

Cooperation and Allocation of Authority in the European Union

Cooperación y asignación de autoridad en la Unión Europea

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Abstract: European integration produces combinations of common rules, national administration and supranational decision-making within the same policy field. This article asks what explains the variation in the allocation of regulatory and supervisory authority between national and European institutions. It reviews delegation, historical institutionalism and bargaining scholarship to distinguish the feasibility of an institutional arrangement from the terms on which actors accept it. Authority interdependence serves as a provisional organising concept for relationships in which the political value and practical effectiveness of one governing power depend on control over connected functions. The analysis considers how retained powers and safeguards may make transfers acceptable, while preserving legal constraints, expertise and professional learning as alternative explanations. It then examines acute crisis and anticipatory pressure as overlapping conditions that may change delay costs, expectations and acceptable commitments. Digital finance illustrates the relevance of these relationships through the differentiated supervisory responsibilities established by the Markets in

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Crypto-Assets Regulation and the Digital Operational Resilience Act. The central contribution is to specify the allocation question at the level of connected functions, rather than infer centralisation from common rules or European institutional participation. Whether particular controls operate as negotiated compensation remains an empirical question requiring evidence beyond the final institutional design.

Keywords: European integration, Authority allocation, Bargaining, Crisis, Digital finance

Resumen: *La integración europea genera diversas combinaciones de normas comunes, administración nacional y toma de decisiones supranacional dentro de un mismo ámbito sectorial. El presente artículo examina qué factores explican la variación en la asignación de la autoridad regulatoria y de supervisión entre las instituciones nacionales y europeas. Para ello, revisa la literatura sobre delegación, institucionalismo histórico y negociación a fin de distinguir la viabilidad de un arreglo institucional de las condiciones bajo las cuales los actores lo aceptan. La interdependencia de autoridad sirve como un concepto organizativo provisional para aquellas relaciones en las que el valor político y la eficacia práctica de una facultad de gobierno dependen del control sobre funciones conectadas. El análisis examina cómo las competencias retenidas y las salvaguardias pueden hacer aceptables las transferencias, al tiempo que preserva las restricciones jurídicas, la pericia técnica y el aprendizaje profesional como explicaciones alternativas. A continuación, examina las crisis agudas y las presiones anticipatorias como condiciones superpuestas que pueden alterar los costes de demora, las expectativas y los compromisos aceptables. Las finanzas digitales ilustran la relevancia de estas relaciones a través de las responsabilidades de supervisión diferenciadas que establecen el Reglamento sobre los mercados de criptoactivos y el Reglamento sobre*

la resiliencia operativa digital. La contribución principal es precisar la cuestión de la asignación al nivel de las funciones conectadas, en lugar de inferir la centralización a partir de normas comunes o de la participación institucional europea. Determinar si ciertos controles funcionan como compensaciones negociadas sigue siendo una pregunta empírica que requiere evidencia más allá del diseño institucional final.

Palabras clave: *Integración europea, Atribución de competencias, Negociación, Crisis, Finanzas digitales*

Introduction

European integration produces different combinations of common rules, national administration and supranational decision-making. These outcomes often coexist within the same policy field. Common regulation can leave implementation national, while a European agency acquires investigative responsibilities alongside national control over remedial action. The central question is what explains the variation in the allocation of regulatory and supervisory authority between national and European institutions. Explaining this allocation requires attention to the governing functions transferred, retained or shared through reform, and to the processes through which these decisions become acceptable (Kelemen & Tarrant, 2011; Keohane, 1984).

Historical institutionalism explains how inherited mandates, expertise, administrative relationships and legal commitments shape available alternatives. Bargaining provides a candidate mechanism through which participants assemble powers and safeguards into an acceptable settlement. Delegation scholarship identifies the benefits and controls associated with common authority, while expertise-based explanations establish why particular arrangements attract support. These theoretical roles connect institutional inheritance to the choice among feasible allocations, leaving the contribution of negotiated exchange open to assessment (Bergström et al., 2007; Dehousse, 2008; Pierson, 1996; van Kreijl, 2022).

The puzzle concerns the composition of cooperation. Actors can support common rules while seeking control over their application. The unresolved question is when the allocation of one power affects the acceptability of transferring another. Information or investigation acquires a different value

depending on who decides on a binding response. Authority interdependence provides a provisional organising concept for this relationship. It connects established insights about delegation and institutional design to variation among configurations of authority, without assuming that bargaining explains every divided arrangement (Ershova, 2025; Kelemen & Tarrant, 2011; Pollack, 1997).

