

Supplemental Appendix for “Do Preliminary References Increase Public Support for European Law? Experimental Evidence from Germany”

Appendices

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A Technical Survey Details

The data are from the final wave of a 6-wave panel survey conducted by YouGov. YouGov interviewed 4,729 respondents in wave 1 who were then matched down to a sample of 4,400 to produce the final wave 1 dataset. The respondents were matched to a sampling frame on gender, age, and education. The frame was constructed by stratified sampling from the 2018 Eurobarometer with selection within strata by weighted sampling (using the person weights on the public use file). The matched cases were weighted to the sampling frame using propensity scores. The matched cases and the frame were combined and a logistic regression was estimated for inclusion in the frame. The propensity score function included age, gender, years of education, and state. The propensity scores were grouped into deciles of the estimated propensity score in the frame and post-stratified according to these deciles. The weights were then post-stratified on 2017 General Election vote choice, and a stratification of gender, state, age (4-categories), and education (4-categories), to produce the final weight.

In wave 6, YouGov re-contacted all 1,334 wave 5 respondents and achieved 1,205 completed wave 6 interviews. YouGov prepared a wave 6 weight following the same procedures as in wave 1.

B Control Variables

As one's relative trust in the German and European courts is not random, we include in our analysis for Hypothesis 2 the following battery of control variables capturing respondents' political and demographic characteristics.

- **Unvaccinated Policy Support:** We account for respondents' support for the policy at issue in our hypothetical case—barring unvaccinated individuals from entering Germany—with the following question: “Many governments are considering or already have placed restrictions on unvaccinated citizens. Which, if any, of the following regulations do you think are appropriate for unvaccinated people?” Respondents then had a list of 9 policies they could select (they could select as many as they wished), as well as a none of the above option. We code the variable *Unvaccinated Policy Support* as 1 if a respondent selected the option “Unvaccinated people are not allowed to enter Germany” and 0 otherwise. Of our 1205 respondents, 551 (45.7%) selected the policy.
- **Support for EU Integration:** We include the following question (drawn from the European Social Survey) to capture respondents' broader support or opposition to European integration: “Thinking about the European Union, some say European unification should go further. Others say it has already gone too far. Which best describes your position?” Respondents had three options (% selecting each option in parentheses): “Unification has already gone too far” (35.5%); “Unification has gone as far as it should” (38.3%); “Unification should go further” (26.1%).
- **Partisanship:** Respondents were asked to identify which party they would most likely vote for if the next parliamentary election were held the next Sunday. The options provided were the CDU (12.1%), SPD (21.8%), AfD (10.2%), Greens (15.8%), Left (9.7%), FDP (9.3%), CSU (3.7%), and Other (13.1%).

- Support for Democracy: As democratic values are thought to be closely related to support for judicial institutions, we include respondents' answers to the following question:¹⁶

Which of the following statements is closest to your view?

Statement 1: Democracy is preferable, even if it is sometimes unstable (76.5%)

Statement 2: Ordered society is preferable, even if that means limiting democracy (16.5%)

- CJEU Awareness: Based on whether respondents said they were very aware, somewhat aware, not very aware, or had never heard of the CJEU.
- Bundesverfassungsgericht Awareness: Based on whether respondents said they were very aware, somewhat aware, not very aware, or had never heard of the Bundesverfassungsgericht.
- Election Campaign Awareness: Since our survey was conducted in the weeks immediately before a national parliamentary election, we want to ensure that the campaign environment did not significantly alter respondents' views of either court. Accordingly, we controlled for whether respondents were paying attention to the campaign with the following question: "How closely are you following the election campaign?" Respondents could answer that they were following it very closely, somewhat closely, only a little, or not at all.
- Gender: Dichotomous measure with value 1 for female and 0 for male.
- Age: Respondents' age is based on their birthyear.
- College Education: Coded 1 if a respondent has a university degree and 0 otherwise.

¹⁶Don't know responses were recoded as at the midpoint (0.5) between the two statements.

- DDR Resident: Coded as 1 if a respondent had been a resident in the former East Germany (DDR).
- Urban/Suburban/Rural: The area in which the respondent lives on a four-point scale: urban area, suburb, small town, rural area.
- *Land* Fixed Effects: In which of the 16 Federal states the respondent lives.

C Support for the EU

As part of our justification for selecting Germany as the empirical context for our study, we noted that Germans tend to have a relatively high level of support for the EU compared to other citizens, particularly in Western Europe. To illustrate this, we first examined the responses of citizens in 24 member states in the 2018 European Social Survey’s question “Now thinking about the European Union, some say European unification should go further. Others say it has already gone too far. Using this card, what number on the scale best describes your position?” In Figure A1 we report the percentage of respondents in each country who indicated they held a position in favor of more EU integration. We then examined EU citizens’ trust in the CJEU as measured in the Autumn 2019 Eurobarometer. The percentages of respondents in each country indicating that they “tend to trust the CJEU” are reported in Figure A2. As the figures show, Germans are among the most supportive of further EU integration and trusting of the CJEU.

