Do Administrative Deficits Cause Noncompliance with International Law? Causal Evidence from the European Union

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Abstract

What are the causes of noncompliance with international law? A rich scholarship argues that limitations in administrative capacity are one of these causes. We provide the first quantitative causal evidence of this relationship. Employing a dataset of infringement cases the European Commission launched against member states and leveraging member state qualification in the FIFA World Cup and UEFA Euros as an exogenous source of variation in their administrative capacity, we use a difference-in-differences design to provide evidence that administrative deficits cause a substantial delay in Commission infringement proceedings. We conclude by discussing how international organizations can address this noncompliance problem.

Introduction

In this short article, we provide the first quantitative causal evidence for the management school explanation that limitations in administrative capacity prevent states from complying with international law. An extensive comparative and international relations scholarship examines the causes of noncompliance with international agreements and how international institutions monitor and correct noncompliance.[1] A popular explanation for noncompliance, known as the management school, argues member states sincerely desire to comply with international law and noncompliance with international law is primarily accidental (e.g., Chayes and Chayes 1993).

Management school scholars pinpoint three causes of noncompliance: domestic policy coordination problems, misfits between international law and existing domestic policies, and limited administrative capacity generally. Despite a rich theoretical literature, scholars have conducted few quantitative tests to show the causal relationship. Scholars' primary concern is that selection bias in the noncompliance cases international institutions choose to pursue confounds inference (e.g., Hartlapp and Falkner 2009). As a result, scholars have conducted a number of informative case studies evaluating the challenges facing different member states when complying with international law (e.g., Mastenbroek 2003). Although recent quantitative studies mitigate this deficit (e.g., Börzel et al. 2010), they do not make any causal claims.

We make an empirical contribution by exploiting an exogenous source of variation in the administrative capacity of some European Union (EU) member states to provide causal evidence that decreases in administrative capacity worsen noncompliance with international law. The EU is ideal for an empirical test as it has a well-defined infringement procedure in which member states are actively negotiating settlements with the European Commission (e.g., Fjelstul and Carrubba 2018). The Commission initiates an infringement proceeding by sending a member state a letter of formal notice (LFN). If the Commission is unsatisfied with the member state's response, they can advance the case to the reasoned opinion (RO) stage. If the Commission remains unsatisfied, it can refer the case to the Court of Justice (CJEU).

We focus our empirical analysis on the effect of administrative capacity on the efficiency of the Commission's infringement procedure (how long it takes to resolve a case), which is directly

[1] See Carrubba and Gabel (2017) and Tallberg (2002) for a comprehensive overview.

connected to levels of noncompliance in the EU. As a member state's administrative capacity decreases, it will take more time to prepare a counter-offer to the Commission. Since the infringement procedure has distinct stages, we can measure member state compliance with international law by the amount of time it takes for a case to advance to the next stage from the time it launched. The longer a case goes unresolved, the longer a member state is not complying with a specific EU law, depriving EU firms and citizens of their rights under EU law. EU member states regularly use delay as a tactic to temporarily protect domestic actors from any negative consequences of implementing new laws. Unlike noncompliance, the efficiency of the infringement procedure is observable and measurable, and it directly affects levels of noncompliance.[2]

Research Design

We use a difference-in-differences (DiD) design to estimate the causal effect of a change in administrative capacity on how quickly defendants can prepare counter-offers in response to LFNs. We manipulate administrative capacity by exploiting an exogenous source of variation in opportunities for leisure, which manipulates the administrative capacity of member state governments. Research on leisure and productivity in economics and political science shows that opportunities for leisure affect productivity (e.g., Biggerstaff, Cicero and Puckett 2016; Clark, Engst and Staton 2018). In particular, if a worker knows ahead of time about an event that they would like to consume, they may reschedule their work hours, assuming their job allows it (e.g., Lozano 2011). Since the EU's working time directive mandates that member state governments provide workers with at least four weeks of paid leave — with many member states providing more than four weeks — we reasonably expect that member state bureaucrats processing infringement proceedings can reschedule work hours around opportunities for leisure. Furthermore, if events are taking place within the EU, the relative ease of travel for EU citizens may encourage workers to schedule a longer vacation to travel to an event as opposed to watching it on television.

