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Agenda dynamics in the European Union : the interaction between the European Council and the European Commission in the policy domain of organized crime

Elias Carrillo, I.L.

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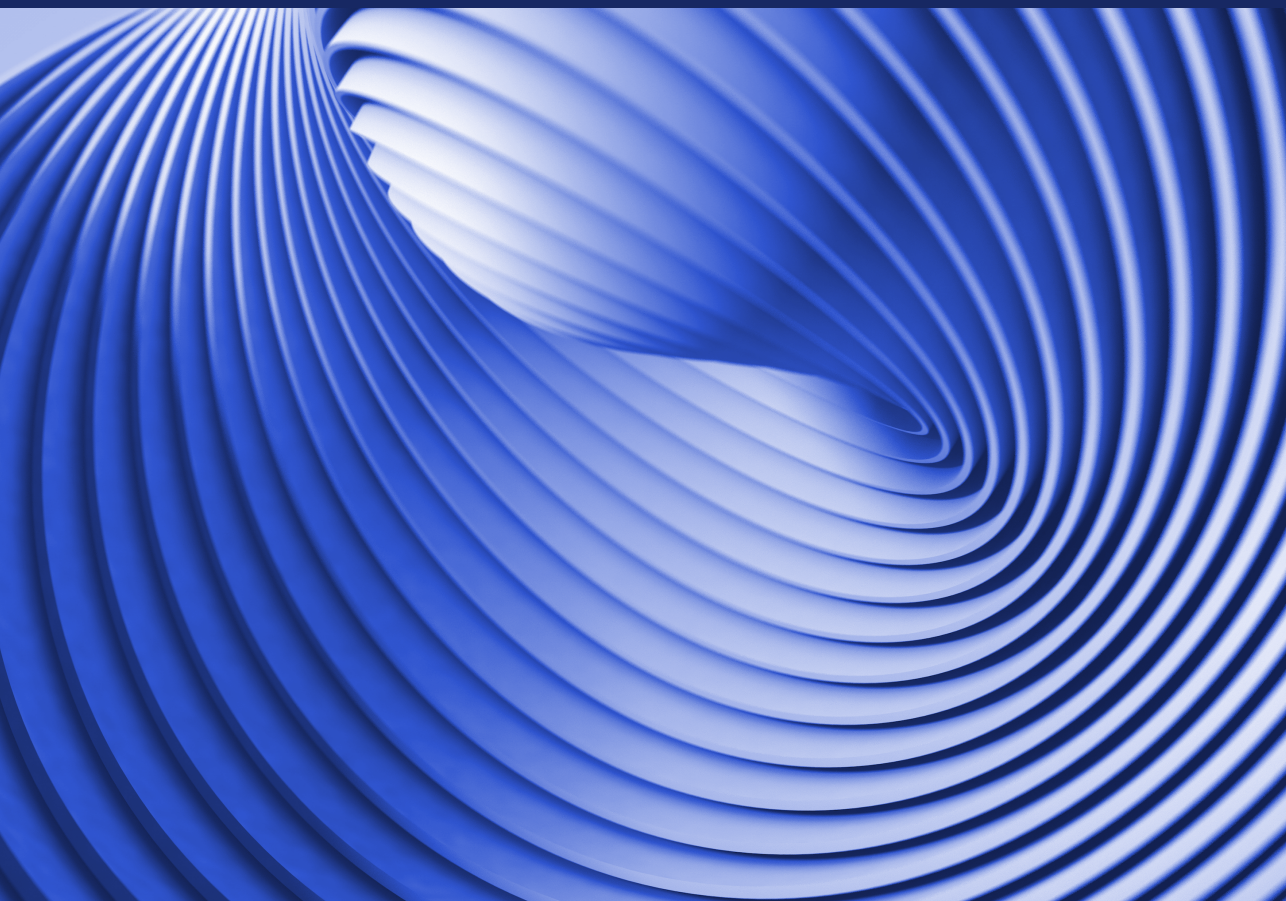
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AGENDA DYNAMICS IN THE EUROPEAN UNION



The interaction between
the European Council and the European Commission
in the policy domain of organized crime

LETICIA ELIAS

Agenda dynamics in the European Union:

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and the European Commission
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Leticia Elias

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Agenda dynamics in the European Union:

**The interaction between the European Council
and the European Commission
in the policy domain of organized crime**

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geboren te Mexico
in 1976

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*To the memory of my father,
the liveliness of my mother,
and the caring embrace of my husband*

*A la memoria de padre,
a la energía incesante de mi madre
y al tierno cuidado de mi esposo*

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² All figures in the dissertation are my own authorship, unless otherwise specified.

List of Abbreviations

ADA	Agenda Dynamics Approach
ADF	Augmented Dickey-Fuller
AFSJ	Area of Freedom, Security and Justice
CCEE	Countries from Central and Eastern Europe
DG	Directorate General
ECSC	European Coal and Steel Community
EU	European Union
Europol	European Police Office
IGC	Intergovernmental Conference
IRF	Impulse Response Function
JHA	Justice and Home Affairs
LM	Lagrange Multiplier
LR	Likelihood Ratio
MFF	Multiannual Financial Framework
OC	Organized crime
OLAF	European Anti-Fraud Office
SEA	Single European Act
SEQ	Structural Equation model
TEU	Treaty of the European Union
TFEU	Treaty of the Functioning of the European Union
TREVI	<i>Terrorism, radicalisme, extrémisme et violence internationale</i>
US	United States
VAR	Vector Autoregression

Acknowledgments

Here I am, looking back at how it was to develop my PhD. A song comes to my mind: “Life is a rollercoaster, just gotta ride it”. The singer expresses in simple words my experience. I don’t remember having so many ups and downs, often one after another, as during my PhD. Like in a rollercoaster —or, in more scientific terms, a ‘punctuated equilibrium’ kind of feeling... In some occasions I felt discouraged and asked myself whether I wanted —and was even able— to finish. This feeling was due to several research dilemmas arising on the way, together with personal problems that led to pivotal changes in my personal life. Too much at the same time. But with patience and the encouragement from my family and friends, I realized that I just needed to ‘ride’ the moments, regardless of how difficult or easy they were. Life is an instant. Today I can simply say that doing a PhD was one of the most demanding, yet enjoyable experiences ever in my life.

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Lety

Chapter 1

Introduction

Policy-making institutions often differ on what issues to attend on their agendas and how to handle such problems. These differences are induced in part by the designs of institutions. This is how it happens at least in national political systems, as has been extensively demonstrated (e.g. Jones and Baumgartner, 2005; Baumgartner et al., 2009). But how does it occur in the European Union (EU)? Our knowledge on how political institutions in this political system act and react in agenda setting and the policy process is still limited. The EU can be seen as a unique political system, but whether it really differs from countries in how it attends policy problems is an empirical question (Carammia et al., 2012:43).

Some scholars have argued that the EU has a “peculiar institutional constellation” not found in any country (Lelieveldt and Princen, 2011:53). When we observe its institutional framework, a puzzling phenomenon becomes evident: two EU institutions³ perform a similar role in agenda setting. The European Commission⁴ shall

³ A so-called EU institution is a political body established by the Treaties and is central in EU policymaking. According to the Lisbon Treaty, in force since 2009, the European Union has seven institutions: the European Commission, the European Parliament, the Council of the European Union, the Court of Justice of the European Union, the European Council, the European Central Bank, and the Court of Auditors (art. 13). When the European Coal and Steel Community was created in 1952 with the Treaty of Paris, only the first four institutions were considered. However, they had different names: High Authority, Common Assembly, Special Council, and Court of Justice, respectively (art. 7). In 1958, when the European Economic Community was established with the Treaty of Rome, the names changed. The terms were similar to the current ones (art. 4). Later, the other institutions were established by following treaties. For instance, the European Council was introduced in the Community framework by the Single European Act in 1987 and appointed an EU institution by the Lisbon Treaty. Thus, acknowledging that changes have happened over time and in order to make the argumentation in this study simple, herein these political bodies are called by their current names and referred to as ‘institutions’. Also for the same reasons, herein the previous European Community and Communities are referred to as ‘European Union’, which was established in 1993 by the Maastricht Treaty.

⁴ Herein referred to as ‘the Commission’.

“take appropriate initiatives” to promote the general interest of the EU, according to the Treaty (TEU:art. 17). Likewise, the European Council “shall define the general political directions and priorities” (TEU: art. 15). In this sense, the Commission is the formal agenda setter, as it has the responsibility to initiate policy proposals, and the European Council is the informal agenda setter, as it is in charge of providing political guidelines. When we continue observing other EU institutions, we also identify duplicate functions in further stages in the policy-making process⁵, such as in decision making where the European Parliament⁶ and the Council of the European Union⁷ have “jointly” a legislative role (TEU: art. 14, 16). Thus, perhaps the point that the Commission and the European Council have a similar function in agenda setting is not the most striking feature *per se* because we know that the EU is “a complex system of overlapping jurisdictions” (Majone, 2002:380). The institutional setup of the EU has been designed in such a way that the functions of its political institutions are not clearly separated and most roles are shared, in order to balance different interests (Lelieveldt and Princen, 2011:53–55).

The actual puzzle is the overlapping role of the Commission and the European Council *together with* the fact that their institutional designs are different. Considering the internal organization and characteristics of these institutions, we can identify that they are different at least in two ways. They have distinct political attributes (one institution has considerably more political authority than the other) and information-processing capacities (one institution can handle many more issues simultaneously than the other). To provide some clarity on this observation, the Commission has a lower political profile than the European Council, which is “the highest political body in the European Union” (Alexandrova et al., 2012). In addition, the European Council has very limited resources to process issues in comparison with the Commission, which has a much broader agenda capacity. These constraints are not entirely surprising, given that organizations in other political systems are largely designed with limitations to avoid monopoly of power (Jones and Baumgartner, 2005).

In short, the European Council and the Commission⁸ have a similar role, but are equipped with different institutional resources. How do these differences impact

⁵ Roughly speaking, four stages can be distinguished in the policy-making process: agenda setting, decision making, the budgetary stage, and implementation. For more precise phases, see for instance Hogwood and Peters, 1983:8.

⁶ Herein referred to as ‘the Parliament’.

⁷ Herein referred to as ‘the Council’.

⁸ Note that hereafter, when both institutions are discussed together, most of the time the European Council will be mentioned first and, consequently, the Commission second. This sequence is done to keep a similar structure throughout the manuscript.

the way they behave in agenda setting? Do the institutions set the agenda differently, according to their different designs? Or do they do it in the same way, according to their similar roles?

Research has traditionally looked at the nature of EU institutions as intergovernmental or supranational organizations (e.g. Moravcsik, 1993; Marks et al., 1996; Pollack, 2003). In this sense, the European Council and the Commission have been commonly studied in terms of the distinct interests they represent, whether from the member states or the EU as a whole, respectively. These studies have looked at the implications of the collaboration schemes between the different types of institutions for EU integration. However, work on the differences in their institutional designs and the effect on how they attend policy issues is scarce (Alexandrova, 2014, 2017). We know little about the impact of the architectures of the two institutions on agenda setting. Existing studies have mainly observed the information-processing capacities of the European Council (Alexandrova et al., 2012; Elias and Timmermans, 2014; Carammia et al., 2016). There are agenda-setting studies on the Commission in other areas such as framing (e.g. Rhinard, 2010; Daviter, 2011), but little work has explored the effect of its design on this stage in the policy process (Princen, 2009). Research has hardly compared the patterns of the institutions. Therefore, there is gap in the EU policy-making literature because we practically lack knowledge on how similar or different the logics of the Commission and the European Council are in setting the agenda. This is important to know also because these processes have implications for policymaking.

Further, another intriguing feature of the EU's setup is that, while the individual roles of the two institutions are officially established, their interplay in agenda setting is not formalized. This contrasts with the case of the other EU institutions whose interactions are regulated by the Treaty. For some unknown reason, the designers of the EU have not officialized the relationship between the European Council and the Commission. The Treaty only indicates that, "[i]n carrying out its responsibilities, the Commission shall be completely independent (...) [and] shall neither seek nor take instruction from any government or other institution, body, office or entity" (TEU: art. 17). But whether this is meaningful for the Commission's relationship with the European Council is unknown. We do not know whether these institutions are expected to interact in the first place and, if so, how this is supposed to occur.

In the meanwhile, scholars have argued and speculated about the way the relationship between the institutions happens, pointing to all directions. Some authors have claimed that the European Council exerts important control on the Commission (Werts, 2008; Ponzano et al., 2012). Others have argued that the Commission is

independent (Marks et al., 1996; Nugent, 2001), suggesting that it is influential. A different stream in the discussion has considered that their interaction is reciprocal (Alexandrova, 2014; Bocquillon and Dobbels, 2014). So far there has been little empirical research done on their interplay to endorse the points in the discussion (e.g. Princen and Rhinard, 2006; Bocquillon and Dobbels, 2014; Alexandrova, 2017). As has been noted by scholars, “research that systematically analyses the relationship between the Commission and the European Council, before and after Lisbon, is scarce”(Bocquillon and Dobbels, 2014:21). The few systematic studies available have been limited to analyze their interaction during only some years in this century (Alexandrova, 2014, 2017; Bocquillon and Dobbels, 2014). However, there is no research that covers their behaviors over a longer period of time that can inform the academia on the underlying trend of their interplay.

Consequently, most of what scholarly work has been doing is practically to imagine situations. This is tricky because continuing like this can eventually make us fall into “the trap of the ‘Nirvana Fallacy’” (cf. Demsetz, 1969; Cram, 2002), in which we compare the real world to a world that does not necessarily exist, the Nirvana, and then arrive at the conclusion that the real world is somehow deficient. It is thus important to explore in detail and discover more about the actual dynamics between the institutions. This is also relevant to do because the logics of the interaction of the European Council and the Commission have consequences for the formation of EU policies and shifts in them.

These properties of uncertainty on their relationship result in many questions: How do the distinct designs of the European Council and the Commission affect their relationship in agenda setting? To begin with, do the institutions interact through time? If so, how does their interplay happen? Who follows whom? Or do the institutions influence each other?

Ultimately, the questions on their individual and interactive dynamics lead us back to the original inquiry that ‘opened the appetite’ for conducting this research on the peculiarities of the EU. Although it is clear that the EU system entails distinctive features, it is not assumed that this system completely works in a unique way. This work conceives the EU ‘uniqueness’ as a continuous concept rather than a binary one. The question is thus about *to what extent* —instead of *whether*— the EU acts uniquely. As a result, the study profits from earlier theories and insights on processes observed in national political systems. This situation makes possible to compose a theoretical approach for the study of agenda dynamics in the EU and facilitates the interpretation of the findings.

1.1. The Agenda Dynamics Approach: addressing a big puzzle in EU agenda setting

Motivated by this combined puzzle in EU agenda setting, the project analyzes how the attention of the European Council and the Commission to policy problems develops over time and compares their behaviors. Moreover, it investigates how the institutions relate to each other in the long run. It is a study on the effect of their institutional designs on the way they set the agenda.

The main goal is to reveal their underlying dynamics and explain the processes. Two types of EU agenda dynamics are considered and studied in this project: the intra-agenda dynamics, or the logics occurring in the agenda of each institution; and the inter-agenda dynamics, or the logics between the agendas.

The central research question is: *How can the agenda dynamics in and between the European Council and the Commission be explained?* Three sub-questions help address this main inquiry. The first one is: *What are the intra-agenda dynamics of the European Council?* The second sub-question is: *What are the intra-agenda dynamics of the Commission?* And the final is: *What are the inter-agenda dynamics of the European Council and the Commission?*

The theoretical lens to address these questions and explain the behaviors is the Agenda Dynamics Approach (ADA).⁹ This study proposes and applies this framework for the analysis of the intra- and inter-agenda dynamics of the European Council and the Commission. ADA is a conceptual model constructed in this project for such purpose. It revolves around the credence that the designs of the institutions impact their individual and interactive dynamics in agenda setting. The theoretical framework will be described in detail in Chapter 3. For now, let us address in a general way important features of this research and central components of ADA.

1.1.1. Placing the research in context

The notion of dynamics is central in this project. This is a widespread term in the study of policymaking. Although commonly used, its meaning is practically assumed in academia, as there is no established definition. It has been often used as a sort of label to refer to changes, whether more incremental or more abrupt, in the policy process in a period of time. For instance, the term ‘policy dynamics’ is present in

⁹ The term ‘Agenda Dynamics Approach’ has been previously referred to in the agenda-setting literature (Chaqués-Bonafont et al., 2015:137). However, it has not been used to denote a theoretical framework. It has rather been (part of) a title to introduce an analysis on the development of policy issues in the context of Spanish politics.

the titles of classic books on public policy (e.g. Rose, 1976; Hogwood and Peters, 1983). Similarly, the term ‘agenda dynamics’ has been assigned to books on policy agendas that explain the evolutionary processes experienced by more particular countries, such as Spain and Canada (S. N. Soroka, 2002; Chaqués-Bonafont et al., 2015). Thus, even when dynamics is an abstract concept, we intuitively understand what it means. However, it is important to have a working definition in this study. The definition draws from its use in the literature and scholarly work that has claimed that a dynamic perspective in the study of public policy involves “temporality and change at different scales” with the aim to understand and explain policy evolution (Kay, 2006:3). On this basis, dynamics is the way policy processes develop over time.

The study analyzes the agenda of policymakers in the European Union, also known as the EU political agenda.¹⁰ There is, however, no such thing as a single EU agenda. This is an abstract concept that refers generically to all the agendas of the EU institutions, but in reality each political body has its own. It is enough to acknowledge this condition when we *talk* about EU agenda setting. But this situation becomes inadequate when we want to *analyze* the policy process because not all political agendas are the same. Generally speaking, two types can be distinguished in domestic systems: the “governmental” agenda and the “decision” agenda (Kingdon, 2011:1–4).¹¹ In the European Union, the European Council and the Commission are governmental agendas, while the Council and the Parliament are decision agendas. It is fundamental to make a distinction between the types of agendas, as the actual arrangements pushing issues on the governmental agenda may differ from the mechanisms regarding the decision agenda (Princen, 2009:22). It thus would be misleading to conceive the existence of one global agenda dynamic happening EU-wide. The truth is that “governmental and decision agendas are affected by somewhat different processes”, as argued by Kingdon (Kingdon, 2011:4). Therefore, it is important to notice that this research is about the dynamics of the EU governmental agendas.

A broad conceptualization of agenda setting is conceived in this study. It entails a formal and informal connotation (cf. Pollack, 1997:121). Setting the EU agenda is about the mandate given to a political institution to do so and about the actual ability to commonly place an issue on the agenda. While the Commission is “Europe’s main agenda-setter” (Hartlapp et al., 2014:14), a wide definition is considered because, as Princen has claimed, “[i]t would be a misconception (...) solely to equate agenda-

¹⁰ Herein referred to as ‘political agenda’ and ‘policy agenda’ interchangeably, unless otherwise specified.

¹¹ The former agenda includes the issues that get attention from policymakers and outsiders closely related to those policymakers (Kingdon, 2011: 3). The latter agenda consists of the narrower group of issues that moved further and are to be decided (Ibid: 4).

setting in the EU with the activities of the Commission" (Princen, 2007:23).¹² And, at the same time, Werts has argued that "the European Council has developed itself as the *agenda-setter* of the Union, taking the major political initiatives" (Werts, 2008:191). In effect, as claimed by Alexandrova and colleagues, this institution is "the top informal agenda setter in the EU" (Alexandrova et al., 2016:611).¹³

The project thus conceives both political institutions the key actors in the process. As Alexandrova has claimed, among EU institutions, "the two bodies are particularly relevant because of their position and powers" (Alexandrova, 2017:756). An important reason is that agenda setting in the European Union happens in two manners, according to the Agenda-Setting Routes Framework (Princen and Rhinard, 2006). One is by following a route in which issues 'crash from above' on the agenda, initiated by the heads of state or government in the European Council. The other way is the route where policy problems 'creep from below' on the agenda, placed by expert groups in the Commission or working parties in the Council. Further, while this Framework conceives that the Council may be involved in the latter route, the prerogative of this institution is primarily in the decision-making process. By contrast, the Commission "has an outstanding role in setting the agenda" (Hartlapp et al., 2014:2). This research thus considers the Commission the central political body in the route from below. Other EU institutions may play a part in the agenda-setting process, as will be described in Chapter 2, but they are neither intrinsically necessary nor obliged to perform in this stage in the policy process. In addition, as also explained in the next Chapter, the participation of citizens and the media is considerably less relevant than how it happens in national political systems. In the EU system, issues are commonly "raised and developed within the EU's policy-making institutions, without a direct link with the public agenda(s) in the EU" (Lelieveldt and Princen, 2011:211). This inside-initiative model characterizes EU agenda-setting dynamics (Ibid: 209–211). EU policymaking is thus essentially a political process.

¹² This research acknowledges that the Commission does not have monopoly of power in policy initiation in all policy domains. However, it is not in the scope of this study to go into a debate on this matter. For a discussion on this, see for instance Ponzano et al., 2012.

¹³ While the European Council is an EU institution since relatively recently and its development over time within the EU framework has been gradual, as will be described in Chapter 2, these conditions have not hindered its "great power" (cf. De Schoutheete, 2012:46). Moreover, although it commonly cannot take binding decisions in the legal sense, "[t]his has not prevented the European Council from carving out a niche for itself at the very heart of the EU" (Hayes-Renshaw, 1999:25). This body has practically acted as a fully-fledged institution over the years even in times without a Treaty-basis for its authority. In this sense, as argued by De Schoutheete, "[t]he European Council needs to be considered not only as an institution, in legal terms, but also as an essential locus of power" (2012:53). For these reasons, in this study the European Council is seen as an entity on its own, instead of part of the "Council hierarchy" as, for instance, Hayes-Renshaw has done (1999:23–26).

While the study sees the European Council and the Commission as the core agenda setters in the EU, it does not conceive that they take control of this policy stage. It recognizes that policymaking does not exist in a vacuum and that agenda setting involves many (f)actors in and around the process. Aware of this, this research examines the effect of other elements that may trigger the institutions to initiate issues on their agendas, such as focusing events, policy inheritances, and political signals, as will be explained in Chapter 5.

The two institutions are the main focus of the study. However, the project is not based on the classic institutional perspective where norms, interests or ideas are the typical drivers of how institutions shape and change preferences and interact (cf. Tsebelis and Garrett, 2000; Pollack, 2009). Instead, acknowledging that rules in the policy process exist (Jones and Baumgartner, 2005:19, 151) as well as different levels of institutional power among policymakers (Ibid: 17), the designs of the institutions are primarily studied as a crucial source of agenda dynamics. Accordingly, the organizations as a whole are studied, rather than the individuals within them.

1.1.2. Solving the puzzle: an overview of the theoretical framework and methods of analysis

The Agenda Dynamics Approach centers on the different political attributes and information-processing capacities of the European Council and the Commission. The two features comprise their institutional designs, as conceived in this project. More specifically, the European Council is composed of the political leaders of the EU member states. They handle the 'hot' issues in the EU and do it without the support of an organizational structure. The carrying capacity of its agenda is significantly limited against its wide political authority. By contrast, the Commission is formed by experts and administrators grouped in specialized departments, which deal with more particular problems. This arrangement allows this institution to have a broader agenda and thus deal with many issues at the same time. Its political profile in agenda setting, however, is lower than that of the European Council. It is argued that these features impact how the institutions act and react in setting the agenda.

Following the two types of EU agenda dynamics distinguished in this project, the Agenda Dynamics Approach consists of two parts: 1) the intra-agenda dynamics and 2) the inter-agenda dynamics. The theoretical framework argues that knowing the former dynamics of the European Council and the Commission promotes a better understanding of their latter dynamics. The first part of ADA is constructed deductively and the second inductively.

First, the intra-agenda dynamics part is mainly developed on central propositions of two agenda-setting theories: the Disproportionate Information-Processing Model¹⁴ (Jones and Baumgartner, 2005), and the Agenda-Setting Routes Framework¹⁵ (Princen and Rhinard, 2006). The former theory looks at the information-processing characteristics of institutions and the latter at their political features. Both frameworks originated in the mid-2000s. The Processing Model was conceived in its origins to study the policy process in the United States. Shortly afterwards, it started to be used to analyze European countries. By contrast, the Routes Framework was created for the purpose of studying agenda setting in the European Union and its political institutions.

ADA integrates both theories, which so far have been considered separately in the agenda-setting literature. The two lenses speak to each other when providing a theoretical explanation for agenda dynamics. The theories encompass common assumptions as well as complementary premises. Both share a feature that is fundamental in this study: the differences in the internal characteristics of institutions have implications for agenda setting. According to the Processing Model, the variation in the information-processing capacities of organizations affects the way institutions attend issues on their agendas (Jones and Baumgartner, 2005). Similarly, based on the Routes Framework, it is argued in this project that the difference in the political attributes of institutions impacts the manner policy problems are initiated on their agendas (Princen and Rhinard, 2006).

The overarching expectation of ADA is that the intra-agenda dynamics of the European Council and the Commission are mostly different in the long run because the designs of the institutions are different. This means that, in a comparative perspective, their agendas evolve in a different way over time. It is thus argued that their distinct designs make the institutions act differently on the whole, even when their roles are similar.

Second, the part on the inter-agenda dynamics is developed from a theory-building perspective. No specific expectation is formulated *a priori* on how the institutions relate to each other. The reasons for doing this have to do with the research problem. As previously mentioned, part of the puzzle on the interaction between the institutions is that different ideas have been put forward by scholars, but there is barely empirical evidence available and no regulation on how their relationship shall work. This means that there is no straightforward indication on the direction of causality¹⁶ between

¹⁴ Herein referred to as 'the Processing Model'.

¹⁵ Herein referred to as 'the Routes Framework'.

¹⁶ The notion of causality in this study follows the same approach as previous work on agenda dynamics in Canada, as carried out by Soroka (S.N. Soroka, 2002). Such approach is "based on the assumption that causality and predictability are interchangeable, at least empirically speaking" (S. N. Soroka, 2002:131).

the institutions. Thus, all the ideas are basically empirical questions. This circumstance becomes even more challenging when we add to the puzzle the condition that the roles of the institutions overlap, but not their designs. As a result, four different lines of thinking on causality patterns are distinguished in this project, which will be described in Chapter 3. For now, it suffices to know that all four research lines are considered, in order to validate the idea with the strongest empirical evidence and arrive at conclusions on the governing directionality in their interaction. It is done in this manner because testing instead one particular hypothesis, albeit relevant, may give us a partial view and keep limiting our knowledge. Therefore, an exploratory study of the inter-agenda dynamics will be conducted.

For the empirical analysis, the agendas of the European Council and the Commission are studied, represented by key policy documents issued by the institutions over decades. The European Council Conclusions¹⁷ and the COM docs of the Commission are analyzed for the period between 1975 and 2013, as will be described in Chapter 5. Their agendas are studied on a long-term basis because “if we look at policy dynamics in the short term (...), we can be misled” (Baumgartner and Jones, 1993:39). This may hinder us from appreciating substantial arrangements and identifying regular schemes. As has been acknowledged by agenda-setting scholars, “the problem with a cross-sectional design is that it is, by definition, static, while the agenda-setting process is, by definition, dynamic” (S. N. Soroka, 2002:12). Put differently, a longitudinal study allows us to capture underlying dynamics of the institutions in policymaking.

The dynamics of the institutions are studied observing the development of their agendas in the domain of organized crime (OC). This policy field is the vehicle to identify their processes. First of all, choosing a single domain is done for methodological and analytical reasons. According to Princen, it is necessary to limit the scope of policy areas when making an in-depth empirical analysis of agenda dynamics (Princen, 2009:44). An important reason is that such study requires a well-founded understanding of central policy debates in the policy field, which demands “quite an intimate knowledge of the issue area, prior developments in it, and the context within which the debate is waged” (Ibid). Studying a single domain thus facilitates a comprehensive study of dynamics in policymaking, allowing us to become immersed in their complexities. It also facilitates an analysis of these conditions in the long run. The motivation for studying the OC domain will be explained in Chapter 4. To put it short now, organized crime allows us to study the agenda dynamics of

¹⁷ Herein referred to as ‘Conclusions’.

the European Council and the Commission under relatively equal and balanced conditions in the complex EU policy-making process. The two political bodies deal with this policy field similarly, in contrast to the distinct way each of them handles other policy areas. For instance, while the European Council is inclined to deal with particular policy topics such as macroeconomics and the Commission specially with others such as common market issues, it appears that neither institution is the 'owner' of the organized crime domain. OC is thus a 'comparable' policy field for both institutions. Furthermore, the development of organized crime in the EU framework has happened in such a way that it is neither a purely intergovernmental nor entirely supranational policy field, in contrast to other EU domains that are clearly intergovernmental, such as defense, or supranational, such as agriculture. In this sense, OC is a 'mid-range' policy domain. This is an important consideration to avoid bias, given that the European Council is an intergovernmental organization and the Commission a supranational one. These conditions suggest that none of the institutions clearly dominates in this field. In addition, another reason for studying the area of organized crime is that the topic has been subject of significantly limited research from an agenda-setting perspective.

Further, the project focuses on the attention given by the institutions to the policy problem of organized crime over time. In policymaking, attention is fundamental. Attention is a condition to turn on the machinery of the policy process. This is because "[c]hoice presupposes attention" (Jones and Baumgartner, 2005:33) and "agendas are about the attention given to issues" (Princen, 2009:19). Only the issues selected by policymakers reach the agenda and are in position to be decided. In this way, policies can be made or changed. Agenda setting thus determines what problems in a political system are attended by the government. This is an important reason why this stage in the policy process is crucial.

The methodological strategy of this study is broadly divided in two parts, as will be described in Chapter 5. First, the analysis of the intra-agenda dynamics is largely conducted in a quantitative fashion, by means of content analysis and the use of statistical tools. Also part of the study is developed qualitatively, adding value and meaning to the numerical findings. The results on the dynamics in the European Council agenda and the Commission agenda will be presented in Chapters 6 and 7, respectively. Second, the analysis of the inter-agenda dynamics is based on econometrics. Here vector autoregression (VAR) techniques are used. This is an innovative method to the study the relationship between institutions in the European Union. The findings will be discussed in Chapter 8.

In short, based on the lens of the Agenda Dynamics Approach, this project studies in a systematic and in-depth way how the European Council and the Commission have set their agendas over time, comparing their patterns and showing their governing relationship in the long run. By doing so, the project attempts to explain the dynamics in and between the agendas of the institutions.

1.2. Towards a better understanding of agenda setting in the EU

This study and its central research question are relevant for many reasons. First of all, we will identify the processes experienced by the institutions in agenda setting and explain such dynamics. In theorizing the intra-agenda dynamics, core premises of the Processing Model and the Routes Framework will be examined. This will help in consolidating and modifying theoretical knowledge. The Processing Model, which was originally developed to study domestic political systems, will be tested on the European Union. This will add value to our limited knowledge on the effect of information-processing capacities of institutions on agenda setting in this political system. In addition, the Routes Framework will be challenged because no systematic analysis has been done to estimate the validity of its postulates.

The project will empirically observe the institutions separately and will go one step further by also making a comparative analysis of their dynamics on a long-term basis. Conducting an empirical study that compares the European Council and the Commission will represent a fascinating challenge, given that they encompass political agendas that diverge in shape and scope. Such study will be especially relevant because, as Princen has claimed, “a more fine-grained analysis that compares different EU agendas is necessary to obtain a clearer understanding of ‘the’ EU agenda and the roles played in it by the different EU institutions” (Princen, 2013:864).

The study will also contribute to our understanding on their relationship, by empirically exploring the interaction of their agendas over decades and providing an explanation of the dynamics observed. This will push our knowledge an additional step forward because, after knowing how each institution works individually and comparing their ways, we will identify the trend in their interplay. Moreover, an innovative method for the analysis of the relationship between political institutions in the European Union will be introduced. The outcome from this systematic and longitudinal study will add important value to inform scholars, given the ample academic discussion and the scarce empirical research.

In addition, the project will fill a gap in the organized crime literature. It will provide a less conventional perspective to look at OC, studying this phenomenon from a political science view with focus on agenda setting. This will be done by analyzing the 'coming' and 'going' of this policy problem in and between the agendas of two policy-making institutions in the European Union. This is also relevant because we have barely knowledge on the way EU institutions have dealt with organized crime as a policy theme. This will be the first in-depth and long-term study conducted systematically on the evolution of the EU political agenda on organized crime.

All in all, the project will allow us to theoretically and empirically address one part of the big puzzle of how agenda setting in the European Union occurs. Ultimately, understanding how the European Council and the Commission set their agendas individually and in interaction is key to better comprehend policymaking and policy change in this political system.

1.3. Structure of the dissertation

The dissertation is divided into nine chapters and develops in the following way. After this *introductory chapter*, the *second chapter* deals with relevant features of the agenda-setting process in the European Union. It describes the roles and designs of the European Council and the Commission, and compares them. The *third chapter* introduces the theoretical framework of the project: the Agenda Dynamics Approach. It shows the theoretical notions on which ADA is supported and presents its components and propositions. Along the lines of this chapter, the literature on the institutions is reviewed. The *fourth chapter* touches upon the policy domain of organized crime as a means to identify the dynamics of the institutions. It describes its characteristics as a policy domain in the EU institutional framework and shows its analytical relevance in this study. In doing so, it reviews the literature on OC. The *fifth chapter* describes the Methods. It also presents the data of the study. The *sixth chapter* introduces the first of three analytical chapters. It identifies the dynamics of the European Council. It shows the way the attention of the institution evolved over the years and the factors that stimulate this body to set issues on its agenda. The *seventh chapter* presents the analysis on the dynamics of the Commission and compares the findings to the results of the European Council. Next, *chapter eight* introduces the last analytical chapter. It examines the inter-agenda dynamics. It studies four research ideas to arrive at conclusions of how the relationship works. The *final chapter* concludes. It describes the lessons learned from this project, its limitations and avenues for further work.

Chapter 2

The European Council and the Commission at the core of the agenda-setting process

As mentioned in the Introductory chapter, the main goal of the research project is to reveal and explain the dynamics of the European Council and the Commission in agenda setting, studying the impact of their distinct institutional designs. The current chapter identifies the roles of the institutions in this policy stage and their designs. It is divided into 4 parts. The first section shows aspects of agenda setting in general and highlights relevant features of this process in the European Union. The second part touches upon the roles of the European Council and the Commission, and the third section deals with their designs. The final part summarizes.

2.1. Features of agenda setting in the European Union

In any political system, the point of departure in the policy-making process is agenda setting. This stage is the front door for public policies to be realized. Agenda setting is “the politics of selecting issues for active consideration” (Cobb and Ross, 1997:3). This process generates the ‘agenda’: the outline of issues that receive attention. Different conceptualizations on typologies of agendas can be found in the literature.¹⁸ The distinction among them is defined by what actor in the political system, whether public opinion, media or government, is paying attention to a given issue. Agenda setting is thus about the issues that receive attention from a certain actor and may be

¹⁸ For instance, public and formal agenda (Cobb and Ross, 1976); public, media and political agenda (Princen, 2009); governmental and decision agenda (Kingdon, 1984); and systemic and institutional agenda (Cobb and Elder, 1983).

later decided by policymakers. The agenda of policy-making institutions is especially relevant, as issues are in the right place to be likely adopted. However, not all existing issues in a given system can reach the agenda. The agenda is restricted. It is not possible for institutions to attend each single problem. The reason is that organizations have cognitive limitations. This circumstance is known as “bounded rationality” (Simon, 1983, 1985). This means that the attention of institutions is restricted. As a result, they need to discriminate some issues from all the bunch of negative conditions in a political system. Only the issues that are filtered enter the agenda. Therefore, the political discussion of policy issues is intrinsically incomplete because the institutional abstraction of information is constrained (Jones and Baumgartner, 2005). Attention is thus fundamental in the agenda-setting process.

This policy stage has a powerful effect on the policy process because “how policies are initially formulated and packed has a strong bearing on eventual outcomes” (Princen and Rhinard, 2006:1119). Even when a political organization is not formally empowered to take decisions, if it achieves to place an issue on the agenda and maintain prolonged support for it, this policy body is able to influence the creation of policies (Ibid). This phase is crucial in the policy process because, as Princen has argued, “agenda-setting is a necessary condition for decision-making” (Princen, 2009:1). The reason is simple. A problem cannot be policy-wise tackled, if no political talk is initially scheduled. For a policy to be decided, policymakers must have it first in the spotlight via their agenda.

Policy-making institutions do not act alone and are not in total control in setting the agenda. Diverse circumstances may influence the process. In fact, an important feature in any political system is “the way that different groups participate in the process of policy formation” (Cobb et al., 1976:126). Some examples of influential means are: campaigns from interest groups, pressing newspaper articles, speeches by prominent leaders, and persuasive calls from international organizations. Also other elements, such as focusing events, may have an impact (Kingdon, 1984:94–100). Many actors and factors may foster attention to an issue, thus promoting or even obstructing the initiation of policies. However, although possibly stimulating, none of these (f)actors is necessarily relevant by its own. While they can influence agenda setting, their meaning needs to be interpreted (Ibid). And after their interpretation, they need to be taken up by political institutions. Only in this way, an undesirable social condition can be translated into a policy problem and thus be in position to be decided (Cobb and Elder, 1983:161; Kingdon, 1984:4). The reason is that eventually “[a]genda-setting is about having an issue considered by policy makers” (Princen, 2011:927).

Setting the agenda can happen in different ways, based on the manner the different types of agendas interact in a given political system. According to Cobb et al., the “career” of an issue can follow three ways, based on three different models of agenda setting: “outside initiative”, “mobilization” and “inside initiative” (Cobb et al., 1976). This circumstance ultimately delineates the path an issue follows through the policy-making process. In the first model, issues are initiated by the public and taken up later by policymakers. This means that an issue passes from the public to the political agenda. In the second model, issues are raised by policymakers who later attempt to gain support of the public. Thus an issue arises on the political agenda and is further supported by the public agenda. Finally, in the inside-initiative model, issues are initiated by policymakers and stay within the government for further decision; no effort is done to further expand the issues to the public. So in this model issues are born on the political agenda and develop there.

In the context of the European Union, the predominant way in which the different types of agendas interact is based on an “inside access” model (Lelieveldt and Princen, 2011:211). Issues in the EU are regularly “raised and developed within the EU’s policy-making institutions, without a direct link with the public agenda(s) in the EU” (Ibid). This inside-initiative model characterizes EU agenda-setting dynamics (Ibid: 209–211). The reason is that the existence of a European public is disputed, which makes the interaction between the public and the political agendas in the EU not so significant as in other political systems (Princen and Rhinard, 2006:1121). EU policymakers are “less directly accountable” to a public that is strongly national rather than European in its political beliefs (Princen, 2007:31). Consequently, in the EU the distinction between the public agenda and the political agenda is “less likely to be relevant” (Princen and Rhinard, 2006:1121). In other words, given the questionable presence of a European public (agenda), other policy actors beyond the political sphere are unlikely to have a major and direct role in agenda setting, in contrast to what happens in countries. Thus, agenda setting in the EU is mainly political in that the central actors in the process are policymakers. They decide the fate of policy issues.

As mentioned in the Introduction chapter, policy issues in the EU reach the agenda in two ways: placed by the European Council and the Commission (Princen and Rhinard, 2006). The process is neither sequential nor straightforward; it is rather complex. For the purposes of exemplification, some steps can be distinguished, as followed by the Commission with a view to produce a policy proposal (Lelieveldt and Princen, 2011:214–217). Accordingly, the flow of an idea may start with informal discussions among EU policymakers and experts. Depending on the policy area, an issue may

be published later in the so-called multi-annual work plans of the institution and then included in its annual work programme. Afterwards, a proposal may be issued, supported by a committee of internal and external experts convened by the institution. In some cases, green and white papers may be also produced for consultation and discussion with interested stakeholders before an initiative is issued. In the meanwhile, in order to produce political guidelines, the European Council follows a more internal-oriented path. Its President in collaboration with the Commission President prepares some ideas to be considered by the Heads of State or Government (TEU: art. 15–16). Prior to a summit, the ideas are also discussed by the General Affairs Council, which works as well to promote the continuity of the meetings (Ibid).

