eds.), *Establishing Causality in Europeanization Research*, London: Palgrave Macmillan, 2012, p. 44-63; Roy Gava, /Pascal Sciarini/Frédéric Varone, Twenty Years After the EEA Vote: The Europeanization of Swiss Policy-Making, *Swiss Political Science Review* 20(2), 2014, p. 197–207.

Armstrong. Essentially one would have to compare the total amount of ‘EU law’ with the total amount of ‘national law’ in a given member state. Yet the difficulties of achieving even that first step are formidable. There is considerable variation between member states regarding the culture or patterns of law production and the types of laws – in some countries policy-making is based more on actual laws approved by parliaments whereas in others decrees or other executive orders that do not necessitate parliamentary involvement are used more frequently. And as with EU regulations, domestic decrees are also often highly technical and of direct concern to only a small section of citizens or a particular region of the country.

Another obvious problem is salience. Even EU directives may often be really important just for select member states, with a reasonable prediction being that the more diversified the national economy, the higher the share of European laws that are salient for the country. Equally the majority of domestic laws can be fairly minor amendments to existing legislation. Previous studies (see the next two sections) have underscored the importance of variation between policy fields, with the influence of the EU higher in policy domains that are more ‘Europeanized’ in terms of the division of competencies between the EU and its member states. Hence in areas like agriculture and fisheries, competition policy, environment, and internal market the impact of EU is understandably much stronger than in less Europeanized fields such as education or social and health services.

But of course the impact of EU can be felt in ways that are not captured by looking at legislation. Domestic legislation or policy-making can be indirectly shaped or influenced by European integration, for example in the form of policy diffusion and peer pressure under the Open Method of Coordination (OMC) and other ‘soft law’ coordination mechanisms. And apart from pressure and policy diffusion resulting from various forms of intergovernmental policy coordination, governments may import policies from other EU countries or follow EU’s recommendations without this being explicitly acknowledged in the text of the law initiative. A good

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example comes from the field of education which falls in the jurisdiction of member states. As a result of the ‘Bologna process’ and the large volumes of students and scholars benefiting from exchange programs and research projects funded by the EU, universities across Europe have implemented quite major reforms without perhaps any new domestic legislation. Another channel for EU influence are court decisions, with the rulings of the Court of Justice of the European Union (CJEU) shaping the course of integration and conditioning the options available for domestic law-makers.

Foreign and security policy in turn is a field where outputs are normally not laws but other types of decisions, for example statements by the political leaders about military or humanitarian crises. While the effectiveness of the Common Foreign and Security Policy (CFSP) and other forms of EU’s external relations can be questioned, it is plausible to argue that the linkage between the national foreign policies and EU’s external relations has become stronger over the years and that this development will continue. As the former Finnish president Tarja Halonen commented: ‘It is not possible to discuss foreign and security policy without considering the influence of the Union. EU penetrates everything.’⁸ Hence national governments or presidents must at least take into account the position of the EU and other member states when formulating their own views on foreign policy issues.

There are those for whom examining the outputs – whether laws or not – means simply scratching the surface. For example, according to an often-utilized definition, Europeanization is ‘processes of (a) construction, (b) diffusion, and (c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’, and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures, and public policies.’⁹ This definition thus digs deeper by emphasising more explicitly cultural,

8 Arto Astikainen, ‘Presidentti ei voi olla reservissä’, *Helsingin Sanomat*, 24.12.2003.

9 Claudio M. Radaelli, The Europeanization of Public Policy, in Kevin Featherstone/Claudio M. Radaelli (eds.), *The Politics of Europeanization*, Oxford: Oxford University Press, 2003, p. 27-56/30.

attitudinal or informal aspects of domestic politics. When applying this definition, scholars could examine whether engagement in the EU's policy process alters the ways in which national laws are drafted or whether the 'rhythm' or time-space' of EU politics impacts on when or how often domestic legislation is enacted or more broadly how national institutions operate.