We identify two major sporting events — the 2006 FIFA World Cup and the 2008 UEFA European Championship (Euro 2008) — that are likely to influence whether member state bureaucrats

[2] Note that counting noncompliance cases does not measure noncompliance because observable noncompliance data is subject to a selection problem. The Commission can and does selectively prosecute noncompliance (König and Mäder 2014; Fjelstul and Carrubba 2018).

take time off from work. When more opportunities for leisure are present (i.e., more activities people want to spend time enjoying instead of working), time becomes a relatively scarcer resource, increasing the opportunity costs of allocating time to lower-priority tasks, such as responding to LFNs. We leverage the fact that only some EU member states qualify for these tournaments to estimate the effect of a decrease in administrative capacity due to qualification on the number of days it takes member states to respond to the Commission (the Commission is held constant across qualifying and non-qualifying member states). A positive effect would be evidence that reductions in administrative capacity decrease the efficiency of the infringement procedure, thereby increasing member state noncompliance with EU law.

Hypothesis 1. The LFN stage of infringement cases involving member states that qualify for the World Cup (Euros) will be longer than those involving member states that do not qualify.

Our research design is based on the premise that these tournaments manipulate the personnel-hours member states can allocate to processing infringement cases by distracting bureaucrats. If true, a member state progressing further into the tournament creates additional opportunities for leisure, leading to a bigger effect on responsiveness.[3] Moreover, a strong correlation exists between national teams' form in qualification and their performance in tournaments (good teams make deeper runs). Bureaucrats, therefore, will have an expectation about how far into the tournament their teams are likely to progress, allowing them to plan vacation time in advance.

Hypothesis 2. The LFN stage of infringement cases will be longer for member states that progress further in the World Cup (Euros) relative to member states that are eliminated earlier.

Descriptive Evidence

The FIFA World Cup and the UEFA European Championships are the two most-watched sporting events in Europe. Each tournament is held every four years and staggered like the Summer and Winter Olympics, with one or the other occurring every two years. Each tournament starts in mid-June and is approximately 30 days. The viewership numbers for the World Cup, in particular,

[3] Bertoli (2017) leverages progression in the World Cup tournament to explore the relationship between nationalism and conflict.

are extraordinary. In Europe alone, the 2006 World Cup had a cumulative audience of over 5.3 billion. There were 19,487 transmission hours of coverage across all channels in European countries. Since Germany hosted the tournament, matches were broadcast during prime viewing times across Europe,[4] increasing casual viewership. Viewership was 29.6% higher in 2006 than in 2002. There were also 76.3% more broadcast hours in Europe than in 2002.[5]

Unsurprisingly, the World Cup is a bigger distraction for qualifying countries than non-qualifying countries. FIFA only published country-level data on TV ratings and audience reach for the 2010 and 2014 World Cups, but these figures give a sense of how many people follow the World Cup. Figure 1 shows the total number of programs broadcast, total TV coverage (in hours), the average TV rating, and the total audience reach (20+ consecutive minutes) per capita for qualifying and non-qualifying member states in the 2010 and 2014 World Cups.[6] By all these metrics, the World Cup is a bigger distraction for qualifying countries. Therefore, we expect qualification has a differential effect on personnel-hours. UEFA does not publish comparable data for the Euros, but we expect similar patterns to hold.

Data and Measurement

To estimate the effect of the 2006 World Cup and Euro 2008 on member state responsiveness, we need data on tournament dates, tournament qualification, and the progression of Commission infringement cases. We collect data on tournament dates and qualification from the official FIFA and UEFA websites. Ten EU member states qualified for the 2006 World Cup (32 teams total). Twelve qualified for Euro 2008 (16 teams total). Figure 2 shows which member states qualified for each tournament.[7]

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[4] Group stage matches started as early as 3:00 p.m. local time in Germany — 2:00 p.m local time in the UK, Ireland and Portugal — meaning bureaucrats had to take time off from work in order to watch matches.

[5] These statistics come from a 2006 FIFA press release.

[6] We collect these data from the 2010 FIFA World Cup South African Television Audience Report and the 2014 FIFA World Cup Brazil African Television Audience Report.

[7] There is considerable overlap in qualification. The Czech Republic, France, Germany, Italy, the Netherlands, Poland, Portugal, Spain, Sweden, and England (the United Kingdom) qualified for the 2006 World Cup. Austria, the Czech Republic, France, Germany, Greece, Italy, the Netherlands, Poland, Portugal, Romania, Spain, and Sweden qualified for Euro 2008.