2.2. The role of the European Council and the Commission

There is no institution that exerts “monopoly” on agenda setting in the European Union (Peters, 1994; Pollack, 2007), due to the complex, open and fragmented nature of this political system and its political bodies (Peters, 1994).

In this context, the European Council and the Commission are at the heart of the agenda-setting process. The two political institutions are primarily responsible for initiating the path for the formation of policies. This is a general classification, as in reality all EU institutions play more than one specific role in EU policymaking (see Treaty of Lisbon: Title III). To mention some of the tasks, the European Council provides political guidance, has a say in decision making, and may amend the European treaties. The Commission has such responsibilities as initiating policies, guarding the treaties, mediating, and representing the EU abroad. Thus the institutions can be analyzed from different angles, according to their diverse functions (Nugent, 2010a; Lelieveldt and Princen, 2011; Hooghe and Kassim, 2012).

The European Council and the Commission are the core agenda-setters in the EU because they represent the two main ways in which issues are placed on the EU agenda: ‘from above’ and ‘from below’, as Princen and Rhinard have argued (Princen and Rhinard, 2006). Some academics, such as Marks and colleagues, have considered that EU agenda setting is a collective and disputed task that includes also other bodies such as the Council and the Parliament (Marks et al., 1996). This idea is related to the credence that the EU is unique, in the sense that it has a system of ‘multilevel governance’.¹⁹ While it is true that officially these institutions can become involved in

¹⁹ Under a multilevel-governance view, authority in policymaking goes across diverse levels of government, from subnational to supranational, rather than only national —as assumed by a ‘state-centric governance’ model (Marks et al., 1996).

the process, their role is limited. They can request the Commission to come up with a proposal, but the latter institution is not obliged to act in consequence (TFEU: art. 225, 241). Other scholars have argued that the Council influences the agenda through its Presidency.²⁰ Although work based on case studies, such as individual presidencies and single policy fields, has shown that the Presidency has pushed certain issues to the front (e.g. Tallberg, 2003; Warntjen, 2007; Ferreira-Pereira, 2008), research covering a broader scope has found a different outcome. For instance, a study including more than 20 presidency terms and 20 policy domains has demonstrated that on the whole the Presidency does not effectively advance its national agenda to the EU level (Alexandrova and Timmermans, 2013). Accordingly, what member state presides the Council does not make much difference. As claimed by different scholars (e.g. Elgström, 2003; Hayes-Renshaw and Wallace, 2006; Thomson, 2008), the opportunities for the Presidency to set the agenda are in general limited because of events that demand prioritization, issues predetermined in previous agendas and norms that promote a neutral behavior of member states, among other reasons. Further, it has been argued in the literature that the Parliament can be a “conditional agenda setter” (Tsebelis, 1994). This circumstance, however, can only occur *if* its proposal is adopted first by the Commission (Ibid). As a result, the Council is inclined to decide on such initiative. This scenario was conceived under the framework of the Single European Act (SEA) and since then the powers of the Parliament in the policy process have gradually increased with treaty revisions. Nevertheless, its actual influence in agenda setting is open to study. Ultimately, the key role of the Council and the Parliament is not in setting the agenda. Formally the Council has a “legislative” function “jointly with the European Parliament” (TEU: art. 14), which means that they are primarily involved in adopting policy proposals. In this regard, the former institution seems to be particularly relevant. As argued by Warntjen, the Council is “the crucial linchpin” where policies need to go through to be “enacted” (Warntjen, 2013:1239).

All in all, different EU institutions are allowed to participate, but agenda setting is led fundamentally by the European Council and the Commission. Both are necessary in this stage in the policy process and expected to act, in compliance with its role. While the two institutions are central, it does not mean that they hold command of the process. In reality neither these nor other policy-making institutions have control of it. As previously noted, agenda setting is complex and diverse circumstances can influence it. Therefore, it would be a mistake to claim that the European Council and

²⁰ The Presidency of the Council rotates every six months among member states and is led by the respective Head of State or Government. Until the Treaty of Lisbon, the member state in charge of this position also presided the European Council.

the Commission are the only actors setting the EU agenda. Rather, the argument in this study is that these two institutions are *key* in the process. The following sections describe the role of each of them.

2.2.1. The European Council: providing political guidance

The European Council has the mandate to “provide the Union with the necessary impetus for its development and (...) define the general political directions and priorities thereof” (TEU: art. 15).²¹ This role is not limited to a given policy area. The institution shall perform in all domains. It is thus the mentor body of the EU. However, the European Council can neither submit initiatives nor exercise legislative functions (Ibid). This means that, although it is able to set politically the policy parameters of the EU, this institution does not have the faculty to issue proposals —task of the European Commission— or to adopt laws —role carried out by the Council and the Parliament.

Although in theory any EU institution may attempt to exercise an influential part in agenda-setting, in reality the European Council’s mandate openly empowers and even ‘obliges’ it to set the priorities of the EU. Determining the direction of this political system, as the European Council is required to do, essentially means that the institution sets the agenda of the EU, informally though. As Werts has argued, “[t]he European Council is considered the informal agenda setter of the EU” (as cited in Alexandrova and Timmermans, 2013:319).

This happens through the adoption of its so-called Conclusions. These policy documents encompass the closing political statements and agreements reached by the European Council at the end of its meetings. Such policy documents “identify specific issues of concern for the EU and outline particular actions to take or goals to reach. European Council conclusions can also set a deadline for reaching agreement on particular item or for the presentation of legislative proposal. In this way, the European Council is able to influence and guide the EU’s policy agenda” (European Council, website). The Conclusions may also include assignments of tasks to other EU institutions and bodies, such as invitations to “the European Commission to come forward with proposals addressing a particular challenge or opportunity facing the Union” (Commission, 2014b:12). They may touch as well on decisions on policy, institutional, and administrative matters requiring the (in)formal endorsement of the European Council. Examples of these matters are the decisions on the Tampere programme on the future of the Justice and Home Affairs (JHA) area, Intergovernmental Conferences (IGC) to discuss Treaty changes, and Multiannual

²¹ Its function was formalized by the Maastricht Treaty.

Financial Frameworks (MFF) to plan EU spending. Furthermore, the Conclusions may include, among other topics, progress assessments of implemented policies.

Given that the European Council deals with all sort of issues during the meetings, the conclusions entail a generalized nature, as the summits do not focus on particular domains.²² As Ludlow has argued, the Conclusions “acquired a quasi-legal status in the European Community politics” in the second half of the 1980s stimulated by the incorporation of the European Council in the EU institutional framework by the SEA (Ludlow, 1992:62), development that is mentioned below in the section on its design.

2.2.2. The Commission: generating policy proposals

The Commission is responsible for generating “appropriate initiatives” in order to “promote the general interest of the Union” (TEU: art. 17). It thus shall elaborate policy proposals.²³ In the performance of its duties, it is expected to “neither seek nor take instruction from any government or other institution, body, office or entity” (TEU: art. 17). It shall carry out its work in an independent way. Therefore, in principle its power of policy initiation is not shared with any other political body. In fact, the Commission is the only EU institution entitled to initiate proposals. This monopoly however can be shared with member states, depending on the policy field. The Commission has jurisdiction in all areas related to the Community, most fields of Justice and Home Affairs and some areas regarding the Common and Foreign Security Policy.²⁴ In the areas of quasi-monopoly, member states have also the power, but it is not mandatory for them to come up regularly with an initiative.²⁵

While the right of policy initiation is mainly bound to the Commission, the Council and the Parliament are formally allowed to have a say but need to do it via the Commission (TFEU: art. 225, 241). The Council and the Parliament have the right to request the Commission to submit a proposal, but cannot initiate a proposal themselves. They can take part in the agenda-setting process, but only when they estimate necessary to attract the attention of the Commission in order to deal with a certain issue in a particular way. This may happen when they consider convenient to promote the implementation of the Treaties or to accomplish common objectives (Ibid). The Council and the Commission can ask the institution to elaborate initiatives,

²² Few exceptions have occurred. Some examples are the meetings on November 1997 and October 1999. The European Council focused its discussions on particular topics: employment and JHA, respectively (European Council, 1997, 1999).

²³ Its role as “the principal policy initiator” was established by the Treaty of Rome, based on the Treaty of Paris and the earlier function of the High Authority (Nugent, 2010b:46).

²⁴ For concrete exceptions, see Ponzano et al., 2012:8.

²⁵ For more information on this, see Secretariat of the European Convention, 2002.

“but the Commission can, and sometimes does, refuse to do so” (Hooghe and Kassim, 2012: 178).²⁶ The reason is that the Commission, autonomous by mandate, has the prerogative of rejection. This condition is possible, as long as the Commission explains the reasons to the petitioner (TFEU: art. 225, 241). Further, the European Council may ‘invite’ the Commission to deliver proposals on specific topics (Commission, 2014b:12). This situation is however not established in the Treaty. As noted in the Introduction chapter, their relationship in agenda setting has not been formalized. Ultimately, the Commission is the sole EU institution attributed with the mandate to issue policy initiatives, regardless of the ‘suggestions’ from others (Hooghe and Kassim, 2012:179). Other external policy actors, such as interest groups and citizens, can make a request to the Commission but these demands are not binding either (Hooghe and Kassim, 2012:179).

The Commission produces official communications done in the context of policy initiation, called “COM docs”. They comprise policy proposals, reports and consultation papers (such as green and white papers) for the attention of EU institutions and civil society. These documents are issued in relation to a legislative procedure. Once the communication is ready, it is sent to the appropriate policy actors for their consideration. For instance, a policy proposal is submitted to the Council and the Parliament, which decide on it; or a green paper can be published to become informed about the opinion of the public.

2.2.3. The roles in a comparative perspective

Both institutions play a fundamental part in the agenda-setting process mainly for two reasons. First, the European Council provides political guidelines to the EU and the Commission generates policy proposals. They are thus informal and formal agenda setters, respectively. Second, issues on the EU agenda arrive eventually by the initiative of any of the two institutions. In this sense, they are the core agenda-setters in the European Union, standing out from the rest of EU institutions. An overview of their roles is presented in table 2.1.

Table 2.1. A comparative perspective on the role of the institutions in agenda setting

		European Council	Commission
Role	In agenda-setting	To provide political guidelines	To generate policy proposals
		√ (Informal) agenda-setter	√ (Formal) agenda-setter

²⁶ See also Nugent (2010).

2.3. Institutional designs

2.3.1. The European Council: a high political arena with small processing capacities

2

The European Council is a venue where all heads of state or government of the member states get together to promote discussion and reach agreement on 'hot' EU matters in all policy fields, as well as to guide the political route of this political system. It represents the interests of member states, so it is an intergovernmental body.

The European Council was not conceived in the origins of the EU back in the 1950s. Its political encouragement and orientation were required decades later in view of "the growing feeling that the Community was failing to respond adequately or quickly enough to new and increasingly difficult challenges" (Nugent, 2010b:161). As a result, the European Council was established in the mid-1970s.²⁷ Its creation happened more specifically in 1974 during a summit in Paris (European Communities, 1974).²⁸

The reasons for its establishment were intrinsically political, as can be appreciated from the communiqué of its meeting:

"Recognizing the need for an overall approach to the internal problems involved in achieving European unity and the external problems facing Europe, the Heads of Government consider it essential to ensure progress and overall consistency in the activities of the Communities and in the work on political cooperation" (European Communities, 1974:7).

The political leaders "therefore decided to meet (...) three times a year" (Ibid). In this way, having no treaty-basis, but the agreement of the heads of the member states, the European Council was born. In order to stimulate European unity, they confirmed their resolution "to adopt common positions and coordinate their diplomatic action in all areas of international affairs which affect the interests of the European Community" (Ibid).

The European Council started to operate a year later when the leaders met under this configuration for the first time in Dublin (European Council, 1975). It was considered, however, neither an EU institution nor part of the Community institutional framework. Actually, its development happened in a gradual way. This 'arrangement' was

²⁷ However, irregular meetings among the political leaders happened before the establishment of this body (Werts, 2008:1–20; De Schoutheete, 2012:45–46).

²⁸ Note that since 2013 the heads of state or government of the member states whose currency is the euro hold formally also another meeting —the euro summit. They meet after the European Council summits to discuss issues of common interest regarding the Euro area (Council of Ministers, 2013). This is the so-called Eurogroup, which shall not be confused with the European Council.

introduced in the framework only in 1987 with the SEA (art. 2). But the SEA did not define any formal function. This Treaty only established rules about the membership and the periodicity of its meetings. Later, in 1993, its mandate was established with the Maastricht Treaty. The new Treaty “created a revised institutional architecture” of the political body (Wessels, 2012:761). Its function was set as we know it today: the European Council shall determine the political path of the EU (TEU: art. D). Regarding its legal status, “the European Council was positioned at the ‘roof’” of the structure of the EU system, which allowed it to deal with all policy areas (Wessels, 2012:761). Yet it was not designated an EU institution. The appointment of the European Council as an EU institution occurred much later —only in 2009 with the Lisbon Treaty (TEU: art. 13).

In spite of the incremental evolution of this political body, since the beginning “and increasingly as time has gone by, European Council meetings have come to mark the rhythm of EU activities” (De Schoutheete, 2012:46). In fact, as De Schoutheete reminds us, in the pre-Lisbon era there was an important debate around “the legal nature” of this body, in part because for more than a decade after its creation the European Council had no Treaty-basis, yet it had important power (Ibid: 53). Its legal status was clarified with the Lisbon Treaty, by making it formally an EU institution. However, as mentioned in the Introduction Chapter, the European Council shall not be seen only as a legal institution, but also as “an essential locus of power” (Ibid).

Since its origins, the institution gathers always behind closed doors. The heads of state or government meet under the chair of a President, who is elected for a two-and-a-half-year term since the Lisbon Treaty (TEU: art 15).²⁹ The President chairs the meetings and looks after the preparation and continuity of the sessions. He however does not have a vote. In addition, two high ranking EU authorities attend the summits: the President of the Commission and the High Representative for Foreign Affairs and Security Policy.³⁰ Some ministers and other members of the Commission may be invited, if strictly necessary when the agenda requires so.

²⁹ As mentioned above, before this Treaty, the Presidency of the Council presided also the European Council. This means that the European Council had a rotating Presidency every six months, which was headed by the political leader of the incumbent member state. With the Lisbon Treaty the position of the President of the European Council was created. Thus the European Council changed from having a rotating to a standing Presidency. The change was in part a consequence of the formalization of the European Council as an EU institution. For an ‘assessment’ on the evolution of the position of the Presidency of the European Council after the Lisbon Treaty, see Dinan, 2013. For further work that analyzes changes in different areas regarding decision making in the pre- and post-Lisbon eras, see Hosli et al., 2013.

³⁰ The High Representative for Foreign Affairs and Security Policy started to attend the European Council only in 2009 with the entry into force of the Lisbon Treaty.

In this sense, the European Council is an exclusive political venue of a secretive nature, as argued by De Schoutheete: “This is the essence of the European Council: a limited number of political figures, including the chief executives of all member states, meeting in a closed room with no assistants” (De Schoutheete, 2012:44). Its discussions and decisions are made public at the end of each meeting, through the release of their Conclusions. The institution decides mostly by consensus. Only the political leaders of the member states are entitled to vote. Neither the European Council President nor the Commission President has this right (De Schoutheete, 2012:49, TFEU: 235).

Their gatherings take place usually four times a year. This happens twice per Council Presidency, more or less one every three months. More summits may be held extraordinarily if needed, after a crisis or a shocking event that requires a position or prompt action of the EU.³¹ A reason for the sporadic frequency of the meetings is that the European Council works “at the very heart of EU decision making –not on a day-to-day basis in the manner of the other four main EU institutions, but rather from a more distance position where it is centrally involved in setting the overall parameters on the EU system” (Nugent, 2010b:162–163). Each meeting lasts between one or two days. Brussels is the location of the meetings.³²

In spite of its important political significance and demanding tasks, the institution has neither experts to support its deliberations nor specialized bodies to deal with matters on particular policy fields. It is however administratively assisted by the General Secretariat of the Council (TEU, art: 235).³³ The President of the European Council drafts the general line of the Conclusions prior to the meetings. This is later discussed by the ministers of foreign affairs (General Affairs Council). The draft version needs to be adopted by all the heads of state or government at the end of each meeting of the European Council. Only afterwards, the Conclusions are released. This high political arena contrasts with the rest of the EU institutions: lacking an organizational structure of its own, the European Council must deal nearly by its own with all its tasks, which include handling all sort of major issues in the EU.

³¹ Special meetings are convened *ad hoc* under exceptional circumstances. An example is the extraordinary summit held on 21 September 2001, as consequence of the 9/11 terrorist attacks (European Council, 2001).

³² This situation was different in the past. Until 2001 the venue moved each semester, following always the member state that holds the Council Presidency. This situation changed in preparation for the enlargement. The Treaty of Nice established that, once the EU reached 18 Member States, all meetings must take place in Brussels (Declaration 22). And in the meantime, this city should be the location only one time per Presidency. As a result, from 2002 until the beginning of 2004 the European Council occurred several times in Brussels but also in the country of the Presidency. Since May 2004 it meets solely in the Belgian capital.

³³ Before the Lisbon Treaty, this function was done by the group of ministers of foreign affairs and members of the Commission (European Communities, 1974:, SEA, art. 2; Treaty of Maastricht, art. 4).

2.3.2. The Commission: a low political arena with large processing capacities

The Commission works to develop policy initiatives and conduct operational activities, among other tasks. It is composed by a mixed organizational arrangement of politicians, experts and administrators. The institution looks after the overall interest of the EU. It is thus a supranational body.

The establishment of the European Commission was conceived around the origins of the EU. The idea started when the European Coal and Steel Community (ECSC) was founded in 1952 by the Treaty of Paris. The ECSC was established after the Second World war to prevent another war between Germany and France by merging the production of coal and steel of these countries under the establishment of a High Authority, the predecessor of the Commission. The High Authority was established on the idea of Jean Monnet, one of the founding fathers of the EU, of setting “a new form of supranational, sector-driven interstate cooperation” (Wille, 2013:26).

The reasons for conceiving this political body were essentially technical, as can be observed in the declaration made by Schuman, proposer of the ECSC and another founding father of the EU:

“The task with which this common High Authority will be charged will be that of securing in the shortest possible time the modernisation of production and the improvement of its quality; the supply of coal and steel on identical terms to the French and German markets, as well as to the markets of other member countries; the development in common of exports to other countries; the equalisation and improvement of the living conditions of workers in these industries” (Schuman, 2011:2).

Later on, acknowledging “the fragile edifice of European integration”, the member states of the ECSC decided to renew efforts to achieve a more linked, open and democratic Europe (Commission, 2014a:5). They thus decided to expand their cooperation to new areas, establishing in 1958 the European Economic Community (EEC) –and the European Atomic Energy Community (Euratom)- with the Treaty of Rome. The ECC was created with the idea that the member states would “work towards integration and economic growth, through trade” (Eur-lex website). In this way, the Treaty of Rome established the Commission (art. 4), which was called, more precisely, the Commission of the EEC. In 1967 the three existing Communities were merged. As a consequence, the Commission absorbed the High Authority of the ECSC and the Commission of the Euratom, becoming what is “nowdays commonly known as the European Commission” (Commission, 2014a:5).

Since the Commission was established, it has been an EU institution. Although it is identified as a single unit by the Treaty, the institution is actually a hybrid entity

(Peterson, 2012:97). This is because its work “rests on two pillars: politics and bureaucracy” (Wille, 2013:4).

On the one hand, the political arm is the College of Commissioners, which is composed by one Commissioner per member state. It also includes a President, Vice-presidents, and the High Representative for Foreign Affairs and Security Policy.³⁴ The President of the Commission is nominated by the European Council; the Vice-presidents are elected by the President; and each member state appoints a Commissioner. The College is the political head of the institution and its appointed for a 5-year term.³⁵ Each Commissioner is responsible for particular portfolios, for instance, Health and Food Safety, or Digital Economy and Society. The Commissioners adopt policy proposals and policy reports and take decisions within the organization (Commission, 2007). The College meets once per week usually in Brussels or in Strasbourg when the Parliament has plenary sessions.

On the other hand, the Commission has a chart structure of permanent staff performing daily tasks. This technical arm includes experts, specialists, bureaucrats and administrators grouped primarily in two entities, namely, Services and Directorate Generals (DG). In general, both are in charge of the operational implementation and providing information to the members of the College to carry out their tasks (Commission, 2007). More specifically, the Services (around a dozen) deal with general administrative tasks for the common functioning of the EU, such as ensuring a convenient workplace for the institution’s employees, task carried out by the Office for Infrastructure and Logistics Brussels. The Services may also be in charge of more specific policy-related tasks, such as supporting EU’s fight against fraud via its European Anti-Fraud Office (OLAF). In addition, the function of the DGs is the realization of specialized groundwork for the development of policy initiatives. The existence of DGs stems largely from the Commission’s need “to possess technical expertise in almost every area of government activity as well as an astute awareness of the politics of these issues, if it wants to see its policy proposals and other initiatives succeed” (Christiansen, 2006:100). The DGs (more than 30) are divided around specific policy areas, such as energy or home affairs. However, a DG of a different sphere of activity may have a political say and may even take the lead, if its field is involved in the development of an initiative; and in case of a disagreement on the leadership, the Secretariat General arbitrates (Nugent, 2001:242).

³⁴ The EU High Representative was included only with the Treaty of Lisbon.

³⁵ Since 1999 its term in office is aligned with that of the Parliament for better coordination.

In the process of developing a policy proposal, the Directorate Generals may ask and since recently even require the support of external stakeholders to estimate the need of issuing certain proposals. In 2005 the Commission introduced its "Impact Assessment Guidelines", which established the types of proposals that require prior external assessment, the relevance of conducting an evaluation in the preparatory phase, and the procedural rules for doing this (Commission, 2005). The rules included the need "to ensure input from interested parties and experts" by the establishment of a consultation plan (ibid: 9). The Commission is obliged by the Treaty to "consult widely" before proposing an initiative (TEU: Protocol on the Application of the principles of subsidiarity and proportionality, Art. 2). In fact, external experts openly support the work of the institution. These can be members of public or private sectors clustered in expert groups established by the institution to provide it with specialist advice, scientific knowledge, and expertise (European Commission website).³⁶

Once the permanent staff comes up with a draft proposal or a draft report, the College of Commissioners examines it during its weekly meetings. At least half of the group needs to agree on the draft, in order to adopt it. Only then, the draft can be conceived formally as a COM doc. This means that, in contrast to the case of the European Council that mostly acts alone, the group of Commissioners does not develop policy proposals and communications by its own. This group is supported by a technical apparatus of specialized departments (Commission, 2007).

2.3.3. The institutional designs in a comparative perspective

A comparative overview of the designs of the institutions is presented in table 2.2. We can identify two main features that differ between the policy-making bodies. First, their political attributes are different. While both are political institutions, one is considerably more political than the other. The European Council is composed of the top political leaders in the EU. By contrast, the Commission is constituted by politicians of a lower rank together with experts and administrators. In this way, the European Council has much higher political authority than the Commission. The latter institution is in turn more technical. Second, their information-processing capacities are different. The European Council can deal only with few issues at a time, in comparison with the Commission. An important reason is that the European Council has basically no apparatus devoted to assist it and the institution meets only seldom. This contrasts to the case of the Commission that has a broad organizational structure

³⁶ For the official "register of Commission expert groups and other similar entities", see <http://ec.europa.eu/transparency/regexpert/index.cfm>

Table 2.2. A comparative perspective on the designs of the institutions

		European Council	Commission
Institutional design	Political characteristics	Heads of state or government	College of Commissioners + experts and bureaucrats
		√ Higher political authority	√ Lower political authority
	Information-processing characteristics	No support apparatus	Broad organizational structure
		Periodic meetings	Permanent staff
		√ Shorter processing capacities	√ Larger processing capacities

and a more permanent political and technical staff. Thus, the former institution has shorter processing capacities against the latter institution that has larger capacities. In other words, the European Council practically lacks a machinery that supports its task of indicating the political path of the EU. By contrast, the Commission has a group of specialists organized in different topical departments to be able to generate policy proposals. This group drafts communications to be adopted by the group of policymakers in the College of Commissioners.

2.4. Summary

This chapter introduced the roles of the European Council and the Commission in agenda setting and their institutional designs, and compared their features. It started by dealing with the characteristics of this policy stage in general and more specifically in the European Union, showing relevant differences. For instance, in the EU, policy-making institutions are central actors in the process, as the direct participation of the public is considerably less relevant than in national systems. Besides, policy issues enter the EU agenda in any of two ways: placed by either the European Council or the Commission. In describing the roles of these political institutions, we identified that the former institution is the informal agenda setter and the latter is the formal agenda setter. On their institutional designs, we observed that the European Council has a higher political profile than the Commission, whose features are more technical. At the same time, the European Council has shorter processing capacities than the Commission, which has considerably more resources. The next chapter introduces the theoretical framework proposed in this research for the study of processes of the European Council and the Commission in agenda setting: the Agenda Dynamics Approach.

Chapter 3

The Agenda Dynamics Approach

We saw in the previous chapter that the institutions have a similar role in agenda setting, but different designs. This brings us back to the research puzzle and central question of the study, as initially posed: *How can the agenda dynamics in and between the European Council and the Commission be explained?* This chapter describes the Agenda Dynamics Approach —the theoretical framework that enables us to answer this question. ADA is a conceptual model developed in this research. The chapter is divided into 3 parts. The first section describes central theoretical elements used to build the framework. The second part introduces the characteristics and postulates of ADA. Along the lines of these two parts, a review of the literature is done. The final section gives a summary of the chapter and describes briefly the next steps to be followed in this study.

3.1. Preparing the ground: theoretical foundations

Three important features in the agenda setting literature serve as a basis to construct the Agenda Dynamics Approach: the notion of attention, the Processing Model (Jones and Baumgartner, 2005), and the Routes framework (Princen and Rhinard, 2006). These are the foundations initially used, as described in the next section. Other theoretical notions, as they emerge during the empirical analysis, are described in the analytical chapters, accordingly.

3.1.1. Attention: Issues evolving on the political agenda

In the literature on agenda setting, attention is a central concept (cf. Baumgartner and Jones, 1993; Jones and Baumgartner, 2005). In the Agenda Dynamics

Approach this notion is also key. Attention is defined as the occurrence of an issue on the agenda of a political institution. A political system without problems is not conceivable. The world where we live is actually characterized by excess of data, but the cognitive capacities of institutions are limited to a lesser or greater extent (Simon, 1988, 1997; Jones and Baumgartner, 2005). So paradoxically governments operate in an information-rich environment with relatively capacity-poor organizations. Thus, while political systems are bombarded with information about all kind of situations suffered by their societies, they have finite resources to handle the problems. How are governments able to cope with this? The answer rests primarily on selectivity. Political institutions need to discern what issues to pick. Attention thus indicates their priorities. This means that not all undesirable conditions for a society are *per se* problems for a government (Stone, 1989; Baumgartner and Jones, 2009:27–28; Kingdon, 2011:109–110). Policy problems are not a given (Cobb and Elder, 1983: 172). The transformation of a social condition into a policy issue needs to happen, so that a political conversation can start. Here attention is fundamental. It is the engine of agenda setting. It symbolizes the preferences of political actors, as it follows from their policy priorities. Policymakers must first filter the enormous amount of information to be able to process it (Jones and Baumgartner, 2005). In this way, attention is a powerful strainer for policymakers to deal with problems (Ibid).

Public issues are “malleable” (Rochefort and Cobb, 1993: 59). They are opened to “competing interpretations”, as they entail different dimensions from which they can be estimated (Rochefort and Cobb, 1993: 59). Policy problems thus are not dictated by facts (Schön and Rein, 1994:3–5). They are formed. The same proposal can simultaneously have different issue definitions. Actors pay their attention to different features of a policy in an attempt to generate support for their preferences (Baumgartner and Mahoney, 2008:486). The selection process may get into “agenda conflicts” of what problems policymakers focus on and battles of opposing conceptualizations (Cobb, 1997:3–4). In effect, “topics become only issues when political actors have different ideas about what should be done about them”(Princen, 2009: 22). Therefore, a policy issue is a clash of interests (Cobb and Elder, 1972: 82; Princen, 2009: 23). The reason is that the agenda has space for only one definition. Therefore, agenda setting is not only about a government choosing to attend an alarming social situation, but also about what it exactly finds problematic from all the dimensions of that issue. This means that “information is never neutral in the policy process, and that is why it is fundamental” (Jones, 1994:23). Ultimately the most dominant frame in the debate receives political attention. This is the issue that policy-making institutions finally handle.

Attention is not static. It changes over time (Baumgartner and Jones, 1993, 2009; Jones and Baumgartner, 2005). Issues can be 'on' and 'off' the agenda or 'high' and 'low'. A problem can change its position on the agenda and be suddenly out. Similarly, an issue can receive different levels of attention at different moments in its policy evolution. In this dynamic process, it is likely that issues discarded earlier may be attended later under the same previous definition. But it may also be that an issue attracts attention portrayed in a completely different way than before.

Attention has important repercussions on the policy process (Baumgartner and Jones, 1993, 2009; Jones and Baumgartner, 2005). It is a precondition for an issue to enter the agenda and thus be decided. It also plays a discriminatory role that facilitates the selection of issues among those competing for agenda access because the agenda entails a constrained scope. Moreover, attention stimulates the evolution of a policy domain and frequently changes in it, as "[m]ost issue change occurs during periods of heightened general attention to the policy" (Baumgartner and Jones, 2009:20). Attention has a fundamental part in policy dynamics as, depending whether a problem is considered by policymakers and how they portray it on the agenda, the *status quo* may be altered.

3.1.2. The Processing Model and the Routes Framework: explaining agenda setting

Research on agenda setting in the European Union has been slowly growing in the past decades (Peters, 1994, 2001; Tsebelis, 1994; Pollack, 1997, 2003; Tsebelis and Kreppel, 1998; Tallberg, 2003; Princen and Rhinard, 2006; Princen, 2009, 2011).³⁷ However, our knowledge on this stage in the policy process is still limited. To explain the logics of the European Council and the Commission, the Agenda Dynamics Approach draws from two theories: the Routes Framework (Princen and Rhinard, 2006) —used for the study of the EU system— and the Processing Model (Jones and Baumgartner, 2005) —used for the examination of domestic systems. These theories largely support the postulates of ADA. Both were formulated in the mid-2000s. The Routes Framework was created in 2006 to observe the European Union, specifically the EU institutions, and the way agenda setting happens. The Processing Model originated in 2005 to analyze the United States' political system and its agenda-setting process. This theory later started to expand and be applied in Europe to study mostly countries.³⁸

³⁷ For the state of the art on EU agenda setting at least until 2007, see Princen, 2007.

³⁸ American and European scholars following this approach have established the Comparative Agendas Project. Over the years, scholars from other continents have taken part as well. For more information, see <http://www.comparativeagendas.info/>.

The theories have common assumptions and complementary conceptualizations. Table 3.1 provides a summary of the features. Both theories explain agenda-setting dynamics and their effects in the policy process. The theories distinguish between two types of organizations. The Processing Model analyses macropolitical institutions—or serial processors—and policy subsystems—or parallel processors. The Routes Framework studies high politics venues and low politics venues. This two-fold distinction of institutions is analogous. A macropolitical institution resembles a high politics venue and a policy subsystem mirrors a low politics venue. The theories study the characteristics of policy institutions and how they impact agenda setting. The theories focus on different institutional features. These are considered in this project the designs of the institutions. The Processing Model looks at the information-processing characteristics of institutions and the Routes Framework at their political attributes. Each type of organization has different features. Macropolitical institutions have more cognitive constraints for processing issues than policy subsystems, which have broader capacities. High politics venues have a higher political authority than low politics venues which are more technical.

Both theoretical frameworks conceive that the different characteristics of institutions affect agenda setting. The difference in their information-processing capacities impacts how institutions prioritize issues on their agendas. By the same token, the variation in the political attributes of EU institutions affects the way issues are initiated on their agendas. Each type of institution promotes a different dynamic. For instance, a policy subsystem or a low politics venue promotes stability in a political system. Moreover, the theories consider that the interplay between institutions entails conflict that, once overcome, likely leads to major policy changes. Further, according to the Processing Model, four core features of agenda-setting are: attention, problem definition, friction and image-venue link. Similarly, according to the Routes Framework, the agenda-setting process happens in four phases: initiation, specification, expansion and entrance. Both frameworks consider attention and problem definition fundamental in agenda setting. They also conceive that a venue usually frames an issue according to the nature of that organization. For the Processing Model, information is an element that provokes the entrance of an issue on the agenda and, for the Routes Framework, symbolic events and professional concerns are key influential factors in policy initiation.

Most work conducted on the Processing Model in Europe has analyzed national agendas of member states (e.g. Vliegenthart et al., 2013). Studies on single policy domains at the national level have been also carried out, such as the case of immigration in the United Kingdom (Boswell, 2012). Other research has compared

Table 3.1. The Processing Model and the Routes Framework: general characteristics

Processing Model	Routes Framework
<i>Focus on the information-processing characteristics of institutions</i>	Focus on the political attributes of institutions
<i>Types of organizations:</i> <i>Macropolitical institutions/Serial processors</i> <i>Policy subsystems/Parallel processors</i>	<i>Types of organizations:</i> <i>High politics venues</i> <i>Low politics venues</i>
4 core features of agenda- setting: <i>Attention</i> , problem definition, friction and image-venue link	4 phases of agenda-setting: <i>Initiation</i> , specification, expansion and entrance
Information promotes agenda access	<i>Symbolic events and professional concerns promote issue initiation</i>
Policymaking is explained from an agenda-setting perspective	
<i>The characteristics of institutions affect agenda-setting</i>	
<i>Attention is central in agenda-setting</i>	
Problem definition is central in agenda-setting	
<i>Policy actors define issues according to their institutional nature</i>	
Policy stability is promoted by policy subsystems / low politics venues	
Institutional interaction entails conflict	

* In italics the most important features used for the development of the Agenda Dynamics Approach

policy processes in European countries with those happening in the United States (e.g. Baumgartner et al., 2009; Jennings et al., 2011). Little work has been done on EU institutions. In general we have scarce knowledge on the way political institutions process information in the EU system. Research has mostly studied the agenda of the European Council (Alexandrova et al., 2012; Elias and Timmermans, 2014; Carammia et al., 2016).³⁹ No research has analyzed the Commission in this stage in the policy process.⁴⁰ There is no study that observes in the long run the differences and similarities of the way the two institutions process information in agenda setting. Further, overall little research has been carried out using the Routes Framework (e.g. Princen and Rhinard, 2006; García, 2007). No study has systematically observed the way issues are initiated on the agenda by the two institutions over time.

³⁹ For an information-processing perspective applied to EU decision-making, see Daviter, 2014. For a broader notion on information processing in the EU, called 'politics of information' that centers on the EU institutions and their bureaucratic bodies, see Blom and Vanhoonacker, 2014.

⁴⁰ For work on the Commission in other policy stages, see for instance Baumgartner et al. (2012) for an empirical analysis of the institution's role in the budgetary phase and Daviter (2014) for descriptive notions on its role in decision making.

This section described general characteristics of these theories. The specific propositions used in the construction of the conceptual model are explained in the following part.

3.2. Building the theoretical framework

The Agenda Dynamics Approach studies the processes occurring in and between the European Council and the Commission agendas. ADA rests on the notion that the designs of organizations affect their behavior in policy making. Accordingly, the theoretical framework posits that the institutional designs of the European Council and the Commission have an impact on how each sets its own agenda and how they relate to each other in the agenda-setting process. ADA focuses on the information-processing capacities and political attributes of the institutions. These two features comprise their institutional designs, as conceived in this study.

3.2.1. Types of EU agenda dynamics

ADA distinguishes two types of dynamics (see table 3.2). First, the intra-agenda dynamics —or the processes occurring in the agendas— refers to the way each institution sets its own agenda. Second, the inter-agenda dynamics —or the processes happening between the agendas— deals with the manner the two institutions interplay in agenda setting.

Two types of agenda dynamics are conceived, rather than only one type where the two institutions set the agenda *at once* because of two main reasons. On the one hand, as mentioned in the Introduction Chapter, each EU institution has its own agenda. On the other hand, as described in Chapter 2, the institutions do not share the same design. This condition that can be noticed at least in two areas. First, the institutions have distinct information-processing capacities. This means that they deal with issues in a different way. Second, the institutions have different political attributes. That is, the level of political authority to handle policy problems differs. Here a snapshot of their institutional designs: the European Council is considerably more limited to process issues than the Commission, but its political authority is much higher; conversely, the Commission is by far less constrained to process problems than the European Council, but its political profile in agenda setting is much lower and in turn more technical.

It is argued that, as a consequence of their distinct designs, the institutions set their agendas differently. The reason is that each political body intrinsically entails unlike resources and preferences. As a result, another logic follows in interaction. In this

Table 3.2. Types of EU agenda dynamics

Intra-agenda dynamics	Inter-agenda dynamics
Processes occurring in the agendas	Processes occurring between the agendas

way, the Agenda Dynamics Approach is a framework to study and compare how each institution attends issues, and analyze how they handle issues together.

According to the two types of EU agenda dynamics, ADA is composed of two main parts. One deals with the intra-agenda dynamics and the other with the inter-agenda dynamics. It is argued that knowing the former helps understand the latter. The theoretical approach will allow us to answer the central research question of this study: *How can the agenda dynamics in and between the European Council and the Commission be explained?*

An outline of the theoretical framework is presented in Figure 3.1. From left to right, it illustrates central concepts and ideas. Accordingly, the designs of the institutions, in terms of their information-processing capacities and political attributes, affect their patterns of attention to policy issues over time. This constitutes the intra-agenda dynamics. Ultimately, the intra-agenda dynamics affect the inter-agenda dynamics. In other words, the individual processes of the institutions affect the way they interact in the long run. These dynamics are described in the remainder of the chapter.

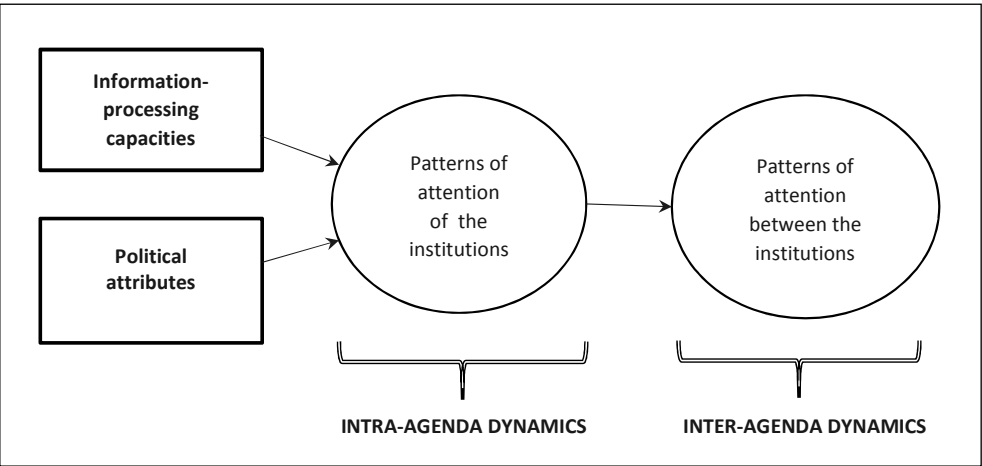


Figure 3.1. Outline of the Agenda Dynamics Approach

3.2.2. Intra-agenda dynamics

The first part of ADA deals with the processes of each institution in agenda setting. This will allow us to address two research sub-questions of this project: *What are the intra-agenda dynamics of the European Council?* and *What are the intra-agenda dynamics of the Commission?*

This part is deductively developed. It is done on the basis of central postulates of the Processing Model and the Routes Framework, theories whose general features were previously mentioned. Therefore, there are clear expectations on the behavior of the institutions.