Findings from the Eduskunta, the unicameral Finnish legislature, illustrate such processes. Surveys of committee clerks from 2004 and 2008 indicated considerable variation between the committees, primarily driven by the allocation of powers between the national and the EU levels. The Education and Culture Committee and the Committee for the Future were least burdened by EU matters, while in the Environment, Commerce, and Agriculture and Forestry Committees, European questions took up half or more of the meeting time.¹⁰ All the respondents emphasized the difficulties involved in giving exact or even rough estimates, as national issues often have a European dimension. This variation also applies to reports produced by the committees, with the Legal Affairs, Finance, Agriculture and Forestry, Commerce, Environment, Administration, and Transport and Communications Committees particularly active in producing opinions on EU matters. The Eduskunta¹¹ has estimated that nearly half of all items processed by it concern EU matters. The same report noted that the workload of committees, measured by the number of agenda items, had roughly doubled as a result of EU membership¹². Moreover, according to a more recent study well over half of all items on the agenda of the Foreign Affairs Committee were related to the EU¹³.

10 The European Affairs Committee of the Eduskunta, the Grand Committee, was excluded from the survey as essentially all its agenda items are EU issues.

11 Eduskunta, EU-menettelyjen kehittäminen: EU-menettelyjen tarkistustoimikunnan mietintö, Helsinki: Eduskunnan kanslian julkaisu, 2/2005.

12 Tapio Raunio/Matti Wiberg, How to Measure the Europeanisation of a National Legislature? *Scandinavian Political Studies* 33(1), 2010, p. 74-92.

13 Tapio Raunio, Refusing to be Sidelined: The Engagement of the Finnish Eduskunta in Foreign Affairs, *Scandinavian Political Studies* 39(4), 2010, p. 312-332.

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However, while we recognize the major challenges involved in estimating or measuring the impact of EU on domestic laws, we nonetheless argue that they should not prevent scholars from addressing this highly relevant and politically contested issue. Essentially the empirical studies conducted so far have utilized the same strategy as we do in this paper: keyword search of national laws. That is, a domestic law is counted as having an EU connection when a keyword related to European integration is mentioned in the text of the law. The exact way of measuring has varied, and not surprisingly, the more comprehensive the measurement, the higher the share of Europeanized legislation that has been found. The keyword approach of course is not unproblematic and may tell us very little about the salience of the laws or whether they were adopted mainly or only in part due to any impact of EU. A valid argument for utilizing this methodological approach is that when proposing new legislation, national governments must explain, normally at the beginning of the proposal, why new legislation is needed. It must also be emphasized that while scholars have quite legitimately criticized the keyword approach strategy, no credible alternative has been suggested.

Comparative findings

Drawing on previous literature, the first part of our empirical analysis is comparative, examining the share of EU-related laws in select member states. Our primary source of information is the volume edited by Brouard, Costa and König¹⁴, which is the authoritative study on the topic. In addition, we carried out an extensive literature search, seeking any evidence in favour or against the ‘Delors myth’.¹⁵

14 Sylvain Brouard/Olivier Costa/Thomas König (eds.), *The Europeanization of Domestic Legislatures: The Empirical Implications of the Delors’ Myth in Nine Countries*, New York: Springer, 2012.

15 We are grateful to Ville Lättilä for his research assistance.

Table 1: The share of EU-related laws in select member states.

Member state	Period	The share of EU-related laws (%)
Austria	1992–2007	26.4
Finland	1995–2009	11.8
France	1986–2007	18.8
Germany	1986–2005	26.3
Italy	1987–2006	13–17
Luxembourg	1986–2006	28.8
Netherlands	1981–2009	12.3
Spain	1986–2007	35
Switzerland	1987–2007	6,8
United Kingdom	1993–2014	13.2
Denmark	2003	19.7 (in force)

Source: Sylvain Broaurd et al. (eds.), 2012; for the figures on Denmark, Jørgen Grønnegaard Christensen, 2010; for the UK, Vaughne Miller, 2015. For exact measurements, please see the individual chapters in that volume.

The findings reported in Table 1 convey a straightforward and consistent message: despite some considerable cross-national variation and increase in the share of EU-related legislation in select countries, the share of domestic laws that is in some explicit way connected to the EU is way below the ‘Delors myth’ or the claims of the ‘leave’ side in the Brexit campaign.