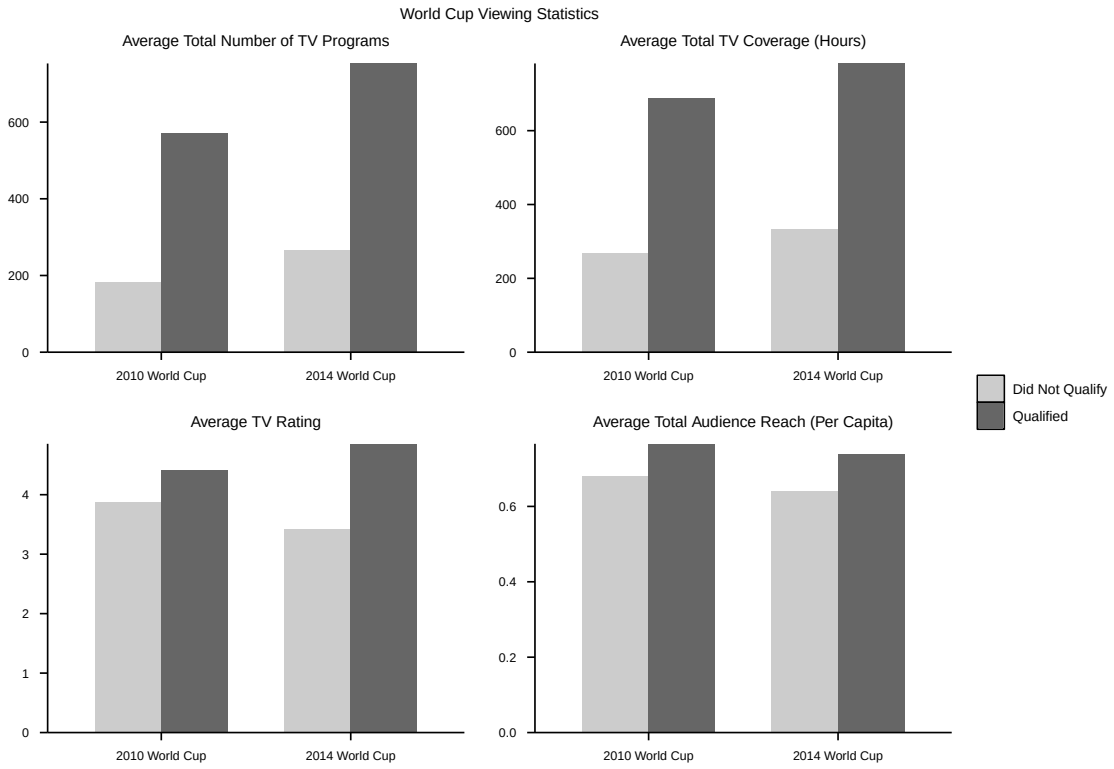

Figure 1. This figure shows the average total number of programs broadcast, the average total coverage (in hours), the average TV rating, and the average total audience reach (20+ consecutive minutes) per capita for qualifying versus non-qualifying EU member states in the 2010 and 2014 World Cups. By all of these metrics, the World Cup is a bigger distraction for qualifying member states.

Building on Fjelstul and Carrubba (2018), we create a comprehensive dataset of Commission infringement cases. We collect data on every Commission infringement case between January 1, 2002 and December 31, 2019.[8] We then track each case's progression through the infringement procedure and record the date of each decision made by the Commission (e.g., LFN, RO). We also code several characteristics of each case, including the member state involved, and the Commission directorate-general managing the case. These data encompass the full publicly available information on each case. We subset our full sample to only include complete cases — cases in which we observe both the LFN and the closing of the case (and in which there are no missing steps). There are 18,969 cases that meet these criteria.

To estimate the effect of participating in the 2006 FIFA World Cup on member state responsiveness, we subset our sample of all infringement cases and keep only cases that the Commission sends a LFN after the completion of Euro 2004 (July 4, 2004) and that the Commission closes

[8] Every action in every infringement case is now published online in a Commission database.