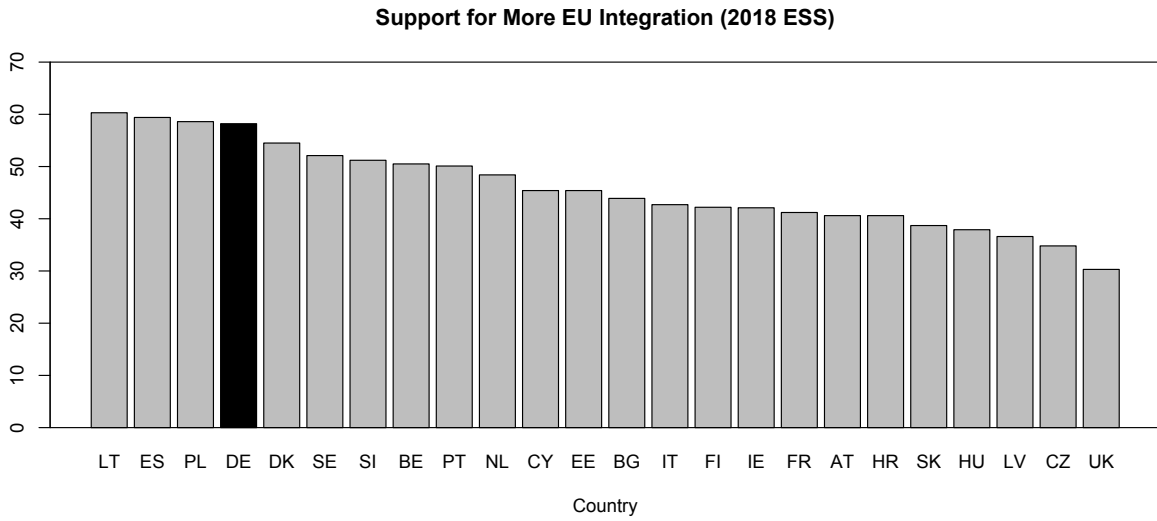


Figure A1: Percentages stating they favor more EU integration. Based on 2018 European Social Survey.

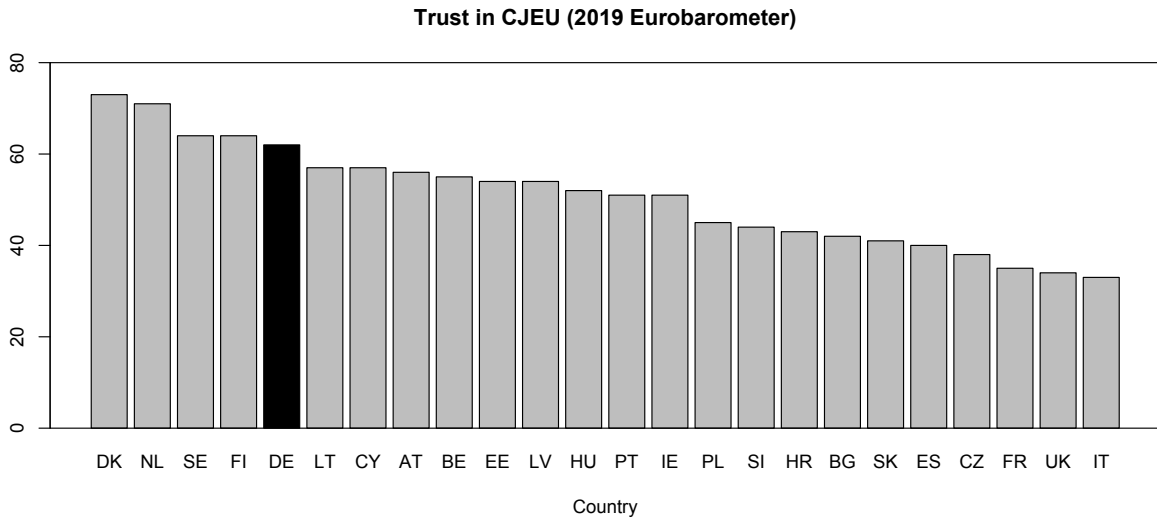


Figure A2: Percentages stating they tend to trust the CJEU. Based on Autumn 2019 Eurobarometer.

D Descriptive Statistics

Table A1 provides basic descriptive statistics for our dependent and independent variables, as well as their components.