The specific propositions used for developing the model are explained in detail below. In a nutshell, ADA posits that the institutional designs of the European Council and the Commission have implications for agenda setting fundamentally in two areas. First, the different information-processing characteristics of the institutions affect the way they attend issues, stimulating that their attention trends differ. Second, their different political attributes promote that the institutions set issues on their agendas triggered by distinct factors. As a result, the intra-agenda dynamics are on the whole different. Put differently, each institution set its agenda in its own way.

Information-processing capacities

According to the Processing Model, institutions deal with problems in a disproportionate way in relation to the huge amount of information 'out there' because institutions have cognitive limitations to process issues (Jones and Baumgartner, 2005).

There are two types of processing capacities by which the excessive number of problems are handled in any political system: serial and parallel (Simon, 1983; Jones and Baumgartner, 2005). The way of processing issues goes according to the type of organization dealing with problems, whether it is a macropolitical institution or a policy subsystem (Redford, 1969:83; True et al., 2007:158–159). the effects of the information-processing characteristics vary according to each type of organization.

On the one hand, macropolitical institutions deal with issues in a general way and attend problems one by one or only few at a time. They are thus serial processors. They are at the top of the political system and are responsible for deciding on the big problems. However, these institutions move fast from one issue to the next, in order to manage their considerable agenda limitations, as they are not equipped institutionally to deal with all the influx of information at once. This type of processing assumes a short-term time horizon. There is a great competition among issues and a constant battle for attention on the agendas of these institutions. As a result, numerous

attention swings are invariably occurring on their agendas over time. Due to their overdisproportionate attention changes, the policy-making nature of macropolitical institutions entails a punctuated behavior (Jones and Baumgartner, 2005: 44).

The features of this type of organization go in line with the configuration of the European Council. This institution is the uppermost political authority in the EU and in charge of deciding on the major problems in this political system. Nevertheless, it is significantly constrained in its organizational structure and gathers only sporadically, situation that makes it difficult for the institution to handle a large number of issues at the same time and keep them under its radar for a long while. The institution thus needs to be highly selective on what problems to consider on its agenda, in order to be able to guide the political direction of the EU.

On the other hand, policy subsystems can handle specialized problems and do it simultaneously, given that this type of organization is composed by groups of experts and bureaucrats that deal with more specific issues and work separately in departments. In this way, policy subsystems are parallel processors. The carrying capacity of their agendas is much broader than that of macropolitical organizations. This allows a much less voracious issue rivalry for attention. Consequently, the attention they give to problems is more static, but it may be shared with several issues at the same time. The parallel fashion of policy subsystems presupposes a longer attention span. They tend to be more open to information from abroad and thus process issues in a more balanced way. As a result, less changes in attention to issues occur on their agenda. The dynamic of policy subsystems is more incremental but never completely stable over time. Thus the development of their behavior shows a punctuated pattern, but much less marked than in the case of macropolitical organizations. Policy subsystems may be conceived as a way to institutionally induce or enforce (partial) equilibrium (Baumgartner and Jones, 2009: 18-21). In this way, this type of organization promotes stability in the political system. In the long run, both macro-political institutions and policy subsystems involve policy change, but at a significantly different rhythm.

The characteristics of a policy-subsystem organization mirror the features of the Commission. This institution deals with specialized issues. It has a mixed configuration of policymakers, administrators and specialists. It has a wide and permanent structure constituted by numerous directorate generals and services supporting its administrative and political activities. Consequently, it can deal with multiple issues simultaneously and for a longer time. In fact, policy proposals are the result of the Commission's broad organizational machinery, which allows the institution to produce numerous reports and communications on specific problems in diverse areas.

In short, according to their information-processing characteristics, the European Council is a macropolitical organization that thus deals with problems serially, while the Commission is a policy subsystem-type of organization that thus handles issues in parallel.⁴¹ The capacities of the European Council to process issues are significantly more limited than those of the Commission. Based on this, the expectation is that their patterns of attention differ significantly:

H1. Given that limitations to process information of the European Council agenda are larger than those of the Commission, *the European Council agenda displays over time more drastic shifts in attention than the Commission agenda whose attention changes are more moderate.*

Table 3.3. summarizes the information-processing capacities of the institutions and the expectations.

Table 3.3. The institutions, according to their information-processing capacities

	European Council	Commission
Information-processing capacities	Handles major issues No support apparatus Periodic meetings More limited capacities to process issues	Handles specialized issues Broad organizational structure Permanent staff Less limited capacities to process issues
Type of organization (based on the Processing Model)	Serial processor / Macro-political institution	Parallel processor / Policy subsystem
Expectations	More drastic changes in attention over time	More moderate changes in attention over time

Political attributes

According to the Routes Framework, there are two ways of setting the agenda in the European Union: via a high politics route, where the political leaders in the European Council take the initiative to place an issue on the agenda; and a low politics one, where expert groups in the Commission do so.

In this way, two types of organizations can be distinguished in the formation of policies in the EU: high politics venues and low politics venues (Princen and

⁴¹ For research that considers both the European Council and the Commission macropolitical systems, see Alexandrova, 2017.

Rhinard, 2006). More specifically, the European Council is a high politics venue and the Commission a low politics one. Thus, while the two bodies are policy-making institutions, the former has more political attributes, or more political authority, than the latter. The Commission has less political attributes and in turn is more technical. This feature in their designs is relevant in the formation of policies, as it has an impact on the way the institutions initiate issues on their agendas.

Accordingly, an issue “crashes” on the agenda “from above” by the European Council, following a high politics route in the policy-making process. This institution sets an issue on the agenda usually stimulated by symbolic events —or focusing events as referred to in this project. These events are politically salient and highlight a political problem shared by the heads of state or government. In addition, an issue can “creep” into the EU agenda “from below” sponsored by the Commission via a low politics route, after professional concerns from a group of experts is raised. In this way, the high politics route entails primarily a “political” nature and the low politics route predominantly a “technocratic” one (Princen and Rhinard, 2006:1121).

In short, looking at the European Council and the Commission in their quality as a high and low politics venue, respectively, the former has more political attributes than the latter to set an issue on the agenda. Based on this, the expectation is that the factors driving the institutions to set issues on their agendas differ:

H2. Since the European Council has higher political attributes than the Commission that in turn has more technical features, *attention of the European Council over time to set an issue on its agenda is mostly triggered by focusing events, while attention of the Commission is generated mostly by professional concerns of expert groups.*

Table 3.4. summarizes the political attributes of the institutions and the expectations.

Table 3.4. The institutions, according to their political attributes

	European Council	Commission
Political attributes	Heads of state or government More political	College of Commissioners + experts and bureaucrats Less political, more technical
Type of organization (based on the Routes Framework)	High politics venue	Low politics venue
Expectations	Attention triggered mostly by focusing events	Attention triggered mostly by professional concerns

3.2.3. Inter-agenda dynamics

The second part of ADA deals with the processes between the institutions. This will answer the last research sub-question of this study: *what are the inter-agenda dynamics of the European Council and the Commission?*

ADA follows a theory-building perspective for looking at their dynamics in interaction. This part is constructed inductively. It is supported on the different streams in the literature on the relationship between the institutions, rather than testing a specific theory. It is done in this way for various reasons. First, the literature points to different directions. Theories seem to be underdeveloped. Furthermore, their relationship has no Treaty basis. Moreover, little empirical research has been done on the topic. In addition, there is no research that examines the phenomenon that their roles overlap but not their designs, and how these conditions altogether impact their interaction.

So far their relationship has been “rarely the focus of theoretical driven analysis” (Bocquillon and Dobbels, 2014:24). Only few scholars have studied the interplay between the two institutions *as such* (Princen and Rhinard, 2006; Höing and Wessels, 2013; Alexandrova, 2014; Bocquillon and Dobbels, 2014). Most academic research has looked at *one* of the two institutions as the primary object of study. From this ‘solo’ perspective, a cursory analysis of the relationship of one institution with the other—and often with the rest of the EU institutions—has been conducted. While the studies with focus on single institutions are relevant, they are inadequate to understand how the interplay occurs. However, important insights can be found in such analyses. Altogether, two main lines of argumentation can be distinguished. On the one hand, scholars have pondered the power of the institutions. Within this stream, two ways of thinking can be noticed: one in which the European Council impacts the Commission, and another where the influence happens in reverse order. So the interplay seems to be unidirectional.⁴² On the other hand, scholars have looked at the institutions as partners. They influence each other. In this case, the interaction appears to be bidirectional.

These circumstances of ambiguity generate diverse paths of reasoning. On this basis, this project conceives four main possible patterns, as explained below. All are

⁴² This conceptualization draws on the notion often conceived in international relations. This discipline has studied the interaction between international institutions and international regimes (e.g. Gehring and Oberthür, 2008; Young, 2008). Accordingly, a unidirectional relation is when one institution influences the other, but not the other way around, as Gehring and Oberthür have argued: “Our concept of institutional interaction does not imply that influence runs back and forth between the institutions involved. On the contrary, causal influence implies that influence runs unidirectionally from the source to the target” (2006:6).

in principle equally likely to happen and, consequently, all explored. The data are analyzed first and then the idea with the strongest empirical evidence is taken up to substantiate the directionality of the interaction between the institutions in the long run, in search for the governing pattern. Each pattern is described in the following subsections.

Possible pattern 1: no interaction

The relationship between the European Council and the Commission in agenda setting is not established in the treaty. There is no official provision on whether or how the institutions are expected to work together.⁴³ Therefore, we do not with certainty if they regularly interact in the process.

This suggests that the institutions are independent entities in agenda setting and thus not necessarily accountable to each other. Therefore, in principle, they do not need to be responsive to each other. Also, in a broader context, there is no actual need for the European Council and the Commission to respond in one voice to the demands of the European citizens. The reason is that direct accountability of EU policymakers to its citizens “cannot be taken for granted” (Princen, 2007:31), in contrast to what is assumed in domestic political systems. In fact, much research in countries has analyzed *the extent* governments are responsive to its citizens (e.g. Jones and Baumgartner, 2004; Hobolt and Klemmensen, 2008). In the European Union, however, accountability of the EU institutions directly to its public is neither a given nor a must. One motive is that political interests of EU citizens are strongly national, so domestic issues tend to dominate; as a result, the Commission “is not accountable to any public” (Princen, 2007:31). In addition, neither institution is elected by the European citizens. Therefore, it is not necessary that the two institutions are efficient between them in handling policy issues. They do not need to fulfill the preferences of the public. Consequently, the European Council and the Commission do not need to coordinate, or even talk to each other commonly, in order to look after the topics considered relevant by EU citizens.

On top of this, the institutions can act on a regular basis in their own way passing each other’s choices because they have different designs. That their intra-agenda dynamics are overall different, as this research argues, may hinder their interaction.

⁴³ We know, however, that the two institutions are formally involved in each other’s organizational formation. On the one hand, the European Council nominates the candidate for the Presidency of the Commission (which needs to be approved by the Parliament), situation that happens every five years. On the other hand, the President of the Commission attends the European Council meetings. The Commission President, however, has no say on the decisions of the political leaders.

Possible pattern 2: unidirectional interaction —the European Council influences the Commission

Most of the academic discussion on their relationship points to the supremacy of the European Council. To begin with, “the European Commission receives demands from the European Council to draft legislative proposals, even if the Treaty does not formally provide for such a procedure” (Ponzano et al., 2012:8). The power of the European Council stems largely from “its political status and the leverage of each of its members over the actions of their respective governments” (Lelieveldt and Princen, 2011:56). These are major inducements for the Commission to have a “subservient position” in its relation with the European Council (Werts, 2008:53). In this sense, the Commission is the ‘agent’ that follows the orders of the European Council, which is a “powerful principal” in its relationship with the Commission (Marks et al., 1996:357).

This is part of a major traditional debate in EU integration studies between intergovernmentalism (e.g. Moravcsik, 1993) and supranationalism (e.g. Sandholtz and Stone Sweet, 1998) on how the forms of cooperation between member states and the transfer of competences to a higher level of authority have promoted integration in the EU. Accordingly, the relationship between the European Council and the Commission has been typically studied on the basis of their characteristics as intergovernmental and supranational institutions, respectively. In this debate, the Commission either applies the will of the member states or circumvents their desires. In other words, one institution defines what the other shall do, meaning that one institution dominates. As observed, many scholars consider the European Council the dominant actor. This institution plays the role of the ‘principal’ in their interaction in order to stimulate policymaking and check the application of its policy requests (Bocquillon and Dobbels, 2014).

Their interplay is perceived as a process where the European Council signals the way to go and, in consequence, the Commission acts. Since the European Council lacks an administrative apparatus and meets only occasionally, it has a more generalized approach to address policy problems and often signals and assigns specific tasks to the Commission—and other political bodies—(Alexandrova et al., 2012:71). “[T]he European Commission follows up on the European Council’s resolutions” because the President of the Commission is member of the European Council (Ponzano et al., 2012:8). The Commission “has increasingly considered itself politically committed” to work on the requests made by European Council via the Conclusions (Ponzano et al., 2012:42). In this way, the institutions constitute a “tandem” that is “driven and governed” by the European Council (Werts, 2008:54). Consequently, the Commission

resembles a “secretariat” of the European Council, rather than a “partner” (Höing and Wessels, 2013).

The European Council’s leadership has two contrasting implications. On the one hand, the European Council may stimulate the Commission in the policy process. This is to a large extent because the Commission’s proposals suffer from a “lack of political weight”, so it requires “a stronger political body” such as the European Council to steer the European Union (Bulmer and Wessels, 1989:113). The European Council’s indications are highly relevant for the Commission’s own choices, as this gives political legitimization to its policy acts. As a result, the initiatives of the Commission based on the ideas of the European Council are likely to have an effect further on the policy-making process. This happens because of the echo of the powerful political voice of the European Council (Lelieveldt and Princen, 2011:57) and the circumstance that the members of the Council of Ministers “consider themselves bound in their decision-making by the position taken earlier by their Heads of Government” (Werts, 1992:145). As a result, it can be observed “the paradoxical sight of the Commission carrying out its initiating role not by means of its formal rights, but via the back door of the European Council” (Werts, 2008:53). Therefore, while the European Council has eroded the Commission’s power of initiation, at the same time it has “upgraded” the political position of the latter (Werts, 2008:52). The Commission’s role may not be as central as initially designed, “but it has broadened its area of activity: a development largely due to the European Council” (Bulmer and Wessels, 1989:113).

On the other hand, as much as the European Council’s authoritative behavior may promote the Commission’s position, it may also constrain it. The former institution with its ideas restraints the latter in a political sense (Werts, 2008:25). The European Council imposes its agenda on the Commission, challenging the role of the latter in policy initiation (Allerkamp, 2010). The European Council represents one of the most significant pressures suffered by the Commission, as it is obliged to respond to its proposals’ requests (Nugent, 2010a:123). This has consolidated an innovative informal way in the policy-making process that has importantly restricted the Commission’s authority on policy initiation (Ponzano, et al.: 3). However, this is not entirely new. Already since the origins of the European Council, it was feared the intrusion of this institution on the Commission’s independence and right to propose, owing to the former’s growing interest to initiate policies and to set specific guidelines (Bulmer and Wessels, 1989:109). Over the years, the increasing role of the European Council and its presidency have accounted “for the weakening of the Commission’s right of initiative” (Rasmussen, 2007:250).

Possible pattern 3: unidirectional interaction —the Commission influences the European Council

The previous research line contrasts with the idea that the Commission does exercise a powerful role vis-à-vis the European Council. This is largely possible as the Commission “is in possession of a range of appropriate power resources” (Nugent, 2001:17). Some of the assets of the institution are its official mandate of initiation; its access to privileged technical information; its strategic position that gives it the ability to sense the possible responses of member states to its proposals; and its key role managing powerful policy networks (Nugent, 2001:17).

Consequently, according to Marks et al., “[t]he European Commission is a critical actor in the policy initiation phase, whether one looks at formal rules or practice. If one surveys the evidence one cannot conclude that the Commission serves merely as an agent of state executives” (Marks et al., 1996:361). Even when the Commission is requested by the European Council to come up with a proposal, “the former still has the final say on the content and date of submitting a proposal (or not submit it)” (Eggermont, 2012:106).

In this line, Marks and colleagues have barely conceded power to the European Council but to the Commission. They have argued that in spite of the European Council’s authority, “its control of the European agenda is limited because it meets rarely and has only a skeleton permanent staff” (Marks et al., 1996:357). Therefore, the idea that the Commission’s role has been undermined by the European Council should not be “exaggerated”, as the institutional design of the latter hinders its possibility of initiating and promotes instead a reactive behavior (Nugent, 2010a:123).

Thus, given that the European Council can act neither innovatively nor autonomously due to its vulnerable configuration, it depends strongly on the proposals presented to it by other institutions, circumstance that gives “agenda-setting opportunities for the Commission” (Nugent, 2001:187). In this sense, many indications of problems and solutions seem to originate in the Commission, due to its wide-ranging resources. That is, its direct access to experts’ knowledge on all sorts of areas, broad staff infrastructure, and formal mandate of policy initiation enable it to have an open radar to recognize issues and provide indications to the European Council (cf. Nugent, 2001: 17), making this institution in need of the Commission. The Commission, supported on its machinery, may show problems and propose initiatives on policy issues that the European Council with its restricted structure may not be able to identify. Another reason of the Commission’s influence seems to be that the much narrower agenda capacity of the European Council finds a way to overcome this

limitation through the broader information-processing capacity of the Commission. Therefore, the European Council depends on the Commission to deal with policy problems.

Possible pattern 4: bidirectional interaction

3

The last stream, as distinguished in this project, argues that the institutions shape the agenda jointly. Accordingly, the influence between the two political bodies is reciprocal, “as the input of one feeds into the work of the other” (Bocquillon and Dobbels, 2014:26). They depend on each other to be able to go further with their ideas (Bocquillon and Dobbels, 2014:26), as well as to achieve goals (Alexandrova, 2014:5).

The Commission with its broader capacity in terms of personnel and expertise in specialized areas is useful for the European Council to compensate its constraints and narrow down its general approach, in order to transform general guidelines into concrete initiatives (Bocquillon and Dobbels, 2014:25). In spite of being EU’s authoritative political venue and providing political impetus to the Commission, the European Council equally needs the support of the Commission to be able to process issues that otherwise cannot do alone.

Their interrelation is evidenced in the way they contribute to each other in the generation and development of ideas for policy action.⁴⁴ The Commission, autonomous as it is formally supposed to be by mandate, has the power to produce initiatives by its own, which the European Council may agree with and consider as guidelines for the EU. This is likely to happen because the Commission is particularly involved in an active way in the preparation of the agenda of the summits of the European Council providing it with reports on compelling issues (Nugent 2001: 187). Since a small percentage of policy proposals is spontaneously produced independently by the Commission (Fitzmaurice, 1994; Nugent, 2001:236–237), it can lean on the European Council and other EU institutions to formulate an idea of legislation (Nugent, 2001: 238–241). The European Council distinguishes from the Council and the Parliament in that it officially does not have the mandate to demand from the Commission to submit a proposal, but it may ‘invite’ the Commission to do it via the conclusive statements of its summits (Werts, 1992:143; Höing and Wessels, 2013:134–135). Such invitations entail a heavy political weight. At

⁴⁴ In strict sense, it is practically impossible to identify *the* prime source of an idea (Kingdon, 2011: 71–73). However, according to Princen, it is possible to make an estimation of the origins of an idea when considering the political actors involved in the political process of issue formation and agenda-setting (Princen, 2007).

the same time, much of the discussions during the European Council meetings occur “on the basis of papers that have been drawn up by the Commission” (Nugent, 2001:214). In fact, the Commission’s informational contribution to the European Council was made official when the latter institution adopted its Rules of Procedure in 2009. Accordingly, the Commission—in the shape of its President—is involved in the preparation of the agenda of the European Council and the follow-up of their conclusions (European Council, 2009, Annex: Art. 2–3). In this way, “whilst the European Council sets the terms of reference for such reports, the Commission has an additional political legitimization so that government heads might be induced to take the reports seriously” (Bulmer and Wessels, 1989:113).

The institutions need each other to get an issue higher on the agenda, as the intersection of their different agenda-setting processes offers complementing opportunities in policymaking to achieve major outcomes (Princen and Rhinard, 2006:1122, 1129–1130). According to the Routes Framework, the two distinct processes of setting the agenda in the EU involve the interaction of high and low political levels at different moments and stages in the process.⁴⁵ The high politics route includes the participation of low politics institutions and vice versa. Agenda interaction occurs mostly due to the opportunities the institutions provide each other for an issue to eventually achieve high agenda status, considering their distinct political resources. While the European Council is able to provide a important political boost for the EU to handle and decide on an issue, the Commission can progressively create broader and steady support to deal with an issue in the EU and adopt it. The former chance is taken by the Commission, and the latter advantage is used by the European Council.⁴⁶

The institutions are interdependent also because the European Council is “a power station not connected to the grid” that thus needs the Commission to crystallize its

⁴⁵ Accordingly, an issue follows four phases in EU agenda setting: initiation, specification, expansion and entrance (Princen and Rhinard, 2006). The characteristics of each stage vary depending on the type of route, whether from above or below. In the route from above, the European Council takes up an issue after the occurrence of a symbolic event; then the institution defines the problem in general terms on the basis of a common approach for the EU; it later expands the issue to the low politics institutions that have a say in policymaking; finally the issue enters the agenda for decision making after a strong political stimulus. In the route from below, the Commission initially attends an issue based on concerns from its community of experts; later, the institution frames the issue in a specific and technical way according to the specialized background of the experts group; then it moves the issue to high level institutions with decision power; and finally, after doing this in a gradual and sustainable way, the issue is practically to be decided.

⁴⁶ The joint work of the distinct political levels and its usefulness has also been recognized by Mazey and Richardson, who have argued that the high and low politics are significantly interrelated, as the latter helps the former to construct the context where the former operates (Mazey and Richardson, 1995:354).

choices, which requires the two institutions “to work together to make the system work” (Bocquillon and Dobbels, 2014:24). Ultimately a “circular pattern of interactions” is perceived (Alexandrova, 2014:5). In this sense, “the tandem European Council-Commission can be conceptualized as a joint agenda setter” (Bocquillon and Dobbels, 2014:27).

Their interdependance is caused to a large extent by a parallel growth of supranational and intergovernmental policymaking elements that “turns the Commission into a *partner* to the European Council—due to shared responsibilities and a joint problem-solving” (Höing and Wessels, 2013:138–139). They are “partners” working jointly handling problems and responsibilities equally and complementing their tasks (Höing and Wessels, 2013:126, 138–139). Also “a form of institutional interdependency” happens because of the participation of the Commission President in the European Council and the engagement of the latter institution in the selection of the former position (Alexandrova, 2014:5). Thus the institutions are associates in policymaking, experiencing a “horizontal fusion” (Höing and Wessels, 2013:126).

3.3. Summary and the way forward for the analysis

This chapter introduced the Agenda Dynamics Approach, the theoretical framework developed in this project to study the processes of the institutions in agenda setting. It described the way this conceptual model was constructed and its propositions. It started by presenting the main theoretical foundations, namely, the notion of attention, the Processing Model and the Routes Framework. It later showed the more specific components of ADA. We saw that this theoretical perspective distinguishes two types of EU agenda dynamics: the intra- and inter-agenda dynamics. Accordingly, ADA entails two main parts, each built on a different basis. First, the part on the intra-agenda dynamics was deductively shaped, supported by existing theory and thus concrete hypotheses were generated. The overall expectation is that the intra-agenda dynamics of the institutions are mostly different over time. Second, the inter-agenda dynamics part followed an inductive view. It was developed in this way, as there are different ideas in academia on how the interaction occurs and there is hardly empirical evidence on one particular pattern happening in the long run. Consequently, no specific expectation on their inter-agenda dynamics was formulated. Rather, four possible patterns are equally considered and explored: no interaction between the institutions; the European Council influences the Commission; the Commission influences the European Council; and the institutions influence each other.

The next steps in the dissertation are related to the analysis. They are about how ADA is applied. The subsequent chapter presents important characteristics and analytical relevance of the policy problem of organized crime, as the field studied in this project to identify the agenda dynamics. Afterwards, the next chapter introduces the data and methods. This is followed by three analytical chapters. The first two chapters are on the intra-dynamics of the European Council and the Commission, respectively. The last analytical chapter is on their inter-agenda dynamics. In the final chapter, conclusions of this research are drawn, based on the empirical findings.

The policy problem of organized crime

After showing the theoretical lens used in this study, this chapter introduces the policy domain of organized crime. The aim is to show the relevance of this topic for this study from an analytical point of view, while becoming acquainted with it. The chapter has four parts. The first section gives a brief overview of the justification for studying the domain. The second part explains more in detail the methodological reasons for using OC as a policy theme in this research. In doing so, the origin and development of the organized crime domain in the EU framework, as defined by the Treaties, are presented. The third section deals with the debates revolving around the conceptualization of OC and explains further the implications for how to measure the policy issue. At the same time, the literature on organized crime is reviewed. In the final section, a summary is provided.

4.1. The subject of study

As argued by Thurber, “[l]ocating the real policy agenda of the government requires an in-depth and prolonged analysis” (Thurber, 2011:vii). Such a comprehensive study is less facilitated when many policy areas, not to say the whole agenda, are observed in the long run, as this presupposes a more generic type of study. As Princen has claimed, limiting the range of policy domains is necessary when conducting a profound empirical study on agenda dynamics because the researcher shall have a clear understanding of the policy area and debates around it (Princen, 2009:44). Studying a single policy field enables us to conduct a thorough and longitudinal study and obtain detailed insights on the processes.

The policy domain of organized crime is analyzed to illustrate the dynamics of the European Council agenda and the Commission agenda in the period 1975–2013. It is a vehicle for this purpose. This is a methodological and empirical choice for the reasons explained in the remaining of this chapter.

In short, as will be shown below, organized crime is important for this study because, in contrast to other policy fields, this domain allows us to observe the behaviors of the institutions under similar and balanced conditions. In addition, focusing on OC allows us to become substantially familiar with the topic and the discussion in and outside academia on its definition. These circumstances promote not only to make better sense of the processes experienced by the institutions, but also to better measure the phenomenon. Last but not least, organized crime has been barely studied from a political science approach, in particular using an agenda setting lens. Altogether these elements facilitate obtaining a firm grasp on EU agenda dynamics, while also contributing to fill a gap in the literature on OC.

4.2. Organized crime as an EU policy theme

As claimed in the literature, not all issues are the same and not all institutions respond similarly to them. On the one hand, there are diverse attributes, such as solubility and complexity, that may vary between issues (Peters, 2005). It would be thus misleading to assume that all issues reach the agenda equally. In reality, issues do not have the same opportunity to enter it (Bachrach and Baratz, 1962). Actually, a key question in agenda-setting studies is why some issues make it onto the agenda while others not. On the other hand, it would be deceptive to think that all types of institutions attend issues alike. Some issues may promote more (stable patterns of) political conflict than others (Lowi, 1964, 1972). In addition, “[t]he institutional and political framework within which polities operate favours consideration for some issues while discouraging consideration for others” (Princen, 2007:22). In other words, institutions are biased (Schattschneider, 1960).

In the context of the European Union, these conditions are problematic when conducting empirical research, given also the complex features of EU policymaking. For instance, in this political system policy-making organizations have overlapping competences and in some cases even distinct institutional designs—as the European Council and the Commission have. In addition, while —contrary to countries—the EU does not have faculties to deal with all policy areas (TEU:art.5),⁴⁷ over time its

⁴⁷ The EU has limits on what policy issues can address given the subsidiarity principle, by which “the Union shall act only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States... [and instead] be better achieved at the Union level” (TEU:art.5).

competences have expanded and it has become involved in an important number of fields.⁴⁸ Actually, as claimed by Lelieveldt and Princen, “it is increasingly difficult to name a policy area in which the EU plays no role at all. Nevertheless there are vast differences in the degree of EU involvement in various areas” (2015: 181). On top of these circumstances, EU policymaking entails a *sui generis* arrangement that requires an active participation of supranational and/or intergovernmental organizations, depending on the policy filed.

In this sea of policy domains possible to study and variations in the performance of EU institutions, organized crime stands out because the European Council and the Commission deal with this domain more or less similarly. In this sense, OC is referred to in this study as a ‘comparable’ policy domain for these institutions. Moreover, OC is not an extreme area in that, on the one hand, EU competences over the years have developed in the middle between supranational and intergovernmental spheres. And, on the other hand, the evolution of OC in the EU framework also stands in between traditional and new policy domains. OC is thus called here a ‘mid-range’ field. For these reasons, on the whole organized crime represents a baseline to study the dynamics, as it provides a reference point to look at the behaviors of the institutions in an impartial and moderate setting, in relation to the bunch of complex possibilities in the EU system.

4.2.1. A comparable policy domain

The agendas of both institutions attend organized crime relatively in equal terms, in contrast to the way it happens with other policy domains. Each institution is inclined to handle particular issues. For instance, the European Council gives attention specially to macroeconomics and the Commission to health. In general there are issues regularly more important for each of them, just as there are issues commonly less salient. An example of the latter situation is science and technology particularly for the case of the European Council. However, organized crime is under the political radar of both institutions alike somewhere in the middle of saliency. Put differently, these actors react almost equally to OC. It seems that neither institution is the ‘owner’ of organized crime. It is thus a comparable domain for them.

This situation is appropriate for the comparison of the trends in the attention of each institution and the analysis of their interaction, given that neither political body clearly dominates in this domain. This is relevant in analytical terms, especially considering

⁴⁸ For an overview of general areas, as officially established by the EU with the Lisbon Treaty (the last treaty revision so far), see TEU:art.3. For more specific areas, as analytically conceived by scholars, see for instance Lelieveldt and Princen (2015: 180–182) and Nugent (2010: 303–306).

central propositions of the Agenda Dynamics Approach by which, on the one hand, it is expected that the intra-dynamics are different due to the distinct institutional designs and, on the other hand, it is argued that the intra-dynamics affect the inter-dynamics. Given the features of organized crime as a comparable policy domain, a bias stemming from the domain itself can be discarded, enabling us to conduct a study of both institutions based on conditions of similarity. Otherwise, it would be practically prearranged to obtain from the analysis the result that the agenda dynamics of the European Council and the Commission differ.

The conclusions exposed here were drawn after conducting an examination of the literature, as described in the following part.

In search of the policy field

Given the existence of numerous policy areas and in order to get an impression of a potential one, I started by looking at problems that have a generalized opinion and agreement in society, that is, valence issues —as opposed to position issues.⁴⁹ According to the literature on valence politics, crime is an “excellent contemporary example” of a valence issue because “almost everyone wants protection from the security threats posed by criminals” (Clarke et al., 2011:238).

A central reason why basically all people share this view is that organized crime aims at generating profits out of illegal methods and networks, provoking a widespread damage. Criminal organizations “represent a multibillion dollar set of networks that prey on every aspect of global society, distorting markets, corrupting governments, and draining huge resources from both” (World Economic Forum, 2010). Criminal networks put in risk not only fragile states, but also developed countries. The impact in different parts of the world can vary, “but the common feature is that organized crime negatively affects the life chances of ordinary people: it undercuts key institutions, damages the environment, distorts or impedes economic growth and it fuels conflict” (Global Initiative Against Transnational Organized Crime website). In this regard, two worldwide developments have played a significant role in the active evolution of organized crime as a global problem: the ending of the Cold War and the ongoing globalization. It is true that these events have stimulated the liberalization of the economy and trade, as well as facilitated migration flows and expansion of

⁴⁹ Valence and position issues are distinguished in the literature on valence politics, a notion in electoral studies that explains electoral behavior and preference of voters, based on valence issues (Clarke et al., 2011). Valence issues are contrary to position issues, on which conflicting views may emerge (Butler and Stokes, 1969: 189). An example of a position issue is death penalty in the United States, where the social debate has mainly centered on pro- and anti-moral arguments (Baumgartner et al., 2008:6).

communications, but they have brought ‘opportunities’ also for criminals activities, due to a deficiency in global governance. As a consequence, over the years “[o]rganized crime has diversified, gone global and reached macro-economic proportions (...) fueling corruption, infiltrating business and politics, and hindering development” (United Nations, 2010:ii). Particularly in Europe, “[s]erious and organized crime is an increasingly dynamic and complex phenomenon, and remains a significant threat to the safety and prosperity of the EU” (Europol and British Chamber of Commerce, 2013:foreword).

In effect, in the European Union, “[o]rganized crime is a threat to European citizens, businesses, state institutions as well as the economy as a whole”, according to the Commission (DG Migration and Home Affairs website). In the view of the Council, OC is mostly a menace “to society as we know it and want to preserve it”, given that criminal organizations “pervade the various structures of civil society, and indeed society as a whole” (Council of Ministers, 1997:Chapter I). Following a threat assessment made by the European Police Office (Europol), OC represents a “significant threat to the internal security of the EU and its citizens”, who are directly and indirectly harmed by it (Europol, 2011:47). For instance, it is estimated that drug trafficking affects the life of millions of persons who consume drugs; VAT fraud activities have a serious impact on taxpayers’ interests and governments’ supply of public services, due to the loss of billions of euros from public revenue; trafficking of humans employed as irregular workforce generates unfair competition in the job market; and counterfeiting of medicinal products puts in risk the health and safety of citizens (Ibid). Altogether, OC causes severe damage not only to the “financial integrity” of the European Union, but also to its “foundations” (PWC Belgium and PWC Netherlands, 2011:17). According to Eurobarometer, organized crime in the EU worries its citizens. European citizens considered this problem a main concern uninterruptedly for 8 consecutive years, in the period between 2003 and 2010, even above any other domain within the JHA area (Standard Eurobarometers 59–73).

In this way, taking into account the academic claim and the concerns from policymakers, practitioners and society, a hint of where potentially to look at to conduct this study was obtained. Accordingly, OC seemed like a policy domain that the European Council and the Commission may prefer to address likewise.

Therefore, once identifying some features of the problem globally and in the EU, I observed the few existing studies on the attention of the European Council and the Commission to policy issues in general. This provided evidence that confirmed the initial hint.

On the one hand, previous work on the European Council has demonstrated that this institution devotes considerably more attention to three “core” themes, namely, foreign affairs, governance, and macroeconomics—from a pool of more than 20 policy domains analyzed (Alexandrova et al., 2012). The field of crime is relatively at the intermediate level. Issues that regularly receive less consideration are, for example, science and technology and social policy. In addition, research on the institution’s attention to the problem of organized crime has argued that “OC is not systematically traded off when other matters push the Heads of State or Government to address them” (Elias and Timmermans, 2014:172). Also according to the study, a less crowded European Council agenda is not necessary for OC to get access. This is a remarkable feature of this domain because issues in general compete for attention against other issues, promoting considerable variations in the way they are taken up (or not) by policy-making institutions. On the other hand, previous research has shown that the Commission gives particular attention to agriculture, external trade, health and transport—more than to the remaining fifteen policy issues examined (Alexandrova, 2014). Further, as demonstrated by earlier work, the broader domain of Justice and Home Affairs “is almost equally addressed by the two institutional venues” (Alexandrova, 2017:764). Within JHA, the attention of the European Council and the Commission to crime fluctuates on average similarly on their agendas over time, while other issues, such as education and culture, are practically neglected by both institutions (Alexandrova, 2014).⁵⁰ All in all, this domain appears to be positioned intermediately in a sort of spectrum of ‘core-noncore’ policy topics for both political bodies.

4.2.2. A mid-range policy domain

While being a comparable policy issue suits organized crime well in this study, this situation is not necessarily sufficient, considering EU’s complex policymaking. Accounting for the formal policy process in this field becomes a sort of requirement to be indeed able to capture a baseline of how the institutions behave under similar and balanced conditions. This is important to do, even when it has been argued in the literature that the arrival of issues on the agenda “does not depend on a legal competence in the EU treaties” (Princen, 2012:43). It is relevant because it is reasonable to think that it can be a factor that may provide an advantage, if the faculties of one institution prevail in the process over time, in comparison with the competences of the other institution. Thus, if we are to conduct a longitudinal study of agenda dynamics of political institutions entailing a different nature—the European Council

⁵⁰ For research on their interaction regarding specific events (e.g. Climate and Energy package of 2008) that are “characterized by a high degree of involvement of the two institutions” in the years right before and after the Lisbon Treaty, see Bocquillon and Dobbels (2014:29).

being an intergovernmental body and the Commission a supranational one—, it seems wise in this study to analyse a domain that does not face completely one side of the coin, but that it is rather a mid-range field.

Organized crime in this regard is appropriate for this research because neither institution notably leads in policymaking. This contrasts to, for example, foreign affairs and common market issues, where the involvement of the European Council and the Commission—respectively—is and has been specially high. The organized crime domain has rather changed over time in such a way that it is an area neither purely intergovernmental nor purely supranational. Organized crime policies have been developed over time between the EU as a whole and the member states. This domain is not extreme as other fields, such as culture—where the EU has almost no competence—and monetary policy—where EU's authority is practically absolute. Moreover, OC has an intermediate level of evolution, in relation to other areas that were created when the EU originated, like agriculture, or relatively recently, such as bioterrorism. This characteristic conveniently fits the research. To conduct a longitudinal study, a domain established already in the origins of the EU may not be entirely appropriate because the European Council was not formally functioning yet, which may give a (dis)advantage to one of the two institutions. Moreover, a domain embedded in the EU institutional framework only in recent years may not provide enough time frame to identify underlying dynamics.

These conclusions are based on an analysis on the institutionalization of organized crime as an EU domain and the policymaking role of EU institutions, according to the Treaties. The conclusions are also supported on the literature. The examination is described below.

The institutionalization of organized crime in the EU framework

The history of OC as an EU policy domain started officially in 1993 with the entry into force of the Maastricht Treaty. This treaty incorporated for the first time organized crime and many other policy domains. It formalized diverse policy fields based on a classification scheme of three areas known as 'pillars': first pillar (or Community pillar); second pillar (or Common Foreign and Security Policy); and third pillar (or Justice and Home Affairs area). OC was included in the third pillar. This pillar established that police cooperation shall be promoted "for the purposes of preventing and combating terrorism, unlawful drug trafficking and other serious forms of international crime, including if necessary certain aspects of customs cooperation" (TEU: art. K.1). This was done with a view to achieve the free movement of persons in the EU. In this way, OC acquired a political housing in the EU framework under the JHA area.

With revisions to the Treaty, the jurisdictional framework of OC evolved. The treaty has been amended so far in three occasions, in 1999, 2003 and 2009. These amendments are known as Amsterdam Treaty, Nice Treaty, and Lisbon Treaty, respectively. With the Amsterdam Treaty, the third pillar changed its name from JHA to Area of Freedom, Security and Justice (AFSJ). Some organized crime issues related to the free movement of persons, such as human trafficking, were transferred to the first pillar. From all three amendments, the Amsterdam Treaty brought most of the changes for the AFSJ area, but specially for the organized crime domain. The Treaty established that “crime, organized or otherwise, in particular terrorism, trafficking in persons and offenses against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud” should be prevented and combated (TEU: art. 29). The aim was to provide safety to EU citizens in the AFSJ. With the Nice Treaty, the OC domain did not suffer significant changes. Finally, with the Lisbon Treaty, the ‘pillar’ structure was abolished. Both the third and first pillars were subsumed and organized crime remained under the jurisdiction of AFSJ.