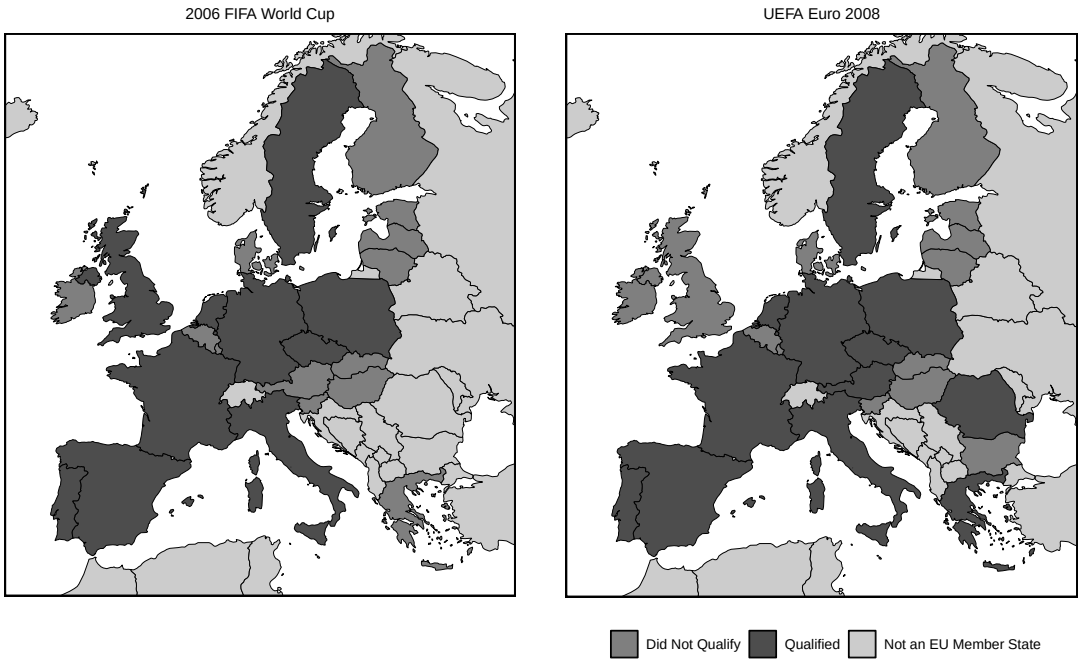

Figure 2. This map shows the EU member states that qualified for the 2006 FIFA World Cup and UEFA Euro 2008. Ten member states qualified for the World Cup and twelve member states qualified for the Euros. Qualifying member states tend to be larger and wealthier.

prior to the start date of Euro 2008 (June 7, 2008). This subsetting drops cases that span multiple tournaments and ensures we are only estimating the effect of the 2006 FIFA World Cup, and not the effect of another tournament. There are 5,088 cases that start and conclude within this time period. Similarly, to estimate the effect of participating in Euro 2008, we only analyze cases in which the Commission sends a LFN after the completion of the 2006 World Cup (July 9, 2006) and the Commission closes prior to the start date of the 2010 World Cup (June 11, 2010). There are 3,843 cases that start and conclude within this time period.

Difference-in-Differences Analysis

To test Hypothesis 1, we estimate the effect of each tournament on member state responsiveness using a difference-in-differences (DiD) design. This design controls for any differences between cases overlapping a tournament and cases not overlapping a tournament and for any difference between cases involving qualifying member states and cases involving non-qualifying member states. Cases overlapping a tournament will be longer for the simple reason that longer cases are more likely to overlap a tournament than shorter cases, separate from the tournament's effect on their length.

Cases involving a qualifying member state may differ systematically from cases involving a non-qualifying a member state. Qualifying member states are often larger and wealthier. These are the types of member states with more efficient bureaucracies, but also the types with political clout to delay infringement proceedings without significant reprisal from the Commission.

This research design addresses a number of inferential concerns. First, it addresses the challenge that both member states and the Commission have a direct effect on how long it takes to resolve infringement cases. The infringement procedure involves a back-and-forth between member states and the Commission — the Commission sends a LFN and then the member state sends back a response. Thus, whether or not the case moves forward to the next stage, and how long it takes for the case to complete the LFN stage, depends not only on how it takes for the member state to respond to the LFN, but also how long it takes for the Commission to decide how to handle the member state's response (whether to close the case or send an RO). How do we know whether it is member states or the Commission slowing down the process?

Our DiD design allows us to manipulate the administrative capacity (available personnel-hours) for member states, independent of the administrative capacity of the Commission. Since the treatment (qualification) manipulates the administrative capacity of qualified member states relative to non-qualified member states, we can attribute any effect on the length of the first stage to member states. The Commission is constant across qualified and non-qualified member states. Whatever the effect of a tournament on the Commission (it could manipulate the administrative capacity of the Commission too), we are estimating the effect of qualifying for the tournament (which only affects some member states), not the effect of the tournament time-period itself (which could affect all member states and the Commission). For our DiD estimate to pick up any effects of our treatment (qualification) manipulating the Commission's administrative capacity, it would have to be the case that the Commission treats qualified member states differently than non-qualified member states when tournaments are occurring but not when they are not occurring.