1. Conceptual definitions and scope

Cooperation involves actors adjusting their policies or behaviour in response to one another through coordination. Interests overlap sufficiently to make agreement valuable while remaining different enough to require adjustment. Governments can accept common obligations, exchange information or participate in joint decisions. Coordination concerns the alignment of actions, expectations or information; integration concerns changes in the extent and organisation of jointly exercised authority. Pooling involves collective decision procedures, whereas delegation assigns authority to an agent. These dimensions can develop at different rates, making the adoption of common rules an incomplete description of an institutional settlement (Hooghe & Marks, 2015; Keohane, 1984).

The allocation of governing functions gives this distinction greater precision. Rule-making determines obligations, supervision evaluates conduct, and enforcement supplies responses to breaches. Information gathering, investigation, authorisation and binding directions can themselves belong to different institutions. The relevant allocation concerns which institution holds a decision right over which activity or organisation. An institution with extensive information may rely on another to secure a remedy, while a formal

decision-maker may depend on investigations conducted elsewhere. Integration can therefore deepen in some functions while leaving others dispersed (Ershova, 2025; Franchino, 2004; Kelemen & Tarrant, 2011).

Authority also differs from governing capacity and performance. A legal mandate permits action; staff, funding, expertise and information determine the resources available for exercising it. Performance concerns the results achieved. Expanding European responsibilities can preserve dependence on national administrations and produce uncertain improvements in compliance or resilience. Authority allocation remains the primary outcome, while inherited capacity helps explain feasibility. Europe's historically uneven development of market regulation and other governing capacities makes these dependencies consequential for subsequent cooperation (Genschel & Jachtenfuchs, 2025; Kelemen & McNamara, 2022).

An acute crisis combines a serious threat to essential values or functions, an urgent demand for consequential decisions and substantial uncertainty. The threat may involve ongoing disruption or credible imminent danger. Classification should distinguish material exposure, compressed decision deadlines and uncertainty from political crisis language. Anticipatory pressure concerns plausible future vulnerabilities or technological developments. Anticipatory governance more specifically involves practices such as foresight, engagement and experimentation. Urgency and anticipation can coexist: rapid preventive action may be demanded before harm materialises. The timing of harm, urgency and anticipatory practices therefore require separate assessment (Anderson, 2010; Boin et al., 2016; Ferrara & Kriesi, 2022; Guston, 2014).

2. Why common rules leave authority divided

Interdependence gives governments reasons to coordinate when national decisions affect other jurisdictions. Institutions can improve information, strengthen commitments and support continued cooperation. The benefits of a common response nevertheless leave its organisation open. Delegation can mobilise expertise, improve monitoring and reduce repeated negotiation, while creating risks that an agent pursues different priorities from its principals. Appointment, reporting and review procedures consequently belong to the delegation arrangement itself. Governments may accept common obligations while attaching different values to European administration, national implementation and shared control (Keohane, 1984; Pollack, 1997).

Technical complexity strengthens the case for expertise without determining its institutional location. National administrations may know domestic firms, while European bodies identify cross-border patterns. Consistent interpretation and local knowledge can both be valuable. Multiple principals further complicate the choice: governments, the Commission and the Parliament can prefer different distributions of discretion. An agency's European designation consequently leaves its governing bodies, officials' autonomy and decision procedures unresolved. Institutional design concerns the distribution of influence as well as administrative effectiveness (Dehousse, 2008; Franchino, 2004; Kelemen & Tarrant, 2011).

Mixed arrangements make it necessary to distinguish the location of a function from the discretion and controls attached to it. National board participation can influence general priorities; a retained power to authorise remedial action concerns a specific decision. Consultation permits involvement,

whereas approval makes consent necessary. Access to shared information also differs from a power to compel its provision. A safeguard's value depends on its legal force and position within the sequence connecting information, assessment and action. Extensive responsibilities can coexist with close political controls (Dehousse, 2008; Ershova, 2025; Franchino, 2004).