Table A1: Descriptive Statistics

	N	Mean	Std. Dev.	Min	Max
Agree with Court Decision	1204	1.58804	1.001938	0	3
Accept Court Decision	1203	1.73317	0.993049	0	3
Oppose Noncompliance	1203	1.47714	1.040815	0	3
Support for EU Law Decision	1200	.5376168	.2730789	0	1
Confidence in CJEU	1204	2.094684	.7436101	1	3
Confidence in German Const. Court	1205	2.310373	.7369689	1	3
Higher Confidence in BVerfG	1205	.239834	.4271593	0	1

E Full Regression Results

Table A2: Full Regression Results

	Model 1	Model 2	
Preliminary Reference Treatment	0.0506*** (0.0157)	0.0253 (0.0177)	0.0382** (0.0164)
Higher Confidence in Bundesverfassungsgericht		-0.162*** (0.0251)	-0.113*** (0.0235)
Preliminary Reference Treatment × Higher Confidence in Bundesverfassungsgericht		0.0953*** (0.0361)	0.0842** (0.0334)
Unvaccinated Policy Support			0.180*** (0.0149)
Support for EU Integration			0.0721*** (0.0104)
SPD Supporter			-0.0130 (0.0251)
AfD Supporter			0.0310 (0.0318)
Die Grünen Supporter			0.0158 (0.0276)
Die Linke Supporter			-0.0175 (0.0308)
FDP Supporter			-0.00867 (0.0310)
CSU Supporter			-0.0261 (0.0475)
Other Party Supporter			0.0142 (0.0293)
Support for Democracy			-0.0633*** (0.0196)
CJEU Awareness			-0.0157 (0.0158)
Bundesverfassungsgericht Awareness			-0.0289** (0.0139)
Election Campaign Awareness			-0.0205** (0.00931)
Gender			-0.00944 (0.0151)
Age			0.00147*** (0.000466)
College Education			0.0322** (0.0163)
DDR Resident			0.00397 (0.0249)
Suburban Resident			-0.0175 (0.0228)
Small City Resident			-0.00989 (0.0188)
Rural Resident			-0.00194 (0.0395)
Other/No Answer for Urban/Rural Residency			-0.0726 (0.172)
Constant	0.512*** (0.0111)	0.553*** (0.0126)	-2.576*** (0.915)
State FE?	No	No	Yes
N	1200	1200	1153

Standard errors in parentheses. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

F Balance Table

Table A3 reports the results of a series of χ^2 tests evaluating the balance of our experiment across treatments. We conduct the tests for our primary observational variable, *Higher Confidence in the Bundesverfassungsgericht*, as well as the key control variables *Unvaccinated Policy Support* and *Support for EU Integration*. In addition, we checked the partisan balance of our treatment by checking first the full range of partisan identities and then a condensed version of partisanship that identified respondents based on whether they support a party that was in government at the time (CDU/CSU and SPD). For all of the variables, the χ^2 indicates the proper randomization of the experiment's treatments.

Variable	p-value from χ^2 Test
Higher Confidence in BVerfG	0.389
Unvaccinated Policy Support	0.313
Support for EU Integration	0.972
Partisanship	0.501
Gov't Copartisan	0.75

G Robustness Analyses

We probe the robustness of our central empirical findings with two sets of analyses that use alternative measures for our key concepts. First, we replicate our empirical analyses using each of the constituent parts of our dependent variable individually. Recall that this variable is a factor estimated from three questions that asked respondents whether they agreed with the decision, whether they accepted the decision, and whether they would support or oppose an effort by the German government to defy the decision (this variable is coded such that higher values indicate *opposition* to noncompliance). Following our theoretical framework, we anticipate positive coefficients (e.g. higher agreement/higher acceptance/greater opposition to noncompliance) in preliminary reference cases.

In Table A4 we use each of these questions as the dependent variable for all three of the models estimated in our primary analysis. We highlight two observations from these analyses. First, we find consistent evidence in support of our first hypothesis: the preliminary reference treatment corresponds to higher levels of support and acceptance of the EU law decision, as well as greater opposition to noncompliance with the ruling. Second, we find evidence of the conditional relationship predicted by Hypothesis 2 in two of the three sets of analyses; only in the models using the “Accept the court’s decision” DV do we not find a statistically significant interaction term (although it is correctly signed).