Second, our research design helps to increase our confidence that it is qualification that is manipulating some member states' administrative capacity and not something else. Since these tournaments take place in the summer, how do we know that it is qualification in the tournaments that is manipulating administrative capacity and not the fact that many Europeans are taking a summer vacation? If we are picking up the effect of summer vacations, there would be no

difference between qualified member states and non-qualified member states. Our proposed causal mechanism is that these tournaments incentivize national bureaucrats to take extended vacation — longer vacations than their colleagues in other member states — because their member state has qualified (they know whether or not their member state has qualified many months in advance of the tournament). Since we are estimating the effect of qualification in a tournament, and not the tournament itself, any effect we find could only be attributable to bureaucrats taking extended vacations because their member state qualified. A DiD design also creates the opportunity to do a placebo test. If we are picking up the effect of ordinary summer vacations that have nothing to do with a tournament, we should be able to code a tournament as occurring in a different year and still capture an effect. Not finding an effect in such a placebo test would be strong evidence that we are capturing the effect of qualification.

We are interested in leveraging opportunities for leisure to manipulate administrative capacity and estimating the effect on the efficiency the infringement procedure, so our outcome variable needs to be a measure of efficiency. We operationalize efficiency by calculating how long it takes for an infringement case to complete the LFN stage. Our outcome variable, DURATION, is the number of days from the date the Commission sends an LFN to the date the Commission concludes the first stage in the infringement procedure by sending an RO or by closing the case. We measure the efficiency of the infringement procedure by looking at the LFN stage because this is the only stage that all cases go through. Looking at later stages would introduce a complex selection problem that could bias our findings. Our findings are all robust to taking the natural log of our outcome variable. The variable TOURNAMENT is coded 1 if the first stage of the case (i.e., the LFN stage) overlaps the tournament and 0 otherwise. The first stage of the case overlaps the tournament if the Commission sends the LFN before the tournament ends and the Commission sends a RO or closes the case after the tournament starts. The variable QUALIFICATION is coded 1 if the member state involved in the case qualified and 0 otherwise.

We estimate this treatment effect using OLS to get uncertainty estimates. Specifically, we model DURATION as a function of the interaction of TOURNAMENT and QUALIFICATION:

$$\begin{aligned} \text{DURATION}_i = \alpha + \beta_1(\text{TOURNAMENT}_i) + \beta_2(\text{QUALIFICATION}_i) \\ + \beta_3(\text{TOURNAMENT}_i \times \text{QUALIFICATION}_i) + \varepsilon_i, \end{aligned} \tag{1}$$

Table 1. 2006 World Cup: DiD Analysis

	Model (1)	Model (2)	Model (3)	Model (4)
TOURNAMENT	67.119***	62.892***	140.718***	64.616***
	(6.089)	(6.012)	(6.943)	(5.693)
QUALIFIED	0.178	19.511	4.245	
	(3.042)	(14.244)	(16.250)	
TOURNAMENT × QUALIFIED	39.129***	33.172***	38.313***	
	(10.268)	(9.826)	(10.847)	
PROGRESS				7.117
				(4.776)
TOURNAMENT × PROGRESS				9.359***
				(2.693)
Constant	193.013***	299.120***	296.218***	298.466***
	(1.693)	(39.858)	(38.595)	(39.584)
Observations	5,088	5,088	5,088	5,088
R^2	0.094	0.161	0.322	0.162
Stage	First (LFN)	First (LFN)	Pre-Litigation	First (LFN)
Member state FEs	No	Yes	Yes	Yes
DG FEs	No	Yes	Yes	Yes

Notes: OLS models with robust standard errors. Dependent variable is the duration of the stage indicated (in days). * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

where i indexes the case. We estimate heteroskedasticity-robust standard errors. The coefficient on the interaction term (β_3) is the causal estimate of the treatment effect of participation on member state responsiveness (the average treatment effect on the treated).