Highest share was in Spain (35 %), with also Luxembourg, Austria, and Germany having over a quarter of the laws related to the EU. Perhaps not surprisingly, the lowest figure is from non-member Switzerland (6.8 %). Table 1 also reports the findings of an earlier study on Finland, according to which 11.8 % of the bills enacted from 1995 to 2009 contained a reference to the EU.

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Other studies paint a very similar picture¹⁶. Moving closer to Finland, the obvious benchmarks are the two other Nordic countries. According to Christensen¹⁷, out of the Danish legislation in force in 2003 19.7 % of formal law and 13.2 % of decrees were influenced by the EU. Regarding Sweden, Hegeland¹⁸ shows that only 6 % of the legislation adopted by the Riksdag between 1995 and 2004 contained a reference to an EU law. Johannesson¹⁹ in turn counted that between 1998 and 2003 20 % of Riksdag's legislation was related to binding EU legislation, with an additional 10 % in some way related to the Union.

The case of Finland

In line with previous research, we now examine the impact of EU on Finnish legislation through a keyword search – that is, whether there is a reference to the EU in some form in the bill. This selection criterion probably overestimates the EU's influence on national legislation as the influence in question could cover only one paragraph or section of the bill. In the following analysis all national bills passed by the Eduskunta are classified into two categories: those influenced by the EU and those not influenced by the EU. Given that the consecutive Treaty amendments enacted since the late 1980s have basically all extended the policy reach of the EU, and in line with previous research discussed above, we hypothesise

16 Annette Elisabeth Töller, Mythen und Methoden: Zur Messung der Europäisierung der Gesetzgebung des Deutschen Bundestages jenseits des 80%-Mythos, *Zeitschrift für Parlamentsfragen* 39(1), 2008, p. 3-17; Jørgen Grønnegaard Christensen, Keeping in control: the modest impact of the EU on Danish legislation, *Public Administration* 88(1), 2010, p. 18-35; Vaughne Miller, EU obligations: UK implementing legislation since 1993, *House of Commons Library, Briefing Paper* Number 07092, 10 June 2015; Roy Gava/Pascal Sciarini/ Frédéric Varone, Twenty Years After the EEA Vote: The Europeanization of Swiss Policy-Making, *Swiss Political Science Review* 20(2), 2014, p. 197–207.

17 Ibid (Christensen).

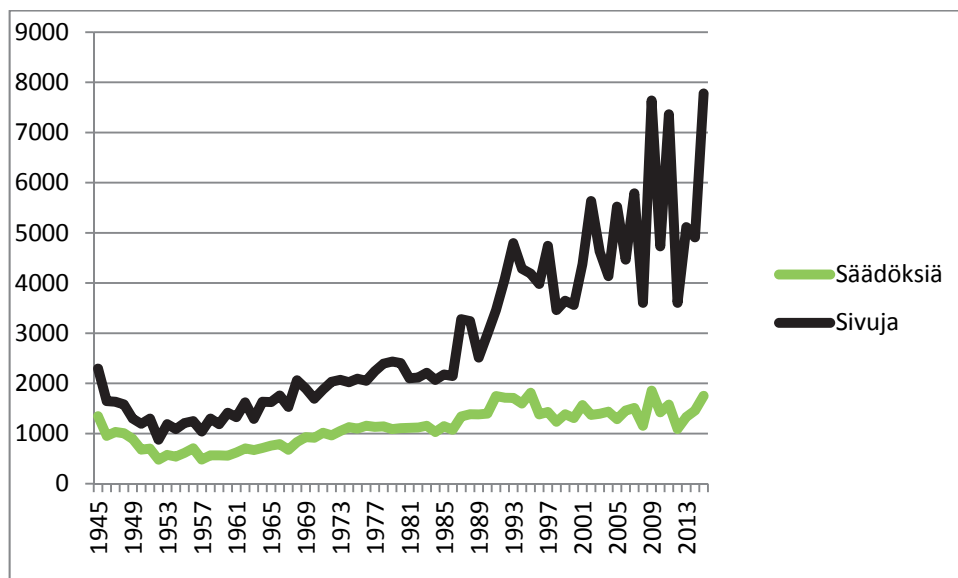
18 Hans Hegeland, EG-rättens genomslag i svenska lagar och förordningar, *Europarättslig tidskrift* 8, 2005, p. 398–399.