As a consequence of the amendments to the Maastricht Treaty, the policy-making process in the domain of organized crime has also suffered changes. Initially, the Maastricht Treaty established the so-called ‘intergovernmental method’ for the third pillar. Also known as ‘consultation procedure’, this method empowered the member states, rather than the Commission, to propose initiatives in the areas of terrorism, drug trafficking and other forms of organized crime, as well as in any other matter in the JHA area (TEU, art.: K.1, K.3). The Commission was entitled to combat only fraud (*Ibid*).⁵¹ The Council was responsible for deciding on initiatives by unanimity (TEU, art.: K.3), previous consultation with the Parliament (TEU, art.: K.6). With the Amsterdam Treaty, the same method was maintained for most OC issues. However, there was a major modification for the Commission: the scope of its power of initiation broadened. It was entitled to propose proposals to combat organized crime, terrorism, trafficking in persons, drug trafficking, arms trafficking, corruption and fraud (TEU, art.: K.1, K.6). The conditions for the Council and the Parliament remained the same (TEU, art: K.6, K.11). For those OC issues that moved from the third to the first pillar, a different process applied: the ‘community method’. Under this method, also known as ‘codecision procedure’, only the Commission was able to issue proposals. The Council decided by qualified majority voting together with the Parliament. Thus, with the Amsterdam Treaty, the Commission was enabled to deal with all sorts of organized crime problems. However, a transitional period

⁵¹ The Commission was, however, entitled to initiate legislative acts regarding other JHA matters, such as migration policies (TEU, Art. K1, K3).

of five years was established for those OC issues related to the free movement of people, such as human trafficking. This means the Commission enjoyed the exclusive power of initiative on these issues and other JHA matters in the end of 2004. During this transition the Council continued deciding by unanimity, after consulting the Parliament. As from the Lisbon Treaty, mostly the community method, now called 'ordinary legislative procedure', applies for all types of OC issues (TFEU:art. 74).⁵²

In addition, since the end-1990s, the so-called 'multi-annual programs' have given shape to organized crime policy. This has been promoted to a large extent by the Amsterdam Treaty and its goal of achieving freedom, security and justice in the EU. These programs are strategic action plans of 5 years adopted every cycle by the European Council, in order to define the key priorities to be achieved in all domains in the area of justice and home affairs. During the research period, three were established, namely, the Tampere Programme (1999–2004), Hague Programme (2005–2009), and Stockholm Programme (2010–2014).

After recognizing these developments, the involvement of the institutions was identified by observing the three 'pillars'.⁵³ This gave us an indication of whether the conditions between the institutions are more or less similar. As mentioned, organized crime belongs to the JHA area. Before commenting on this pillar, let us first examine the other two. On the one hand, the Community pillar is basically the territory of the Commission, especially because the institution has the monopoly in policy initiation. On the other hand, the Common Foreign and Security Policy pillar is more the dominion of the European Council because most decisions are intergovernmental. In this sense, the JHA pillar stands between the other two pillars. Issues in this area involve the participation of supranational and intergovernmental levels. In effect, as Trauber and Ripoll have argued: "[w]ith the changing involvement and decision-making powers of the EU's supranational institutions, the AFSJ provides a quite unique setting" for the discussion on the role of EU institutions and policy dynamics (Trauner and Ripoll Servent, 2016:1418). Looking at the development of the policy process in the organized crime domain, we can identify that the rules have been modified over time (cf. Trauner and Ripoll Servent, 2016), passing through different positions in the policy-making spectrum. In the beginning, when OC was established as a policy field by the Maastricht Treaty, intergovernmental institutions were primarily leading the policy process. Some years later, this situation changed with the Amsterdam Treaty when many OC issues were decided for the first time by supranational institutions

⁵² In some cases, however, member states can also initiate proposals (TFEU: art. 76).

⁵³ Although the conceptualization of the EU setup in three 'pillars' ended with the Lisbon Treaty, it is used here as a reference to distinguish the type of policymaking across EU policy domains.

and many other matters remained under the intergovernmental say. In the previous decade, the Lisbon Treaty moved the process towards the supranational side. This situation is what currently applies.

In the same line, as part of the JHA area, organized crime is a policy field whose level of authority in decision-making has changed over the years between “shared competences light” and “medium”, according to Börzel (Börzel, 2005). These concepts refer to the arena where the competences on policy issues are located. In the former level, the competences reside mostly at the national level; while, in the latter level, the competences are divided between the national and EU level (Börzel, 2005:221–222). Thus, following Börzel’s distinction of the level of authority vis-à-vis- issue areas, organized crime is a mild policy field rather than extreme as other topics in which the EU is either completely involved or (almost) not involved, such as monetary policy and culture, respectively.

Finally, during the examination of the development of the organized crime domain, it became evident that this field has also a middle level of evolution, in comparison with other areas. As observed, the embedment of OC in the EU framework happened in the beginning of the 1990s. In this way, OC stands in an intermediate position, in relation to other EU policy domains. It is not a traditional domain, such as agriculture, institutionalized since the origins of the EU (Commission, 2012:3). Also it is not so novel as the field of bioterrorism, which started to be tackled under the EU remit in the beginning of the new century (Princen and Rhinard, 2006:1126).

4.3. Debates on the definition of organized crime

There is no consensus in the European Union on the meaning of organized crime. Each member state has its own conceptualization, as extensively argued by OC scholars (Den Boer, 2001; Von Lampe, 2008; Allum et al., 2010; Vander Beken, 2012; Allum and Boer, 2013). However, “most European countries agree that each has an organized crime problem” (Paoli and Fijnaut, 2004: 2) and share that they “have to some extent drawn attention to organized crime” (Den Boer, 2001: 265). Notwithstanding this, no European Union-wide approach exists.⁵⁴

⁵⁴ The EU is however not an exemption. OC is a topic that has no shared definition in the world. Attempts to achieve global uniformity have been done, though. The United Nations started negotiations in December 1998 to convene an instrument to support the fight against organized crime (2004:1). This international organization was triggered by “the rapid growth in the scale and scope of the problem in the post-Cold War” (United Nations, 2010: 25). Two years later, a Convention against Transnational Organized Crime, also called Palermo Convention, was adopted (United Nations, 2004). This instrument finally entered into force in September 2003 once ratified by 147 countries, out of 185 (UN Treaty Collection website). It is

This is the current situation, also in spite of two major EU policy instruments adopted to define organized crime and contribute to fight the problem. The EU approved a Joint Action in 1998 (Council of Ministers, 1998) and a Framework Decision in 2008 (Council of Ministers, 2008). The latter instrument amended the former. In the two cases, the EU centered its efforts to define mainly the actors —or criminal organizations—, albeit broadly. When we compare the definitions between the two instruments, they differ in the ultimate aim of a criminal group. The Joint Action established three possible objectives: to achieve the perpetration of a crime, to get resources, and to disturb governmental activities.⁵⁵ The Framework Decision focuses on the idea that any criminal organization pursues only an economic goal.⁵⁶ Regarding the offences, or the types of crimes, no specific definition was included in any of the two instruments. However, the Joint Action in article 1 established that, in order to identify the criminal activities, it was necessary to refer to the list of crimes contained in another document: the Europol Convention. When we look at this Convention, some illegal activities included are drug trafficking, human trafficking, trafficking in works of art and terrorism (Council of Ministers, 1995:art. 2 and its annex).⁵⁷ The Framework Decision discarded such list. This policy instrument attempted to establish the meaning of an offense, but in reality it did not make significant changes. One of the most notable modifications was done to article 2,

the instrument with major relevance at the international level to tackle OC. It conceptualizes the notions of organized criminal group and serious crime (United Nations, 2000: Art. 2). Nevertheless, as acknowledged by United Nations itself, the Convention includes neither a precise definition nor a list of the types of crimes that should be considered part of (transnational) organized crime (2010: 25). According to the international organization, it was conceived in this way for two important reasons. First, there is no consensus on its meaning and, second, OC is a constantly-transforming matter. Therefore, “[i]n order to accommodate this complexity, a precise definition was omitted” (Ibid).

⁵⁵ “A criminal organization shall mean a structured association, established over a period of time, of more than two persons, acting in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty, whether such offences are an end in themselves or a means of obtaining material benefits and, where appropriate, of improperly influencing the operation of public authorities” (Council of Ministers, 1998: art. 1).

⁵⁶ “(A) criminal organisation means a structured association, established over a period of time, of more than two persons acting in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty, to obtain, directly or indirectly, a financial or other material benefit” (Council of Ministers, 2008: art. 1).

⁵⁷ The complete list of crimes includes: terrorism, unlawful drug trafficking, trafficking in nuclear and radioactive substances, illegal immigrant smuggling, trade in human beings, motor vehicle crime, illegal money-laundering activities, as well as other international criminal acts against “life, limb or personal freedom”—such as illicit trade in human organs and tissue, kidnapping, racism and xenophobia-, and against “property or public goods including fraud —like trafficking in cultural goods and works of art, counterfeiting and piracy, forgery of administrative documents, computer crime and corruption-, as well as “illegal trading and harm to the environment” —e.g. trafficking in arms, smuggling of animal species and environmental crime- (Council of Ministers, 1995: art. 2 and its annex).

which refers in a generic way to the types of criminal “conduct” (Council of Ministers, 1998, 2008: art. 2). The Framework Decision added the title “Offences relating to participation in a criminal organization” to this article, heading that the Joint Action did not have (Ibid). The content remained practically the same.⁵⁸

4.3.1. Implications for a better measurement

While the concept of organized crime is in general heterogeneous, its case is not peculiar from a political science perspective. All issues are intrinsically multidimensional and have a “malleable” nature (Rochefort and Cobb, 1993: 59). As Rochefort and Cobb have argued: “The first thing to note about the malleability of public issues—their openness to competing interpretations as well as factual distortion—is that they are not unique in this way” (Rochefort and Cobb, 1993: 59). In the context of the European Union, it seems that there is actually no problem that is easily definable and solvable, given the cross-linkages between issues that, before the opening of the EU borders, were practically only national. Nowadays, problems in one member state cannot exist outside of the scope of the other members. Issues are thus intertwined in the EU, which seems to hinder a homogenous way to define them. Organized crime is thus in principle similar to other public issues.

The point here is that the property of malleability shall be taken into account because it has methodological implications on how to measure the policy problem, especially because we want to make a comprehensive research of agenda dynamics by means of the analysis of OC in particular. After all, “[l]imiting the scope of empirical study is necessary because examining agenda processes in-depth requires a firm grasp of the substantive policy issues and debates in the areas under study” (Princen, 2009: 44). In addition, OC scholars have acknowledged that organized crime is “very much constructed by those who study it, fight it and encounter it” (Allum and Boer, 2013:138). Thus, to avoid conducting a partial study and imposing the researcher’s own view on the policy problem, it is fundamental to know the discussion revolving around organized crime and become acquainted with the different ways this problem is considered. Let us find this out.

⁵⁸ Accordingly, two types of conduct from criminal organizations can be considered offenses: “(a) conduct by any person who, with intent and with knowledge of either the aim and general activity of the criminal organisation or its intention to commit the offences in question, actively takes part in the organisation’s criminal activities, including the provision of information or material means, the recruitment of new members and all forms of financing of its activities, knowing that such participation will contribute to the achievement of the organisation’s criminal activities; (b) conduct by any person consisting in an agreement with one or more persons that an activity should be pursued, which if carried out, would amount to the commission of offences referred to in Article 1, even if that person does not take part in the actual execution of the activity” (Council of Ministers, 2008: art. 2).

To begin with, the lack of conceptual homogeneity in the EU lies on different factors. One reason seems to be that, as has been claimed by scholars, the problem of organized crime varies importantly across countries in the European Union (Fijnaut, 1998:277–278). In addition, the “complex” nature of organized crime as a problem that has negative effects in a number of spheres—from social and economic to political and cultural—provokes highly controversial discussions, discouraging to reach a shared approach (Longo, 2010:15). Another motive is that “[a]ll definitions mirror a certain way of looking at this phenomenon”, thus some stress certain aspects of organised crime while others remark different features (Van Duyne, 1996:343).

Also a reason is that in practice organized crime usually involves several problems simultaneously, such as trafficking in drugs, smuggling of people and illegal trade in arms (Europol and British Chamber of Commerce, 2013:2). Related to this is that organized crime is in constant change. It tries to adapt and cope with the existing and varying conditions, as well as with the legal setting where it is immersed, as argued by the Council of Europe: “Organized crime does not take place in a vacuum but in an ever changing environment. It is a dynamic process adapting to new opportunities for crime, to resources and skills available to potential criminal as well as to law enforcement and other control efforts. It may take different forms in different societies” (Council of Europe, 2005:19). Take the case of cigarette smuggling in the EU. This form of crime has been an option for criminal groups to circumvent the high penalties imposed to drug trafficking. And the reason is that the cigarette smuggling is a crime with lower fines and extensive profits (Europol, 2006, 2011). Further, organized crime groups have moved from a hierarchical structure with a well-established configuration to a rather loose network with a mutable operations’ scheme (Council of Europe, 2005:20; United Nations, 2010:27). As a result, “[t]oday, organized crime seems to be less a matter of a group of individuals who are involved in a range of illicit activities, and more a matter of a group of illicit activities in which some individuals and groups are presently involved” (United Nations, 2010:29).⁵⁹

⁵⁹ Organized crime is however not a recent phenomenon. Its emergence dates back to long time ago in Europe and in other places around the world. As a term, its first appearance happened in the United States somewhere between the late 19th century (Woodiwiss, 2003:4; Paoli and Fijnaut, 2004:24) and the beginning of the 20th century (Von Lampe, 2001:104). However, far before its coinage, organized crime manifestations were present (United Nations, 2010:25). When the term originated, it had no specific meaning but it often alluded to professionals, such as politicians or lawyers, who conducted crimes in an ostensible organized context (Woodiwiss, 2003:4). Over the years, the term turned into an “organized crime control framework” with focus on drug regulation (Ibid: 25). In this way, it reached the international agenda in the early 1960s with the establishment of the United Nations Single Convention on Narcotic Drugs, as a result of the US strong pressure and influence (Ibid). The spread of the American minting to the other side of the Atlantic seems to happen somewhere in the mid-1970s (Paoli and Fijnaut, 2004:31). The concept was imported in Europe with the idea of an “illegal enterprise”, where a criminal organization

A final explanation is that OC has an intractable character because, not only criminal organizations “frequently operate a range of activities simultaneously: trading in tobacco, drugs, people, armaments, pornography and many others” (Europol, 2013:2). But also, with a view of reaching their financial goal, crime organizations operate mostly hidden and undercover. However, OC sometimes commutes from the underworld to the upperworld. Here a link between the illegal and legal spheres may happen when actors from both areas either ‘compete’ for a market (turning part of it black) or take advantage of each other’s characteristics to promote their activities and profits. This is what Passas has called “antithetical and symbiotic relationships” (Passas, 2002).

As a consequence, organized crime entails a wide palette of conceptualizations. This can be identified when looking at scholarly research and the work of practitioners. For instance, among EU countries this problem may vary from mafia-related in Italy with the *Cosa Nostra* and the *’Ndrangheta* (Paoli, 2004) to terrorism-associated in Spain with the Basque separatist organization *ETA* (De la Cuesta, 2004), to mention only a few.⁶⁰

In general OC may be considered an umbrella concept that embraces all sorts of criminal activities under it, such as drug trafficking, human trafficking, and fraud (Council of Ministers, 1995). It may be also linked specifically to terrorism (Makarenko, 2004). Sometimes it may instead include terrorism within its scope (European Council, 1996).

All these ways to look at the problem contrast with a conceptualization that entails a more individualistic character. In this sense, organized crime is defined as a separate phenomenon, different from specific crimes such as money laundering or corruption (Beare, 2003:xv). OC may be also studied in relation to white-collar crime, by which legitimate businessmen are conceived to serve also as criminal entrepreneurs (Ruggiero, 1996).

In contrast to its activity-based definition, organized crime may be seen instead as an actor-based problem, highlighting “the criminal not the crime” (Harfield, 2010). Here the focus is on “the concept of criminal organization” (Cohen, 1977). As a consequence, a pronounced distinction between activities and groups of organized crime is present (Hagan, 2006).

Additionally, OC may be more in general defined stressing its qualities as, for instance, ‘organised’ crime (Finckenauer, 2005), ‘transnational’ crime (Edwards and Gill, 2002; Allum and Gilmour, 2012) or ‘serious’ crime (Dorn, 2009).

—similar to a legal corporation in its structure and way of operation— is active in market areas outside the law, but whose commodities are demanded by consumers (Ibid: 28–31).

⁶⁰ For approximately 180 definitions of organized crime by scholars from all around the world and diverse international organizations, see Von Lampe (2015).

Taking into consideration all these ideas in the discussion, a broad catalogue on organized crime issues was developed (see Appendix 1) for data collect purposes. This analytical tool was also used to support the development of a codebook on OC issues (see Appendix 2), which is a more refined analytical construct created a priori to conduct most part of the empirical analysis. Both instruments considered the different perspectives on how OC has been considered by academics and policymakers, based on the analysis on the debate, as just described. These tools avoided a limited view in the analysis of the policy problem. They also helped define what to measure exactly, circumstance that is relevant given the 'malleability' of policy issues. A detailed description on the way the catalogue and the codebook were elaborated is given in the chapter that follows, which deals with the Methods.

Last but not least, after reviewing the literature with a view to become aware of central debates, we realized that there is another significant reason for selecting OC to study EU agenda dynamics: filling a gap in the literature. It became evident that thus far the policy field of organized crime has been subject of limited work from a political science perspective, particularly in the area of agenda setting. There is no systematic study on they way political actors in the European Union have dealt with the problem of organized crime as a policy theme in the long run. In addition, no study has analyzed the policy processes involved in the development of this domain stemming from the role of EU institutions.

4.4. Summary

This chapter presented diverse features that make this domain analytically appropriate in this research. This was done to justify its analysis as a means to identify the dynamics of the European Council and the Commission in the long run. We observed that it is a comparable and mid-range policy field in the complex EU political system. That is, in contrast to how it happens with other policy domains, over time the attention of the European Council and the Commission to the OC topic has fluctuated likewise and OC policies have been produced between intergovernmental and supranational levels. This enables a study of the institutions based on conditions that discourage analytical advantages. In addition, we realized that OC is a malleable policy problem and that this has implications for how to collect data and measure the phenomenon. Finally, we also identified that there is little research on organized crime that follows an agenda-setting approach. The following chapter explains the methods used in this research project.

Chapter 5

Methodological strategy

The current chapter deals with the means used to address the research (sub)questions of this study. The aim is to show the data and methods. The chapter has four parts. First, it presents the sources and the way the data were collected. The second section introduces the methods to analyze intra-agenda dynamics. The third part deals with the techniques used for the study of inter-agenda dynamics. In the fourth section a summary is given.

5.1. The data: European Council and Commission agendas on organized crime

The agendas of the European Council and the Commission between 1975 and 2013 are studied. Observing the institutions on a long-term basis allow us to identify the underlying dynamics of their agendas (Baumgartner and Jones, 1993). The research period starts in the year when the European Council started to function.⁶¹ The time frame ends four years after the entry into force of the Lisbon Treaty, which is the last change made to the EU framework so far, and in the year of the last enlargement experienced by the EU at the time of writing. The empirical material of the project is constituted by key policy documents issued by the institutions. More specifically, the Conclusions of the European Council, and the COM docs of the Commission are used to reconstruct the political agendas.

⁶¹ The Commission's origin —the 1950s— was not selected as the point of departure because we would lack information on the European Council of the years prior to its establishment.

The Conclusions of the European Council

The Conclusions⁶² comprise the final statements on the discussions and decisions occurring during each summit of the European Council. This means that these policy documents are issued approximately four times per year, as a result of the gatherings that are usually held twice per semester. In each occasion, the Conclusions are adopted by consensus between all the heads of state or government. These policy documents have a generic nature, as they include all sorts of issues discussed during the meetings.

These sources are appropriate to study the agenda of the European Council because, by this means, the institution communicates its wishes, concerns and opinions on EU issues. Through its Conclusions, the institution also expresses its ideas to an open public, addresses EU political bodies in general and targets particular political bodies. The texts often contain ideas for action, stemming explicitly from suggestions done by other institutions.

The sources of this study include the Conclusions of regular summits, as well as informal and extraordinary meetings. The Conclusions of the so-called Eurosummits were not considered. The reason is that they do not entail the opinion of the European Council as a whole, but of the political leaders of the member states of the Eurozone. Other communications produced in the framework of the European Council meetings were not included because they do not represent the political agenda of the institution itself. For instance, press releases are not considered, given that they comprise only a summary on the topics discussed in the gatherings and the issues included are selected by the press center (of the General Secretariat) of the Council. A similar case happens with the statements published in the social media. Some of the platforms are twitter, facebook, and youtube.⁶³ To begin with, given that information started to be posted via these channels somewhere around 2010,⁶⁴ the platforms do not fit the research period of this study. Although the social media channels are meant to be official, they do not represent the view of the European Council, as a different office than the institution itself (so, regularly the General Secretariat of the Council) decides the information to be published. In addition, many of the platforms are not about the institution, but representatives of it. As an example, in facebook we can keep track of the activities of “Donald Tusk” in his role of President of the European

⁶² Until the Lisbon Treaty, they were officially known as Presidency Conclusions. Afterwards, the official name changed. They are currently called European Council Conclusions.

⁶³ For an overview of the platforms in social media, see <http://www.consilium.europa.eu/en/contact/social-media/>, retrieved in April 2018.

⁶⁴ The year is estimated considering the registration of the twitter accounts of the so-called “EU Council”, where information on both the European Council and Council are posted together. The “EU Council TV news” is the oldest registered in June 2009, followed by the “EU Council press” in October 2010.

Council, whose “page is managed by the President’s media team”.⁶⁵ Even when press releases and social media statements provide an overall impression of the ‘secret’ activities of the institution, they are not appropriate to reconstruct the actual political agenda, as set by the European Council. Ultimately, the Conclusions are the only valid source, as they constitute “the only written evidence of matters discussed and agreed by the heads of state or government, since meetings are held behind closed doors” (Alexandrova et al., 2012:71–72).

To collect the data, first all Conclusions issued during the research period were gathered. For this, the so-called “European Council Conclusions dataset”⁶⁶ (Alexandrova et al., 2014) was used as a compiler, as it includes the texts of all Conclusions since they were published for the first time until 2014 (at least at the time of writing). This facilitated the process of data collection because it gave me access to all documents in one single volume. During the research period, 136 conclusions were issued (between formal, informal and extraordinary meetings). Next, all documents where organized crime was discussed were selected. In total 76 documents were collected (see Appendix 3).

Data collection was done on the basis of the issues established in the catalogue on organized crime issues (see Appendix 1). This instrument was created and used mostly to collect data, but also to conform a detailed outline of practically all possible organized crime issues that would be later observed in the analysis. In this way, based on the analysis on the academic debate on OC and the ideas regarding the malleability of the topic, as described in the preceding chapter, the catalogue considered the views of academics and policymakers.

On the one hand, the discussion among OC scholars was addressed.⁶⁷ Here three streams can be distinguished. The first line includes those that consider fundamental to study the phenomenon in terms of its qualities, whether, for instance, international, organized or serious (Finckenauer, 2005; Dorn, 2009; Allum and Gilmour, 2012). The second line is on work that conceives relevant to look at its activities (Beare, 2003; Makarenko, 2004). And the third stream argues that it is important to observe the criminal groups, including criminal entrepreneurs (Cohen, 1977; Harfield, 2010). On the other hand, the political side was included by observing the policy instruments adopted so far by EU policymakers on the definition of OC. They conceptualize this

⁶⁵ This can be observed in Tusk’s facebook account (https://www.facebook.com/pg/europeanCouncilPresident/about/?ref=page_internal), when reading the “Moderation policy” within the tag “Info”. Retrieved in April 2018.

⁶⁶ For information on the dataset, see www.policyagendas.eu.

⁶⁷ For a literature review on different ways to study organized crime, see Von Lampe et al. (2006).

problem generally in terms of the criminal networks (Council of Ministers, 1998, 2008) and to some extent of the offenses (Council of Ministers, 1995).

From all these ideas, altogether three approaches on how to look at organized crime were distinguished in the catalogue: denomination, activities and actors. The first one is about the different ways to see the phenomenon of OC in general (e.g. transnational organized crime). In the second, the focus is on more specific criminal offenses (e.g. drug trafficking). And the last approach centers on the individuals involved (e.g. criminal groups).

In determining the more specific issues to be included in the catalogue, reference was made to notions claimed by organized crime scholars (Ruggiero, 1996; Mitsilegas, 2001, 2003; Fijnaut and Paoli, 2004; Irrera, 2010; Longo, 2010), as well as to the offences included in the Europol Convention (Council of Ministers, 1995), diverse publications of Europol (e.g. Europol, 2011) and information contained in the two EU policy instruments adopted so far to define organized crime (Council of Ministers, 1998, 2008). As a result, the catalogue included 25 organized crime issues divided into three clusters, according to the three approaches just mentioned. The “denomination” cluster includes the different terms to refer to the general phenomenon of organized crime. The group “activities” covers the types of crimes. The category “actors” is about the offenders and victims.

The COM docs of the Commission

The so-called COM docs⁶⁸ are the official documents produced by the Commission, with a view to formally initiate a procedure of legislation and assess the status of implemented policies. These policy documents are aperiodic and have a specialized nature. In other words, they are issued whenever is required, according to the needs of the European Union, in order to address specific policy issues.

COM docs include proposals, white papers, green papers, work programs, communications and reports. Proposals are policy initiatives addressing specific issues. The initiatives are later decided by the Council and the Parliament. White papers present specific proposals for possible action in a given area. They are meant to generate discussion among EU institutions, in particular the Council and the Parliament, but they are also open to the public and stakeholders. The aim is to facilitate consensual agreements that may eventually lead to the development of

⁶⁸ The prefix “COM” refers to the Commission. It is part of the label assigned to the documents for classification purposes. Each document is identified by adding the year when it was issued, followed by a consecutive number, e.g. COM(1998)142.

a proposal for EU legislation. Green papers include general ideas on certain topics. They are used mainly for consultation purposes beyond the European institutions, so interest groups and citizens are invited to participate and express their point of view by proposing initiatives. These documents may generate specific legislative points about the discussed topic and promote the formulation of white papers. Work programs contain the priorities of the Commission in a specific policy field in a year. Communications and reports contain diverse information, such as opinions on a certain topic and descriptions of the progress on policy implementation. They sometimes describe the plan of action towards the development of policy goals.

These documents represent the political agenda of the Commission, as they are issued in the context of the policy process and adopted by consensual agreement by the political arm, that is, the College of Commissioners. They thus express the political voice of the institution as a whole. COM docs are appropriate for the analysis because they show the actual issues the Commission officially works on in order to produce and update legislation. They thus demonstrate the policy priorities of the institution. In addition, by this means, the Commission indicates the reasons for its choices and often the source, whether EU institutions, experts, etc., from which the idea of handling a given problem originated.

Other types of documents issued by the Commission are not considered in this project. For instance, the so-called “SEC docs” and “SWD docs” are not included, as they are not official policy documents, but staff working texts for internal communication. The so-called “Strategic plans” are not included because they are issued per Directorate General, which means that they represent the vision of a specific department. Statements produced in the social media and press releases are not considered, as the source of authorship is not the Commission as a whole institution, similarly to the case of the European Council as mentioned above.

Diverse steps were followed to collect the data. First, COM docs on all policy areas published during the research period were identified. This was done using the Application Programming Interface for European Union Legislation, so-called API (Buhl & Rasmussen, website). This application extracts and organizes data from Prelex, an online public database run by the EU’s Publications Office containing all documents issued by the Commission to be transmitted for decision and/or observation of other EU institutions and actors.⁶⁹ API’s interface quality allowed me

⁶⁹ In December 2014 Prelex was closed. However, the data of this project was collected while Prelex was still functioning. Since 2015 the information of this database is available on Eurlex, an EU database the contains all kinds of policy documents from preparatory acts to laws and international agreements. It can be accessed via the following link <http://eur-lex.europa.eu/collection/legislative-procedures.html>.

to get different type of information on all COM docs, such as titles and type of legislation. Next, the information was organized and a large dataset of approximately 25,000 COM docs was created. Later, the dataset was checked for errors and later cleaned discriminating irrelevant information for the project (e.g. name of the commissioner responsible for the document). Afterwards, the data was collected, selecting the documents whose titles included any of the issues in the catalogue of OC issues (see Appendix 1), which was built to collect data, as mentioned above in the subsection of the European Council. With the documents collected, a dataset on COM docs on OC was created. Finally, the electronic versions of the data were obtained and cleaned. This included a detailed process. For the cases where the data was not available electronically –as many sources were produced long time ago-, a hard copy was requested to the Commission's General Secretariat. The information obtained was transformed into a digital format. Once all electronic versions were gathered, they were revised to assure that they were computer-readable to facilitate the analysis. Also they were checked to confirm that each title in the dataset contained indeed only one document. When more than one document was included in the same file (as it was often the case when COM docs were about a proposal that derived from a communication issued simultaneously), the different documents were split. A total of 263 COM docs in the domain of organized crime were collected (see Appendix 4). This represents 1% of the overall agenda of the Commission, which is similar to the amount of data analyzed in previous research using COM docs on single policy domains studying a similar time frame (e.g. Princen, 2009:60).

5.2. Methods to study Intra-agenda dynamics

The analysis focused on the attention patterns. Attention is the occurrence of an issue on the agenda of a political institution. Pattern refers to the way an institution gives attention to issues over time. Seven features were measured: development of attention, level and distribution of attention changes, factors of attention, agenda content, allocation of attention, agenda scope, and agenda diversity. The first three aspects were studied for the domain of OC as a whole. The last four features were analyzed by observing more specific issues within the policy field. In this way, a thorough study on the policy problem was achieved. All features are connected to each other, which means that all results must go in a similar direction in order to validate the findings.

Development of attention

The development of attention over time was studied, conducting a mapping of attention. This was done by means of content analysis. The total number of organized

crime issues occurring on the agendas between 1975 and 2013 was identified, using a codebook on OC issues (see Appendix 2). This analytical instrument was developed on the basis of the catalogue (see Appendix 1), but it is a more refined instrument. The codebook is the actual tool used for measuring and conducting the empirical analysis. It has 14 issues. The number of issues included originally in the catalogue was reduced, after the experience obtained from collecting the data. The reason is that not all issues in the catalogue were 'fished' (e.g. gambling) and some issues sometimes belong to two different clusters (e.g. *criminal groups* that commit *money laundering activities*). As a consequence, some issues were discarded and others merged. The separation of issues in three distinct clusters, as established in the catalogue, was eliminated. The reason is that, while such grouping was initially relevant to obtain a thorough impression of all possible lines in the discussion around OC and collect data, it was relevant neither to conduct the analysis nor to achieve the research goal. In addition, the issue terrorism was assigned specific coding rules to assure precision on the measurement and replicability of the analysis. It was done in this way because, as identified in the previous chapter on the policy domain, terrorism can be included in the conceptualization of OC, but can be also considered a problem in its own right. The unit of analysis was words.

The study was done on a year-to-year basis. Other options were to consider semesters or quarters. However, the former interval has been barely chosen to study agenda evolution in the long run (Carammia et al., 2016) and the latter has not been used. Years are a valid interval for diverse reasons. First, most research on the politics of attention on agendas in Europe—including the European Council—and in other political systems, like the United States, has used this time interval (e.g. Jones and Baumgartner, 2005; Jennings et al., 2011; Alexandrova et al., 2012). This makes the results comparable with findings in previous work. Second, an analysis on the basis of years enables us to conduct a critical test to find attention changes. An examination of the data per semester, not to say quarters, facilitates the identification of punctuations as they occur. Thus, if changes can be perceived even year by year, a critical threshold can be surpassed by observing changes at an aggregate level. Additionally, a yearly interval was selected for two pragmatic reasons. On the one hand, the findings of the intra-dynamics of the European Council will be later compared with the results of the Commission. This has implications for the analysis because there is a considerable difference between the periodicity of the data of each institution (i.e. while Conclusions are issued more or less quarterly, COM docs are published as often as the Commission deems it necessary). On the other hand, the research period is long, covering almost 40 years.

The analysis was done on the texts of the Conclusions. Other studies on the politics of attention have analyzed the titles. However, this is not an option in this research, given the characteristics of the Conclusions. These policy documents do not have a title as such, but a name that refers to the city and date when the meeting of the European Council takes place. In addition, only a very limited number of Conclusions are published per year. The reason is that, regardless of how concerned the European Council may be about any problem, the institution holds only around four summits in a year or two gatherings per semester approximately, issuing one set of Conclusions each time. Thus, an analysis of the number of Conclusions leads to an underestimation of the European Council's attention to policy problems. In the case of the COM docs, a content analysis on the text and titles was conducted. The texts in the introductory part were analyzed. One reason is that this section provides an overview of the content of the document and presents the most relevant elements of it, as considered by the institution. The whole communication, by contrast, entails a more technical and legal nature, which may lead to a misrepresentation of the political attention. Another reason is that practically all COM docs include this part, which allows for consistency of the analysis. The titles were also analyzed for a more precise estimation.

Level and distribution of attention changes

The actual level of variation of the development of attention was studied, looking at the distribution of changes. For this, a kurtosis analysis was done. The measurement of kurtosis indicates how "wild" the distribution of attention changes is (Jones and Baumgartner, 2005: 183). This was done to have a more accurate evidence of how the changing trend was, based on the previous results on the development of attention. The aim was to identify whether the changes in attention over time were only incremental or sometimes more drastic.

The statistical analysis was conducted in two steps. First, the annual change scores in attention to the domain were calculated. In general there are two options for doing this: a percentage-count method or a percentage-percentage method (Jones and Baumgartner, 2005). The former method enables us to measure the "growth in the total size of the policy agenda (...) by basing change on what has occurred before within the policy arena" (Jones and Baumgartner, 2005: 202). It is based on counts. The latter method considers the space of the agenda constant over time in a given policy field, taking into account the past situation in the field and the present situation in other policy areas. It is based on proportions. In this project, the first approach was selected to do the calculations. Two reasons motivated to follow a percentage-count

method. One explanation is that it goes in line with the research goal, as the method allows us to know the effect of the design of the institution and its overall carrying capacity (Ibid: 180). By contrast, the other method is especially useful for exploring its changing priorities across policy fields (Ibid). Another reason is that the method fits the project, as a single policy domain is analyzed. As a consequence, a relative measure of change that involves other policy fields is not applicable.

Accordingly, the following formula was used:

$$\frac{t_1 - t_0}{t_0} \quad (1)$$

5

Where t_1 is the value of the agenda in the present and t_0 is the agenda in the past. The change in the development of the agenda was identified by taking into consideration the situation in the previous year. For instance, if there were 28 number of observations in 2007 and 14 in 2006, then the change score for 2007 is one. In this way, the distribution of attention shifts from one year to the next was measured. The point of departure to do this calculation was the year 1983 for the Conclusions and 1984 for the COM docs. The reason was that the results of the previous analysis on the development of attention showed that OC entered the agenda of the European Council and the Commission for the first time in those years, respectively. These findings had an important analytical implication for this research: the time frame originally established for the empirical study needed to be modified, accordingly. Thus, considering the year when the problem debuted on the European Council agenda, the new period of investigation to analyze the institution's attention was between 1983 and 2013. Similarly, the new time frame to analyze the Commission agenda was between 1984 and 2013.

Second, based on the distribution of yearly change scores, the level of kurtosis was measured. This type of measurement shows the degree of change or 'peakedness' of a frequency distribution. Statistically, kurtosis is considered the fourth moment around the mean. More precisely, the level of kurtosis is the relation between the fourth moment of a distribution and the square of its variance, which is the second moment. A kurtosis analysis is appropriate for diverse reasons. It enables a precise calculation of the distribution of annual changes, in order to statistically confirm the variation of the attention pattern. In addition, it allows for theory testing. According to the Processing Model, a clear indication of the effect of the information-processing characteristics of institutions dealing with complex problems is that the distribution of their policy outputs *invariably* displays a positive kurtosis value (Jones and Baumgartner, 2005:173). Such value means that the development is non-incremental.

In an incremental model of policy change, the theoretical kurtosis score of a normal distribution is 3.0. Above this statistical value, the development is considered to be positive or 'leptokurtic', which signifies that the distribution is non-normal. This indicates that, contrary to an incremental archetype, there is a degree of punctuation in the policy process. In other words, a kurtosis value above 3.0 signifies that policy development over time is not always incremental, but includes important shifts every now and then. Based on the Processing Model, political institutions tend to delay action to process issues and overrespond when they finally react. This behavior stimulates a pattern of both moderate and sudden abrupt shifts in policy. Such punctuated-equilibrium development of policy change, as argued by the theory, is expected to be observed. Put differently, the expectation is to find a leptokurtic score for the level and distribution of attention changes in both agendas. Furthermore, this theory also posits that the distinct constraints of institutions make them prone to variations of attention. The less constrained, the less oscillations. Statistically, this means that the less punctuated the change, the lower the kurtosis value. Based on this, a second expectation is that the value of the Commission agenda is lower than the score of the European Council agenda.

The standard measure, also called Pearson's kurtosis, was calculated. The following formula was used:

$$k = \frac{\sum(X - \mu)^4/n}{(\sum(X - \mu)^2/n)^2} \quad (2)$$

Where X is the variable (change score, in this case), μ is the mean (of the change scores, in this case) and n is the number of data points (years, in this case⁷⁰).

Factors of attention

A study on the factors that generated the attention of each institution was conducted. This was done to identify what stimulated the institutions to take up the problem of OC on their agendas. The analysis was facilitated by the findings on the development of attention. It was carried out in different phases. Initially, according to the expectation of ADA that the attention of the European Council and the Commission is regularly shaped by focusing events and professional concerns, respectively, only one factor was analyzed per agenda. The study was done by means of content analysis. The unit of analysis was documents. For the Commission data, the introductory part was observed. The category was binary coded (1, meaning factor found; and 0, meaning

⁷⁰ Note that a score for the initial year cannot be calculated, given that the calculation of the change scores considers the previous year.

factor not found). Only explicit arguments were considered. The study was thus based on references in the data, not on external sources.

During the development of the analysis, it was identified that the single factor expected to drive the attention of each institution was not constantly present. Consequently, additional factors were included a posteriori in the study. To begin with, no discrimination was done between the two factors mentioned in the hypothesis. This means that the impact of focusing events *and* professional concerns on both agendas was explored. Later, based on the literature on agenda-setting and representation in domestic political systems, different ideas were developed and finally translated into four factors that were incorporated in the study.

In this way, six factors in total were analyzed: focusing events, professional concerns, EU institutional milestones, political signals, policy inheritances and public concerns. Focusing events are salient, powerful and sudden socio-political occurrences.⁷¹ Professional concerns are statements from a group of experts that estimate critical the status of a given condition.⁷² EU institutional milestones are key developments in the institutional framework of the European Union.⁷³ Political signals are indications made by political actors to address a given issue.⁷⁴ Policy inheritances are previous policy decisions and political agreements that influence the consideration of current policy commitments.⁷⁵ Public concerns are problems that citizens consider important to be tackled by the EU.⁷⁶ For analytical purposes, a codebook on factors of attention was created (see Appendix 5). On this basis, the six categories were examined for each of the two agendas. The categories were binary coded. Next, the analysis zoomed

⁷¹ The notion is based on the Routes Framework that posits that ‘symbolic events’ impact issue initiation in EU agenda-setting (Princen and Rhinard, 2006). The term and conceptualization follows from Kingdon’s (1984) and Birkland’s (2010) notions of focusing events. Accordingly, these events are “a powerful symbol” (Kingdon, 1984:95) and attract attention, due to their “sheer magnitude” (Birkland, 2010:118) and sometimes given the “harm they reveal” (Birkland, 2010:118). They are also “sudden” and “relatively rare” (Birkland, 2010:118).

⁷² The term is borrowed from the Routes Framework (Princen and Rhinard, 2006). Accordingly, ‘professional concerns’ stem from “people working in the same issue area” or “in epistemic communities” and affect issue initiation in EU agenda setting.

⁷³ The notion is inspired by Breeman and Timmermans’ idea of ‘institutional milestone effect’ (2012), which refers to the impact that changes in European legislation, particularly EU treaties, have on national legislation.