Table A4: Analyses Using Alternative DVs

	DV: Agree with Decision			DV: Accept Decision			DV: Oppose Noncompliance		
		Yes	No		Yes	No		Yes	No
Preliminary Reference Treatment	0.128** (0.0577)	0.0470 (0.0651)	0.0785 (0.0622)	0.1441** (0.0571)	0.0967 (0.0648)	0.124* (0.0635)	0.217*** (0.0597)	0.111 (0.0680)	0.177*** (0.0656)
Higher Confidence in Bundesverfassungsgericht	-0.540*** (0.0926)	-0.391*** (0.0891)	-0.423*** (0.0922)	-0.302*** (0.0910)	-0.448*** (0.0966)	-0.278*** (0.0940)	-0.421*** (0.139)	0.344** (0.134)	0.587*** (0.0597)
Preliminary Reference Treatment x Higher Trust in Bundesverfassungsgericht	0.305** (0.133)	0.294** (0.127)	0.168 (0.132)	0.132 (0.130)	0.421*** (0.139)	0.344** (0.134)	0.421*** (0.139)	0.344** (0.134)	0.587*** (0.0597)
Unvaccinated Policy Support	0.630*** (0.0566)	0.221*** (0.0396)	0.234*** (0.0404)	0.375*** (0.0578)	0.188*** (0.0418)	0.188*** (0.0418)	0.188*** (0.0418)	0.188*** (0.0418)	0.188*** (0.0418)
Support for EU Integration	-0.139* (0.0741)	-0.139* (0.0741)	-0.242*** (0.0758)	-0.242*** (0.0758)	-0.225*** (0.0782)	-0.225*** (0.0782)	-0.225*** (0.0782)	-0.225*** (0.0782)	-0.225*** (0.0782)
Support for Democracy	-0.0600 (0.0599)	-0.0600 (0.0599)	-0.0724 (0.0612)	-0.0724 (0.0612)	0.0317 (0.0632)	0.0317 (0.0632)	0.0317 (0.0632)	0.0317 (0.0632)	0.0317 (0.0632)
CJEU Awareness	-0.0756 (0.0528)	-0.0756 (0.0528)	-0.0743 (0.0539)	-0.0743 (0.0539)	-0.136** (0.0557)	-0.136** (0.0557)	-0.136** (0.0557)	-0.136** (0.0557)	-0.136** (0.0557)
Bundesverfassungsgericht Awareness	-0.0854** (0.0352)	-0.0854** (0.0352)	-0.0687* (0.0360)	-0.0687* (0.0360)	-0.0136 (0.0372)	-0.0136 (0.0372)	-0.0136 (0.0372)	-0.0136 (0.0372)	-0.0136 (0.0372)
Election Campaign Awareness	-0.00650 (0.0571)	-0.00650 (0.0571)	-0.0901 (0.0584)	-0.0901 (0.0584)	0.0249 (0.0603)	0.0249 (0.0603)	0.0249 (0.0603)	0.0249 (0.0603)	0.0249 (0.0603)
Gender	0.00559*** (0.00177)	0.00559*** (0.00177)	0.00324* (0.00181)	0.00324* (0.00181)	0.00368** (0.00187)	0.00368** (0.00187)	0.00368** (0.00187)	0.00368** (0.00187)	0.00368** (0.00187)
College Education	0.0776 (0.0619)	0.0776 (0.0619)	0.121* (0.0633)	0.121* (0.0633)	0.0942 (0.0654)	0.0942 (0.0654)	0.0942 (0.0654)	0.0942 (0.0654)	0.0942 (0.0654)
DDR Resident	0.0239 (0.0943)	0.0239 (0.0943)	0.0216 (0.0963)	0.0216 (0.0963)	0.00176 (0.0999)	0.00176 (0.0999)	0.00176 (0.0999)	0.00176 (0.0999)	0.00176 (0.0999)
Suburban Resident	0.0275 (0.0862)	0.0275 (0.0862)	-0.147* (0.0883)	-0.147* (0.0883)	-0.0694 (0.0910)	-0.0694 (0.0910)	-0.0694 (0.0910)	-0.0694 (0.0910)	-0.0694 (0.0910)
Small City Resident	-0.0122 (0.0713)	-0.0122 (0.0713)	-0.0556 (0.0730)	-0.0556 (0.0730)	-0.00454 (0.0754)	-0.00454 (0.0754)	-0.00454 (0.0754)	-0.00454 (0.0754)	-0.00454 (0.0754)
Rural Resident	0.0474 (0.150)	0.0474 (0.150)	-0.163 (0.153)	-0.163 (0.153)	0.142 (0.158)	0.142 (0.158)	0.142 (0.158)	0.142 (0.158)	0.142 (0.158)
Other/No Answer for Urban/Rural Resident	0.259 (0.652)	0.259 (0.652)	-0.382 (0.666)	-0.382 (0.666)	-0.979 (0.688)	-0.979 (0.688)	-0.979 (0.688)	-0.979 (0.688)	-0.979 (0.688)
Constant	1.524*** (0.0407)	1.659*** (0.0463)	-10.29*** (3.471)	1.661*** (0.0404)	1.767*** (0.0462)	1.369*** (3.544)	1.369*** (3.544)	1.481*** (3.659)	-6.890* (3.659)
N	1204	1204	1157	1203	1203	1156	1203	1203	1156
State FE?	No	No	Yes	No	No	Yes	No	No	Yes
Partisanship FE?	No	No	Yes	No	No	Yes	No	No	Yes