19 Christina Johannesson, EU:s inflytande över lagstiftning i Sveriges riksdag. *Statsvetenskapliga Tidskrift* 107(1), 2005, p. 71–84.

that *the share of EU-related laws has increased over time*. However, already before joining the Union in 1995, Finland had adapted her national legislation to the *acquis communautaire*. As Finland joined the EU just after the completion of the law-intensive internal market project, we expect this increase in the share of EU-related laws to be relatively small.

Our first indicator is the total amount of formal regulation in Finland. Since the beginning of Finnish EU membership to the end of 2015 altogether 30 224 items were published in the Statutory Book (*Säädöskokoelma*), comprising altogether 102 878 pages of legal texts. These items are of five different types: Laws, Decrees, Decisions of the Council of State, Ministerial decisions and Other regulations. By these figures Finland is one of the most industrious regulators in Europe. After the Second World War a total of around 26 000 laws were enacted.

Figure 1: Items (Säädöksiä) and Pages (Sivuja) in the Statutory Book, 1945-2015.



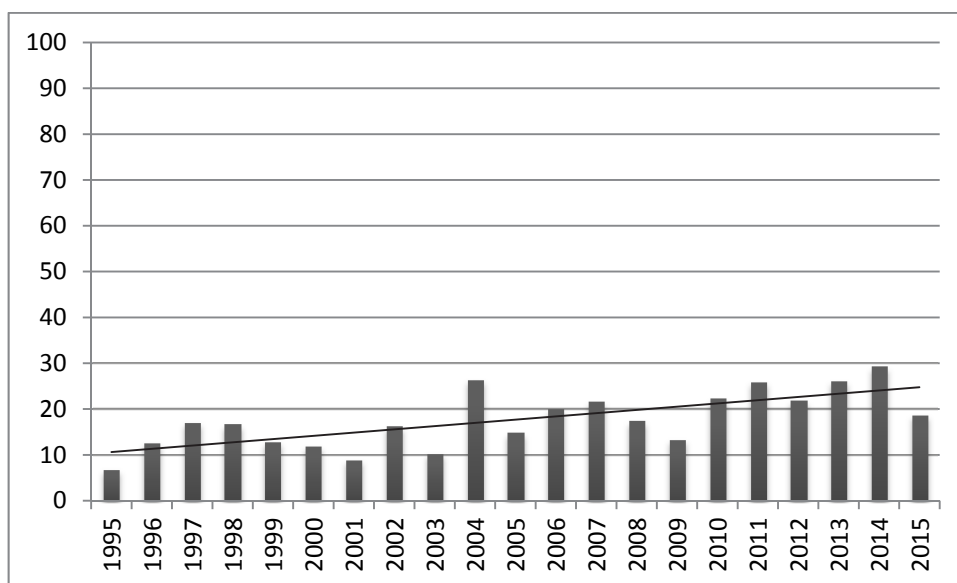
Source: Own calculations.

Let us now take a closer look at the number of laws. Three aspects of Finnish law production merit mentioning: almost all laws are initiated by the government, they are rarely voted upon, and they are typically short, mostly one paragraph modifications of already existing laws. Between

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1945 and 2015 less than two percent of all bills were initiated by MPs. Law production is very consensual with a very low level of conflict: only approximately 10 % of laws are voted upon on the floor. From 1945 to 2003 39.5 % of laws were modifications of one paragraph only. Mean length was 6,7 paragraphs, the median 2, mode 1, and maximum 301 paragraphs.²⁰

Figure 2: The share of Finnish legislation influenced by the EU, 1995-2015 (%).



Source: Own calculations.

Since the start of 1995 until the end of 2015 altogether 13 386 bills were passed by the Eduskunta. Only 2387 of these contained a reference to the EU (Figure 2).

