

# ANNEXES

See Table A.1.

Guidelines for Interviews

## Case-specific questions:

- What is the background of the case (Technical/economic/juridical/political background, actors involved, etc.)?
- What did the controverted Commission decision consist of?
- What kind of economic or political impact did it have on Spanish/German/regional public or private actors?
- Who made the request for initiating an action and why?
- Was there support (or opposition) by other actors affected by the decisions regarding the possibility to raise an action?
- Was there some consultation/cooperation/coordination done with these other actors? (for example, exchanging information/legal arguments or raising parallel actions or arranging intervention into the case).
- Who were the actors involved in the decision to bring an annulment action and what was their position?
- In case of divergence of positions, how has the final decision been made?

**Table A.1** List of interviews

<i>Organization</i>	<i>Date</i>	<i>Abbreviation</i>
European Commission, Legal Service	16.06.16	COM_1
European Commission, Legal Service	16.06.16	COM_2
European Commission, DG TRADE	17.06.16	COM_3
European Parliament, Legal Service	17.06.16	EP_1
Council, Legal Service	17.06.16	CONS_1
Ministry of Agriculture, Germany	15.04.09	MIN_DE_1
Ministry of Agriculture, Germany	15.04.09	MIN_DE_2
Ministry of Economic Affairs, Germany	04.05.09	MIN_DE_3
Ministry of Economic Affairs, Germany	21.02.16	MIN_DE_4
Ministry of Food and Agriculture, Germany	10.05.16	MIN_DE_5
Ministry for Economic Affairs, Germany	17.05.16	MIN_DE_6
Ministry for Economic Affairs, Germany	17.05.16	MIN_DE_7
Ministry for Economic Affairs, Germany	17.05.16	MIN_DE_8
Ministry of Food and Agriculture, Germany	17.05.16	MIN_DE_9
Ministry of Foreign Affairs, Spain	29.06.15	MIN_ES_1
Ministry of Justice, Spain	30.06.15	MIN_ES_2
(Former) Ministry of Foreign Affairs, Spain	01.07.15	MIN_ES_3
Ministry of Agriculture, Spain	02.07.15	MIN_ES_4
Ministry of Foreign Affairs, Spain	02.07.15	MIN_ES_5
(Former) Ministry of Foreign Affairs, Spain	21.09.15	MIN_ES_6
Ministry of Finances, Spain	21.09.15	MIN_ES_7
Ministry of Energy, Tourism and Digital Agenda, Spain	21.09.15	MIN_ES_8
Ministry of Energy, Tourism and Digital Agenda, Spain	22.09.15	MIN_ES_9
Ministry for the Economy, Germany	20.05.16	MIN_SA_1
Ministry for Rural Development, Bayern, Germany	23.05.16	MIN_BA_1
Ministry for Rural Development, Galicia, Spain	10.09.15	MIN_GA_1
Ministry of the Presidency, Galicia, Spain	10.09.15	MIN_GA_2
Ministry of the Economy, Galicia, Spain	11.09.15	MIN_GA_3
Ministry of the Presidency, Galicia, Spain	11.09.15	MIN_GA_4
Ministry for the Sea, Galicia, Spain	21.09.15	MIN_GA_5
Ministry of the Presidency, Galicia, Spain	22.09.15	MIN_GA_6
Private Law Firm, Spain	01.07.15	LAW_1
Private Law Firm, Spain	03.07.15	LAW_2
Private Law Firm, Spain	07.09.15	LAW_3
Private Law Firm, Brussels	24.09.15	LAW_4
Private Law Firm, Germany	18.05.16	LAW_5
Private company, Spain	30.06.15	COMP_1
Public Company, Spain	07.09.15	COMP_2
Private Company, Spain	22.09.15	COMP_3
Private Company, Germany	04.07.16	COMP_4

- What were the criteria considered when making the decision to litigate (e.g. probability of success, financial considerations, securing citizen support, defend interests of national companies, etc.)?
- If several criteria were involved in the decision, which was the most important one?

General questions (for interviews with state attorneys):

- Brief description of the decision-making process for initiation of annulment actions against commission (procedure, actors, criteria).
- Are annulment actions against the Commission sometimes initiated for the following criteria, and if so, can you give examples and indicate an approximate frequency/share of such cases?
  - Governmental finances/budget?
  - Finances/budget of an autonomous community?
  - Achieving policy change at EU level (if difficult through legislative route)?
  - Influencing long-term development of the ECJ's legal doctrine?
  - Ensuring popular/citizen support?
  - Defend the interests of national companies?
  - Increase bargaining power/influence vis-à-vis the Commission?
  - Increase bargaining power/influence vis-à-vis another actor (e.g. autonomous communities, companies, etc.)?
  - Increase bargaining power/influence in a context of internal divisions (e.g. intra-party or intra-government divisions)?
- Are there sometimes cases where an actor's request for initiating an annulment action is NOT followed up with an annulment action? If so, examples & approximate frequency/rate of such cases?
- Are there sometimes contact/cooperation/coordination with other private or public actors affected by the controverted Commission's decision? If so, examples and approximate frequency/rate?
- To what extent are their interests taken over by the state in the decision to raise an action, i.e. to what extent are they counterbalanced by other considerations?
- Are there sometimes divergent positions among actors taking part in the decision to raise an action? If so, example and approximate frequency/rate?
- In case of divergent positions, how is the final decision made? Who are the decisive actors and/or which are the decisive criteria?

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