⁷⁴ The term is inspired largely by the Processing Model, where signals from the environment play an important role and push for attention to be transformed into policy output. Additionally, the notion takes into consideration that agenda setting in the EU is inherently a political process, as mentioned in Chapter 2.

⁷⁵ The notion is inspired by Rose and Davies’ idea that newly elected politicians have little choice but to work with ‘inheritances’ or ‘legacies’ on programmes initiated by previous governments (1994).

⁷⁶ The notion is inspired by Jones and Baumgartner’s idea of ‘policy priorities of the public’ and the extent of responsiveness of the government to such priorities (Jones and Baumgartner, 2004).

in into central moments of attention over time, such as when OC first appeared on the agenda and when the domain was high on the agenda. This study was done in a qualitative way.

Agenda content and allocation of attention

The specific content of the agendas was identified, counting all different OC issues handled by the institution in the whole research period. The issues analyzed were those pre-established in the codebook in Appendix 2.

An analysis of the allocation of attention across the total number of different OC issues was done, calculating on an annual basis the percentage of attention to each issue in relation to the overall agenda during the research period. This enabled us to recognize the relative variation of attention within the OC agenda over time.

Agenda scope and diversity

The scope of the agenda was analyzed by identifying the number of issues that reached the radar of the institutions during the research period. The number of different OC issues attended by each of them was counted on an annual basis. This was done to see the how the agenda concentrated in few or many issues over the years.

An analysis of the diversity of its agenda was done, calculating the level of entropy. Entropy indicates the variation in the composition of the different groups in a sample. More specifically, it measures the diversity of observations across the total number of given categories and the probability of observing variation on a specific event. Although the analysis of attention allocation and agenda scope provided an overview of how disperse the consideration to OC issues was over time, a statistical analysis provided a more accurate evidence of the range of diversity.

This type of measurement has been used in agenda-setting studies to measure the fragmentation of attention across policy issues or, more precisely, agenda concentration and agenda diversity (Jennings et al., 2011; Alexandrova et al., 2012; Carammia et al., 2016). Accordingly, while a concentrated agenda involves attention to one issue, a diverse agenda entails equally shared attention among many issues. The degree of entropy depends on the total number of issues on the agenda, given that the goal is to identify the portion of attention allocated across all elements in the sample. A concentrated agenda has a lower degree of entropy and, conversely, a dispersed agenda a higher level. In other words, a lower value signifies that the focus is on one or a small number of issues, while a higher entropy means that the attention

is spread more similarly among issues. These patterns speak to the information-processing behaviors of macropolitical institutions and policy subsystems, respectively. Therefore, calculating the degree of entropy is appropriate for two reasons. First, I am interested in knowing whether each of the two institutions regularly focused on one or many issues, as this provides evidence to further compare the intra-dynamics in the way problems enter and fade away from the political radar of each institution. Second, I am also interested in knowing whether the variation pattern in expansion and concentration occurred in a similar way because this allows for a more detailed evidence of the (dis)similarities in their processing dynamics.

The entropy was calculated using Shannon diversity index (H), based on the following formula:

$$H = (-1) \sum_{i=1}^n p(x_i) \ln(p(x_i)) \quad (3)$$

where H is the entropy value of the negative sum for all categories of the probability $p(x)$ that x (an observation) happens within a particular category i , multiplied by the natural log of that probability. For categories where no observation happens in a given year, it is assumed that $0 \times \ln(0)$ equals zero, given that logs of zero cannot be calculated. The minimum score of H is always zero. However, the maximum value is not fixed, but dependent on the number of categories.

The analysis was conducted in three parts. First, the range of measurement was estimated. It was necessary to calculate only the maximum value, as the lowest possible entropy score is a given, as just mentioned. It is zero, which means that all the attention is concentrated 100% on one issue. However, the maximum possible value varies according to the total number of categories. In this case, based on the previous results of the analysis on agenda content, the total number of OC issues was thirteen for the analysis of the European Council. Based on the formula in equation (3), the highest possible entropy score for a sample of thirteen categories is 2.5649. This value signifies that all thirteen issues are equally attended, each occupying 7.69% of the total agenda space. To calculate the range measurement for the analysis of the Commission, according to the earlier findings on the agenda content, the total number of issues attended by the institution during the research period was twelve. On this basis, the maximum entropy value was estimated. For a group of twelve categories, the maximum possible score is 2.4849. This means that the attention is equally distributed among issues, each receiving 8.33% of the total amount.

Next, the actual score for each year was measured. In the last part, the average entropy level for the whole research period was calculated. Years in which OC issues

were not on the agenda were not included in the calculation of entropy. The reason is that, for determining the level of entropy of the agenda, issues must be present on the agenda in the first place. It is thus incorrect to consider that the entropy score in years of no attention is zero, as it would mean that the institution focused on one issue, when in reality it did not consider the problem at all. As a result, the average score excludes years without attention.

According to the Processing Model, the fewer constraints to process issues —as it is the case of parallel-processing institutions, such as the Commission—, the more diverse the agenda. Therefore, the attention is more equally shared. In terms of entropy, the more diverse the agenda, the higher the entropy level. On this basis, I expect to find a higher average value in the Commission agenda in relation to the average value in the European Council agenda.

5.3. Methods to study Inter-agenda dynamics

The analysis centered on the governing pattern in the relationship between the institutions. It explored the directionality between their agendas. Drawing from the field of econometrics, Vector Autogression (VAR) techniques were used (Sims, 1980; Freeman et al., 1989; Stock and Watson, 2001). By means of VAR, the agenda interaction was modelled.

VAR is a multiple regression model, in which each variable in the system is “explained by its own lagged values, plus current and past values of the remaining (...) variables” (Stock and Watson, 2001:101). For instance, in a bivariate model, i.e. consisting of two variables, the value of one variable is caused by the lagged values of itself, as well as the present and lagged values of the other variable. VAR models do not presuppose which variable is exogenous —or independent. All variables are in principle assumed to be endogenous —or dependent. After running the model and examining the results, exogeneity becomes clear. In this project, these conditions of flexibility provide a better alternative for modelling than other methods, such as structural equation (SEQ) models, where the parameters need to be rigorously predetermined by placing “reliance on a single theory” (Freeman et al., 1989:848). Setting strict parameters and doing it *a priori* becomes a problem in this study because there is no clarity in the theory about the institutions’ interplay and our knowledge of the reality is substantially limited. Thus, as a result, we are uncertain about the actual properties of the system. It, however, shall not be understood as if no specifications are considered in the formulation of VAR models. Comparatively speaking, “VAR imposes fewer and weaker restrictions” than SEQ (Freeman et al., 1989:843).

VAR techniques are widely used in Macroeconomics to study the relationship between two or more variables in time series data. This method has been used to analyze, for instance, the relationship over decades among interest rates, inflation and unemployment and the effect of a change in any of them (Stock and Watson, 2001).

The method is also applied to model policy processes. VAR is adequate to study the inter-agenda dynamics of the European Council and the Commission for several reasons. To begin with, VAR fits this research because it is about the analysis of time series data. Thus the relationship between the institutions can be analyzed in the long run, revealing its underlying trend.

A central reason for using this method is that, as Edward and Woods have argued, "VAR is the most appropriate method for circumstances in which the theory provides a weak rationale for imposing restrictions on the parameters of a structural equation system" (Edwards and Wood, 1999:334). This feature is particularly relevant in this project given the wide academic discussion on the relationship between the institutions vis-à-vis the little empirical work, not to mention the lack of regulation on their interaction. Consequently, there is neither a firm theoretical basis nor a genuine justification for predetermining the direction of influence between the institutions.

Furthermore, in line with the Agenda Dynamics Approach, VAR allows us to study specific processes based on a theory-building perspective. This is possible because, in order to run this type of autoregression model, there is no need to establish *a priori* restrictions derived from theoretical assumptions (Sims, 1980). This does not mean that we can start running models 'just like that' without any theory. Theory is indeed used, for instance, to select which variables are to be included in the system, but not to assume which of such variables is independent (Freeman et al., 1989: 844). In a way, the data can 'talk' (cf. Edwards and Wood, 1999:334). But "the data will obviously not determine directly the outcome of the debate between various schools of thought; it does, however, influence the conflict by defining what battlefield positions must be" (Sims, 1980:30). It is the researcher who gives voice to the findings, based on theoretical and empirical knowledge on the analyzed phenomenon and the variables in the study. In general, for modelling by means of VAR, it is necessary to be well informed about possible theoretical causal-relation dynamics in order to construct the system, conceive a reliable analysis and draw founded conclusions.

Another reason to use VAR is that with this method the causality between variables can be estimated, in clear line with the research goal on the inter-agenda dynamics. As Liu et al. have argued, an "advantage of VAR modeling is that it can provide empirical evidence for Granger causality of two possibly interactive variables" (Liu

et al., 2009:412). According to the notion of Granger causality, one variable causes another variable, if the lagged values of the former and the latter variable help better predict the present value of the latter variable (Granger, 1969:459). This is tested in VAR techniques as a means to interpret the output of the estimated model, as will be described below.

A final motivation to use VAR relates to its methodological novelty. This technique has not been applied to study EU policymaking. Until now, research by means of VAR has been conducted in national political systems to study the relationship between political institutions and between political and public organizations. Most work has been done on institutions in the United States (e.g. Rutledge and Larsen Price, 2014; Peake, 2017; Eshbaugh-Soha and Peake, 2004; Edwards and Wood, 1999). Some work has been conducted to study organizations in other countries, such as Canada (S. N. Soroka, 2002) and the Netherlands (Vliegenthart and Roggeband, 2007). However, VAR has not been used to analyze the interaction between political institutions at the EU level. It is thus appropriate to use it because this promotes an innovative method for the analysis of the policy-making process in the European Union political system.

VAR is, however, not exempted from criticism and disadvantages. Perhaps one of the most criticized features relates to the concept of Granger causality. The reason is that this type of causality is not entirely the same as normal causality. Granger causality is about “prediction” (Granger, 1969:429). It demonstrates potential causality, provided the occurrence of one variable by which the other variable can be better determined. Some scholars consider this circumstance a limitation. However, in VAR models an additional test on Impulse Response Functions (IRF) complements the information obtained by Granger tests (Edwards and Wood, 1999). Also as a way to interpret the VAR output, IRF allows us to confirm and observe further the behavior between variables by showing the response of one variable to a simulated shock in another variable in the system, as will be mentioned in the next section.

Some disadvantages of the method can be also noticed. VAR does not allow for an analysis of short-term deviations from the long-term pattern. Nevertheless, there are reasons why this situation is not necessarily a drawback in this study. One is that the research goal is to identify the primary trend in their interaction in the long run, not to show transitory moments. However, because random patterns may happen in time series, one of the conditions to run VAR is to control for stationarity. Stationarity refers to the stability of the system. This concept brings us to another reason. If the test to control for stationarity is passed, it means that the same trend occurs across time periods. In this research, the data passed the test, as will be shown below.

Another disadvantage discussed in the literature is related to the circumstance that, as will be explained, the examination of individual coefficients in the regressions—as it is common practice in econometrics—is extremely complex in VAR models and, therefore, this is usually not done (Sims, 1980). Instead, tools to interpret the results are necessary. In this way, VAR models are not so precise in quantitative terms as, for instance, SEQ models. However, this situation is compensated because VAR provides better “accuracy of causal inference” than SEQ, as claimed by Freeman and colleagues (Freeman et al., 1989:842). In effect, as Soroka has argued, with VAR models we are able to “make more convincing claims about causal relationships between variables”, in comparison to SEQ models (Soroka, 2000:144). Considering the trade-off and in view of the research goal in this study, the argued disadvantage does not represent a problem here; the feature of the method, as suggested by Freeman et al. and Soroka, rather benefits this research.

The model

VAR was conducted for a bivariate model, that is, the European Council agenda and the Commission agenda. The domain of organized crime as a whole was analyzed. Time series data on attention of each institution to this field were used, on the basis of the data previously collected for the analysis on the intra-agenda dynamics. The model revolves around notions obtained from the earlier results. It was built in different steps, which are described in the three following sections. The results of the first two parts can be found in Appendix 7. The findings of the last part are introduced in the analytical chapter (Chapter 8). The overall procedure was conducted using Stata 13.

Data preparation

The analysis of the inter-dynamics was done on a quarterly basis. Therefore, before constructing the model, the original yearly data used to study the intra-dynamics was disaggregated in quarters. At first sight, an obvious choice was to take the same annual interval used for the analysis on the intra-agenda dynamics. This interval is, however, not appropriate to study the interaction. Years are too long to capture the fine dynamics of the relationship, given the distinct institutional calendars to process issues. The European Council has per year a relatively fixed number of gatherings, where it deals with policy problems. While the number of summits per year has increased in the last two decades (Puetter, 2014:104–106), on a longer term the European Council has held two meetings on average per semester or one “every three months” (Werts, 2008:189). By contrast, the Commission is significantly flexible in this regard. The institution has no schedule as such, in the sense that

it does not need to reach a predetermined number of policy documents per year or semester. Instead, the Commission can issue communications on policy issues whenever necessary. Therefore, a lot can happen in a semester, not to mention a year. As a result, a study on a quarterly interval seems appropriate. It enables a refined view on the interactive processes.

The research frame was between 1993 and 2013. The time before this period was not considered, given that the findings on the intra agenda-dynamics show that the institutions —especially the Commission— discarded the problem from their agendas in many years, which would provide several time points with missing data (see Chapters 6 and 7). These results demonstrate that the situation changed in 1993, when the attention of both political bodies took off and afterwards the problem was constantly present every year on their agendas. The study included in total 83 quarters, from the second quarter of 1993 —when the domain appeared on the agendas for the first time— to the fourth quarter of 2013 —the last period the domain was on the agenda, according to the research period. The domain analyzed included eleven OC issues, in contrast to the study of the intra-agenda dynamics that considered fourteen. Three issues were discarded (i.e. cigarette smuggling, trafficking in works of art, trafficking in vehicles) because the findings on the intra-agenda dynamics showed that on the whole both institutions paid less than 1% of attention to such issues and, in some cases, no attention (see Appendix 6).

Then, the variables were standardized. Next, the stationarity of the time series was checked, a key condition to be able to run VAR.⁷⁷ Statistically this can be observed by the presence of unit root, which means that the time series has a random pattern. An Augmented Dickey-Fuller (ADF) test was conducted. The Akaike Information Criterion was used to determine the lag length to do the test. The results indicate that the variables are stationary (see Appendix 7, Table A). This enabled us to conduct the model.

Vector autoregressions and post-estimation tests

As we know by now, VAR involves the examination of lagged values. Thus, prior to running the model, the lag length to conduct the analysis was calculated. This was done by a Likelihood Ratio (LR) test (see Appendix 7, Table B). Then the vector autoregressions were run. The results of the estimated VAR are regularly not reported in academic research. Instead, further tests need to be conducted to interpret the output. The reason of this convention is that it is complex to directly analyze and digest the large number of coefficients obtained by VAR models, as Sims has argued:

⁷⁷ When time series fail the test, the data must be transformed before modelling.

“Autoregressive systems like these are difficult to describe succinctly. It is especially difficult to make sense of them by examining the coefficients in the regression equations themselves (...) The common econometric practice of summarizing distributed lag relations in terms of their implied long run equilibrium behavior is quite misleading in these systems” (1980: 20–21). As a consequence, additional tests are required to read the VAR output. The interpretative tools commonly used are Granger causality and Impulse Response Function. They are described in the next section.

To validate the estimated model, two conditions were controlled: stability and autocorrelation. The eigenvalue stability condition was checked and a Lagrange Multiplier (LM) test was conducted to control for autocorrelation in the residuals.⁷⁸ The results indicated that the model was adequately specified (see Appendix 7, Figure A and Table C). This gave solid ground to the interpretative tools.

Interpretative tools

As just mentioned, there are two ways to make sense of the results of VAR. First, Granger causality allows us to test causal relations, or direction, between variables. According to this notion, variable A Granger-causes B, if B can be better predicted from the history of A and B together than only of A. This is based on the idea that the cause happens before the effect. The null hypothesis is that the lagged values of variable A do not Granger-cause the current values of variable B. If the null hypothesis is rejected, the alternative hypothesis is accepted. In theory, four different results are possible to obtain from the model: no Granger-cause relationship between the institutions; the European Council Granger-causes the Commission; the Commission Granger-causes the European Council; and the institutions Granger-cause each other. To identify this, Wald tests were conducted. The results are discussed and reported in Chapter 8.

Second, Impulse Response Functions show the reaction of each of the variables in the system to a simulated unexpected exogenous shock to one variable and then to another variable, and so on, over a horizon of time. In other words, “[s]hocking a variable means increasing the independent series by one standard deviation and estimating the impact the increase has on the other series in the system” (Peake, 2001:73–74). This provides further information on the effect between variables, such as the magnitude. The reactions of the institutions were tested by IRFs, or more precisely, orthogonalized IRFs. The shocks were orthogonalized by Cholesky decomposition (Sims, 1980). This transformation makes the error terms orthogonal

⁷⁸ Finding evidence of autocorrelation means that some parameters of the model need to be further analysed and better specified.

or contemporaneously uncorrelated, which allows for the simulation of the system's response to unexpected disturbances to the system. The results on the IRFs are discussed and reported in Chapter 8.

Granger and IRF analyses are useful for various reasons. They do not only make possible to interpret the results of the estimated VAR. They are also important to validate the findings. The results of the predictive causality of Granger causality tests confirm and complement the evidence of IRFs on the response of one variable in relation to the impact on the other. Moreover, IRF facilitates the interpretation of the findings, as it allows for a visual representation of the model. It also gives additional information on the impact. In this way, the combination of both tests in this study provided strong evidence of the causal relations between the variables and made possible to characterize their interaction.

Additionally, to make the results more solid, a change in the ordering of the variables was done to check that the pattern in the relationship holds. According to the literature, IRFs are sensitive to variation in the ordering—situation that does not occur for Granger causality— (Peake, 2001:74). The convention is to decide the original ordering of IRF on the basis of the Granger causality test, by which the variable that proves to be independent in the latter test is placed first in former analysis. In order to challenge this convention, additional IRFs were conducted, setting the variable ordering the other way around. This means that the variable that was found to be dependent, according to the results of Granger causality, was located first. The results obtained (see Appendix 7, Figure B and Table D) were similar to the original model (see Chapter 8, Figure 8.1 and Table 8.2).

5.4. Summary

This chapter described the methodological strategy of the project. It first dealt with the sources and the data collection process. It showed the reasons the Conclusions of the European Council and the COM docs of the Commission are used to reconstruct their agendas for the analysis. It also described how the policy documents, as they relate to the OC domain, were collected. Later, the chapter addressed the methods. It showed the way seven features, such as agenda diversity and factors of attention, were measured to study the intra-agenda dynamics. It also explained why vector autoregression techniques were used to analyze the inter-agenda dynamics. The steps followed to build and run the VAR model were described. The next chapter presents the first empirical study applying ADA. It analyzes the intra-dynamics of the European Council.

Intra-agenda dynamics of the European Council

The preceding chapters introduced the preparatory theoretical and methodological components to conduct the empirical research. It is time now to do the analysis. This chapter introduces the first of three analytical chapters. It deals with the dynamics in the European Council agenda. It addresses the following research sub-question: *what are the intra-agenda dynamics of the European Council?* The answer gives empirical evidence of the evolution of attention of this institution to the problem of organized crime over time. The goal of the chapter is to identify and explain the processes happening on the agenda. The chapter is divided into five sections. In the first part, the expectations are introduced. The second part reveals the attention trend over the years. It also explains the processes observed. The third section presents an analysis of the factors that drive the institution to initiate issues on its agenda, explaining the behaviors. In the fourth part, the previous two sections on the empirical research are placed together and additional findings are introduced. In doing so, a comprehensive explanation of the dynamics is provided. Finally, the conclusions of the chapter are presented.

6.1. Expectations

According to the Agenda Dynamics Approach, which was presented in Chapter 3, the institutional design of the European Council affects how this political body sets its agenda. First, its information-processing capacities impact the way it deals with policy issues. Given that this institution has significantly limited capacities to process policy problems, I expect to observe that its agenda displays over time a pattern of drastic rise and fall of attention to issues. Second, its political attributes have

implications for the way its attention is formed. Given the top political profile of the European Council, I expect to find that the institution regularly attends issues triggered by focusing events. The methods used to conduct the analysis were described in the previous chapter.

6.2. How does the attention of the European Council move in time?

Let us start by identifying the content of the agenda of the European Council during the research period. Table 6.1 presents the findings. It shows the issues that entered the agenda, as well as those that never reached it during the research period.⁷⁹

Table 6.1. Content of the European Council agenda on organized crime (1983–2013)

Issues that received attention	
1	Organized crime
2	Drug trafficking
3	Counterfeiting
4	Corruption
5	Human Trafficking
6	Environmental crime
7	Trafficking in works of art
8	Arms trafficking
9	Terrorism
10	Fraud
11	Trafficking in vehicles
12	Cybercrime
13	Money laundering
Issues that did not receive attention	
1	Cigarette smuggling

The analysis demonstrates that the institution attended thirteen different OC issues, out of a total of fourteen distinguished in the codebook on OC issues (see

⁷⁹ The issues are presented in the order they appear in the codebook (see Appendix 2), not ranked.

Appendix 2).⁸⁰ The way the institution allocated its attention across issues is reported in Table 6.2. The table centers on the five more salient issues on the European Council agenda over time: drugs trafficking, organized crime, terrorism, human trafficking and fraud. Altogether, they represent 85% of the total agenda.⁸¹ The first two issues were particularly prominent, occupying altogether more than half of its attention over the whole period (55%).

Table 6.2. Allocation of attention across OC issues on the European Council agenda

Issue	Value
Drug trafficking	28.52%
Organized crime	26.51%
Terrorism	13.44%
Human trafficking	9.30%
Fraud	7.54%
Remaining 8 issues	14.70%
Total	100%

6

A visualization of the results per year is presented in Figure 6.1. It displays the proportion of attention to the five issues in relation to all OC issues over time.⁸²

The figure is useful for two reasons. First of all, it can be observed that the OC topic did not reach the agenda of the European Council in 1975, as the original research period suggested. In reality, the problem attracted the attention of the institution for the first time in 1983. During the 1980s, the institution neglected all issues in 1984 and 1987, but afterwards its attention was present every year. Second, the figure helps distinguish the variation. It becomes evident that the consideration of the European Council to the five issues went often considerably up and considerably down, even during the period after its last drop of attention (1988–2013). This trend holds also true in the case of the two most predominant issues. The attention of the European Council to drug trafficking and organized crime entailed a very flexible scope, often leaving them out from its agenda in several occasions. This finding is relevant because it indicates that no matter how prominent an issue is in relation to

⁸⁰ For an explanation on the codebook, see Chapter 4 (for a background on debates on the conceptualization of OC that served as a basis to elaborate the codebook) and Chapter 5 (for a description on the way the codebook was constructed).

⁸¹ For a complete overview on the allocation of attention across all issues, see Appendix 6, Table A.

⁸² For a visualization on the allocation of attention to all issues, see Appendix 6, Figure A.

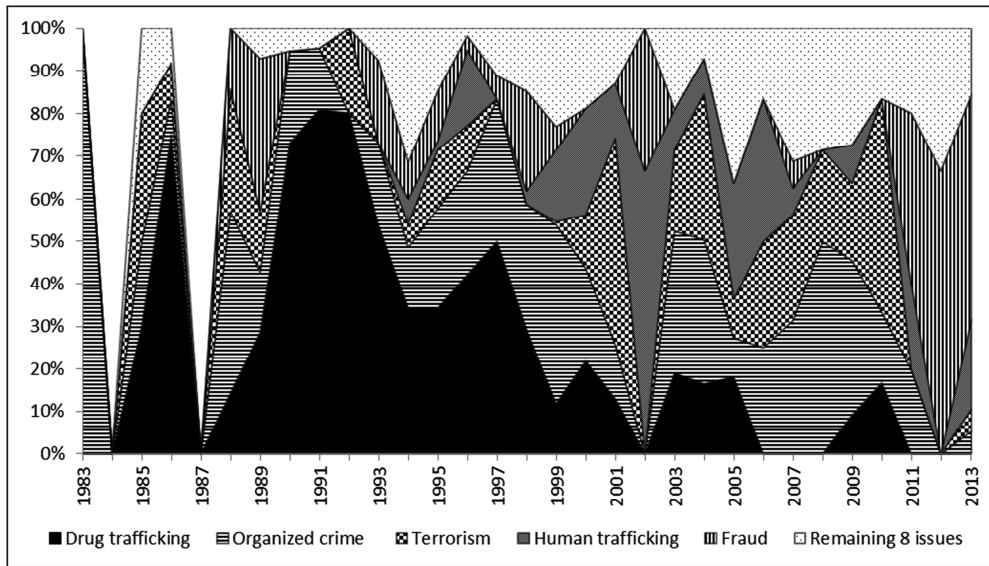


Figure 6.1. Allocation of attention across OC issues on the European Council agenda

* Years without reported information means that no OC issue entered the agenda

others, its saliency will eventually decline substantially and later raise again, and so on. This variation is an indication of the effect of its processing capacities. It suggests that, given its short resources, the institution needed to select tightly the issues to handle, in order to be able to move into other policy problems that are also waiting to receive its attention.

Further, the analysis on the agenda scope reveals important features of the institution's behavior. Figure 6.2. shows the results. Based on the previous findings of the agenda content, the maximum possible range of the agenda scope was thirteen. The study here reveals that the institution did not constantly handle all thirteen issues. Actually, the limit of the scope was never reached in any year. The institution dealt at the most with eleven issues in a year. This was the broadest the European Council opened its attention, which occurred in two years in the second half of the 1990s. By contrast, its consideration (nearly) faded out in diverse occasions during the research period. To begin with, when the problem entered the agenda in 1983, the institution focused on only one issue. In addition, as the previous findings on the allocation of attention also showed, during the 1980s OC issues left completely the political radar in two years. In the following decades, the attention of the institution decreased importantly from time to time until the point that the institution handled only few issues at the end of the analyzed period.

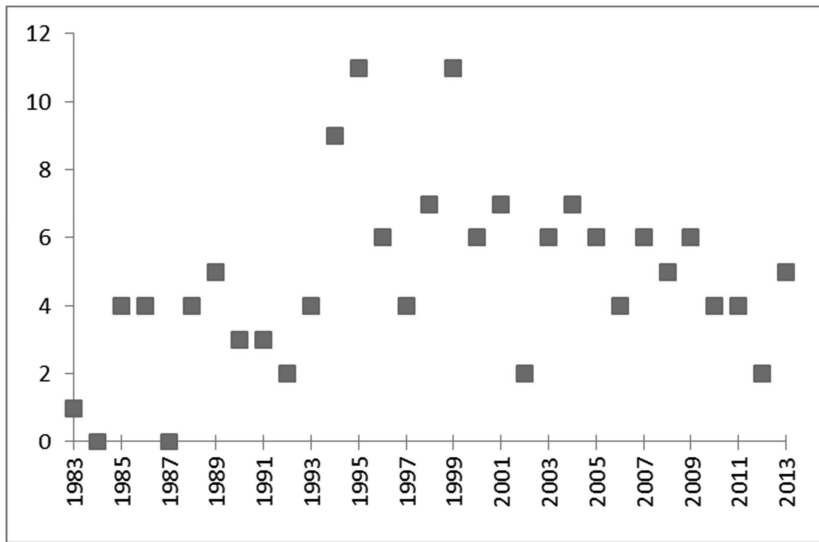


Figure 6.2. Scope of the European Council agenda on organized crime

The analysis also shows that its attention was first concentrated in the 1980s and then spread specially around the mid-1990s, but the scope shrank significantly in the following decade. In other words, its range of attention stopped expanding in the 2000s. This means that the expanding pattern changed over the years into a concentrated one again. In the evolution, the stretched attention contracted to the tightest range, similar to how it was in the beginning of the 1980s. These findings are comparable to work that has found “[f]rom the mid-1990s (...) oscillations in agenda scope, pointing to an alternation between narrower and broader policy agendas of the European Council. In the most recent years, the trend is toward a narrowing scope, down to the level of the early 1990s” (Carammia et al., 2016:817). This fluctuating pattern may be related to the evolving agenda-setting role of the European Council, as the EU remit has grown. As it has been argued in the literature, the institution is not anymore involved only in “selective targeting” of issues, but also in “routine monitoring” of them (Carammia et al., 2016). This means that, besides processing urgent issues that demand its prompt and selective response, the institution has needed to include more issues on its agenda over time and deal with them in a more ordinary way (Ibid: 812). The first mode of issue processing obtained in this study can thus explain the concentrated pattern, while the latter mode can be related to the expanding trend.

The analysis on agenda diversity allows us to observe further the oscillating pattern of attention. Figure 6.3 presents the findings. It shows the diversity of the agenda

measured in terms of the levels of entropy for each year, except for the years of no attention by the institution, as described in Chapter 5. The average entropy value was 1.25 for the whole period. During the time that OC issues were constantly on the agenda (1988—2013), the attention oscillated between a minimum value of 0.50 and a maximum of 1.94. These scores were reached in 1992 and 1994, respectively. These extreme values happened around the establishment of the Maastricht Treaty. In this sense, a pre- and post-Maastricht behavior on agenda diversity can be observed. Before the Treaty, the agenda was focused on few issues. After it, the agenda got importantly expanded. This finding suggests that this event gave a considerable boost to the attention of the institution, diversifying its agenda in a significant way. This is reasonable because this treaty established the field of Justice and Home Affairs, where the domain of organized crime was officially included in the EU framework, as mentioned in Chapter 4.

Going further in time, we can appreciate an alternation between diversity and concentration of attention at different points over the years. After experiencing a remarkable concentration phase in the beginning of the 1990s, the attention of the institution spread from time to time and compressed later again. The findings on agenda diversity go in line with the previous analysis on agenda scope. This similarity is important because it confirms the validity of the results. The reason is that both features of the agenda refer to similar ideas, but are expressed slightly differently. Agenda diversity is about how similar or different the portions of

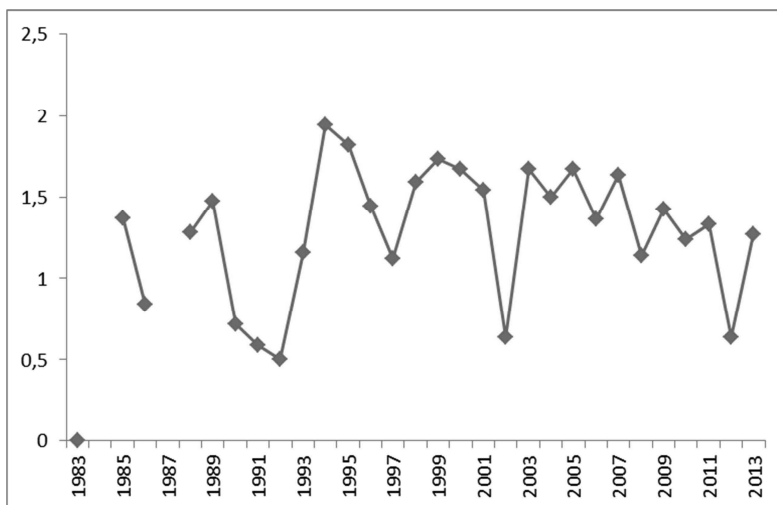


Figure 6.3 Diversity of the European Council agenda on organized crime

* Years without a reported level of entropy mean that no issue entered the agenda

attention among topics are; and agenda scope is about how many different topics receive attention.

The European Council agenda on organized crime displays a pattern where the attention shrinks and stretches over the years. A similar dynamic was found by previous work by Alexandrova et al., who looked at all policy domains on the agenda of the institution (2012). They identified an oscillating pattern that becomes particularly evident after the Maastricht Treaty (Ibid: 81). According to them, the pattern evolved “from concentration to diversity and then back to concentration” (Alexandrova et al., 2012:81). In other words, in different occasions the European Council widely opened its scope of attention, dealing with many issues. However, also in diverse years the institution had the tendency to contract its consideration significantly, focusing only in very few issues. The institution needed to shrink its attention importantly in different occasions, given its short carrying capacity to deal with issues.

A critical test on the changing pattern of the agenda of the European Council was done by examining the level and distribution of attention changes. The statistical analysis shows a kurtosis with a positive value of 5,24915. This confirms that, as posited by the theory, the distribution of attention changes of the European Council agenda is positive, or leptokurtic, as the value is above 3.0. Thus far, little work has studied the level of kurtosis of the European Council agenda. From the existing work, the finding goes in line with Alexandrova and colleagues (2012). They have analyzed

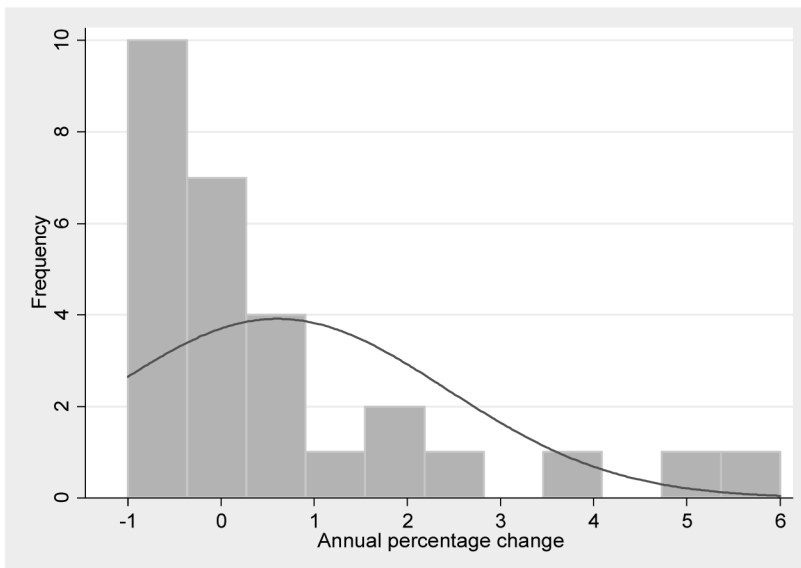


Figure 6.4. Distribution of attention changes on the European Council agenda

the evolution of 21 policy domains on the agenda for the period 1975–2010, finding a positive score. The study in this project confirms a leptokurtic behavior in the attention shifts of the institution to a single domain.

The kurtosis level is graphically shown in a histogram in Figure 6.4. The bars represent the frequencies and the black line shows the normal distribution. The frequency distribution of shifts displays the same “Quasimodo” kind of shape “with one shoulder peaking out” found by previous work (Alexandrova et al., 2012:78–79). This provides more evidence on the punctuated pattern. It shows that shifts in attention to the problem of OC over time were either very small or quite large, in line with the theory. This indicates that the restricted processing capacities of the European Council hindered it from having a balanced performance in attending the problem over time. This behavior suggests that institutions in the European Union have a similar policy dynamic as institutions in other political systems.

6.3. What factors generate the attention of the European Council?

The empirical evidence reveals that focusing events, political signals, policy inheritances, EU institutional milestones, public concerns and professional concerns triggered the attention of the European Council, as shown in Figure 6.5. The figure displays the occurrence of each factor in relation to all factors in the whole period. The total number of observations was 137.

The expectation in this study was that focusing events regularly trigger the institution's attention. The evidence shows that these events were not the predominant stimulus for the high politics venue. Instead, they stand relatively in the middle in the range of factors that were ‘discovered’ and altogether included in the analysis.⁸³ Therefore, the expectation can be confirmed only partially. The result can be explained in different ways. Not all focusing events are the same and their impact varies (Kingdon, 2011:94–100). In other words, focusing events are not a guarantee of attention to a policy issue. In fact, previous research has found that the European Council responds to focusing events “on purely strategic interests”, which means that not all events receive the same attention (Alexandrova, 2015). Additionally, this type of event happens seldom. Thus, if the European Council would attend issues mostly or only triggered by focusing events, it would imply that the institution is out of the political scene for long periods until the subsequent occurrence of such factor.

⁸³ For a description on the way more factors than (only) focusing events were integrated to the analysis, see Chapter 5.

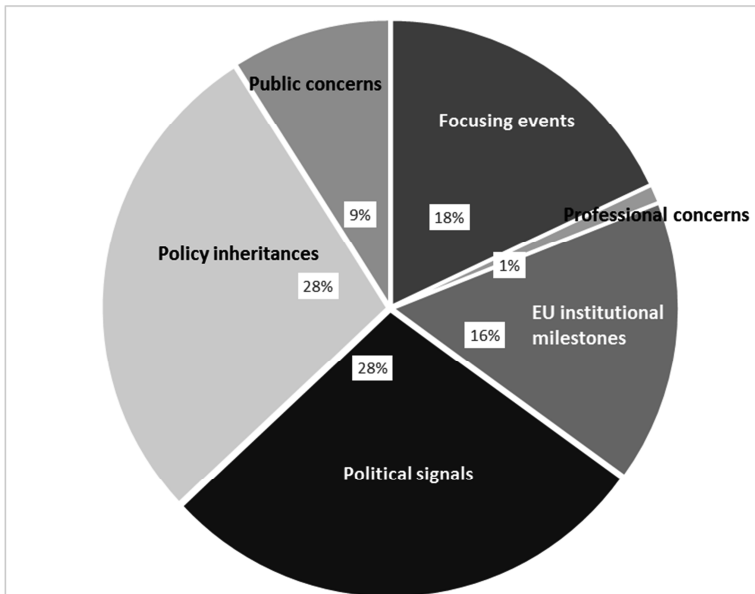


Figure 6.5. Factors generating the European Council's attention (1983–2013)

This would lead to a partial understanding of the functioning of the institution. As previously mentioned, the European Council is more and more involved in both selecting targeting and routine monitoring (Carammia et al., 2016). This suggests that, in one way or the other, the institution is constantly dealing with policy issues.

The European Council was driven commonly by political signals and policy inheritances alike, each stimulating the institution's attention in around a quarter of the cases. Put differently, more than half of the time the institution was triggered by the two factors together. On the one hand, it makes sense that the European Council is prone to react to indications from political actors, given that it is an institution highly political. This 'match' seems to promote that the institution takes such signals seriously. This may be also the reason why, by contrast, professional concerns are almost irrelevant. The reactive behavior on the basis of political signals can be also explained by the limited capacity of the institution to process issues. Due to its important constraints, the European Council does not devote much time to search for information. Instead, it largely processes the input it receives from political actors. Aware of the European Council's top political profile, EU policy-making actors, such as the Commission and the Council, give indications of what they consider significant and urgent topics in the EU that deserve the prioritization of the high politics venue. This allows the European Council to be strategic about what issues to focus on and what to do about them.

On the other hand, the relevant impact of policy inheritances seems to be related to the institution's role of guiding the political path of the EU. The European Council often makes a sort of scanning of previous policy decisions taken by EU institutions and political agreements reached, for instance, in earlier summits. In this way, it evaluates the respective policy responses on such matters taken so far by the EU, estimates the missing actions to be accomplished and indicates the line to follow. This conforms to the developing role of the European Council in agenda setting, by which the institution is increasingly involved in routine monitoring (Carammia et al., 2016).

The results also show that EU institutional milestones, such as Treaty revisions, promoted the attention of the institution. This factor was in the middle in relation to the other drivers, together with focusing events. This finding can be surprising at first sight because one may think that this factor would have more significance. A reason to assume this is that, being the uppermost political venue in the EU, the European Council is responsible for ensuring that the development of the EU framework is not jeopardized, not to mention that it has a formal role in revising the Treaties. However, the explanation seems to be that, similarly to focusing events, EU institutional milestones do not happen regularly. For instance, EU treaties are not constantly revised, just as the accession of new members is not continuously negotiated by this institution. Other political bodies in the EU, such as the Commission and the Council, give continuation to structural arrangements decided on the matter by the European Council. Finally, public concerns had a mild effect.