In our base specification (Table 1, Model 1), we find the average effect of participating in the 2006 World Cup on the duration of the first stage of an infringement case is a 39 day increase ($\beta = 39.129$; $p < 0.01$). Looking at Euro 2008 (Table 2, Model 1), we find a substantively similar effect: the reduction in personnel-hours due to participation in Euro 2008 increases the time it takes member states to respond to a LFN by 37 days ($\beta = 36.967$; $p < 0.01$). These effects are very large considering these tournaments are only a month long. This suggests that member states set aside some tasks during the tournament, due to a decrease in administrative capacity, and do not get back to them right away. Thus, we can infer from the size of the estimate how member states handle a reduction in available personnel-hours: they set aside some tasks until after the tournament is over.

Table 2. Euro 2008: DiD Analysis

	Model (1)	Model (2)	Model (3)	Model (4)
TOURNAMENT	136.906***	126.110***	208.248***	126.800***
	(9.385)	(8.684)	(10.518)	(7.995)
QUALIFIED	−3.083	6.831	−10.835	
	(3.668)	(18.917)	(20.243)	
TOURNAMENT × QUALIFIED	36.967***	31.370**	28.199*	
	(14.195)	(13.450)	(15.133)	
PROGRESS				10.725
				(19.622)
TOURNAMENT × PROGRESS				16.932***
				(5.986)
Constant	186.769***	226.179***	231.541***	226.647***
	(2.671)	(42.270)	(37.496)	(41.576)
Observations	3,843	3,843	3,843	3,843
R^2	0.190	0.285	0.384	0.286
Stage	First (LFN)	First (LFN)	Pre-Litigation	First (LFN)
Member state FEs	No	Yes	Yes	Yes
DG FEs	No	Yes	Yes	Yes

Notes: OLS models with robust standard errors. Dependent variable is the duration of the stage indicated (in days). * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

We conduct a number of robustness checks. First, we estimate a specification that includes member state and directorate-general fixed effects (Table 1, Model 2; Table 2, Model 2). Second, instead of using the duration of the first stage as the outcome variable, we use the duration of the pre-litigation phase, which consists of the LFN stage and the RO stage (Table 1, Model 3; Table 2, Model 3). We also include member state and directorate-general fixed effects in that specification. The magnitude of the estimates are similar. The fact that the estimates for the pre-litigation phase are not longer than the estimates for the LFN stage suggests that delays are primarily occurring during the LFN stage. Third, we conduct two placebo tests (see the Supporting Information). In both sets of placebo tests, the results go away. Fourth, we check whether manipulating administrative capacity also changes the quality of member states' responses to LFNs (see the Supporting Information). We find no evidence that it does.

To test Hypothesis 2 we replace QUALIFIED with an indicator of how far the member state progressed in the tournament (PROGRESS). In both of these tournaments, the final featured two EU member states (France and Italy in the 2006 World Cup final; Spain and Germany in the Euro

2008 final). This variable indicates how far a member state progressed. For the World Cup, it ranges from 0 (did not qualify) to 5 (made it to the final). For the Euros, it ranges from 0 to 4 (the Euros do not have a round of 32). We find that progressing one stage further in the World Cup leads to a 9 day increase in the duration of the LFN stage (Table 1, Model 4). Progressing one stage further in the Euros leads to a 17 day increase in the duration of the LFN stage (Table 2, Model 4). The fact that response times are sensitive to tournament progress indicates that qualification and progress are manipulating administrative capacity as we expect.

Conclusion

In this short article, we provide the first quantitative causal evidence that administrative deficits can cause noncompliance with international law, adding empirical evidence to a rich theoretical scholarship. While our discussion is primarily focused on the causes of noncompliance, it is important to also empirically assess potential solutions to noncompliance with international law. In addition to diagnosing administrative deficits as a factor causing noncompliance, management scholars proscribe capacity building, proper rule interpretation, and transparency by international organizations as solutions to member state noncompliance (e.g., Tallberg 2002). A potential avenue for future research is to provide empirical evidence of the management school's proposed solutions. Such empirical evidence would be helpful for international organizations and member states interested in improving compliance with international law.

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Supporting Information

Background

The FIFA World Cup is hosted by the Fédération Internationale de Football Association (FIFA), the (highly corrupt) global governing body for football. FIFA has six continental federations, and the qualification process varies by confederation. Each confederation is awarded a certain number of qualification slots to ensure geographic diversity. The confederation and official governing body for football in Europe is the Union of European Football Associations (UEFA). A total of 32 teams qualify for the World Cup. UEFA gets 13 qualification spots. In the run up to the 2006 World Cup, 51 UEFA teams competed for these 13 spots. UEFA holds a group-stage tournament to decide qualification berths. In the 2006 World Cup, Germany qualified automatically as the host nation and did not participate.