20 Matti Wiberg, *Lainsäädäntötuotos Suomessa valtiopäivillä 1945-2002: Peruskartoitus*, Turku: Valtio-opillisia tutkimuksia 58, Turun yliopiston valtio-opin laitos, 2004; Normitulva: määrällisiä näkökohtia, *Oikeus* 39(2), 2010, p. 172-178; Lakituotannon taso: silppua ylikuormittuneelta liukuhihnalta, in Matti Apunen, (ed.), *Holhouksen alaiset: Seitsemän näkymää ylisääntelyn Suomeen*, Helsinki: EVA, 2012, p. 41-56; EU:n vaikutus kansalliseen lainsäädäntöön, 2015, online at: <http://www.edilex.fi>.

In other words, only 17.8 % of the bills enacted during Finnish EU membership have contained a reference to the Union.²¹ This is roughly the complement of the Delors prediction. This result is higher than the 11.8 % reported in Table 1²², due to a different technique in counting the impact of the EU and to a longer time span covered. The linear trend is rising, but not every year and the growth rate is not that large. Examining variation between individual keywords (Table 2), we see references particularly to 'EU' and 'EC' as well as to 'directives'. On the other hand, there are very few, if any, references to the single or internal market or to the monetary union or their abbreviations. It is noteworthy that our measure in fact probably overestimates the impact of the EU as it covers not only direct references to EU laws in the strict legal sense, but also includes all references to the EU and the keywords. Hence our measure includes even references to soft law processes and other non-binding EU documents.

- 21 The calculations were made by Saija Toivola (Edita Publishing Oy) on the basis of the electronic database of Finnish legal acts and using the following 14 keywords and 7 abbreviations: Euroopan unioni, Euroopan yhteisö, Euroopan talousyhteisö, Yhteismarkkinat, Sisämarkkinat, Euroopan hiili- ja teräsyhteisö, Euroopan atomienergiayhteisö, Euroopan rahaliitto, Euroopan valuuttajärjestelmä, Euratom, Direktiivi, Yhteisön oikeus, Eurooppa-oikeus and EU, ETY, EY, EHTY, EAEC, EMU, EVJ. Keyword searches in Finnish are problematic as there are so many cases. The word European Union (Euroopan unioni in Finnish), for instance, takes the following forms: Euroopan unioni (Nominative), Euroopan unionia (Partitive), Euroopan unionin (Genitive), Euroopan unionin (Accusative), Euroopan unionissa (Inessive), Euroopan unionilla (Adessive), Euroopan unionina (Essive), Euroopan unionista (Elative), Euroopan unionilta (Ablative), Euroopan unioniin (Illative), Euroopan unionille (Allative), Euroopan unioniksi (Translative), Euroopan unioneineen (Comitative), Euroopan unionein (Instructive), Euroopan unionitta (Abessive).
- 22 Matti Wiberg/Tapio Raunio, The Minor Impact of EU on Legislation in Finland, in Sylvain Brouard/Olivier Costa/Thomas König (eds.), *The Europeanization of Domestic Legislatures: The Empirical Implications of the Delors' Myth in Nine Countries*, New York: Springer Verlag, 2012, p. 59-73.

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Table 2: Share of Finnish legislation influenced by the EU according to keywords, 1995-2015.

Year	Laws	Euroopan unioni	Euroopan yhteisö	Euroopan talous yhteisö	Yhteismarkkinat	Yhtenäismarkkinat	Sisämarkkinat	Euroopan hiili- ja teräs yhteisö	Euroopan atomi Energia yhteisö	Euroopan rahaliitto
1995	809	11	24	0	0	0	2	1	1	0
1996	568	11	27	0	0	0	0	0	0	0
1997	521	8	33	0	0	0	0	0	0	0
1998	497	18	39	0	0	0	1	0	0	0
1999	606	17	47	0	0	0	1	0	0	0
2000	459	12	28	0	0	0	1	0	2	0
2001	608	18	32	0	0	0	0	0	0	0
2002	569	28	50	0	0	0	1	0	0	0
2003	600	23	25	0	0	0	2	0	1	0
2004	632	41	45	0	0	0	1	0	0	0
2005	540	27	24	0	0	0	1	0	0	0
2006	555	25	45	0	0	0	0	0	0	0
2007	676	39	51	0	0	0	1	0	0	0
2008	448	31	29	1	1	0	2	0	1	0
2009	980	32	63	0	0	0	3	0	0	0
2010	672	211	28	0	2	0	4	0	5	0
2011	792	371	17	0	0	1	6	0	1	0
2012	461	105	24	0	4	0	2	0	0	0
2013	633	377	25	0	4	0	25	0	0	0
2014	778	567	17	0	2	1	18	0	1	0
2015	982	386	15	0	0	0	9	0	6	1

Source: Own calculations.