Previous research has shown that the European Council forms its attention in the policy field of energy mostly in two ways: by responding to focusing events and by reacting to the need of designing and monitoring policy plans (Alexandrova and Timmermans, 2014). The analysis here confirms those findings partially. This study demonstrates that focusing events drive only to a certain degree the institution's attention to the domain of organized crime. However, this research is consistent with the earlier finding that the European Council also designs and monitors as a reaction. These behaviors are comparable to the effect of political signals and policy inheritances, respectively. On the one hand, the European Council reacts to indications from political actors on issues that require special attention and then the institution signals the strategy on how to proceed. On the other hand, the institution examines what has been done on previous policy commitments and announces how to move forward.

6.4. All together now: explaining dynamics in the European Council agenda

Thus far, the processes experienced by the European Council in setting the agenda have been described and explained in separate parts in this chapter. On the one hand, we identified that the institution moves its attention in an erratic way, given mostly its constrained information-processing capacities. On the other hand, we saw that the European Council's attention is triggered commonly by political signals and policy inheritances, in part due to its high political profile.

This section puts the parts of the story together. The explanation on the dynamics in the European Council draws from the findings previously presented, as well as from new insights. The analysis is facilitated by following Figure 6.6. The figure presents the results on the development of attention of the institution during the original research period, which started in 1975. It shows the number of occurrences per year in absolute terms. The analysis zooms in into central moments of attention over time. Furthermore, the study includes important episodes in the evolution of both the institution and the policy field.

No attention [1970s]

The finding that organized crime did not reach the European Council's agenda during the 1970s indicates that the institution did not consider it to be a problem

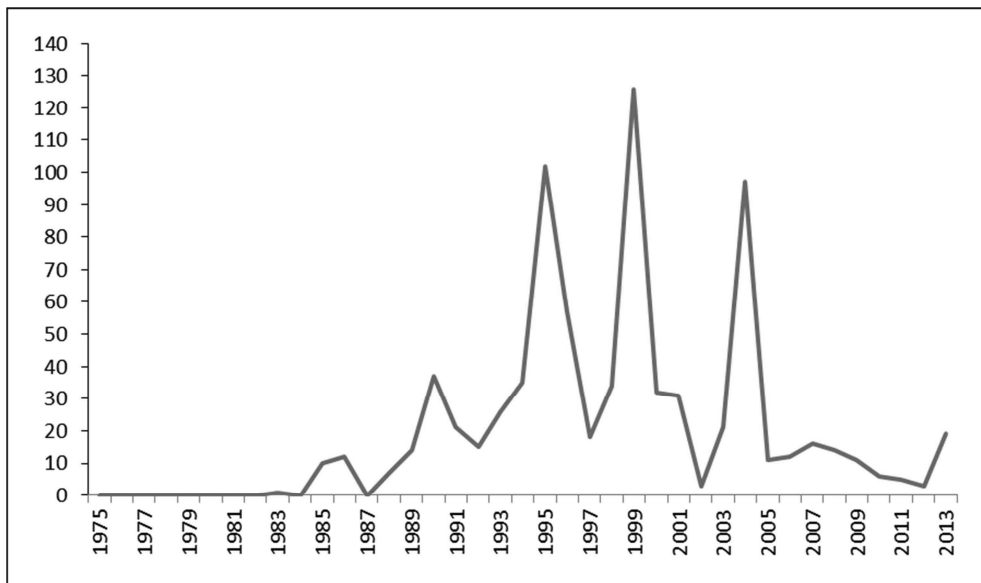


Figure 6.6. Development of the European Council's attention

for the European Union. This is reasonable, as the topic in this decade was barely present on the political agendas of the member states. According to scholars, at this time the OC problem was only starting to arise in some European countries (Van Duyne and Vander Beken, 2009; Carrapico, 2010b; Vander Beken, 2012), except for notable cases such as Italy where OC arrived on the agenda in the end of the 19th century (Van Duyne and Vander Beken, 2009). This finding goes in line with Downs's 'pre-problem stage' in his 'issue-attention cycle', where "some highly undesirable social condition exists but has not yet captured much public attention" (Downs, 1972:39).

The awakening of political awareness [1983]

When the institution started to handle the problem for the first time in 1983, it paid extremely low attention. The reason seems to be that the European Union did not count at that time with competences to fight organized crime. In fact, the way to deal with this problem and other JHA issues was via informal and random intergovernmental groups outside of the EU framework (Monar, 2001; Occhipinti, 2003). Many groups were established by the European Council. To mention only an example, the TREVI group was a forum set in the mid-1970s (European Council, 1975, December), where the JHA ministers of the member states met initially to promote cooperation against terrorism and later to deal with other issues, such as drugs and organized crime.⁸⁴ The circumstance that the European Council was able to set such political arrangements among member states without a legal framework is an indication of the institution's significant political authority. Actually, the institution was in a way forced to set these informal groups, as it was expected to provide the EU with a political vision of where to go—and one way was to sense future risks.

The analysis on the factors of attention shows that the European Council started to include the problem of organized crime on its agenda in 1983, driven by an EU institutional milestone: the construction of a European Union. Given its desire "to consolidate the progress already made towards European Union", the European Council reaffirmed its commitment to promote "a common analysis and concerted action to deal with (...) organized international crime", so much as it could be possible, considering that the topic was out of the European Union legal framework (European Council, 1983). This happened during the so-called 'Solemn Declaration on European Union' made by the institution (Ibid). The declaration established the need to move actively to further integrate and unite Europe. This event was particularly

⁸⁴ The name TREVI stands for the first letters of the words -in French-: *terrorism, radicalisme, extrémisme et violence internationale*.

significant for various reasons. It is considered the first stage in the conformation of the Single European Act (SEA), from which the idea of creating a single market originated.⁸⁵ Furthermore, the Declaration recognized the European Council's political role of providing "a general impetus to the construction of Europe" and initiating "cooperation in new areas of activity", among other tasks (European Council, 1983). All in all, the Declaration attempted to provide a renewed stimulus to the future development of the European Union.

Intermittent political consideration [1984–1992]

After the problem entered the agenda of the European Council, its attention was overall low, especially until 1992. During this time, the institution stopped spasmodically attending OC issues in two years. The drops in attention can be explained to an extent by the lack of EU faculties to deal with the problem. However, ultimately the institution did not often neglect it, given the prevailing context. Two important developments happened in Europe in this period: the gradual abolition of borders within the Community which started in the mid-1980s, and the dismantling of the iron curtain in the beginning of the 1990s (Monar, 2012:720–721). First, the adoption of the SEA, which was signed in 1986 and entered into force in 1987, established the need to conform a single market "without internal frontiers in which the free movement of goods, persons and capital is ensured" (SEA:art. 8a). Accordingly, the internal market should be 'progressively' established and finally completed by December 1992. The introduction of the Single Market in the mid-1980s fostered a (in)security notion in the EU, due to the elimination of borders (Huysmans, 2000; Paoli and Fijnaut, 2004; Carrapico, 2010a). This circumstance forced member states to look for "compensatory measures to offset potential internal security risks resulting from the enhanced 'freedoms' of the internal market" (Monar, 2012:720). Organized crime was likely to be one of the risks. Second, the end of the Cold War brought an extra challenge to the existing OC problems, as well as to the management of frontiers and immigration flows, owing to the removal of the borders in Central and Eastern Europe (Monar, 2012:721).

In this time period, the European Council set OC on its agenda stimulated by EU institutional milestones, political signals, policy inheritances and public concerns. From all, political signals were recurrently contributing to generate its attention. For instance, "on the basis of the Commission's proposal on trade in *[drug]* precursors

⁸⁵ The proposal to conform a SEA was made in 1981 by Germany and Italy. They proposed a "European Act" to deepen the integration of Europe (CVCE, 2012), but it was not adopted back then. However, the Solemn Declaration paved the way for it.

with non-Community countries”, the European Council invited the Council in June 1990 to arrive at an agreement before the end of the year (European Council, 1990). Similarly, in the same occasion the European Council “welcomed the Commission proposal to combat money laundering” and requested to finalize the adoption of appropriate measures before July 1991 (Ibid).

Attention take-off [1993]

The year 1993 was essential for the evolution of organized crime as a policy issue on the agenda of the European Council. This year marked the point of departure towards the future consolidation of OC as a domain. Since then, the problem secured continuous space on the agenda every year. OC became “sticky” on it. In other words, the attention of the European Council took off in this year.

To understand this important episode in the development of attention, it is relevant to know the context back then: in the beginning of the 1990s organized crime shifted from a national to a European problem. Mainly four events contributed to the EU-wide change. First, the topic was high on the national agenda of practically all member states in the early 1990s (Den Boer, 2001). Second, the assassination in 1992 of two Italian judges fighting OC, Givonanni Falcone and Paolo Borsellino, provoked a widespread attention and awareness in Europe of the transnational potential of organized crime (Van Duyne and Vander Beken, 2009; Vander Beken, 2012). The magistrates were assassinated ostensibly by the Sicilian Mafia using powerful bomb explosions. The motive: the judges’ role in prosecuting and convicting the *mafiosi* (FBI website). This had a relevant political impact because of the concern that this kind of event could spread to other countries in Europe, as argued by Vander Beken: “Fear that something similar would cross the Alps and infect other European states brought the issue to the European agenda as part of its growing interest in crime” (2012: 84). Third, the European Council agreed in 1991 to bring cooperation in the sphere of JHA into the Treaties (European Council, 1991; Monar, 2012). This happened to a large extent given the events in the previous decade related to a borderless region (Monar, 2012), as mentioned above. Fourth, the Maastricht Treaty was signed in 1992 and entered into force in 1993. The treaty incorporated the area of JHA, which included the domain of OC, in the European Union framework. With this event, most of the existing random intergovernmental schemes used to handle JHA matters were absorbed by the formal structure of the EU. In this way, organized crime was officially introduced and thus formally born as an EU policy domain by this Treaty, as discussed in Chapter 4. The Maastricht Treaty also introduced for the first time the function of the European Council as the political guide of the EU (TEU:

art. D). Although the institution was granted no specific role on the OC domain, its broader assigned mandate enabled the European Council to handle this and all policy areas. With this situation, the European Council was placed at the top of the EU framework (Wessels, 2012:761). In addition, the Treaty entitled the institution to perform other tasks, such as amending the treaties (TEU: art 48).

According to the analysis of the factors of attention, four factors stimulated that the European Council's attention took off in 1993. These were: EU institutional milestones, political signals, policy inheritances and public concerns. The first two were particularly important. For instance, the institution was significantly driven by EU milestones. One of them was the entry into force of the Maastricht Treaty. Given that "the Treaty on European Union has introduced the principle of greater co-operation in justice and home affairs", the European Council set the topic on its agenda, asking the Council to prepare an action plan for the fight against drugs "including measures to counter laundering of profits from illegal activities" (European Council, 1993b). Another EU milestone was the achievement of the single European market, which was completed in December 1992 —as set by the SEA— and finally launched in January 1993. In this regard, the institution "stressed that the Single Market cannot be brought about without the full implementation of free movement of persons as well as of goods, services and capital", which required measures on cooperation "aimed at combatting crime and drug trafficking" (European Council, 1993c). Furthermore, the institution also acted often triggered by political signals. For instance, one response was to an indication made by the Council. The European Council reached an agreement "on the plan drawn up by the Council" on JHA cooperation, which covered drugs trafficking, money laundering, and international organized crime (European Council, 1993a). As another example, the institution took up a signal from the Commission. More specifically, the "European Council welcomed the presentation by the President Delors⁸⁶ of a medium-term European plan for economic revival", whose measures included the need to provide training courses for professions related to the fight against "crime" (European Council, 1993c).

Waves of attention [1994–2013]

After 1993, the attention of the European Council tended to go high and then quickly down, at least until 2013. This situation happened particularly in three occasions: 1995, 1999, and 2004. From the three attention spikes, the most punctuated was in 1999 and the least pronounced in 2004. In all cases the consideration of the institution changed dramatically, even at the point of almost fading away after attaining a remarkably high

⁸⁶ Jacques Delors was the President of the Commission between 1985 and 1995.

level. The most abrupt case of attention drop happened around the second peak. That is, in 1999 the institution devoted its highest political consideration from the entire period, but afterwards the attention rebounded so considerably that years later it reached its lowest level, making the problem nearly disappear from the agenda.

The erratic behavior of the attention pattern over time can be largely explained by the severely constrained information-processing capacities of the institution. To begin with, the institution does not have an organizational structure that supports the development of its work. Rather, the heads of state or government deal mostly by their own with all issues. Furthermore, the institution entails a sort of ephemeral nature, in the sense that it basically 'exists' when its members gather, which occurs more or less every three months and only very shortly. The restrictions of the European Council become even more evident when we realize that organized crime is obviously not the only problem in the EU that the institution needs to handle. Rather, an enormous bunch of matters in the system require its attention. However, its agenda does not have enough capacity for each and every single problem. This promotes a ferocious competition among issues in all EU domains to get political space. It thus seems that, as a consequence, the European Council needed to move its attention quickly to be able to deal with other domains than organized crime. Thus, once the institution addressed the OC topic, the political body redirected its attention soon afterwards to other domains, instead of keep handling the same. In this way, the extreme low levels of attention that occurred almost right after a major peak are apparently also the result of its restricted agenda space. As Jones and Baumgartner have claimed, the way to cope with the cognitive limitations of institutions is by processing problems in an overdisproportionate way (2005). This is precisely what we observe: the European Council shifted its attention to the problem over time in an abrupt way.

Let us look at the factors that stimulated the European Council to set the OC problem high on the agenda in each of the three moments. According to the analysis, the first attention spike in 1995 was triggered by focusing events, professional concerns, political signals and policy inheritances. From all, political signals were especially important. For instance, the European Council gave attention to the problem triggered by the "Council report on relations with the associated CCEE", or Countries of Central and Eastern Europe (European Council, 1995). The report dealt with matters on "enlargement relations" that included "questions relating to organized crime (drug trafficking, money laundering, traffic in vehicles)" (Ibid). Another political signal came, for example, from the member states. More specifically, the European Council welcomed "the Franco-British initiative on the Caribbean, which proposes regional action to combat trafficking in narcotics" (European Council, 1995).

In the highest punctuation of attention that occurred in 1999, all factors, except for professional concerns, played a role in stimulating the institution's attention. In particular, EU institutional milestones and political signals were recurrently driving its consideration to the OC problem.

First, on EU milestones, the entry into force of the Amsterdam Treaty in May was strongly influential. This treaty demanded the creation of an area of freedom, security and justice (AFSJ), as a further development of the JHA field established by the Maastricht Treaty. In order to deal with the way forward to achieve the new area, the European Council held a meeting in October, where it placed the JHA domain at the top of its agenda, making it the only topic of discussion.⁸⁷ The Conclusions of this meeting constituted the so-called Tampere Programme, a five-year action plan that outlined the objectives to be reached in the AFSJ field, which originated the establishment of 'multi-annual programs' in the field. The European Council emphasized in the Tampere Programme that "[t]he challenge of the Amsterdam Treaty is now to ensure that freedom, which includes the right to move freely throughout the Union, can be enjoyed in conditions of security and justice accessible to all", circumstance that required "a consistent control of external borders to stop illegal immigration and to combat those who organise it and commit related international crimes" (European Council, 1999). Therefore, in order to achieve "a unionwide fight against crime", the European Council called for preventive measures and cooperation against numerous OC issues, such as drug trafficking, human trafficking, terrorism, money laundering, and corruption (Ibid). Additionally, with a view to achieve a "stronger external action" to tackle organized crime, the institution urged to establish cooperation with third countries bordering the EU (Ibid).

Second, also signals from policymakers often provided a stimulus to pay attention to the problem. To mention only an example, one of the indications taken up by the European Council was made by the Commission, as acknowledged by the former institution when stating: "Having regard to the Commission's communication, minimum standards should be drawn up on the protection of the victims of crime, in particular on crime victims' access to justice and on their rights to compensation for damages, including legal costs" (Ibid).

When the final attention spike happened in 2004, all factors of attention had an impact, except again for professional concerns. In particular, focusing events recurrently triggered the European Council to act. For instance, the terrorist attacks

⁸⁷ The fact that a single topic was on the European Council's agenda was remarkable, given that this had never happened before in the history of ordinary summits (Nilsson and Siegl, 2010:70).

in Madrid in March had an important effect.⁸⁸ This provoked that the institution estimated that the EU security “acquired a new urgency”, thus making an emphatic call to tackle more effectively cross-border issues, such as, human trafficking, terrorism and organized crime (European Council, 2004).

After 2004 the attention of the European Council did not punctuate again. This is remarkable because similar circumstances that happened at previous moments of high attention (e.g. treaty revisions and focusing events) occurred also afterwards. To mention an example, in 2009 the Lisbon Treaty entered into force. With this treaty, the European Council finally acquired direct competences to deal with organized crime and the broader AFSJ. In effect, only at this point, the institution was finally assigned the mandate to deal with these topics, as mentioned in Chapter 4. Accordingly, the responsibility of the institution on the domain of organized crime, as part of the broader area of AFSJ, is to set “the strategic guidelines for legislative and operational planning” (TFEU: art. 68). However, interestingly, no spike of attention followed. An explanation of the lack of further punctuations may be related to the institution’s information-processing and political characteristics. It seems that, given that the European Council was particularly active attending the problem in the 1990s and to a certain extent in the beginning of the 2000s, the institution later moved its attention almost completely to other domains. It was able to do so, as it had already given indications to other EU institutions of how they shall further deal with this domain. Moreover, with the Lisbon Treaty, the European Council was finally appointed an EU institution. However, although its mandate in the domain and official upgrade came late, this did not matter much as the institution was active dealing with the problem of organized crime already in the previous decade, as the evidence showed. This indicates that the late assignation of competences did not have a significant effect. It seems that the institution’s high political attributes were more important. In fact, as argued by Schoutheete, the European Council has “exercised great power without any legal treaty basis for that power. That is a paradox to which the Lisbon Treaty has put an end” (De Schoutheete, 2012:46). This goes in line with the analysis in this study that suggests that the drastic shifts in the formal jurisdiction of the institution and its configuration within the EU structure were not that relevant for its performance in policymaking.

The results of the factors of attention in the three years of punctuations are summarized in Table 6.3.

⁸⁸ The attack was against the Spanish train system, killing hundreds of civilians and injuring thousands of them. It had a powerful impact not only because of the important number of civilian people affected, but also because it represented the first major terrorist attack of that such a nature in the EU. This was especially relevant given that years before the 9/11 attacks happened in the United States.

Table 6.3. Summary of factors when the European Council's attention punctuated

Factors	Punctuations		
	1995	1999	2004
Political signals	++	++	+
Focusing events	+	+	++
EU institutional milestones	-	++	+
Policy inheritances	+	+	+
Public concerns	-	+	+
Professional concerns	+	-	-

The following information is shown per year of punctuation: (-) the factor that did not occur, (+) the factor that occurred; (++) the predominant factor, or the factor that occurred more in relation to all factors.

As can be observed, there was no single predominant factor in *all* moments of high attention. The factors varied from punctuation to punctuation. In 1995 the most recurrent were political signals; in 1999 both political signals and EU institutional milestones were importantly present; and in 2004 focusing events predominated. All three different factors appeal to the high political attributes of the institution. Therefore, it is reasonable that the European Council was specially inclined to respond to these factors. The variation indicates that the institution did not set the issue high on its agenda driven constantly by the same stimulus. This can be explained by its design as a serial processor. It seems that, in the same way as the European Council is prone to experience dramatic changes in attention over time, it is also inclined to have considerable variation in the factors that promote its high consideration to policy problems.

The evidence indicates that political signals are especially important, as they predominated in two —out of three— spikes of attention. This speaks to both the restricted information-processing capacities and high political attributes of the European Council. The institution cannot look extensively for information. Therefore, it is rather importantly reactive to the indications from analogous policy actors. The finding suggests that the European Council considers the recommendations from policymakers so seriously, that they can make the institution's attention increase importantly.

EU institutional milestones seem to be also powerful. In the year when the Amsterdam Treaty entered into force (1999), the level of attention of the European Council reached its highest point in the entire period. This result is similar to previous research that has found that the revision of the Treaties has an important effect on national

agendas, increasing the attention to issues (Breeman and Timmermans, 2012). While the European Council did not rise its consideration in every revision, it seems that EU milestones have the potential of leveraging the attention of the European Council to the top.

Furthermore, in the highest punctuation, two factors predominated instead of only one, in contrast to what happened in the other the attention peaks. This suggests that the more impulses the institution receives, the higher the likelihood that its attention reaches its uppermost level. At the same time, it appears that the European Council is not open often for this situation to happen, as this occurred only once out of the three spikes in the research period. This makes sense, as we know that the European Council holds its political meetings always behind doors, which shows the close nature of the high politics venue. In addition, the importantly limited capacities of the institution to process issues discourage it to address all kind of impulses.

While no factor was constantly predominant in all attention spikes, three factors were always *present*: political signals, policy inheritances and focusing events. This goes in line with the previous results on the analysis of the factors of attention over time that showed that political signals and policy inheritances regularly triggered the consideration of the European Council. In addition, the finding that focusing events happened every time the institution's attention punctuated is apparently because, as Kingdon has claimed, this type of events are regularly "accompanied by something else", circumstance that can make that an issue becomes prominent on the agenda (2011: 98). In this regard, it seems that the European Council tends to overreact in front of focusing events, consistent with the theory that indicates that high politics venues are especially prone to respond to this type of events. The empirical analysis shows that this factor can reinforce other stimulus and thus push the attention of the European Council remarkably high.

Finally, from all factors, professional concerns were almost absent when its attention punctuated. This suggests that they are irrelevant for the behavior of the institution in the long run. This circumstance is reasonable because this factor does not match the European Council's high political profile.

6.5. Conclusions

This chapter analyzed the dynamics of the European Council in agenda setting. It examined the expectations considered by the Agenda Dynamics Approach. The hypothesis that the pattern of attention of the institution is erratic over time

was confirmed. The attention of the institution experienced important oscillations, showing ups and downs in its way to process issues. However, the expectation that focusing events regularly drive its attention was confirmed only partially. The evidence revealed that more factors play a part: political signals, policy inheritances, EU institutional milestones, professional concerns and public concerns. From these, the first two factors, rather than focusing events, are especially relevant to generate the attention of the European Council over time. At highest moments of attention, the predominant factor varies, but political signals are particularly relevant. While in the beginning the explanatory arguments on the dynamics of the institution were based on the effects of the information-processing capacities and political attributes separately, the analysis showed that both are related. Therefore, another important conclusion of this chapter is that the European Council dynamics can be better understood by considering the two characteristics in their designs together, as the features mirror each other. The European Council is a serial processor and, *at the same time*, a high politics venue. Consequently, the processes of the European Council agenda stem from reasons altogether pertaining to the 'twin features' in the design of the institution. The following chapter introduces the analysis on the dynamics of the Commission and compares the results with the findings obtained in this chapter.

Intra-agenda dynamics of the Commission

The previous chapter introduced the first analysis, demonstrating the processes of the European Council in agenda-setting. In this second analytical chapter, the Commission is studied. It answers the sub-question: *what are the intra-agenda dynamics of the Commission?* The empirical study shows the evolution of the Commission's attention to OC over time. In doing so, the results obtained are compared to the previous findings on the European Council. The aim of the chapter is to identify and explain the processes occurring on the Commission agenda, while recognizing similarities and differences with the European Council agenda. The chapter is structured in the same way as the preceding one, in order to facilitate the analysis in a comparative perspective. Accordingly, this chapter has five parts. The first section presents the expectations. The second part shows the pattern of attention of the Commission, explaining its logics. Next, a study of the factors triggering the institution to initiate issues on its agenda is introduced. It gives an explanation of the behavior. The fourth section puts together central elements of the previous two parts, as well as identifying more features and explaining the dynamics. In the last part, conclusions are drawn.

7.1. Expectations

According to the Agenda Dynamics Approach, as described in Chapter 3, the organizational architecture of the Commission affects how the institution sets its agenda. First, its information-processing capacities have an impact on how it handles issues. Given that the capacity of the Commission is less limited to process information than the capacity of the European Council, I expect to see that the Commission agenda displays over time more moderate shifts in attention, in

comparison with the European Council agenda whose attention changes are more drastic, as demonstrated in the previous chapter. Second, the political attributes of the Commission have implications for how its attention is generated. Given that, in comparison to the European Council, the Commission has less political authority and in turn a more technical profile, I expect to observe that the Commission attends issues mostly stimulated by professional concerns of expert groups. On the whole, the overarching expectation of ADA is that the intra-agenda dynamics of the Commission and the European Council are different. The methods used in the analysis were described in Chapter 5.

7.2. How does the attention of the Commission move in time?

The content of the Commission agenda on organized crime is shown in Table 7.1. It presents all OC issues handled and discarded by the institution during the research period. Out of fourteen issues analyzed as set in the codebook (see Appendix 2), the institution gave attention to twelve. The Commission attended fewer issues than the European Council, which dealt with thirteen.

Table 7.1. Content of the Commission agenda on organized crime (1984–2013)

Issues that received attention	
1	Organized crime
2	Drug trafficking
3	Counterfeiting
4	Cigarette smuggling
5	Corruption
6	Human Trafficking
7	Environmental crime
8	Arms trafficking
9	Terrorism
10	Fraud
11	Cybercrime
12	Money laundering
Issues that did not receive attention	
1	Trafficking in works of art
2	Trafficking in vehicles

The way the Commission paid attention across OC issues is presented in Table 7.2. It shows the five more salient: drugs trafficking, organized crime, fraud, human trafficking and counterfeiting. They represent 82% of the agenda over time.⁸⁹ The first three issues were especially important, receiving altogether more than half of the Commission's total attention (58%).

Table 7.2. Allocation of attention across OC issues on the Commission agenda

Issue	Value
Drug trafficking	21.31%
Organized crime	19.05%
Fraud	18.16%
Human trafficking	12.58%
Counterfeiting	11.24%
Remaining 7 issues	17.65%
Total	100%

7

The variation in the allocation of attention to these issues can be better appreciated in Figure 7.1.⁹⁰ To begin with, it shows that the problem of organized crime entered the agenda in 1984, not in 1975, as proposed by the original research period. It also shows that until the early 1990s, the attention of the Commission was scattered. The institution dropped the problem from its agenda in four years, in 1985, 1987, 1988 and 1992. After its last drop of attention, the Commission attended the three most predominant OC issues in a more or less balanced way. During this period (1993–2013), the institution rarely diminished its attention so extremely to the point of completely neglecting them.

In a comparative perspective, the Commission and the European Council allocated their attention in a similar way, in the sense that in the long run the first five issues on the two agendas were almost the same, except for one (see Tables 6.2 and 7.2). The four issues prioritized by both institutions were drug trafficking, organized crime, human trafficking and fraud. Next to these issues, counterfeiting had a predominant place on the Commission agenda, but not on the European Council agenda, where terrorism was prominent instead. However, the institutions assigned different proportions of attention to these five issues.

⁸⁹ For a complete overview on the allocation of attention across all issues, see Appendix 6, Table A.

⁹⁰ For a visualization on the allocation of attention to all issues, see Appendix 6, Figure B.

We can also observe the way their attention developed over the years in Figures 6.1 and 7.1. In the 1980s, both actors handled the overall problem more or less alike, in that they introduced the topic on their agendas practically at the same time and considered it only spasmodically. In the 1990s and subsequent decades, the two institutions continued having a similar treatment, in the sense that both considered the topic OC as a whole constantly on their agendas with attention levels that went up and down. However, in the long run, the Commission dealt with OC issues in a more smooth way, attending relatively regularly almost all five issues, but specially the three most predominant. By contrast, the European Council distributed its attention across all (salient and non-salient) issues less equally. The different way both institutions dealt with the predominant issues has to do with their institutional designs. Having a broader agenda capacity allowed the Commission to deal with issues in a more stable manner over time. This contrasts with the behavior of the European Council. As previously seen in Figure 6.1., its attention to the two most important OC issues on the agenda fluctuated from one extreme to the other. As a consequence, sometimes such issues were practically the only topics of discussion, but in some other occasions they were completely neglected. It seems that being severely constrained in its agenda

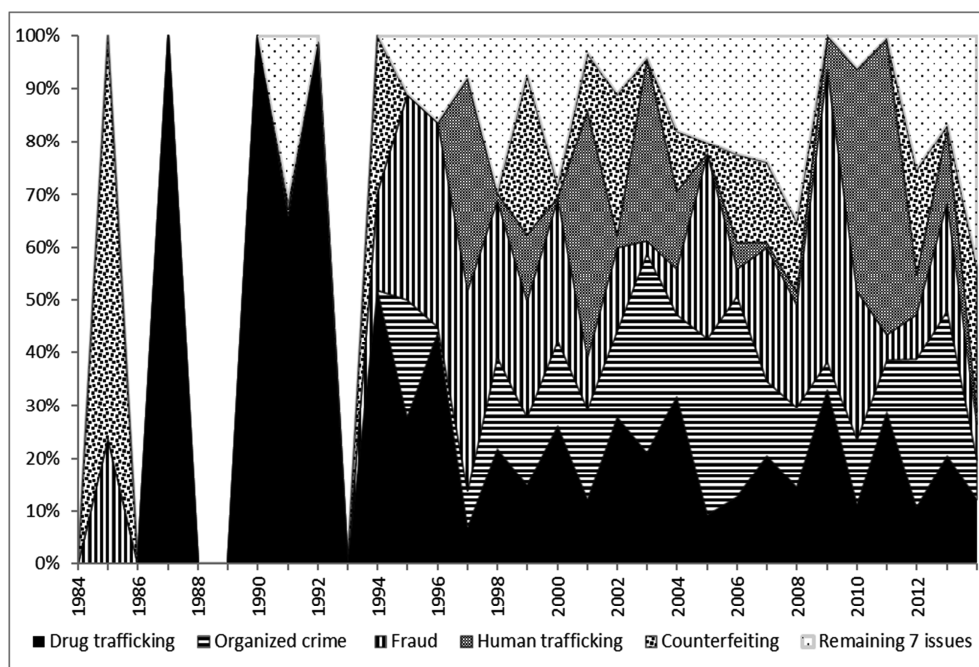


Figure 7.1. Allocation of attention across OC issues on the Commission agenda

* Years without reported information means that no OC issue entered the agenda

space forced the European Council to move fast across issues to be able to handle them. This generated considerable oscillations of its attention.

Another difference can be noticed. The finding that over time the Commission was predominantly busy with a triad of issues and the European Council with a pair does not seem to be a coincidence. This appears to be an effect of their different carrying capacity of their agendas. The former institution is less constrained than the latter institution. While it is true that the European Council can manage more issues by jumping faster to the next one, this is only possible for short periods. In a long-term perspective, this is not sustainable, due to its important limitations.

Further, the results of the scope of the Commission agenda are reported in Figure 7.2. According to the previous findings on the content of its agenda, the maximum possible range was twelve issues. The analysis here shows that the institution never addressed all these issues in a year. Eleven was the maximum number it processed yearly on its agenda. The maximum occurred in the second half of the 2000s. The way to reach this point was clearly incremental. In the beginning of the 1990s the attention of the institution started to expand gradually and kept growing more or less steadily until the second half of 2000s. During the next couple of years, the Commission closed its scope to a certain extent, focusing on fewer issues. However, it never got into the point of completely neglecting all. Rather, the level reached was relatively mild. In the early 2010s, its attention opened again more or less gradually.

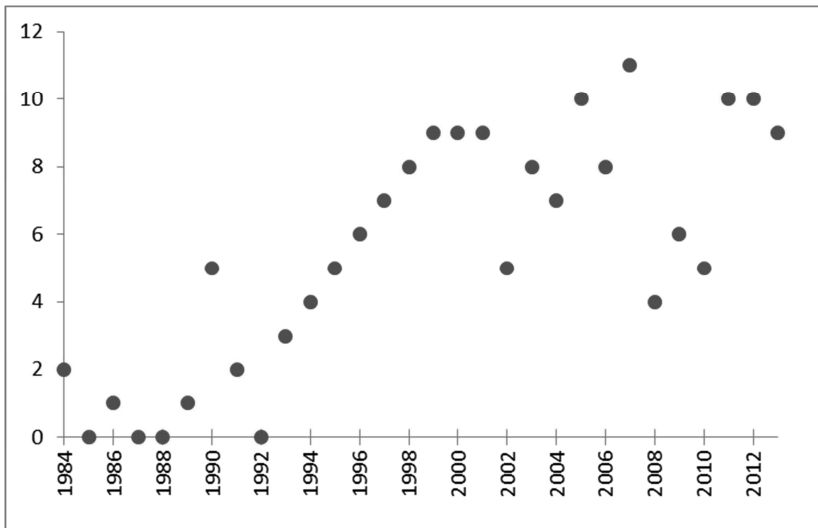


Figure 7.2. Scope of the Commission agenda on organized crime

In this way, the analysis reveals that on the whole an expanding scope prevails. Since the 1990s, the agenda displays predominantly an expanding but also incremental trend that touched its highest limit at the end of the 2000s, when it was shortly interrupted. This dynamic can be in part explained by the fact that the Commission needs to produce concrete policy proposals. This requires time to become familiar and specialized with problems and find the means to tackle them. Thus, the gradual expanding pattern seems to be the result of the institution's acquaintance process. Another part of the explanation may be that Commission also needs to deal with routine issues.

To facilitate a comparison of the agenda scope between the institutions, a visualization of the findings of both analyses is presented in Figure 7.3. The Commission is represented by the circles and the European Council by the squares. Their trends are shown by the continuous and dashed lines, respectively. Neither institution dealt in a year with the possible limits of their scopes (twelve issues for the Commission and thirteen for the European Council). Moreover, in the long run the scope of the Commission agenda was characterized by an expanding trend, while the European Council followed a pattern where expansion alternated with concentration. This does not mean that the Commission's attention never became concentrated. It indeed shrank, but not in such an extreme way as the European Council's attention. Another variation can be appreciated in their patterns at the end of the research period. The continuous trend

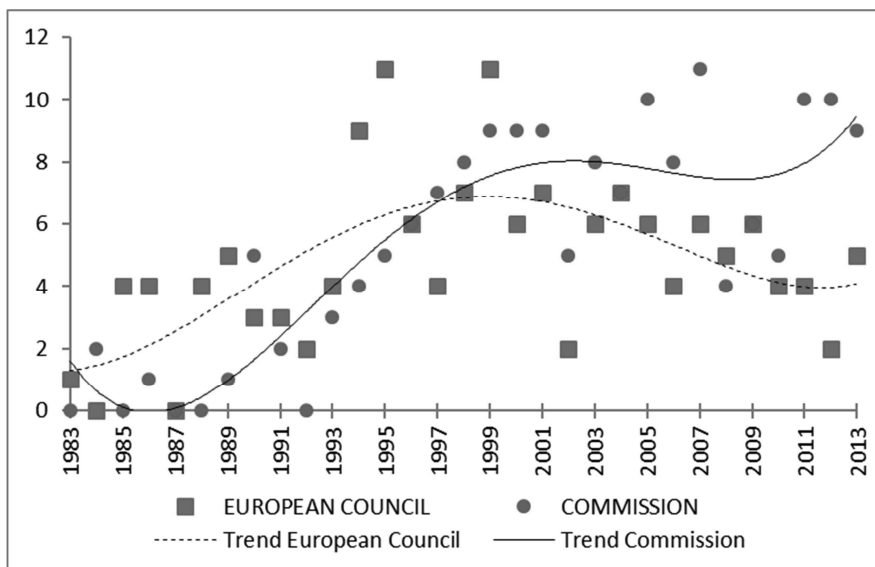


Figure 7.3. Scope of the OC agendas of the institutions

line suggests that the attention of the Commission kept expanding further in time. By contrast, the dashed line indicates a decreasing trend for the European Council that, according to the pattern found, likely increased again afterwards. In addition, it seems that timing between the institutions was different, in the sense that the Commission was particularly busy dealing with OC issues in a later period than the European Council. More specifically, the former institution was more active in the 2000s and the latter institution in the 1990s.

The results on the analysis of the Commission's agenda diversity are presented in Figure 7.4. The average entropy value was 1.29 for the whole period. During the time that OC issues were constantly on the agenda —between 1993 and 2013— the minimum value reached was 1.01 and the maximum 2.01. These scores are registered exactly at the beginning and end of such period. This means that the Commission started this period by concentrating its attention in few issues and finished it by significantly diversifying its consideration in many and treat them with the same dedication. This finding is not surprising at this point, given that the previous results on attention allocation and agenda scope already pointed in the direction of this dynamic. The agenda diversity analysis confirms statistically those results. The reason of the Commission's behavior has to do with its institutional nature as a parallel processor, by which it has the capability to deal with issues more equally.

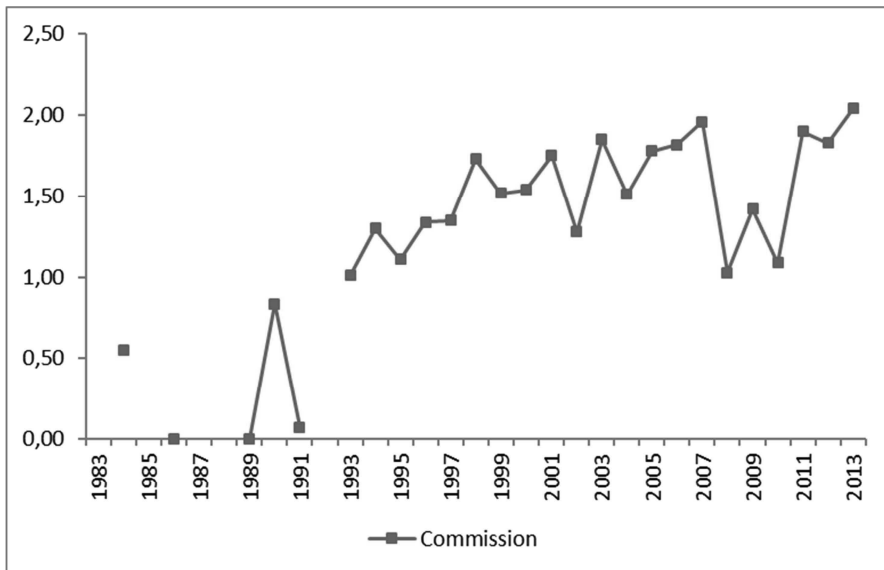


Figure 7.4. Diversity of the Commission agenda on organized crime

* Years without a reported level of entropy mean that no issue entered the agenda

When we compare the diversity of the agendas of the Commission and the European Council, two important findings become evident. First, the level of agenda diversity in the Commission is higher. We know this because the average entropy score of the Commission is higher than the value of 1.25 obtained in the analysis of the European Council. This confirms that the agenda of the Commission is less concentrated over time, or more diverse. This result is actually confirmed by the previous findings on the allocation of attention that showed that more than half of the Commission agenda was occupied by a larger number of issues over time than the European Council agenda.

Second, there is a difference in the time period when the institutions were particularly busy dealing with the domain. The analysis on agenda diversity adds evidence to the previous analysis of agenda scope that indicated that one institution was more extensively attending the problem earlier than the other. Figure 7.5 provides a visualization of the results of both institutions to facilitate the comparison. Following the dashed line in the figure, it is notable that the European Council attended the broadest variety of issues mostly in the 1990s. By contrast, observing the continuous line, we can identify that the Commission stretched its agenda especially in the 2000s. Actually, in the 2000s, the behaviors of the institutions somehow switched. The European Council narrowed down the scope of OC issues it attended, while the Commission handled basically all. This provides a key insight. In the long run there was a gap in the time when institutions were more engaged in handling the problem. The European Council agenda was more diverse at an earlier point in time. Put differently, since the 1990s the European Union agenda on organized crime started to grow, but this situation did not occur simultaneously between institutions.