The UEFA European Championship is hosted by UEFA. The tournament features 16 national teams, all from UEFA member states, which include all 28 EU member states. Countries qualify through a group-stage tournament, similar to World Cup qualifying. Following the previous World Cup, teams are assigned to groups based on seeds. Each team plays every other team in the group. These games take place during the two years preceding the tournament. In Euro 2008, there were two host counties and 7 qualifying groups, so the top two point-getters in each group qualified automatically.

Both the World Cup and the Euros consist a group stage and a knockout stage. In the World Cup, there are 8 groups of 4 teams. Each team plays every other team in the group (a round-robin). The top two teams in each group progress to the knockout stage. The knockout stage consists of the round of 16, the quarterfinals, the semifinal, and the final. In the Euros, there are 4 groups of 4 teams. Again, the top 2 teams qualify for the knockout stage. Unlike the World Cup, the Euros do not have a round of 16.

Table A1. Placebo Tests: DiD Analysis

	Model (1)	Model (2)
PLACEBO	48.324***	76.165***
	(4.692)	(7.657)
QUALIFIED	35.287**	−0.437
	(15.111)	(20.359)
PLACEBO × QUALIFIED	0.826	13.749
	(8.701)	(11.745)
Constant	280.052***	249.908***
	(44.843)	(55.952)
Observations	5,088	3,843
R^2	0.123	0.197
Member state FEs	Yes	Yes
DG FEs	Yes	Yes

Notes: OLS models with robust standard errors. Dependent variable is the duration of the LFN stage (in days) * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Placebo Tests

Table A1 presents the results of our placebo tests. In these models, we code each tournament as occurring over the same dates but during the previous year. As expected, in both placebo tests, the results go away. This indicates that we are capturing the effect of qualification, not of summer vacations or other seasonality.

Table A2. Response Quality: DiD Analysis

	2006 World Cup		Euro 2008	
	Model (1)	Model (2)	Model (3)	Model (4)
TOURNAMENT	-0.354^{***}	-0.295^{***}	-0.292^{***}	-0.279^{***}
	(0.018)	(0.018)	(0.023)	(0.022)
QUALIFIED	-0.068^{***}	0.013	-0.032^{***}	0.057
	(0.012)	(0.042)	(0.012)	(0.045)
TOURNAMENT × QUALIFIED	0.034	0.015	−0.031	−0.003
	(0.028)	(0.028)	(0.032)	(0.032)
Constant	0.900^{***}	1.008^{***}	0.897^{***}	0.925^{***}
	(0.006)	(0.058)	(0.008)	(0.107)
Observations	5,088	5,088	3,843	3,843
R^2	0.148	0.217	0.121	0.183
Member state FEs	No	Yes	No	Yes
DG FEs	No	Yes	No	Yes

Notes: OLS models with robust standard errors. Dependent variable is whether the Commission closed the case after the LFN stage. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Response Quality

We show that manipulating administrative capacity does not change the quality of member states' responses to LFNs, despite slowing down response times. Combined with our other results, this suggests that bureaucrats are not decreasing the quality of their work to catch up. We conduct the same analysis using the probability that a case closes after the LFN stage as the outcome variable to determine if participation in one of these tournaments undermines the quality of member state responses. A good response, from the perspective of the member state, is one that causes the case to end at the LFN stage. This is true regardless of whether the member state actually prefers compliance, or even whether it committed an infringement.

If a member state did not actually commit an infringement, it will want to convince the Commission of that fact as soon as possible, so as to not waste resources on an unnecessary case. If a member state wants to comply, but accidentally committed an infringement, it will try to correct its mistake during the LFN stage. If, on the other hand, a member state intentionally committed an infringement, it will try to convince the Commission to drop the case, either by arguing that it did not, in fact, commit an infringement, or by signaling to the Commission that the probability

of *ex post* compliance (i.e., the probability that the member state would comply with an adverse ruling from the Court) would be too low to justify the costs of pursuing the case.

We find that these tournaments do not affect the probability of a case ending at the LFN stage (see Table A2). Thus, it does not appear to be the case that the quality of member states responses is changing. Rather, member states are putting in the same effort they would have otherwise and setting aside some cases until after the tournament.