Expert communities provide an alternative explanation for institutional choices. Existing expertise and professional practices can support networks or agencies even where distributive implications attract little negotiation. Expertise can also create leverage when alternatives depend on an organisation's capabilities. These processes require separation: professional agreement concerns assessments of effective administration, while bargaining concerns the terms of accepting allocations with different consequences. Dividing connected tasks may preserve expertise or accommodate political demands; combining them may reduce coordination costs. The explanatory question is why one feasible combination becomes acceptable (Kelemen & Tarrant, 2011; van Kreijl, 2022).

3. Inherited institutions and feasible allocations

Historical institutionalism explains how earlier choices distribute resources, establish procedures and organise expectations. Their effects extend beyond their creators' intentions. Governments can confront pressures generated partly by earlier agreements while possessing limited freedom to replace the arrangements governing them. Investments in expertise, routines and relationships can make an existing institution more attractive than an alternative whose transition costs are immediate and benefits uncertain. Where capabilities remain tied to national organisations, a European mandate can

depend on continued national participation (Pierson, 1996, 2000; van Kreijl, 2022).

Institutional persistence can reflect indispensable resources, legal constraints or confidence in established cooperation. These mechanisms have different implications: resources may become transferable, rules can be renegotiated and confidence can weaken after poor performance. Inheritance also shapes preferences through experience. An authority may favour retaining a task because of its understanding of effective supervision as well as its interest in influence; difficulties under existing arrangements may instead encourage delegation. These inherited conditions remain analytically distinct from concessions made during negotiation (Mahoney & Thelen, 2010; Pierson, 1996; van Kreijl, 2022).

Legal commitments shape feasibility in concrete ways. An existing mandate can permit an extension of European action, while another allocation requires a different legal basis or decision procedure. Interpretations of these constraints may themselves remain contested. An objection can identify a binding limit or support an institutional preference within an open legal debate. Where a rule excludes an option, bargaining operates within a narrower choice set; where interpretation remains open, legal arguments can enter negotiation. Institutional constraints and strategic action therefore interact through the application of inherited rules (Mahoney & Thelen, 2010; Pierson, 1996).

Gradual change connects persistence and reallocation. Layering a European responsibility onto national implementation can create common information or coordination while preserving other functions. This can reduce reorganisation costs and political opposition. Its operation can then expose

dependencies or generate demands for additional powers. Complementary responsibilities may stabilise cooperation, while overlapping mandates can create disputes about whose assessment prevails. The resulting feedback changes the environment for subsequent bargaining, even when organisational names and governing bodies remain intact (Ershova, 2025; Mahoney & Thelen, 2010; Pierson, 1996).

A critical juncture concerns a period when constraints on consequential institutional choices relax and decisions have durable effects. A crisis concerns threat, urgency and uncertainty. Their relationship is empirical: pressure can widen alternatives or reinforce reliance on established institutions. Evidence of a critical juncture must establish increased contingency and the significance of the choices made. Historical institutionalism thus explains the choice set and dependencies within it. Where several workable allocations remain, bargaining and professional judgement offer alternative accounts of how one becomes acceptable (Capoccia & Kelemen, 2007; Pierson, 1996; van Kreijl, 2022).

4. Authority interdependence and the terms of agreement

Authority interdependence refers to relationships in which the political value and practical effectiveness of one power depend on control over connected functions. Investigation has greater significance when findings can trigger action, while a decision-maker may depend on information held elsewhere. Retaining a connected function can preserve influence over a transferred power's consequences. Dividing functions can also make effective action depend on cooperation among their holders. These relationships can arise through bargaining, inherited resources, legal obligations or professional assessments (Dehousse, 2008; Ershova, 2025; Franchino, 2004).

Functional dependence and bargaining linkage describe different relationships. Functional dependence arises when exercising one power requires information or action associated with another. Bargaining linkage arises when actors connect their acceptance of separate provisions. A functional connection may make a retained power attractive as compensation, but this depends on participants' priorities. Negotiators can also link issues performing separate tasks. Formal retention alone does not establish effective influence: its holder needs the resources to use it. The same capability can support resistance to a transfer and facilitate a shared arrangement by lowering implementation costs (McKibben, 2010; van Kreijl, 2022).

Bargaining becomes informative when feasible arrangements address a common problem but distribute authority and costs differently. Liberal intergovernmentalism connects national preferences to domestic interests and bargaining power to preference intensity and available alternatives. An actor facing high delay costs may accept conditions another can resist. Administrative capability can provide a credible national alternative, connecting institutional inheritance to leverage. Preferences can also differ within states: ministries, supervisors and affected sectors may value common rules and transfers of supervision differently (Moravcsik, 1993; Pierson, 1996).