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	Euroopan valuuttajärjestelmä	EU	ETY	EY	EHTY	EAE C	Euratom	EMU	EVJ	Direktiivi
1995	0	1	34	32	1	0	1	0	0	30
1996	1	1	37	54	0	0	0	0	0	50
1997	0	3	30	69	0	0	0	1	0	67
1998	0	1	29	32	0	0	1	0	0	34
1999	0	1	16	36	1	0	1	0	0	32
2000	0	4	14	31	0	0	0	0	0	23
2001	0	6	8	24	1	0	0	1	0	19
2002	0	2	16	52	0	0	0	1	0	47
2003	0	3	18	52	1	0	2	1	0	39
2004	0	15	26	139	0	0	0	1	0	99
2005	0	11	18	64	0	0	1	1	0	58
2006	0	18	33	87	0	0	0	1	0	61
2007	0	17	31	112	0	0	0	1	0	100
2008	0	13	24	61	0	0	2	0	0	49
2009	0	22	21	90	0	0	1	0	0	72
2010	0	128	91	314	0	0	0	0	0	252
2011	0	246	67	516	0	0	4	0	0	372
2012	0	225	30	150	0	0	0	0	0	193
2013	0	380	96	380	1	0	5	0	0	241
2014	0	590	55	460	0	0	2	0	0	341
2015	0	338	49	180	0	0	1	0	0	266

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	Yhteisön oikeus	Eurooppaoikeus	Laws in which some keyword appears	The appearance of keywords (%)
1995	0	0	55	6,8
1996	1	0	72	12,7
1997	3	0	89	17,1
1998	2	0	83	16,7
1999	3	0	78	12,9
2000	4	0	55	12
2001	4	0	54	8,9
2002	1	0	92	16,2
2003	2	0	62	10,3
2004	1	0	167	26,4
2005	1	0	80	14,8
2006	1	0	111	20
2007	4	0	146	21,6
2008	2	0	78	17,4
2009	1	0	131	13,4
2010	0	0	150	22,3
2011	0	0	205	25,9
2012	0	0	101	21,9
2013	0	0	166	26,2
2014	0	0	228	29,3
2015	1	0	184	18,7

Source: Own calculations.

Discussion

The purpose of this research note has been to measure the Europeanisation of domestic law production. The share of EU-related laws has increased but both the comparative overview and the case study of Finland clearly refute the ‘Delors myth’ and the claims of Boris Johnson and UKIP in the Brexit campaign. Perhaps the main explanation for this relatively low influence of EU is the simple fact that the bulk of national legislation concerns areas where the EU does not have competence to regulate. However, we acknowledge that keyword searches do not capture all dimensions of the potential impact of Europe on national law-making. Europe can leave its imprint on bills without this being explicitly acknowledged in the legal text. For example, national governments may want to downplay or hide the influence of EU or other European countries in order to claim credit for (hopefully) successful laws. Nor can our approach adequately capture any policy diffusion processes taking place inside the Union. More detailed sector-specific studies are needed to investigate how such diffusion impacts on national legislation and public policies. An alternative research strategy would be to examine the processing of national laws and especially the parliamentary debates. Even though around 80 % of domestic bills do not contain references to the EU, they may nonetheless be linked to European level decisions or developments, and it is probable that such connections will surface in the debates. For example, national annual budgets can be strongly influenced by EU, particularly when member states are in financial trouble²³. Decisions of the CJEU can in turn affect debates on social and health services. The impact of the EU can also be more general, informing or directing the overall policies initiated by national governments, for example in the form of recommendations by the Commission under the European Semester. Ideally, more quantitative approaches such as keyword searches of bills or parliamentary debates should be combined with in-depth analyses of policy processes.

23 Fabio García Lupato, Talking Europe, Using Europe: The EU and Parliamentary Competition in Italy and Spain (1986–2006), *Journal of Legislative Studies* 20(1), 2014, p. 29-45.

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