Standard errors in parentheses
* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

In the second set of robustness analyses, we replicate our analyses using three alternative measures of respondents' relative trust in the Bundesverfassungsgericht vis-a-vis the CJEU. First, we again calculate the difference in respondents' confidence in the two courts. Unlike in our main analyses, here we do not dichotomize the variable and instead allow it to retain its entire range (-2 to 2). Second, we use responses to the question "How well do you think the [CJEU/Bundesverfassungsgericht] does its main job in government?" (4 point scale) to calculate respondents' evaluation of the CJEU relative to the German court. To do so, we find the difference in respondents' job rating for the two institutions (CJEU job approval - Bundesverfassungsgericht job approval). Third, we asked respondents the following question: "Which court do you think should have the final say on how European law is applied in Germany?" with the CJEU (1) and Bundesverfassungsgericht (0) as the options.

The results of our analyses using these alternative measures are presented in Table A5. Our findings are remarkably consistent with those of our main analysis; a preliminary reference has the greatest effect on support for a court decision among those who ascribe higher support (in whichever form we measure it) to the German Constitutional Court. Moreover, each of these results are robust to the inclusion of our full battery of control variables.

Table A5: Alternative Measures of Trust in German Constitutional Court vs CJEU

	Confidence Difference		Job Performance Difference		Court with Final Say on EU Law	
Preliminary Reference Treatment	0.0367** (0.0167)	0.0472*** (0.0154)	0.0372** (0.0169)	0.0462*** (0.0156)	0.0917*** (0.0214)	0.0916*** (0.0198)
Confidence Difference	0.110*** (0.0193)	0.0811*** (0.0178)				
Preliminary Reference Treatment × Confidence Difference	-0.0602** (0.0285)	-0.0559** (0.0261)				
Job Performance Difference			0.0555*** (0.0174)	0.0361** (0.0162)		
Preliminary Reference Treatment × Job Performance Difference			-0.0441* (0.0255)	-0.0496** (0.0233)		
Court with Final Say on EU Law					0.1899*** (0.0241)	0.1341*** (0.0228)
Preliminary Reference Treatment × Court with Final Say on EU Law					-0.0873** (0.0343)	-0.0686** (0.0320)
Constant	0.537*** (0.0117)	-2.598*** (0.917)	0.529*** (0.0120)	-2.806*** (0.928)	0.4273*** (0.0152)	-2.739*** (0.907)
N	1199	1152	1194	1147	1200	1153
Controls?	No	Yes	No	Yes	No	Yes
Standard errors in parentheses						
* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$						

H Preregistration Plan and Additional Preregistered Analyses

We preregistered our experiment with the “As Predicted” service provided by the University of Pennsylvania’s Wharton Credibility Lab; a copy of the plan is at the end of this appendix.

We note that the preregistration plan includes an analysis of the interactive effect of support for the EU. We did not include this analysis in the manuscript as it speaks to a different theoretical focus than that of the paper. In the spirit of transparency, we conduct this analysis here by interacting the experimental treatment with *Support for EU Integration*. The results—with and without the same battery of control variables as used in our primary analyses—are provided in Table A6. Figure A3 then presents the marginal treatment effect across the range of *Support for EU Integration*. Briefly summarizing the results, we find that a preliminary reference has the greatest effect on support for the court decision among those who *oppose* greater EU unification.