EU bargaining extends beyond governments. The Commission shapes proposals, the Parliament pursues authority and accountability preferences, and supervisors supply expertise affecting the plausibility of designs. Procedural powers influence coalitions' opportunities at different legislative stages. McKibben's issue-linkage account explains how different priorities create opportunities for exchange and how changing the agenda alters possible agreements. Linkage may connect provisions within one instrument or

commitments across files. Packaging can improve acceptability without distributing gains equally among participants (Bergström et al., 2007; Kirpsza, 2023; McKibben, 2010).

Domestic politicisation affects what negotiators can accept. Public contestation and identity concerns can constrain transfers even where material benefits are expected. Their intensity varies across policies and decisions. Technical regulation may generate concentrated sectoral conflict, while fiscal liabilities or sovereignty concerns attract wider mobilisation. European opportunities for compromise consequently interact with domestic limits on institutional change. Treating politicisation as a specific constraint preserves its explanatory force without assuming that every allocation encounters the same public opposition (Hooghe & Marks, 2009; Moravcsik, 1993).

Compensating control describes a possible relationship in which retaining influence over valued consequences makes a transfer more acceptable. Board participation, consultation, limits on discretion or retained implementation can provide reassurance. Their compensating role requires evidence that they helped secure acceptance. Identical provisions can reflect accountability obligations or established administrative practice. Learning may instead bring preferences closer by changing assessments of risk or institutional suitability. Bargaining can secure agreement while differences persist because the package contains acceptable concessions. Consensus in the final settlement does not identify which process produced it (Dehousse, 2008; McKibben, 2010; van Kreijl, 2022).

The theoretical opening concerns when control over one function changes willingness to transfer another. A defensible contribution would

establish when retained powers provide credible compensation and when legal or professional considerations better explain the allocation. Durability introduces a related distinction: dispersed influence may secure political agreement while making operation dependent on sustained coordination. Divided authority can remain stable or generate further reform demands. The political success of an initial bargain and its subsequent performance therefore require separate assessment (Jones et al., 2016; Kelemen & Tarrant, 2011; Pollack, 1997).

5. Pressure and the conditions of authority allocation

Crisis and anticipatory pressure may change the value of powers, acceptable commitments and feasible alternatives. Transboundary crises distribute exposure and response capacity unevenly. An urgent demand for assistance in one jurisdiction can accompany concern about liabilities in another. Crisis interpretation also matters: a disruption can be attributed to national implementation, common rules or incomplete European arrangements, each suggesting different institutional remedies. Public framing should therefore be assessed alongside the underlying threat and the distribution of costs (Boin et al., 2016; Ferrara & Kriesi, 2022; Rhinard, 2019).

Schimmelfennig's comparison of euro and Schengen crises connects divergent responses to interdependence, disintegration costs and available institutional resources. Urgency raises delay costs unevenly, potentially strengthening participants whose resources are indispensable or weakening those whose domestic institutions lose credibility. The failing-forward account links politically constrained compromises to institutional weaknesses that can generate later reform pressure. Yet incompleteness relative to administrative

coherence need not make an arrangement unsustainable. Explaining subsequent pressure requires identifying the dependency involved, such as monitoring that relies on remedies controlled elsewhere (Jones et al., 2016; Kelemen & McNamara, 2022; Schimmelfennig, 2018).

Duration also belongs to the allocation bargain. Temporary powers can make immediate action acceptable by limiting future commitments; permanent mandates may address recurring interdependence more directly. Review provisions and continued national participation can accompany either choice. Temporary instruments may become influential through the capabilities and expectations they create, while permanent bodies remain resource-constrained. Legal duration and practical institutionalisation therefore provide different information about the durability of cooperation (Kelemen & McNamara, 2022; Mahoney & Thelen, 2010; Pierson, 2000).

Anticipation makes future vulnerabilities relevant to present choices. Precaution can justify restrictions under uncertainty, while preparedness emphasises response capacity. These approaches place different demands on institutions. Immediate expenditure and transfers of discretion can be visible while prevention benefits remain conditional. Actors may agree that a vulnerability matters while disputing its severity, suitable response or allocation of costs. Expertise has an informational role and political consequences because future-oriented assessments can support competing institutional claims (Anderson, 2010; Guston, 2014; van Kreijl, 2022).