The variation in the processing time between the institutions can be explained in different ways. One reason has to do with the role of the institutions vis-à-vis their issue-processing capacities. Although both political bodies have a similar role in agenda-setting, in strict sense it is not the same to provide political guidelines than to elaborate policy proposals. The former involves policy talk, the latter is about policy action. An analogy can be done with what Hobolt and Klemmensen have called “rhetorical responsiveness” and “effective responsiveness” (Hobolt and Klemmensen, 2008). The first relates to the extent the political *speeches* of a government respond to the preferences of its citizens, and the second to the extent the *budgetary* priorities of a government respond to the preferences of its public (Ibid). These two notions are relevant because of the idea that there is a difference between rhetorical and effective policy commitment. This distinction is useful to capture the nature of

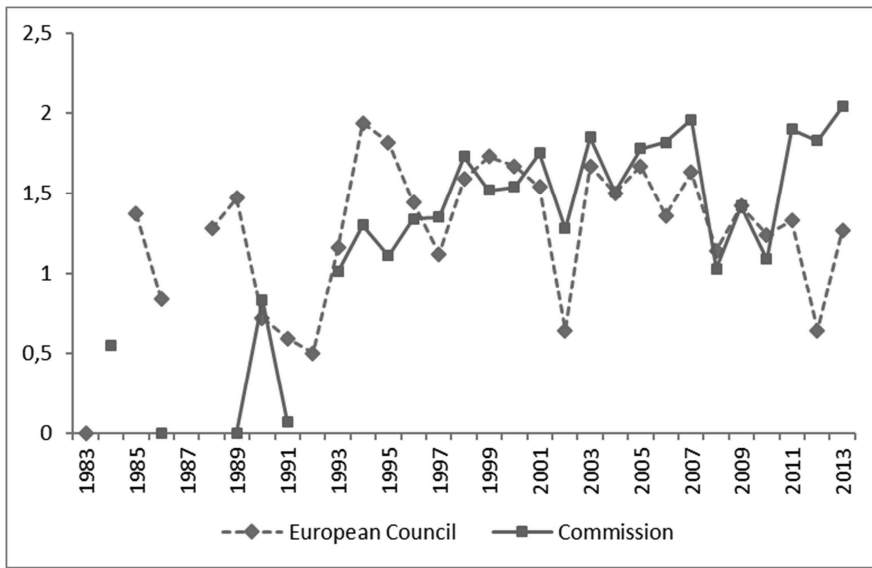


Figure 7.5. Diversity of the OC agendas of the institutions

the functions of the European Council and the Commission. While both institutions take part in setting the agenda, they do it in different ways. To put it simply, one talks, the other writes. This is important to recognize because the time and resources required to process issues are quite different. The Commission requires to invest more. To be able to draw an initiative, the institution needs an important amount of time to become familiar with the problem, monitor it, look for solutions and finally transform the information into a concrete initiative. It is true that the Commission has considerably more capacity than the European Council and that can manage many more issues simultaneously. However, at the end of the day, the Commission's capacities are also limited. Thus, regardless of its broader resources, the Commission can never be faster than what its capacities allow it to process.

Another reason may be that the European Council is quicker than the Commission, as the former institution is expected to guide the EU. It thus seems that, as a consequence, the European Council first signals the Commission what to do. This may serve as a means to provide the Commission with initial input that it could later transform into output.

A final explanation seems to be related to the notion of 'legitimacy barrier' (Wilson, 1979). This barrier has to do with the way governments grow. When a government becomes involved in new areas, this obstacle is demolished. This can happen in two manners: by "thickening" and "broadening" governmental activities (Baumgartner

and Jones, 2015:190). The former way occurs when a government increases its traditional functions and existing programs (Jones, 2012:23). The latter happens when a government takes up new responsibilities (Ibid). After the barrier is breached in one way or the other, there is no question on the governments' validity to take action on a given field (Jones, 2012:23–24).

Looking at the case of the organized crime domain in the EU, broadening is particularly relevant. The reason is that OC was not included in the competences of the European Union in its origins, as noticed in Chapter 4. This was to an extent due to EU's 'subsidiarity principle', by which a given issue can be taken up at the EU level only when it cannot be solved more efficiently at the national level. It seems that the EU as a whole broke the legitimacy barrier with the Maastricht Treaty in 1993, when the domain was introduced as part of the new responsibilities of the EU. However, the empirical findings indicate that the Commission and the European Council actually broke the 'legitimacy barrier' at different moments. The Commission required more time to pass completely such obstacle, which finally achieved in the 2000s. An important reason is that the Commission was granted a wider jurisdiction in the area of JHA only in 1999, with the Amsterdam Treaty. Before, it had the faculty to deal only with a limited number of issues in this area. In this sense, the Commission required to acquire broader competences in the domain to be able to have a comprehensive performance. By contrast, the European Council did not need this formalization, as it was able to perform widely. This difference between the institutions seems to be an effect of the more limited political authority of the Commission in comparison to that of the European Council. The latter institution had always a 'tacit' faculty to deal with the domain, enabled by its higher political attributes. However, the Commission needed the actual legitimization of the Amsterdam Treaty to have a more active role, as suggested by Nugent when saying that the "[i]ncorporation of a policy area into the Treaty has the effect of further increasing the Commission's powers because the appropriateness of the EU being involved in the area cannot then be questioned" (Nugent, 2001:208). As a consequence, it finally became legitimate that the Commission tackled new and more issues in the domain of organized crime.

Lastly, the Commission agenda passed a critical test on its level and distribution of changes. The evidence shows that the value of kurtosis of the Commission agenda was 3,085560. This reveals that the distribution of its annual attention changes has a positive score. This indicates that the trend is leptokurtic. This statistically confirms that the attention of the institution was mostly incremental, but it sometimes punctuated. This finding is relevant because this is the first analysis on the level and

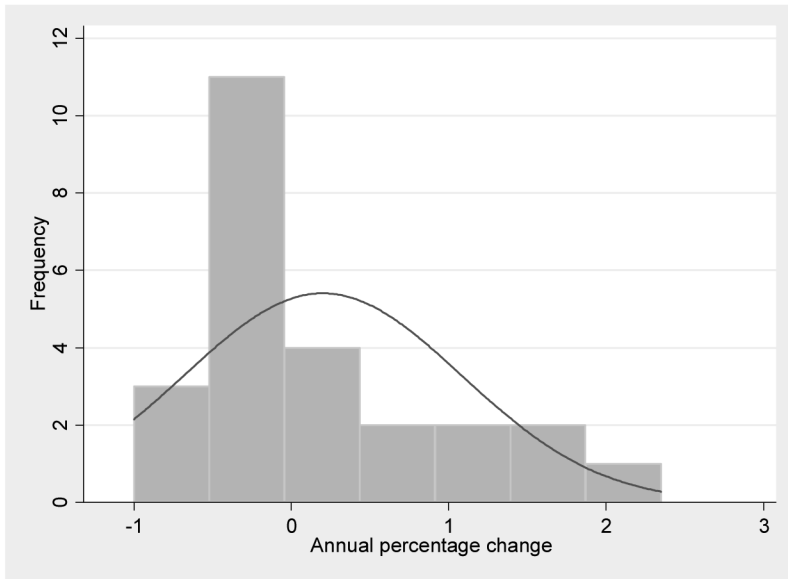


Figure 7.6. Distribution of attention changes on the Commission agenda

distribution of attention changes of the Commission in its role in agenda setting, and proves a leptokurtic behavior.⁹¹ Figure 7.6 shows the results in a histogram. The bars represent the frequencies and the black line the normal distribution. Its frequency distribution displays a shape close to a normal degree. This indicates that the changing pattern was mostly regular in the long run, yet not entirely incremental—as shown by the positive value obtained.

In a comparative perspective, the agenda of the Commission and the European Council are similar in that they are leptokurtic. This means that the patterns of the two institutions are incremental with important variations from time to time. Both change their attention in a disproportionate way, given their limited information-processing capacities. This constraint in their designs restrained both institutions from giving the problem a balanced treatment over time, consistent with the Processing Model.

However, the institutions have different levels of change. The score of the Commission was lower than the European Council's that was 5.24915. Comparatively speaking, this difference can be appreciated in three ways: between the two institutions, in relation to institutions in traditional political systems, and in comparison with institutions in the EU.

⁹¹ For a similar type of analysis regarding the Commission's role in the budgeting process, see Baumgartner et al., 2012.

First, comparing the results between the institutions, the finding that the kurtosis level of the Commission agenda is lower signifies that the changes are less pronounced on its agenda. In other words, it is more stable. The reason is that the Commission's institutional design entails much less restraints than the European Council, so the former political body can deal with issues on a more regular basis.

It can be also noted that the scores do not differ much. This finding is relevant because it indicates that the institutions have similarities. In effect, one important feature they share is that they have a similar role in agenda setting. The finding that the scores are not quite apart from each other may be because the two agendas belong to the same stage in the policy process. This circumstance is, however, not theorized by the Processing Model. The theory does not posit how to study this situation and what behavior to expect from agendas within the same policy stage. As a consequence, one may easily think that such agendas behave in the same way. But this reasoning is not necessarily correct. As the series of analyses previously conducted demonstrate, the Commission and the European Council have some similarities, but on the whole their patterns are mostly different. In this way, the agendas of these institutions passed a sort of critical test, as the results here also showed the level of variation expected, in line with their distinct architectures, *even when* the institutions belong to the same stage in the policy-making process.

Second, in comparison to other political systems, the values obtained here are similar to scores of policy input agendas in countries, as for instance, presidential elections in the United States (US) (Jones and Baumgartner, 2005: 182) and demonstrations and newspapers stories in Belgium (Baumgartner et al., 2009: 612). Policy input agendas include matters that come into the government from the outside environment for internal processing, such as election outcomes, organized public opinion and media coverage. In this sense, the findings in this study deviate from the Processing Model and its "progressive friction hypothesis" (Baumgartner et al., 2009: 609). According to such hypothesis, the kurtosis value is supposed to increase the further the agenda moves in policymaking —passing from policy input to policy process and then to budgetary output. For this theory, policy input agendas are not part yet of the policy process. Examples of policy process agendas are senate hearings in the US, questions to the minister in Denmark and party platforms in Belgium (Baumgartner et al, 2009: 611). Following the classification conceived by the Processing Model, the Conclusions and the COM docs shall belong to the category policy process agendas. However, the evidence obtained in this research suggests that the Commission and the European Council behave rather as agendas in the category of policy input, as their kurtosis value are lower than policy process agendas.

This finding indicates that the agendas of these two institutions act in a way differently than traditional policy process agendas. This suggests that the dynamics of political institutions in the European Union are somewhat different than those of their counter partners in other domestic systems. From this result, two important features are pertinent to note. To begin with, this difference makes sense considering the distinct nature of EU policymaking in comparison to the process in national governments. In the European Union, issues mostly pursue a distinct “career” than in other political systems (cf. Cobb et al., 1976). That is, issues in the EU regularly enter and evolve on the political agenda *within* policy-making institutions (Lelieveldt and Princen, 2011:211). Thus agenda-setting dynamics in the EU are characterized for following an “inside access” model (Ibid). As a result, there is no direct relationship with the public agenda (Ibid). The participation of diverse groups in EU policy formation is quite distinct than in countries. Citizens do not have a direct say in EU politics, but via the national representatives of their countries in the Parliament. Moreover, although these representatives are elected in the ‘EU elections’, these elections are basically governed by the national political agenda of member states (Marsh and Norris, 1997:155). While both the Commission and the European Council play the role of executives in the EU, neither is elected. Political responsiveness in the EU happens in a different way than in national political systems, where governments are expected to address the demands of their constituencies. In fact, according to previous research, there is little evidence that indicates that the European Council is responsive to the priorities of the European citizens (Alexandrova et al., 2016). Actually, there is an extensive debate around democratic deficit in the EU. On top of this, there is no such thing as ‘European’ media. Instead, there are a large variety of domestic media dealing with EU topics and groups of outlets that cluster news stations of different member states. Arguably, such media do not have much impact on EU politics, in contrast to what happens in countries.

The situation just mentioned bring us to the other feature. Because of these conditions, the distinction of public and media agendas is blurred in the EU system. As claimed by Princen and Rhinard, their existence is actually contested (2006:1121). As a consequence, the existence of the so-called “policy input agendas” in the context of the European Union becomes also questionable. This suggests that the study of policymaking in the EU following the same terms as done in countries is not entirely appropriate. The EU system is not designed to be equally responsive—or at least not through the same channels—as national systems. It seems that input and policy process agendas are somehow combined in the EU. Both the European Council and the Commission appear to act as policy input. They are fundamental actors not only in the policy process as such, but also apparently in providing input to it.

Third, regarding the comparison of the findings with EU institutions, there is little to say as there is barely work done in this regard. I thus refer to two studies—one per institution. On the one hand, Baumgartner and colleagues have conducted research on the Commission in the budgeting process (Baumgartner et al., 2012).⁹² They measured the level of kurtosis for short and long periods of time. The results obtained were 39.95 and 308.59, respectively (Ibid: 89). Thus, in the two cases they found considerably higher levels of kurtosis than the values obtained in this research. In this regard, the result of the Commission in agenda setting is consistent. The reason is that this process belongs to the initial phase in policymaking. Setting the agenda and assigning the budget are stages located practically at the opposite extremes in the policy-making spectrum. In theory, as mentioned above, this situation signifies that the kurtosis value of an initial stage shall be considerably lower than the score of a final stage. This is what we actually see, when comparing the empirical results of this study and the previous research.

On the other hand, Alexandrova and colleagues have analyzed the European Council agenda (2012). They have studied the development of the whole agenda during more than three decades. They found “a mild level of leptokurtosis” (Alexandrova et al., 2012:78). The results presented here are in line with their finding, showing also a modest degree. However, their analysis obtained a score of 17.26 (Ibid: 77-78). One possible reason of the difference in the results may be related to a methodological aspect. While this research is about one policy field, the other study analyzed more than twenty policy domains.

All in all, when we compare the attention patterns of both institutions, we observe that neither agenda was stable in the long run. Their attention to the OC problem changed over the years. The institutions started to deal with the problem in the beginning of the 1980s and considered it randomly during the rest of the decade. This situation changed as from the early 1990s. Since then, the domain as a whole was constantly present on the two agendas and over the years the attention of the institutions developed in waves, but never faded completely away, at least until 2013.

7.3. What factors generate the attention of the Commission?

The analysis identified that diverse factors contributed to form the attention of the institution, rather than (only) one—professional concerns—, as originally hypothesized. The results are presented in Figure 7.7. The figure shows the occurrence of each factor in relation to all factors. The total number of observations was 415.

⁹² The budgetary stage happens almost at the end in policymaking, after a decision on a policy proposal has been taken.

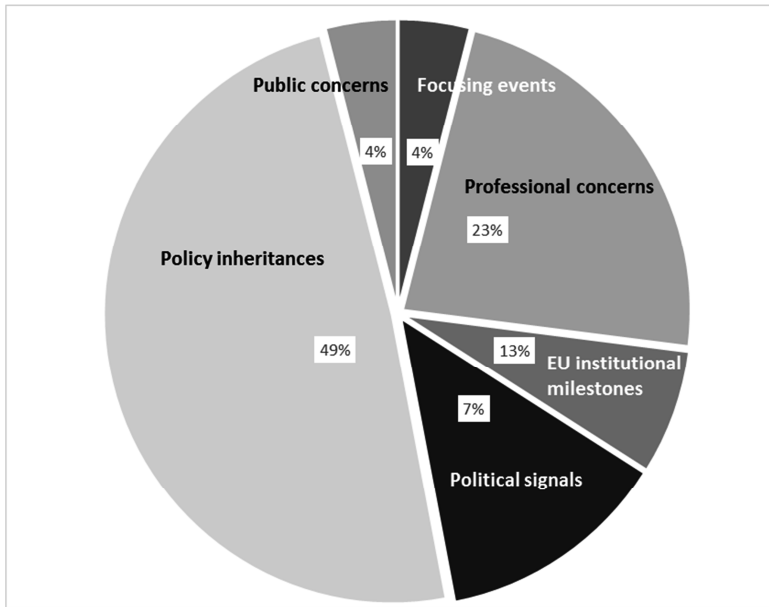


Figure 7.7. Factors generating the Commission's attention (1984–2013)

The expectation was that professional concerns drive regularly the attention of the Commission. The analysis demonstrates that these concerns contributed to generate its consideration, but they were not triggering it on a regular basis. Therefore, the expectation can be only partially confirmed. This was the second recurrent factor driving the institution to handle issues. The institution reacts to the indications made by experts and epistemic communities on the critical status of issues, as it needs to be alert and informed on the evolution of policy problems and handle specialized material to give shape to its proposals and policy communications. The institution counts with an apparatus that allows it to process different problems in simultaneous ways. It can thus develop strategies on how to tackle new problems and better ways to deal with existing issues.

The Commission is predominantly driven by policy inheritances. Half of the time the institution gives attention to all kinds of commitments taken in the past either by itself or other EU institutions. The Commission is somehow compelled to deal with political agreements made by key political actors, especially by the European Council, because such commitments entail a strong political weight. At the same time, the Commission deliberately revises the agreements to use them as a source of justification, or legitimization, for handling a given issue and generating initiatives. So, in one way or another, the institution cannot overlook such decisions. Furthermore, the Commission has to an important extent the duty to deal with

earlier policy choices. This can be explained by the institution’s more technical profile in the policy-making process. For instance, the Commission must produce annual reports on certain issues, such as fraud, given its function as budget holder. Also the institution needs to supervise the appropriate implementation of EU policies by member states. In effect, adopted policies establish the Commission’s obligation to report on the status of implementation. As a result, certain issues eventually need to re-appear on its agenda. The Commission is able to attend a great amount of issues inherited from previous commitments, due to its broad information-processing capacities. Further, EU institutional milestones stand in the middle range of factors affecting its attention. In addition, signals from political actors, such as the European Council and the Parliament, occupy a mild position. Finally, public concerns and focusing events have a limited impact.

When comparing the factors generating the attention of the Commission and the European Council (see Figure 7.7 and 6.5, respectively), diverse conclusions can be drawn. First of all, six factors stimulate the two institutions to take up policy issues on their agendas, namely, policy inheritances, political signals, professional concerns, EU institutional milestones, focusing events, and public concerns (see Table 7.3). As mentioned in Chapter 5 on the methods, the analysis was conducted first on the basis of the theoretical expectations in this research, by which focusing events and professional concerns were observed. Later, some notions in the literature related to domestic political systems were explored, from which the rest of the factors emerged. It is not argued in this study that these are the *only* factors that drive the attention of the political bodies. Instead, the argument is that *at least* these six factors play a part in the process, as noted from the references in the policy documents issued by the institutions. In practice, many more factors can be influential of course. Also we cannot rule out the existence of more features not recognized in the data.

Finding a palette of six factors of attention, instead of only two or even one per institution as originally expected, is not surprising. Previous work on agenda setting

Table 7.3. Factors that generate the attention of the Commission and the European Council

1	Policy inheritances
2	Political signals
3	Professional concerns
4	EU institutional milestones
5	Focusing events
6	Public concerns

and representation has found that governments in other political systems are somewhat prone to react to these factors.

For instance, policy inheritances play a relevant role in policymaking in domestic systems, according to Rose and Davis (1994). The evidence shows that this factor is also significant for both the Commission and the European Council. There are, however, differences between the institutions. Policy legacies are especially relevant for the Commission, reacting in half of the occasions to this stimulus. By contrast, the European Council responds to inheritances in a quarter of the cases. In addition, the institutions react on the basis of different structural motives and goals. The Commission is inclined to act in front of inheritances, in order to assure the continuous development of policies and proper administration of the EU, as well as to make its point stronger about dealing with a given issue on the agenda. In the meanwhile, the European Council is influenced by legacies, as it can evaluate them to estimate the way the EU shall move forward. Thus, policy inheritances have a different meaning for each institution.

Moreover, the policy-making process in general involves indications of political actors in order to feed the machinery of policy production. This research shows that political signals trigger the attention of the institutions, but specially of the European Council. This is one of the two most relevant factors that drive its consideration to issues.

Next, previous research on national agendas has demonstrated that changes in European legislation and policy, particularly regarding the revision of EU treaties, impact the Dutch legislative agenda, according to Breeman and Timmermans (2012). They call this an “institutional milestone effect” (Ibid: 160–161). Similarly, the findings here demonstrate that the Commission and the European Council react to substantial shifts in the EU legal framework, such as Treaty revisions, and other key developments on European integration. The two institutions respond relatively in a similar degree to EU institutional milestones.

Furthermore, governments in traditional political systems are expected to act according to the demands of their citizens. However, the finding that both the Commission and the European Council respond to public concerns was not entirely anticipated. The reason is that previous work on agenda-setting in the EU has claimed that this system behaves differently in this regard. Princen has argued that “it is still very difficult for political actors to appeal to a European public” (Princen, 2007:31). Consequently, according to Princen, in the European Union “the direct accountability of decision-makers to the public cannot be taken for granted” (Ibid). This happens to an extent because the existence of a European “public sphere” is “questionable”

(Princen and Rhinard, 2006:1121). Based on the evidence obtained in this study, two points can be noticed. First, the voice of the public is to an extent taken into consideration by the institutions. This conforms to previous research that has found proof of correlation between the attention of the European Council and public opinion (Alexandrova et al., 2016). However, it cannot be argued that the Commission and the European Council are actually accountable to the public. The institutions respond to citizens, but they do it with a low-key approach. Second, it can be observed that the Commission is less prone to attend issues out of the demand from the public. Put differently, the European Council is more responsive to citizens' concerns. This finding is surprising, especially because the latter institution is by far less open—even gathering behind closed doors. The more reactive behavior of the European Council may be the result of a reflective attitude of the Heads of State or Government as they meet all together, willing to gradually open their antenna to citizens beyond the national level, with a view to support EU integration. It thus seems that, as Carammia et al. have argued, "the European Council is developing into the EU's *de facto* government" (2016: 809). A possible explanation for the reaction of the Commission may be that professional concerns, which are considerably more relevant for the institution, generally stem from the idea of preventing citizens' ill-being. This indirectly involves public concerns.

Finally, it was demonstrated that the original factors considered in this research—focusing events and professional concerns—, have a considerably different weight between the institutions. Focusing events are almost irrelevant for the Commission, but not for the European Council. This is reasonable because the low politics venue is much less sensitive to these type of events than the high politics venue. Professional concerns are practically neglected by the European Council. By contrast, the Commission is importantly moved by them given its more technical profile.

7.4. All together now: explaining dynamics in the Commission agenda

The chapter has shown the way the Commission sets its agenda over time and compared the findings to the trend followed by the European Council. Two separate sections above dealt with this. First, we observed that the attention of the Commission evolves in a more stable way than the consideration of the European Council. This is a consequence of the less restricted information-processing characteristics of the former institution in comparison to the latter institution, whose capacities are importantly limited in this regard. Second, we saw that over time the Commission is triggered predominantly by policy inheritances, in comparison to the European

Council that is importantly stimulated by both political signals and policy inheritances alike. It was identified that policy inheritances play a relevant role for the two institutions, but in different degrees and for different reasons and goals, according to their low and high political profiles.

In this section, these ideas are placed together. The processes of the Commission agenda are explained, on the basis of the previous results and new insights. The visualization in Figure 7.8 helps follow the analysis. It shows the results on the development of the attention of the institution during the research period, as initially proposed, so starting in 1975. It includes the number of occurrences per year in absolute terms. The study focuses on central moments in the evolution of the Commission's agenda. It also considers important events in the development of the institutions and the policy domain. To facilitate a comparison, the figure includes the previous results of the European Council agenda. The continuous line represents Commission and the dashed line the European Council.

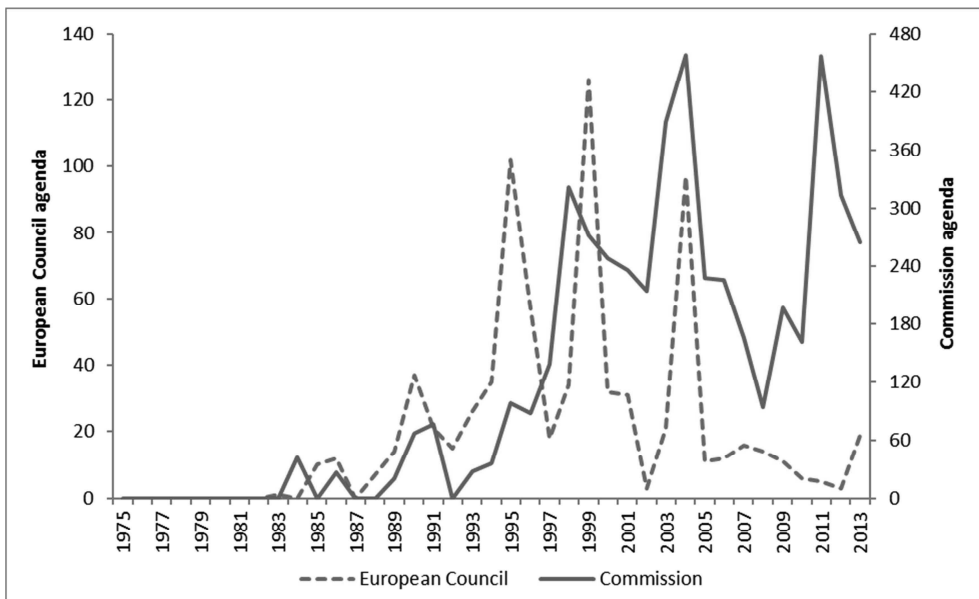


Figure 7.8. Development of the Commission's and European Council's attention

No attention [1970s]

Following the pattern of the continuous line in the figure, we can see that the problem did not reach the Commission agenda in the 1970s, just as it happened in the case of the European Council agenda. Both institutions shared the view that OC was

not a problem in the European Union, so they left the issue completely out of their priorities. The reason seems to be that in this time the problem hardly occurred on the national agendas of member states (Van Duyne and Vander Beken, 2009; Carrapico, 2010b; Vander Beken, 2012).

The awakening of political awareness [1984]

The Commission attended the problem of organized crime for the first time in 1984, giving it low consideration because the European Union did not have competences on the topic. Comparing the findings between the institutions, we can see that both started to include the problem of organized crime on their agendas around the same year. This means that the history of organized crime as an EU policy problem, as set by the two institutions, began in the 1980s. This was not anticipated for two reasons. First, as just mentioned, the problem of OC was not within the jurisdiction of the European Union. Second, OC started to be high on the agenda of almost all member states only after the early 1990s (Den Boer, 2001). In fact, “in the late 1980s, many Western European politicians did not think it a real problem in their own country” (Van Duyne and Vander Beken, 2009:263).

A further comparative examination of the results reveals that the European Council took the lead in initiating to handle the problem in 1983. The finding that this institution, not the Commission, was the first in doing so seems to be related to their distinct political attributes. This can be noticed on the different way the two institutions were allowed (or not) to deal with OC issues at that time. On the one hand, based on the fear of the repercussions of free frontiers within the Community, diverse ad hoc mechanisms were created before the domain was introduced in the EU framework, in order to compensate the risk of an increase in organized crime. Such schemes had predominantly an intergovernmental basis, as the borders of many countries were involved. Thus OC problems were regularly handled through informal intergovernmental groups. As mentioned in the previous chapter, many of these groups were established by the European Council to an extent due to its high political authority. It seems that these circumstances eventually facilitated that the institution raised the issue on its agenda before the Commission.

On the other hand, the Commission was less encouraged to initiate action. Diverse events indicate this. For instance, the Commission was seldom allowed to actively perform within the intergovernmental schemes. Its participation was not easy to achieve, particularly in relation to the TREVI group that was mentioned in the previous chapter. But the Commission was finally accepted due to its know-how “on the Internal Market related to internal security issues”, but it was hardly influential

(Monar, 2010:27). Its participation was mainly as an observer and supplier of information (Ucarer, 2001:4; Lewis and Spence, 2006:295). Another example of how the Commission was discouraged to be the first in attending the OC problem, but the European Council encouraged can be found in the so-called 'Solemn Declaration on European Union', adopted in 1983. The declaration clearly assigned different roles to each institution. While it defined the Commission's function in the integration process mostly "within the framework of the Treaties", the declaration entitled the European Council to initiate collaboration "in new areas of activity" (European Council, 1983). In this way, it was less easy for the Commission to begin action because OC was not an EU competence.

The analysis on the factors of attention shows that OC arrived on the agenda of the Commission for the first time, due to professional concerns and policy inheritances alike. First, the concerns were about how the Community market, including the customs union, may be affected by OC due to the facilitation and growth of international trade at that time. In effect, as Milner has argued, in the early 1980s a "widespread liberalization of trade policies" started, promoting "freer trade among countries across the globe" (Milner, 1999:91–93). In this context, the Commission was concerned about the free movement of goods, in particular regarding the situation of products subject to counterfeiting and fraud that involved not only member states but also third countries. For this reason, the Commission recommended, for instance, to establish cooperation between the fraud services of member states and Switzerland to control fraud in the wine sector, given that "the quantity of adulterated or misleadingly described wine gives cause for concern" (Commission, 1984b). Second, out of policy inheritances, the Commission took up, for instance, the issue of counterfeiting. It issued a proposal against this problem promoted by the fact that "action against piracy can now be based on certain provisions in the Solemn Declaration on European Union adopted at Stuttgart on 19 June 1983", in particular sections 3.3 and 3.4 (Commission, 1984a).

Comparatively speaking, the problem was introduced for the first time on each of the two agendas pushed by distinct factors. While the Commission was triggered by both professional concerns and policy inheritances, the European Council was stimulated by EU institutional milestones. This is not surprising given their distinct designs. It can be also noticed that the problem entered the agendas from different perspectives. The Commission prioritized specific offenses, such as fraud and counterfeiting. By contrast, the European Council addressed the problem in a generic way, centering on its quality as international crime. This behavior goes in line with

their different architectures, by which the Commission deals with problems in a more specialized manner, while the European Council looks at them more generally. It thus seems that a sort of arrangement started to be played between the institutions to deal with the problem. The European Council, as a serial processor, pointed broadly at the problem and later passed it over to the sphere of the Commission, as a parallel processor, for more detailed consideration.

Intermittent political consideration (1985–1992)

As previously noted in the analysis on the allocation of attention, the Commission neglected the OC problem in four years during the period between the moment the topic debuted on the agenda of the institution and the early 1990s. Its intermittent consideration was probably because the institution did not have enough legitimacy to initiate policy proposals in an area where the Community had no faculties. However, as just mentioned, the Commission achieved to participate given its expertise in the internal market. But also the institution acted on the basis of other “Community competences”, such as “development cooperation”, which according to the Council, enabled the Commission to negotiate the United States Convention against illicit traffic in narcotic drugs and psychotropic substances (Commission, 1989).

In a comparative perspective, in this period both institutions attended the problem of organized crime interruptedly, taking it on their agendas in some years and dropping it in some others. This finding deviates to an extent from previous work that has claimed that organized crime was “hardly taken at the European level”, but until the beginning of the 1990s (Vander Beken, 2012:84). It is true that the two EU institutions attended the problem irregularly, but the analysis suggests that the seeds were established in this period. The latter conclusion is similar to earlier research that has found that the introduction of OC as an EU policy domain, together with other JHA matters, “was not a *creatio ex nihilo*” (Monar, 2012:718). In other words, the idea of transforming organized crime into an EU competence originated at this stage. It seems that in this period both institutions started to become acquainted with the problem.

During these years, the Commission’s attention was driven by all factors, except for EU institutional milestones. In particular, policy inheritances often provided a stimulus. For instance, the Commission issued in 1990 a proposal on chemical substances required for the production of drugs, so-called drug precursors, with the aim to avoid their illicit use and the competition distortion of the licit market (Commission, 1990a). The proposal contained diverse measures, “as required by the 1988 UN Convention, to monitor the manufacture and placing on the Community

market of precursors of psychotropic and narcotic substances" (Ibid).⁹³ As another example, the Commission proposed in 1991 to amend the existing regulation on measures to discourage the trade on drug precursors, given the recommendations of the Chemical Action Task Force, as expressed by the Commission: "It is the intention of the present proposal to adapt the Community legislation according to the CATF recommendations" (Commission, 1991b).⁹⁴

Comparing the results between the institutions, their attention during this time was commonly induced by different factors. While mostly policy inheritances triggered the Commission to set OC issues on its agenda, political signals stimulated the European Council.

Attention take-off [1993]

There was a fundamental change in the development of the organized crime policy problem in 1993, as conceived by the Commission. As from this year, the institution did not neglect the problem again. In fact, looking at the results of the European Council, it becomes evident that the attention of both institutions took off at the same time, in the sense that after 1993 the problem was on their agendas every year and started to develop.

This finding is significant because it means that the moments of drops of attention happened only before the formal inclusion of the topic in the EU framework by the Maastricht Treaty, which entered into force in this year. This is an indication that on the whole competencies play a role. This circumstance is not entirely in line with previous work. For instance, Princen has claimed that "the rise of issues on the EU agenda does not depend on a legal competence in the EU treaties", as the proponents of a given issue can appeal to other legal and even non-legal forms to be able to make their case (Princen, 2012:43). This argument is partly true because, as the analysis shows, the two institutions indeed dealt with the problem before competencies were granted. However, their attention was intermittent. In this way, the study suggests that, while faculties are not entirely necessary for issues to reach the EU agenda, competences do facilitate that problems become sticky on it. Put differently, faculties matter to an extent.

⁹³ "The 1988 UN Convention against illicit trafficking in narcotic drugs and psychotropic substances was signed by the Community on 8 June 1989" (Commission, 1990a). This United Nations Convention "is part of the worldwide effort to combat illegal drugs. Within its sphere of competence, the Community participated in the negotiation and concluded the Convention on behalf of the Community by means of Council Decision 90/611/EEC" (Council of Ministers, 2004).

⁹⁴ The CATF recommendations were adopted on 17 July 1991 by the European Community and the G-7 group, in the framework of the London Economic Summit. The aim was to tackle chemical diversion in relation to drug trafficking (Commission, 1991a).

It seems also that competences are not equally important between the institutions. They are less relevant for the European Council than for the Commission, due to their distinct political features. Although this was previously noticed, important evidence can be also found in the way the Maastricht Treaty established the official position of each institution. On the one hand, this Treaty gave the Commission the role to tackle organized crime, but in a restricted way. As mentioned in Chapter 4, the institution acquired the right of initiative only regarding fraud, but not in the areas of police and customs cooperation against terrorism, drug trafficking and other forms of organised crime (TEU, Art. K.1, K.3). Instead, member states were entitled to initiate proposals in these and all JHA fields. A reason for this delimitation was that member states “were reluctant to depute the Commission in policy-initiation through significant and constitutionally conferred powers” (Ucarer, 2001:4). Another reason is that prior to this Treaty, the European Union was used to handle OC issues based on intergovernmental schemes which made that the introduction of the domain into the EU framework followed the same arrangement (Monar, 2010:27–30). That is, a superior control of the member states on OC policies than that of the European Union. This consequently diminished the chances of the Commission to exercise a greater role in the fight against OC. In this context, while the JHA field was officialized by the Treaty, no Directorate General on the area was created. This means that, when organized crime finally became a competence of the EU, the Commission was not granted a permanent department specialized to develop initiatives to face the OC problem and other issues in the area of JHA. However, a ‘Task Force’⁹⁵ on JHA was created years later, in 1995, under the leadership of the Commission’s General Secretariat (Lewis and Spence, 2006:307; Bunyan, 2013:2). The task force dealt especially with drugs, among other matters (Ucarer, 2001:6). It was the predecessor of the Directorate General JHA. An important reason for establishing a Task Force instead of a proper DG was that the Commission had scarce competences in the JHA area (cf. Monar, 2010:37). According to Ucarer, the restricted power conferred to the Commission in terms of agenda setting in this area, together with the authority given to the Council to decide by unanimity, “constrained the leverage and leadership potential of the Commission in the policy-making cycle” (Ucarer, 2001:2).

On the other hand, although the Maastricht treaty did not give the European Council any specific role in the OC domain, the Treaty assigned the institution the function of providing political guidelines to the EU in all policy areas, as described in Chapter 4. The formal assignation of its role only at this point —almost 20 years after its establishment in 1975— is remarkable. However, it makes sense given

⁹⁵ A task force is a transitory unit specialized in a particular policy field.

the institution's higher political authority, which allowed it to actively perform since its creation, even in the absence of official competencies. The Maastricht Treaty also entitled the institution to amend EU treaties. However, in reality, the Heads of State or Government traditionally have "played some role" in treaty negotiations since the Treaty of Rome (De Schoutheete, 2012:61) and "almost constantly" in institutional reforms since the SEA (Werts, 2008:40). Moreover, although the Maastricht Treaty did not give the European Council the formal status of EU institution, its performance and high political profile have not been hindered, as identified in this research and previous work (cf. De Schoutheete, 2012).

The finding that formal competences matter more for the Commission than for the European Council is reasonable. It is not the same to issue policy proposals, as the Commission does, than to provide political guidelines, as the European Council does. To conduct the former activity, competences on a given area together with a technical apparatus are required. By contrast, to carry out the latter activity, an official mandate is not entirely necessary. Instead, a high political authority is practically a must.

According to the analysis on the factors of attention, in 1993 the Commission paid attention to the problem driven by EU institutional milestones and policy inheritances. Specially the latter predominated. For example, the Commission took up the problem due to a commitment with the Council acquired already in 1990, as part of its strategy against fraud. Back then, the Commission undertook to present every year a report on the activities and progress done about this issue (Commission, 1990b). On this basis, the Commission issued in 1993 "the fourth such annual report".⁹⁶ The institution published the report together with a new action program on fraud, which updated the existing version of 1989, "since the programme has for the most part already been implemented" (Commission, 1993).

In a comparative perspective, the factors that triggered the attention of the institutions differed. While the driver of the Commission was mostly represented by policy inheritances, the European Council was specially stimulated by EU institutional milestones and political signals alike.

Waves of attention [1994–2013]

Once the attention of the Commission took off in 1993, it developed more or less gradually over time. Its consideration was particularly high in three years: 1998,

⁹⁶ Interestingly, in this year the status of these documents was upgraded. Although the reports on fraud had been issued since 1990, they were previously considered merely working documents, i.e. SEC docs (Commission, 1990b, 1991c, 1992). They became official policy documents, i.e. COM docs, only in 1993.

2004, and 2011. The two final spikes of attention were the most pronounced and reached a similar level. Each time after a significant increment, the attention of the Commission dropped in a slight way, reaching a mild level in relation to the entire period. The gradual development of its attention to OC over the years happened in a similar way as how the Commission got involved in the policy-making process in the broader area of JHA, as argued by Lewis and Spence: “It was a slow process, but the Commission established itself little by little as a body known for its growing expertise in the field [of JHA]” (Lewis and Spence, 2006: 297).

Making a comparison between institutions, the Commission was more moderate than the European Council and increased its attention particularly in the 2000s. By contrast, the European Council’s attention changed more erratically, especially in the 1990s. Similarly, the most pronounced punctuations of the institutions occurred in different decades. While the Commission devoted its highest attention in 2004 and 2011, the European Council did it in 1999. Altogether, the OC topic was not always high on their agendas, but was always present after the beginning of the 1990s. This finding is consistent with previous research on EU agenda setting that has found that “[a]ll problems decline at some point and for some period to lower status. But not all policy topics disappear entirely from the political agenda” (Alexandrova and Timmermans, 2014:48). The domain of organized crime is a clear example of this situation. It was constantly on the two agendas, albeit receiving different levels of attention, sometimes high, sometimes low, but without fading away completely, at least between 1993 and 2013.