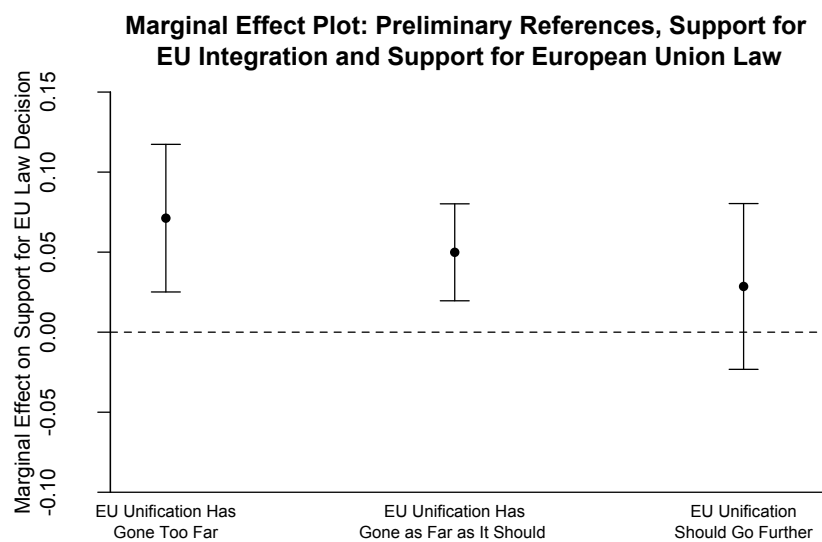


Figure A3: Based on Model 1 in Table A6. Error bars represent 95% confidence intervals.

Table A6: Preliminary References, Support for EU Integration and Support for EU Law

	Model 1	Model 2
Preliminary Reference Treatment	0.0926** (0.0405)	0.0798** (0.0378)
Support for EU Integration	0.0876*** (0.0139)	0.0838*** (0.0139)
Preliminary Reference Treatment × Support for EU Integration	-0.0213 (0.0197)	-0.0102 (0.0183)
Unvaccinated Policy Support		0.184*** (0.0150)
SPD Supporter		-0.0161 (0.0254)
AfD Supporter		0.0392 (0.0321)
Die Grünen Supporter		0.0153 (0.0279)
Die Linke Supporter		-0.0220 (0.0311)
FDP Supporter		-0.00748 (0.0313)
CSU Supporter		-0.0294 (0.0480)
Other Party Supporter		0.0183 (0.0296)
Support for Democracy		-0.0689*** (0.0197)
CJEU Awareness		-0.0227 (0.0159)
Bundesgerichtshof Awareness		-0.0268* (0.0140)
Election Campaign Awareness		-0.0188** (0.00940)
Gender		-0.00330 (0.0152)
Age		0.00155*** (0.000471)
College Education		0.0277* (0.0165)
DDR Resident		0.00705 (0.0252)
Suburban Resident		-0.0202 (0.0230)
Small City Resident		-0.0121 (0.0190)
Rural Resident		-0.00896 (0.0399)
Other/No Answer for Urban/Rural Residency		-0.0520 (0.174)
State FE Constant	No 0.345*** (0.0286)	Yes -2.780*** (0.923)
N	1199	1153
Standard errors in parentheses. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$		

CONFIDENTIAL - FOR PEER-REVIEW ONLY**Do Preliminary References Increase the Legitimacy of European Law? (#75391)**

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A non-anonymized version (containing author names) should be made available by the authors when the work it supports is made public.

1) Have any data been collected for this study already?

No, no data have been collected for this study yet.

2) What's the main question being asked or hypothesis being tested in this study?

Does the preliminary reference process increase the acceptance of domestic or international court decisions?

3) Describe the key dependent variable(s) specifying how they will be measured.

Support for decision [4 point scale]; Acceptance of decision [4 point scale]; support for national government to not comply [4 point scale]

4) How many and which conditions will participants be assigned to?

There are two treatments: one is that the CJEU issues a decision directly; the second is that the German Constitutional Court issues a decision based on the opinion of the CJEU.

5) Specify exactly which analyses you will conduct to examine the main question/hypothesis.

We will start by using t-tests to evaluate treatment effects on the dependent variables. We then will then estimate linear regressions (with control variables for potential confounders) to examine heterogenous treatment effects of pre-treatment covariates including support for the ECJ and German courts and views on EU integration.

6) Describe exactly how outliers will be defined and handled, and your precise rule(s) for excluding observations.

We will exclude observations that fail standards for data quality, such as straight-lining key batteries of questions.

7) How many observations will be collected or what will determine sample size? No need to justify decision, but be precise about exactly how the number will be determined.

We anticipate approximately 1000 respondents, depending on the recontact rate as this is the sixth wave of a panel survey.

8) Anything else you would like to pre-register? (e.g., secondary analyses, variables collected for exploratory purposes, unusual analyses planned?)

Data gathered in September 2021 as part of a six-wave panel survey.

I Additional Experimental Evidence

While our primary results provide clear evidence in support of our hypotheses, they are limited in two critical respects. First, our use of the German Constitutional Court in the vignette raises the question of whether similar effects would be present had we instead told readers of a decision by a less high-profile court, such as one of Germany’s other apex courts or an ordinary lower court. As it is such courts that produce that vast majority—indeed effectively all in the case of Germany—preliminary references, their exclusion from the experimental design poses a potential issue regarding the vignette’s realism and generalizability. Even if few respondents are intimately familiar with which courts do or do not tend to refer cases to the CJEU, it would be reassuring for our results if citizens similarly ascribe higher levels of support for decisions issued by such lower salience courts.