Acute crisis and anticipation are overlapping bargaining environments. A prospective dependency can demand rapid action, while an ongoing disruption can produce prolonged disagreement. Crisis-oriented practices can

also become embedded in routine administration, making institutional histories necessary to distinguish sudden pressure from longer developments. Anticipatory compromises may distribute authority over time through reporting obligations, significance thresholds and review provisions. Such arrangements limit immediate commitments while allocating influence over later adjustment. A conditional power can be consequential when its holder decides whether the activating threshold has been reached (Anderson, 2010; Franchino, 2004; Mahoney & Thelen, 2010; Rhinard, 2019).

The comparative question is whether bargaining over connected powers operates differently under acute and anticipatory pressure. The distinction matters where the timing and distribution of expected harm alter willingness to transfer a function or accept compensating control. Where inherited resources, legal obligations or professional agreement explain an allocation, pressure may principally supply context. Its causal contribution therefore depends on observable changes in the terms of agreement rather than an assumed opposition between emergency and ordinary politics (Ferrara & Kriesi, 2022; Guston, 2014).

6. Digital finance as an extension of European governance

Digital finance extends these questions into markets whose cross-border services depend on concentrated private infrastructures. Crypto-assets raise issues of issuance, services and market conduct; operational resilience concerns continuity and security. Donnelly and colleagues show how inherited institutions and financial rationales combine with security concerns in European digital-finance regulation. The remaining question concerns the allocation of particular powers within these responses and the institutional

preferences accommodated by them. Technological change alters dependencies while leaving established questions about participation and control central (Donnelly et al., 2024; Kelemen & Tarrant, 2011; Kun, 2024).

The Markets in Crypto-Assets Regulation distinguishes common rules from uniform supervision. Article 117 of Regulation (EU) 2023/1114 assigns the European Banking Authority supervision of significant asset-referenced token issuers while preserving national supervision of certain other services and activities. For significant e-money tokens issued by electronic money institutions, its responsibilities concern specified requirements, including Articles 55 and 58. Significance thresholds can accommodate common oversight while retaining established relationships elsewhere. The adopted design establishes the configuration; it does not itself demonstrate whether bargaining, legal constraints or expertise explain its selection (Regulation (EU) 2023/1114, art. 117).

Arguments for national supervision of crypto-asset service providers foreground subsidiarity and local knowledge. Their relevance depends on when local expertise supports effective coordination and when divergent practices impose wider costs. These claims identify competing institutional advantages. A normative preference for national or European supervision should therefore be distinguished from an explanation of how an arrangement gains political support. The latter requires evidence about the alternatives considered and the reasons participants accepted them (Buttigieg & Gauci, 2025; van Kreijl, 2022).

The Digital Operational Resilience Act illustrates a different relationship. A designated European Supervisory Authority acts as Lead Overseer for a critical third-party information and communication technology provider,

alongside competent authorities supervising financial entities. Provider oversight connects to entity-level remedies: in specified circumstances, competent authorities can require financial entities to suspend or terminate contractual arrangements. The practical effects of oversight therefore partly depend on powers held elsewhere. Concentrated cloud dependencies make this division consequential by connecting provider-level risks to multiple financial institutions (Regulation (EU) 2022/2554, arts. 31, 35, 42; Kun, 2024).

Anticipation is relevant where systemic consequences depend on future growth and stronger connections with established finance. The European Systemic Risk Board's 2023 assessment distinguished limited systemic relevance at that time from vulnerabilities that could become more consequential. This separates present market harm from expectations about future instability. Preventive regulation can gain support from those expectations while leaving the distribution of supervisory powers contested. Urgency and the desired intensity of delegation remain distinct questions connected through judgements about exposure and preparedness (Anderson, 2010; European Systemic Risk Board, 2023, pp. 2–4; Pollack, 1997).

Digital financial governance combines dependence on connected infrastructures with powers dispersed across authorities. Common oversight may identify vulnerabilities whose remedy depends on decisions elsewhere. Effective responses require suitable incentives and capabilities. Authority interdependence organises the question of why particular combinations of oversight and response powers become acceptable, leaving negotiated controls, inherited responsibilities and expertise open to comparison. Its contribution depends on explaining the allocation's emergence (Dehousse, 2008; Guston, 2014; Kun, 2024).

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