A second potential concern with our experimental design regards the policy area presented in the vignette. While EU law often does engage with highly contentious and politically salient issues akin to the hypothetical freedom of movement policy in our experimental design, it often is the case that European law is concerned with relatively dense matters regarding economic regulation. As such, one might be concerned that our vignette is not reflective of the “average” preliminary reference and is thus limited in its generalizability to many, if not most, cases. Although cases dealing salient, contentious policies like the hypothetical one in our main experiment may be more likely to have a meaningful and lasting impact on attitudes, the lack of an effect in more typical cases would speak to a more limited efficacy of preliminary references as a mechanism for strengthening support for CJEU interpretations of EU law.

To address these potential concerns, we analyze a second survey experiment embedded in an earlier wave of the panel survey fielded in Germany.¹⁷ To make the experiment as reflective as possible of the types of issues more commonly seen in cases involving EU law,

¹⁷The survey was fielded from October 15-29, 2020.

we based the vignette on a real-life case involving German law on the taxation of pension plans.¹⁸ In addition, we change the identity of the domestic court to either the highest German court for civil and criminal cases, the Court of Justice (Bundesgerichtshof), or the local finance court for Munich. We chose these two courts because they represent both ends of the judicial hierarchy and also regularly refer cases to the CJEU. A total of 1359 respondents randomly received one of the three following vignettes:

In a recent decision, the CJEU ruled that a German tax law allowing the Federal government to tax foreign pension funds at a higher rate than German pension funds violated European law. It concluded that the German government must make the law consistent with EU requirements by taxing German and foreign pensions at the same rate.

In a recent decision, the Bundesgerichtshof ruled that a German tax law allowing the Federal government to tax foreign pension funds at a higher rate than German pension funds violated European law. The ruling was based on an opinion written by the CJEU. It concluded that the German government must make the law consistent with EU requirements by taxing German and foreign pensions at the same rate.

In a recent decision, the Finanzgericht Munich ruled that a German tax law allowing the Federal government to tax foreign pension funds at a higher rate than German pension funds violated European law. The ruling was based on an opinion written by the CJEU. It concluded that the German government must make the law consistent with EU requirements by taxing German and foreign pensions at the same rate.

¹⁸The case number is C-641/17. The case was referred to the CJEU by the Finanzgericht Munich.

Table A7: Experimental Results: Preliminary Reference by German Courts on Tax Policy

	Model 1	Model 2
Bundesgerichtshof Treatment	0.0328* (0.0174)	0.0146 (0.0196)
Finanzgericht Munich Treatment	0.0191 (0.0176)	-0.00374 (0.0198)
Higher Trust in German Courts than CJEU		-0.116*** (0.0285)
Bundesgerichtshof Treatment \times Higher Trust in German Courts than CJEU		0.0646 (0.0417)
Finanzgericht Munich Treatment \times Higher Trust in German Courts than CJEU		0.0875** (0.0422)
Constant	0.604*** (0.0123)	0.632*** (0.0141)
<i>N</i>	1359	1359
Standard errors in parentheses. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$		

We use the same three question battery as in our primary analyses to construct a factor outcome variable of respondent support for an EU law court decision.¹⁹ To measure respondents’ relative trust in these German courts vis-a-vis the CJEU, we calculate the difference in respondents’ confidence in German courts and the CJEU using a 3 point scale confidence question. We then construct a dichotomous measure—“Higher Confidence in German Courts than CJEU”—that we interact with the experimental treatments.

The analyses of this second experiment are presented in Table A7. We find results that, while different in some important and expected ways, are strikingly similar to those of the experiment presented in the manuscript. Consider first the effect of the Bundesgerichtshof treatment, which is both positive and statistically significant. While the substantive magnitude of that effect is smaller than that found in our primary experiment, that we find *any* effect is noteworthy given the relatively low-salience nature of the policy at issue in our hypothetical case. Turning to the effect of our lower court (Finanzgericht Munich) treatment, we find no statistically significant shift in respondents’ support for the EU law decision when that court issues a ruling through the preliminary reference process. That the lower court

¹⁹The three items have an $\alpha=0.66$, and load onto a single dimension with at 0.76 (support for decision), 0.76 (acceptance of decision), and 0.31 (support for deying decision).

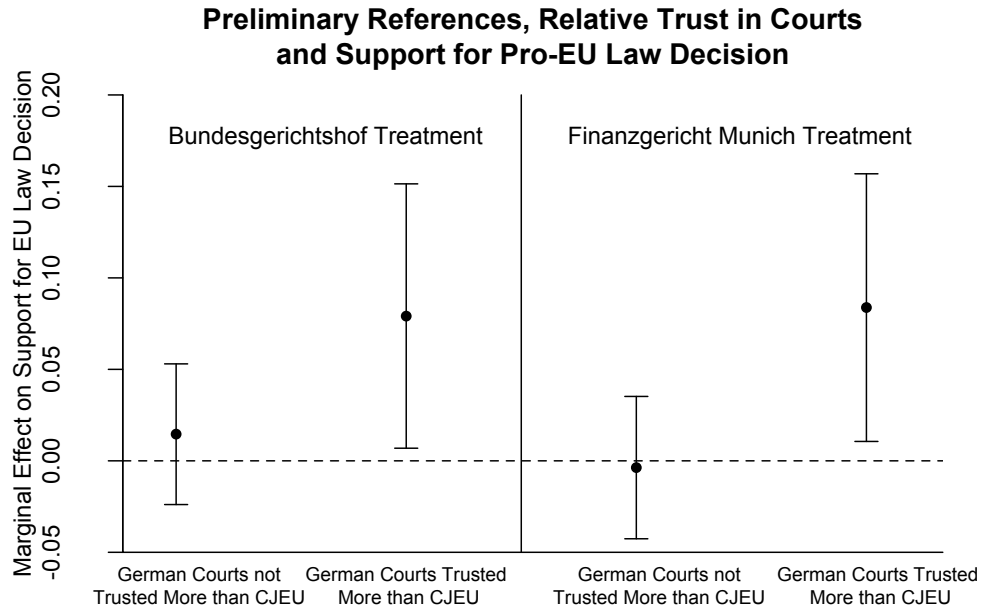


Figure A4: Based on Model 2 in Table A7. Left pane of the figure presents marginal effects for Bundesgerichtshof treatment. The right pane provides marginal effects for Finanzgericht Munich treatment. Error bars represent 95% confidence intervals.

does not exert a direct effect suggests that perhaps these institutions carry less persuasive power than higher courts.

The results of our interaction model similarly yield mixed, but largely supportive, evidence. As expected, the interaction term in both models is positive, although this coefficient only reaches statistical significance for the Finanzgericht treatment (for the Bundesgerichtshof interaction, $p=0.12$). An analysis of the marginal effects of both treatments across “Higher Trust in German Courts than CJEU,” however, reveals a consistent interactive effect. We show this in Figure A4. In the figure, we present the marginal effect, conditional on our relative trust measure, of a case being a preliminary reference rather than a decision directly by the CJEU. As such, estimates statistically distinguishable from 0 indicate the preliminary reference treatment increased support for the EU law decision, while those not distinguishable from 0 indicate that, for those respondents, receiving the preliminary reference treatment did not alter their support for the ruling.

Table A8: Experimental Results: Preliminary Reference by German Courts on Tax Policy (Subset Analysis: Respondents with Higher Trust in German Courts)

	Model 1
Bundesgerichtshof Treatment	0.079** (0.039)
Finanzgericht Munich Treatment	0.084** (0.039)
Constant	0.604*** (0.0123)
<i>N</i>	292
Standard errors in parentheses. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$	

We highlight four observations from the figure. First, both treatments result in a roughly 0.7 or 0.8 increase in support for the court decision among those who hold their domestic courts in higher regard than the CJEU. That is, those who got the preliminary reference treatment *and* trust the German courts more than the CJEU had higher support for the final ruling compared to those who received the control condition (the CJEU issues the decision). To help further clarify this finding, particularly in light of the interaction term's lack of statistical significance, in Table A8 we estimate treatment effects solely on the subset of respondents who had greater trust in the German courts than the CJEU. As expected by Figure A4, the coefficients for both treatments are positive and statistically significant.

Second, we see that the effect size for both courts is considerably smaller than what we found in the main analysis for the German Constitutional Court. This finding is, again, consistent with what we might expect given lesser-known nature of these courts. Third, the effect size for both courts is very similar, which suggests that once one moves past the most salient courts, perhaps it is simply the presence of a domestic court that matters more so than its place in the judicial hierarchy. This is a point we can only speculate on here, as are hesitant to draw strong conclusions given the limited statistical power of our survey. Fourth, we note that within the preliminary references treatments we do not see a statistically significant difference between those with higher trust in domestic courts and those with higher trust in the CJEU. This finding, which follows from the results of our interaction model, makes sense given the relatively high levels of trust in German courts;

that is, the effects that we do see are likely driven particularly by variation in trust in the CJEU, which is why we observe differences between the CJEU and preliminary references conditions. Taken together, these results suggest that the involvement of domestic courts—from those at the top of hierarchy to those at the bottom—in the European legal process has the potential to influence public perceptions of the judicial expansion of EU law.