The Commission’s more incremental attention pattern in relation to the European Council seems to be largely an effect of the design of the former institution. The information-processing capacities of the Commission are limited, but much less than the resources of the European Council. The Commission has a support apparatus divided into different fields of specialization. This allows the institution to handle all sorts of problems in diverse areas and at the same time. As a result, the agenda of the Commission is much broader. A less restricted agenda makes institutions process problems less disproportionately, according to the theory (Jones and Baumgartner, 2005). The pattern of the Commission mirrors this. The institution moved its attention in a more stable way, given that the topic was processed by the various departments within its organization. This allowed the Commission to focus more or less regularly on the problem without the need to rush and suddenly change to another policy problem, as by contrast the European Council did. Furthermore, the Commission was less erratic in changing its attention because it required to process certain issues by routine. This stemmed from, for instance, the institution’s obligation of reporting continuously on the status of implementation of policy instruments by member states.

Let us examine the factors that generated the attention of the Commission in each of the three punctuations. The first spike in 1998 was stimulated by all six factors. From them, again policy inheritances frequently triggered its consideration. For example, the Commission handled the problem, due to matters of legacy after “the European Council in Amsterdam, in June 1997, endorsed an Action Plan to combat Organised Crime, in which, among other things, it calls on the Council and the Commission to examine and address, by the end of 1998, the issue of fraud and counterfeiting relating to all non-cash payment instruments” (Commission, 1998). As a consequence, the Commission published a communication on this topic (*Ibid*). Comparatively, it can be noted that the attention of the European Council did not punctuate in this year, but it was about to experience already its second punctuation, which would occur in 1999.

The Commission’s first punctuation of attention happened one year before the establishment of the Directorate General in Justice and Home Affairs. This set up was possible only after the entry into force of Amsterdam Treaty in 1999. This Treaty entitled the institution broad right to initiate proposals on any matter related to organized crime, as mentioned in Chapter 4. However, a transitional period of five years was established for OC issues related to the free movement of people, e.g. human trafficking, which means that the Commission enjoyed exclusive power of initiative on such issues only in the end of 2004. As a consequence of its wider mandate, the Commission expressed its need to count with another setup to handle issues on JHA, arguing that the existing Task Force was inadequate to accomplish the new demands (Ucarer, 2001:11). Consequently, DG JHA was finally created in 1999 (Nugent, 2001:135; Lewis and Spence, 2006:307).⁹⁷ This is the main office within the Commission’s organization that drafts initiatives in the field of organized crime. According to Nugent, the creation of this DG “was a response to the Commission’s developing role in this policy sphere since Maastricht and the increasing responsibilities it was assigned under the Amsterdam Treaty” (2001: 135). In this way, the legal and institutional novel arrangements experienced by the Commission in the end of the 1990s were pivotal for its increasing involvement and authority in policymaking regarding JHA issues, including organized crime (cf. Monar, 2010: 38).

The second attention spike of the Commission, which happened in 2004, occurred also in the year when the provision of the Amsterdam Treaty on the role of the Commission on OC issues related to the free movement of persons entered into force. Thus its competences in the domain became broader.⁹⁸ All six factors

⁹⁷ The name of this DG has changed over time, e.g. DG Justice; DG Home Affairs; DG Justice, Freedom and Security; and DG Migration and Home Affairs, among others.

⁹⁸ Regarding other treaties, the Nice Treaty that entered into force in 2003 did not signify an important change for the function of the Commission in the OC field. With the Lisbon Treaty in 2009, the Commission’s

played a role in promoting the interest of the Commission to deal with the problem, but policy inheritances were again especially relevant, driving recurrently its attention, just as observed in the previous punctuation. For instance, one legacy was about its traditional task “to transmit each year to the European Parliament and the Council a report” on the protection of the European Union financial interests and the fight against fraud, as set by the treaties (Commission, 2004). In this year, the European Council’s attention also punctuated. However, this was the lowest and last peak experienced by this institution. Regarding the factors of attention, these differed between the political bodies: while mostly policy inheritances influenced the Commission, focusing events had an important impact on the European Council.

The last punctuation of the Commission’s attention in 2011 was stimulated by all factors of attention, except for focusing events. Policy inheritances were *again* particularly relevant. For instance, one legacy stemmed from “Article 9 of Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector”, which committed the institution to report on the implementation of such policy instrument (Commission, 2011).

The results of the factors of attention in the three attention spikes of the Commission are summarized in Table 7.4.

Table 7.4. Summary of factors when the Commission’s attention punctuated

Factors	Punctuations		
	1998	2004	2011
Policy inheritances	++	++	++
Professional concerns	+	+	+
Political signals	+	+	+
EU institutional milestones	+	+	+
Public concerns	+	+	+
Focusing events	+	+	-

The following information is shown per year of punctuation: (-) the factor that did not occur, (+) the factor that occurred; (++) the predominant factor, or the factor that occurred more in relation to all factors.

power of initiation became absolute for all OC issues. However, before this could be completely valid, a transitional period of five years applied (TEU, Protocol 36: art. 10). This means that the Commission’s full authority over all organized crime matters is a reality as from December 2014. From more information on this, see Chapter 4.

We can see that one same factor clearly predominated *a/ways* when the Commission devoted high attention to the OC problem: policy inheritances. By contrast, each of the three attention spikes of the European Council were promoted primarily by a different factor (i.e. political signals, EU institutional milestones, and focusing events). The finding on the Commission's behavior is supported by the previous results that indicated that policy inheritances were especially relevant to stimulate the institution's interest to set the problem on its agenda over time. The reason seems to be that the Commission is virtually obliged to keep systematic track of past policy commitments, due to its more technical profile and because it has the capacity to process old and new issues. This regular pattern of the same predominant factor at highest moments of attention goes in line with the Commission's more stable dynamic over time. This contrasts to the European Council's more irregular pattern by which no single factor prevailed in all punctuations. This suggests that the Commission is more 'predictable' than the European Council in what drives the institutions to give high consideration to issues. The explanation may be that the high political attributes of the European Council make this institution less attached to act always in front of determined impulses, as it entails sufficient authority to be able to move more in its own way. Another possible explanation is that the European Council needs to adapt its agenda more, according to important contemporary occurrences because it needs to deal with the 'hot' issues in the EU. It thus seems that the European Council agenda entails a higher degree of freedom and flexibility than that of the Commission.

Four factors were constantly *present* when the attention of the Commission punctuated, in addition to the predominant occurrence of policy inheritances. Namely, professional concerns, political signals, public concerns, and EU milestones. From these findings, three points are important to observe. First, focusing events did not have a regular influence on the institution to set the issue high on its agenda. This makes sense because the theory indicates that low politics venues are not sensitive to this type of events, but high politics venues are. By contrast, in the case of the European Council, focusing events were always present, 'accompanying' other factors.

Second, while a previous analysis in this chapter showed that public concerns were almost neglected over time by the Commission, the analysis here reveals that such concerns can be eventually relevant to contribute that the institution sets the problem high on its agenda. A possible reason is that it may add important value to consider the worries of the society, in order for the Commission to legitimize its work in the process of policy formation.

Third, the Commission responded in all cases of high attention to a larger number of impulses than the European Council. This may be explained by the much more open design of the Commission, in comparison to the European Council. It seems that the Commission's more technical attributes demand the institution to search for information and thus considerably broaden its source to feed its political radar, in contrast to how it happens with the less exposed way to process issues of the European Council.

7.5. Conclusions

The chapter analyzed the agenda dynamics of the Commission, also in comparison to the processes of the European Council. In doing so, the ideas proposed by the Agenda Dynamics Approach were examined. The expectation that the attention pattern of the Commission is more moderate than the trend of the European Council was confirmed. However, the expectation that professional concerns regularly drive the attention of the institution was confirmed only partially. It was demonstrated that the same six factors that affect the European Council also affect the Commission, albeit in different ways.

We saw that the agenda dynamics of the Commission and the European Council vary. This variation happens in how they attend issues over time and the reasons why they do so. On the one hand, the Commission changed its attention more steadily over time, while the European Council did it in a more pronounced way. On the other hand, the Commission initiated issues on its agenda triggered mostly by policy inheritances in the long run. In the meantime, the European Council took issues on board stimulated by political signals and policy inheritances in a similar way. It was identified that, although both institutions respond to policy inheritances, they do it at different levels and due to distinct motives and aims. Furthermore, when the Commission's attention punctuated, policy inheritances always predominated. By contrast, at moments of high attention, the predominant factor for the case of the European Council was every time different: political signals, EU institutional milestones and focusing events. It was also revealed that the institutions are, however, not completely different. Some similarities are present, but to a much lesser extent. In addition, it was shown that official competences to tackle the problem play also a part in agenda setting, circumstance that is less relevant for the European Council.

Ultimately, the chapter confirmed the overarching expectation that the intra-agenda dynamics of the European Council and the Commission are largely different, as posited by ADA. Such processes were explained by a combination of the information-

processing and political characteristics of the institutions. These characteristics go practically hand in hand. The Commission is a parallel processor *and* a low politics venue. Similarly, the European Council is a serial processor *and* a high politics venue. While both features fit logically together, the 'twin features' in the nature of each of the two institutions have been studied mostly separately in the literature. Thus, as also noted in the previous chapter, a relevant conclusion is that combining both institutional features, rather than considering them apart, allows us to better comprehend the behavior of the institutions in the policy process. The next chapter presents the analysis on the dynamics between the two agendas.

Chapter 8

Inter-agenda dynamics of the European Council and the Commission

The two previous chapters showed the empirical analysis of the dynamics of the European Council and the Commission, respectively. We thus identified how each institution sets its agenda. The final step in this research is to see how the institutions relate to each other in agenda setting. This is the last analytical chapter of the project and studies the dynamics between the agendas. It addresses the following question: *what are the inter-agenda dynamics of the European Council and the Commission?* The answer provides evidence on the underlying pattern in their interaction, showing the governing directionality between their agendas in the long run. The aim of the chapter is to identify the logics in the interplay and explain them. The chapter has three sections. The first part deals with the analytical implications of the research topic for the way to study it. The second section introduces and discusses the findings. In the final part, conclusions are provided.

8.1. Much speculation, little evidence: analytical implications

This project has empirically demonstrated that the European Council and the Commission set their agendas mostly in a different way, as expected according to the Agenda Dynamics Approach. The basis for such expectation stemmed from central postulates of the Processing Model and the Routes Framework, which were tested to study the behavior of each of the two institutions.

It is time now to analyze the relationship between the political bodies. ADA includes diverse ideas on their interplay, but no specific expectation that accounts for

the directionality of the interaction. This is because in theory different patterns are possible, as mentioned in Chapter 3. The European Union has not established how the relationship should formally function, in the first place. It has not been even indicated whether in the EU's institutional framework the two institutions are expected to work together. This silence indirectly promotes more noise. It feeds the academic discussion, as there is ample room for speculation. What is more, it fosters confusion, given that the interplay between the institutions is not officially patent. Therefore, given that their interaction has no treaty-basis and their intra-agenda dynamics largely differ, one can question whether, to begin with, a relationship between the institutions exists. Further, in the debate in academia, contrasting streams of thought can be distinguished. One points at a unidirectional relationship. Within this discussion, some scholars believe that the European Council impacts the Commission and others suggest that the Commission is rather influential. Another scholarly stream indicates the existence of a bidirectional interaction, in which the institutions affect each other.

One way to deal with the discussion is simply to pick sides and test a given line of thinking. For instance, it can be assumed that the institutions indeed interact and that their interplay is bidirectional. This would be reasonable to do, as this pattern can be attributed to their distinct information-processing capacities that enable them to complement each other's limitations in policymaking. It thus would make sense to test the hypothesis that their interaction is bidirectional. However, there are also reasons to believe that the relationship is unidirectional. The European Council has considerably more political authority, so it can be argued that the Commission must follow its indications. But, at the same time, the Commission has significant capabilities in terms of expertise and resources. Therefore, it can be claimed instead that this makes the European Council dependent on the Commission to be able to obtain information and process it, in order to form its political guidelines.

A serious problem in all the discussion is that there is little empirical research and no systematic analysis on a long-term basis, which can demonstrate the governing trend in their interaction. Thus the academic debate, which goes in different ways, rests on substantially limited evidence. These circumstances hinder a clear orientation to study the interplay between the European Council and the Commission.

In this atmosphere of ambiguity, where no formalization has been set, the literature points to all directions, and the empirical work is considerably restricted, it is not obvious where to precisely look at. The ideas on their interaction are unconsolidated. The Agenda Dynamics Approach thus distinguishes four possible patterns: no relationship;

a unidirectional relationship, in which the European Council leads; a unidirectional relationship, in which the Commission leads; and a bidirectional relationship.

This chapter takes up these lines of reasoning and identifies which one is the most substantiated, in terms of the regular trend in their interaction in the long run. Although the four options may be considered the expectations of the study on the inter-agenda dynamics, the analysis in reality follows a theory-building perspective. The data will ‘talk’ in order to obtain a better view on conditions to explore the relationship between the institutions and thus see which of the four ideas has the strongest empirical basis to determine the directionality. Vector Autoregression techniques were used, as described in Chapter 5.

8.2. How do the institutions relate to each other in agenda setting?

The results on the directionality in the interplay of the European Council and the Commission can be observed in Table 8.1. The table shows the findings of the analysis on Granger causality. It includes the results of all the combinations of relations in the model. The most relevant in this study is the set of variables highlighted in bold, per panel, as they represent the relationship between the institutions. In the first panel, from left to right, we observe the impact of the European Council on the Commission. In the second panel we see the effect of the Commission on the European Council.

Table 8.1 Granger causality

Independent variable	Policy domain	Dependent variable
European Council	2.63 → (0.0244)	Commission
Commission	2.36 → (0.0399)	
European Council	3.74 → (0.0030)	European Council
Commission	0.74 (0.6161)	

Numbers reported are F statistics with p-values in parenthesis. The arrows indicate Granger causal relations from the independent to the dependent variable. Variables in bold highlight the relationships between the two institutions.

Looking at the p-values (reported in parenthesis) of the two cases, we can identify that only the impact of the European Council on the Commission is statistically significant at the 5% level (symbolized by the arrow). There is thus evidence to reject the null hypothesis that the European Council does not Granger-cause the Commission (see first panel). However, the null hypothesis that the Commission does not Granger-cause the European Council cannot be rejected (see second panel).

Therefore, the results reveal that the European Council agenda influences the Commission agenda, but not the other way around. In other words, the institutions have a unidirectional relationship. This pattern is confirmed by the Impulse Response Functions (IRF) reported in Figure 8.1. The figure shows a visual representation of the model and the simulations. It includes graphs for all combinations of IRF relations. Per graph, the solid line is the response of the dependent variable to a simulated shock to the independent variable. The dashed line is the 95% confidence interval. The y-axis shows the shock and effect in terms of one standard deviation. The x-axis represents the time, which is quarters, over fifteen periods. The graphs in the first column show the response of the Commission, and in the second column we see

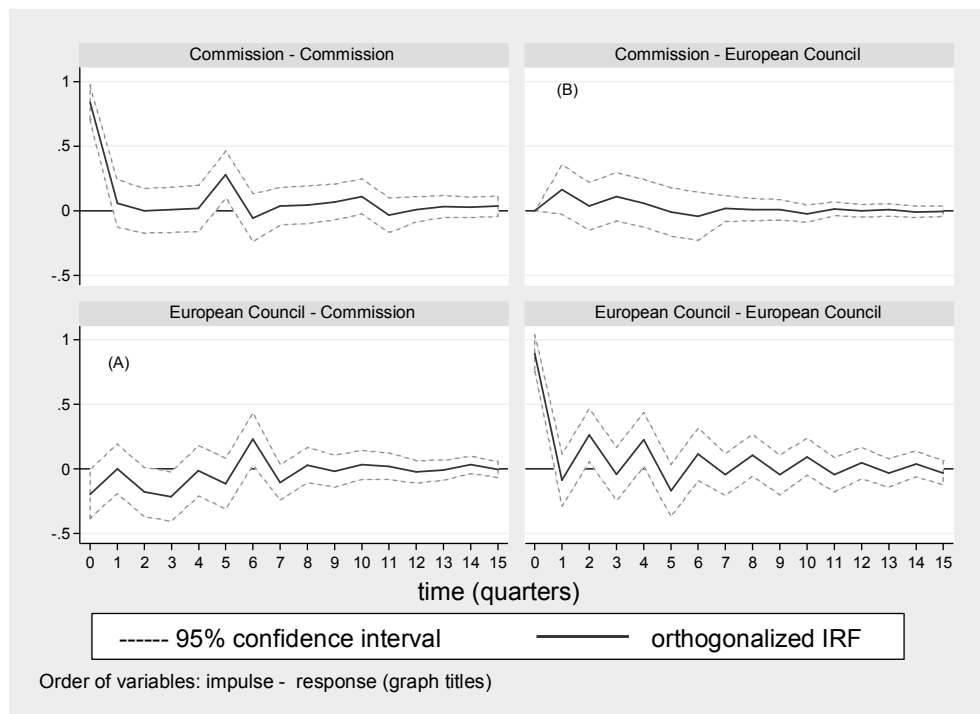


Figure 8.1. Impulse response functions

the response of the European Council. From these, the most important parts in the study are the two graphs located in the extremes with the letters A and B in parenthesis, as they represent the relationship between the institutions. The graph in the bottom left (letter A) shows the response of the Commission agenda after a shock in the European Council agenda. In other words, it indicates the effect that the European Council has on the Commission. Conversely, the graph in the top right (letter B) indicates the response of the European Council agenda after a shock in the Commission agenda. This graph thus shows the effect of the Commission on the European Council.

When we focus on the graph on the bottom left (letter A), we can see that one standard deviation shock in the European Council agenda leads to more or less a 0.20 standard deviation in the Commission agenda around the sixth quarter. This means that a sudden increase in the attention of the European Council produces variation in the attention of the Commission that builds up gradually. The Commission's attention decreases in the first periods and then increases, reaching a peak point at period six. Afterwards, it turns to its equilibrium in the horizon.

By contrast, the graph on the top right (letter B) shows that the effect of one standard deviation shock in the Commission agenda on the European Council is statistically insignificant at all times. Although some kind of reaction can be observed this shall not be considered. This is statistically insignificant given that the confidence interval includes zero. This indicates that the European Council does not react to the impulse of the Commission. The results of Granger causality tests and IRFs are consistent — the findings of the former tests are confirmed and complemented by the later.

To get a more accurate impression of the magnitude of the response between the institutions, the actual values are reported in table 8.2. It includes the scores for all fifteen periods, as observed in Figure 8.1. The first column shows the time (quarter). The following three columns show the values of the graph on the bottom left (graph A). Likewise, the last three columns show the values of the graph on the top right (graph B). The values are statistically significant at the 5% level, if the confidence interval (represented by the columns on lower and upper bound) in a given time does not cross zero. Looking at the columns related to a shock in the European Council agenda, we can identify that such shock produces a response of 0.23 standard deviation in the Commission at time six. In contrast to this, when we observe the rest of the columns, it becomes evident that all the scores regarding the reaction of the European Council to a shock in the Commission agenda are statistically insignificant.

Table 8.2. Impulse response functions values

Shock in European Council (A)				Shock in Commission (B)		
Time	Response in Commission	Lower bound	Upper bound	Response in European Council	Lower bound	Upper bound
0	-.193386	-.382934	-.003839	0	0	0
1	.001582	-.189473	.192636	.162874	-.0292	.354948
2	-.177443	-.367797	.012911	.033616	-.149687	.216918
3	-.212118	-.404198	-.020039	.106285	-.081895	.294464
4	-.013011	-.207352	.18133	.056758	-.126717	.240234
5	-.112486	-.309903	.084931	-.009493	-.196992	.178005
6	.232829	.030491	.435168	-.043976	-.229364	.141413
7	-.10334	-.239886	.033205	.015071	-.084729	.11487
8	.030893	-.104049	.165834	.007141	-.079002	.093283
9	-.016234	-.139496	.107028	.006278	-.073122	.085678
10	.032696	-.079241	.144633	-.022849	-.090409	.044711
11	.020875	-.081814	.123565	.014165	-.038856	.067185
12	-.019983	-.107738	.067773	-.00013	-.049289	.04903
13	-.008741	-.08659	.069109	.005647	-.042965	.054259
14	.032267	-.034842	.099377	-.008996	-.052301	.034308
15	-.003278	-.065543	.058987	-.004797	-.044397	.034804

8.2.1. The European Council: the leading institution in agenda setting

From the results obtained, several conclusions can be drawn. To begin with, the institutions interact in agenda setting through time. There is strong evidence to support the scholarly stream that conceives that the European Council influences the Commission. For instance, Werts has claimed that “it seems today as if the European Council and the Commission form a tandem, albeit a tandem driven and governed by the former” (Werts, 2008:54). Similarly, Ponzano and colleagues have argued that “the Commission has increasingly considered itself politically committed to following up to the ‘conclusions’ of the European Council” (Ponzano et al., 2012:Executive summary, point 4).

Consequently, the idea in academic research that the Commission has the ability to influence the European Council does not have empirical basis. Likewise, a bidirectional pattern in their interaction has no fundament, in contrast to what

previous empirical research has found. For example, Bocquillon and Dobbels have suggested that the study of the interaction of the European Council and the Commission shall entail an approach “in which they are considered as partners, engaged in a reciprocal relationship of joint agenda-setting” (2014: 23). After conducting the empirical analysis, these scholars have concluded that the institutions have a ‘competitive-cooperation’ relationship, where “overall cooperation seems to dominate” (Ibid: 34). The difference between Bocquillon and Dobbels’ result and the finding obtained in this research seems to be related to the methodology. Their work followed a cross-sectional approach, exploring contemporary cases happening before and after the Lisbon Treaty, that is, around 2009. By contrast, the current study is longitudinal. While the interaction between the institutions may be bidirectional at more specific points in time as was analyzed by them, the evidence obtained from the time-series analysis indicates that their relationship is unidirectional. Therefore, this study does not agree with the idea that “in many cases the European Council-Commission relations are two way rather than purely top-down” (Ibid: 26). The dynamic governing the interaction between the institutions flows in one direction in the long run. Such a contrasting variation in the empirical outputs is because, as Soroka reminds us, the “lack of congruence between the dynamic agenda-setting process and cross-sectional designs has been noted by a number of agenda-setting authors, aware of the possibility that cross-sectional methods may fail to identify the significance of a relationship over time between two agendas” (S. N. Soroka, 2002:12).

The leading position of the European Council in its interaction with the Commission seems to be grounded on its mandate to give the EU “the necessary impetus for its development” (TEU: art. 15). The institution is indeed “a signalling authority for policy-making” (Elias and Timmermans, 2014). After all, “[a]lthough the European Commission has a monopoly over legislative initiatives, the impulse for legislative proposals often comes from the European Council”, as argued by Alexandrova and Timmermans (Alexandrova and Timmermans, 2013:319). Thus the latter institution is inherently a source of stimulus in the European Union. The “consolidation of the leadership role of the European Council”, as claimed by Ludlow, occurred in the second half of the 1980s, mostly as a result of its institutional incorporation in the Single European Act, by which the Conclusions of its summits got a “quasi-legal status” (1992:62). In fact, as Alexandrova and colleagues have argued, the European Council “has become an institution of political leadership which pulls the strains of the integration process to the extent and in the direction of activity it desires” (Alexandrova et al., 2016:611).

The pattern in the relationship stems also from their distinct political attributes. On the one hand, the European Council is the uppermost political body in the EU (cf. Alexandrova et al., 2012). Given that it is composed by the highest political leaders at the national and European level and in charge of guiding the EU, the institution has a substantial and strategic meaning. Its strong political authority ‘empowers’ the institution (cf. Johansson and Tallberg, 2010). In this sense, one characteristic of the European Council’s design that is especially relevant is its “bargaining power” (Tallberg, 2008). According to Tallberg, such power entails three dimensions, namely, state, institutional and individual. These sources of power, especially the state dimension, grant influence in the institution (Ibid). This apparently equips the European Council with a significant advantage over its opponent when playing the political game of setting the EU agenda. Therefore, in its relationship with the Commission, the European Council essentially leads. On the other hand, in view of its more technical profile, the Commission follows because its proposals have more chance to be decided after the European Council’s political legitimization of policy problems. In this way, the ability of the Commission to place an issue on the agenda becomes empowered.

Another explanation of their interactive pattern has to do with their roles in agenda setting. The European Council is responsible to provide general guidelines, while the Commission must issue initiatives on specific issues. This has implications in the policy process. Although in general terms the institutions accomplish a similar function, strictly speaking there is a difference, as noticed in the analysis of the intra-agenda dynamics. Based on the distinction made by Hobolt and Klemmensen on the types of responsiveness in national governments (2008), the European Council has a ‘rhetorical’ policy commitment and the Commission an ‘effective’ one. Put shortly, the latter institution talks politics and the former writes policy. As a result, the Commission needs to invest considerably more resources and time to deliver actual proposals. This suggests that the Commission is busier working in consequence than trying to set the pace. In this sense, their roles are complementary.

A powerful reason of the way they interplay is related to the way they deal with information. Being a serial processing institution, the European Council indicates problems more generally. Then the Commission takes up the issues to process them in detail. It also handles them simultaneously with new and existing problems and policies. This is supported by the previous results that demonstrated that the Commission’s agenda is importantly moved by policy inheritances and to a lesser degree by political signals. In both cases, the indications made by the European Council appear to be highly relevant for the Commission. In other words, the two

factors of attention represent strategic channels of influence of the European Council on the Commission. In this way, the European Council has its hands free to be able to move its attention to handle other issues in the EU that also require its attention, which is significantly limited. In the meantime, the Commission can give problems specialized and routine treatment because it has a large apparatus. The distinct processing capacities of the institutions thus allow them to proceed in these ways.

But where does the European Council take the energy from to be an entrepreneur, being importantly constrained in its design? Put differently, how does its small size machinery get the impulses? The analysis on the intra-agenda dynamics suggests that the institution highlights and monitors policy issues largely on the basis of indications from diverse political actors, including the Commission. Accordingly, the European Council responds importantly to political signals. Here the Commission takes the opportunity to influence the institution. And it is often successful. This indicates that the finding that the European Council has an impact on the Commission, but not the other way around, does not mean that the latter does not influence the former at all. It rather signifies that the European Council does not respond to the Commission on a regular basis. Other indications that also move the European Council come from other political bodies, such as the Council and the Parliament. Altogether these signals support the European Council's job. Moreover, it was shown that the European Council is likewise triggered by policy inheritances. The influential role of the Commission in this case is significantly limited, given the institution's constrained, not to say null, decision-making faculties. As a result, the European Council relies on other EU institutions, including itself. Thus, while the designs of the Commission and the European Council are complementary, the latter institution does not constantly need the former to be able to advance its agenda.

There are three main explanations of why the European Council is not regularly moved by Commission. First, the European Council is more detached from following recurrently the same type of stimulus, as can be seen from the findings on the factors that drive its attention over time. The institution takes up relatively similar portions of impulses from different sources. For instance, it considers policy inheritances and political signals equally important, as well as it gives focusing events and EU institutional milestones the same weight. By contrast, the Commission is by and large attached to policy inheritances. Although it also reacts importantly to professional concerns, this factor is far away from the level of response the institution concedes to legacies. This pattern explains also why over time the Commission regularly follows the European Council. The Commission has the tendency to reply commonly to the same source of political inspiration.

Second, the European Council is politically compelled to adapt to the changing and uncertain environment. It needs to be flexible enough to deal with the hot issues that suddenly come on the EU scene. The institution thus requires a free political spirit that enables it to adapt. In addition, its limited resources and ephemeral-type of configuration require the institution to be quick in dealing with issues in all policy domains, not only in organized crime, basically no matter what. These conditions further indicate that it is not in the institution's design to be fixed to the desires or influence of a particular factor. This can be also observed in the previous results on the intra-agenda dynamics. As demonstrated, the predominant factor contributing that its attention punctuated was not always the same. This conforms to previous research that has argued that "the European Council is free to set its own agenda" (Alexandrova et al., 2016:612). This behavior clearly contrasts significantly with the performance of the Commission, where the (one) predominant factor—policy inheritances—triggered all its spikes of attention.

Third, the findings on the intra-agenda dynamics showed that competences play a role for the institutions, but especially for the Commission. In this regard, their unidirectional way of interacting seems to be result of the combination of the Commission's adaptation process of obtaining broader faculties in the domain of organized crime—which, as we saw, have been granted incrementally over the years by the Treaty—and the institution's more gradual way to handle policy issues, as also demonstrated in this study. It seems that this situation eventually hinders the institution to take the lead through time, as well as to give feedback to the European Council on a regular basis.

Ultimately, the distinct individual patterns of the institutions also are a reason why a bidirectional flow in their relationship is not present over time. The two political bodies respond quite different to potential sources of influence over the years, including at high moments of fluctuations in their attention. And there is also another explanation for why their interaction is not bidirectional. As Ludlow has claimed, "of the Commission's basic strengths, three have repeatedly proven to be a major importance: its right of initiative, its permanence, and its multinational and pluralist character." (1992: 64) Indeed, the institution counts with several key assets for policymaking. However, it does not have decision-making power. This seems to be what makes an important difference between having a relationship under the lead of the European Council and closing a circle between the two institutions. Given that the European Council monitors issues also largely on the basis of previous policy decisions, it finds support in other EU institutions than the Commission. In the end, although the European Council and the Commission have complementary capacities

and roles in agenda setting, their distinct architectures and more broadly different faculties in the policy process make the institutions less inclined to have a constant relationship of circular flow.

The result obtained in this study, where the European Council has an impact on the Commission, is similar to previous work that has studied the influence between political institutions in national systems, using VAR techniques. Research on agenda setting in the United States has found that the President influences the Congress (Peake, 2001; Rutledge and Larsen Price, 2014). Although the European Council and the Commission are both executives in the structure of the EU, it is possible to make an analogy with the US government. As recent work has found, the European Council has gradually become “the EU’s de facto government” (Carammia et al., 2016). This institution has evolved into a sort of political executive (Puetter, 2013, 2014). This can be relatively comparable to the role of the President. In the meanwhile, the Commission does a similar task to that carried out by the Congress in that both propose laws. It is thus make sense that in the EU the European Council has an impact on the Commission, similar to what happens with analogous institutions in traditional political systems.

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8.2.2. The Commission: digesting the new impulses

As observed above, the evidence shows that in the interaction with the European Council the Commission is reactive. But the analysis also demonstrates another characteristic: it takes time for the Commission to react. The Commission does not increase its attention immediately, but builds up the process. Initially the institution diminishes its attention to reorient its priorities and prepare to produce policy output; afterwards, its consideration grows. In other words, the Commission needs time to digest the new impulses from the European Council.

This dynamic is not surprising for different reasons. To begin with, a time difference has been suggested by previous work that has argued that member states together in the European Council “predetermine” the agenda of the Commission “months and years in advance” (Allerkamp, 2010:2). In addition, the response is consistent with the empirical findings on the intra-agenda dynamics. Accordingly, the European Council and the Commission do not only have different ways to deal with issues, but also different tempos to do so. The European Council processes issues serially, but the Commission does it in parallel. Consequently, their institutional rhythms to handle problems essentially differ. The European Council jumps from one problem to the next providing general guidelines of policy, as the institution cannot process issues otherwise, given its limited resources. The European Council is thus quick in

dealing with policy problems. But the Commission cannot follow its pace. Although the Commission has a big apparatus to deal with many more issues simultaneously than the European Council, it also has limitations at the end of the day. It requires time to develop a dossier to get to know problems and address them. This explains in part the gradual pattern in the Commission's reaction.

Another part of the explanation is that the institution is committed to deal with routine issues and past arrangements. Thus the Commission cannot simply shift its priorities right away. As demonstrated, policy inheritances play an important role for both political bodies, but in particular for the Commission. The relevance of policy inheritances in EU agenda setting is reasonable because is similar to what occurs in countries. As argued by Hogwood and Peters, "[i]n reality, 'new' policies are rarely written on a *tabula rasa*, but rather on a well-occupied or even crowded tablet of existing laws, organizations and clients" (1983:1). Indeed, there is often a significant "legacy from the past" that current governments need to face, which "consists of the accumulation of commitments made", as claimed by Rose (1990:266). According to the findings in this study, half of the Commission's attention was generated on the basis of policy legacies. By contrast, the European Council's was triggered by such factor only in a quarter of the cases. The Commission is thus specially devoted to process issues on the basis of previous commitments. This suggests that the Commission does not raise its attention right away to the European Council because it is importantly dealing with inheritances.

The Commission has a preexisting agenda that tries to fulfill, but the institution eventually moves to deal with new issues set by the European Council. This also suggests that an important part of the current agenda of the Commission is already set by the agenda previously established, largely by the European Council. These conditions ultimately indicate that the Commission does not wait for the European Council to send a new impulse. The Commission does not only react. It also works in the absence of a novel pointer, at least for a while. It is an ongoing process where the Commission knows already what to do without the need of a new indication from the European Council. At the same time, the European Council relies purposely on the Commission simply because the former does not have the capacity to deal by itself with many issues simultaneously, but the latter can. This situation occurs on the tacit understanding that the Commission is working on the previous matters decided by the European Council, but also will work eventually on the new ones. In this way, the European Council does not need to send recurrent indications on the same issues and, instead, can move freely to attend different policy problems for an important period of time until the new cycle comes.

An additional explanation of the Commission's reply has to do with the distinct political attributes of the institutions. The low politics route, where problems are introduced by the Commission, is a "gradual, indirect one" (Princen, 2012:34). Here policy issues slowly "creep" to reach the agenda. By contrast, the high politics route by which issues are initiated by the European Council is "quick and direct" (Ibid). In this case, problems suddenly "crash" on the agenda. In this context, it seems that no preferential concession to the European Council's issues happens. The priorities of this institution need to wait in line as well. Put differently, problems advocated by the European Council also need to creep to make it to the Commission agenda. This situation is apparently a matter of design, not a will from the Commission. Ultimately, the dynamic of the Commission's route is also an explanation why a unidirectional relationship under the leadership of the Commission does not happen. The nature of this institution is to act gradually, which prevents it to go first over time.

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The slower moving way to proceed of the Commission is understandable. In domestic systems, the attention of political institutions is largely promoted "by strong inertial forces" due to "routines of governing" and "prior commitments of the government" (Edwards and Wood, 1999:341). Moreover, policy-making organizations in general are designed to resist change, being more keen on retarding any adjustment in the system as much as possible, rather than responding directly to needs in it (Jones and Baumgartner, 2005:147). In other words, political institutions are designed on the whole not to be volatile. The architecture of the Commission makes it less disproportionate than the European Council regarding shifts in attention to problems on its agenda. Furthermore, the Commission is by design inclined to induce stability in the system. Its institutional essence is to have a gradual performance, in contrast to the architecture of the European Council. Consequently, the new desires of the European Council do not directly transmit an "issue contagion" in the Commission (cf. Coombs, 2002:215). According to Coombs, this type of "contagion" affects the management of issues by changing the way they are prioritized (Ibid). The empirical evidence in this research indicates that, in the handling of policy problems between the European Council and the Commission, it takes time for such contagion to happen. While the similar roles of the institutions point at the need of being regularly in policy tune, continuous tuning is hindered by their different configurations. Although willing change and achieving it are different things, the attempt to promote change is necessary to be able to concretize it. Thus, eventually these conditions have consequences for policymaking.

8.2.3. Implications of the European Council's leadership for the Commission's role

Base on the findings, it is clear that the European Council impacts the Commission in the long run. However, according to the Impulse Response Function analysis, the magnitude of the effect (see Table 8.2) does not occur in such a high level as many scholars have argued it happens. For instance, previous research has claimed that the European Council (together with the Council) is "undermining" the Commission's role in policy initiation (Allerkamp, 2010) and has "significantly eroded" its power in this regard (Ponzano et al., 2012: Executive summary, point 4). This study did not find empirical evidence to support the argument in academia that the Commission has a "subservient position" in its relation with the European Council (Werts, 2008:45). The European Council is a determinant actor in shaping the Commission's attention, but the former institution does not take overwhelming control of the agenda of the latter. There is also space for other elements to play a role on how the Commission shapes its priorities. This is consistent with the previous findings on the intra-agenda dynamics, where was identified that diverse factors promote the attention of the Commission. This makes sense because "the Commission does not carry out its work in a vacuum" (Princen, 2007:23).

The institutions have developed an interface, in which the Commission works mostly on the basis of the European Council agenda, but also has to an extent room of maneuver to decide what to handle. While this cannot be called a win-win situation, it appears a fair deal for the Commission because, although its agenda is determined in first place by the European Council, the former institution can also produce some output on the basis of other sources, thus following its own choices. Moreover, this is also a reasonable arrangement, considering that the 'chunk' influenced by the European Council entails a dose of legitimization, which makes it more likely for the Commission to succeed in setting the agenda on those issues.

While the Commission agenda is primarily influenced by the European Council agenda, this does not mean that the former has no chance to contribute to shape the latter's priorities. As the findings on the intra- and inter-agenda dynamics showed, the European Council does take up the signals of the Commission, but at discretion. The European Council is selective with the moments to consider the indications of the Commission. This suggests that the Commission has a discretionary effect on the European Council, as determined by the latter.

8.3. Conclusions

This chapter studied the dynamics of the interaction between the European Council and the Commission in agenda setting. It showed that the topic has received much speculation based on little empirical evidence. On the whole, existing ideas and assumptions of how their interplay happens are unsubstantiated. Therefore, based on the Agenda Dynamics Approach, four patterns were explored. It was thus analyzed whether the institutions interact in the first place; whether their relationship is unidirectional and, if so, who influences whom; or whether their interaction is bidirectional. The systematic analysis conducted by means of vector autoregression techniques enabled us to order the different ideas and examine which has the strongest foundation.

The study delineated one straightforward way their inter-agenda dynamics work. The relationship flows predominantly in one direction in the long run, in which the Commission is affected by the European Council. The analysis revealed relevant characteristics of their interaction. For instance, it demonstrated that the institutions communicate importantly through policy inheritances and political signals. It was also revealed that the effect of the European Council is not so high as conceived by an important stream in academia. There is also space for the Commission to decide what issues to include on its agenda. It was also shown that the Commission needs time to digest the novel indications from the European Council. All in all, the European Council is the strategic actor in agenda setting, while the Commission has the machinery to develop the process broadly.

The chapter also explained their behavior. The explanatory power of the 'twin features' in the institutional design of each institution became evident, as also concluded in the analysis of the intra-agenda dynamics. The European Council is both a serial-processing institution and a high politics venue. Similarly, the Commission is both a parallel-processor type of organization and a low politics venue. Thus, the institutions interact in the way they do, largely as a result of a combination of the two characteristics. Their interaction is more generally a consequence of their intra-agenda dynamics, as proposed by ADA.

In this way, the analysis of their inter-agenda dynamics provided substantial elements to inform the scholarly debate on the relationship between the European Council and the Commission. This helps theorizing their interaction. The Agenda Dynamic Approach is thus a useful view to get a better understanding of the way the institutions interplay in agenda setting. The next chapter deals with the conclusions of the whole project, showing the contributions of this research.

Chapter 9

Conclusions on EU agenda setting

The previous chapter presented the analysis of the interaction between the European Council and the Commission agendas, revealing the dynamics of their relationship. The current chapter draws the conclusions of the project, reflecting on what was done and achieved. The aim is to identify the main lessons learned from this research. The chapter is divided into four parts. First, a short overview of key elements and findings of the project is presented. The second part introduces the contributions of this research. Next, the limitations of the project are discussed. The final section deals with possible avenues for future work.

9.1. Similar roles, distinct designs: the European Council and the Commission

The main research goal of this study was to identify and explain the dynamics of the European Council and the Commission in setting the agenda of the European Union. The project was motivated primarily by an intriguing phenomenon of the EU institutional framework: these political institutions have a similar role, but entail distinct designs. More precisely, they are the core actors in agenda setting, but their information-processing capacities and political attributes differ significantly. Other EU institutions, such as the Council and the Parliament, can have a say in this policy stage but they are not an inherent part of it. Connected to this, another puzzling feature is that the relationship between the European Council and the Commission in agenda setting is not formalized, in contrast to the regulated interaction between other EU institutions.

The central research question was: *How can the agenda dynamics in and between the European Council and the Commission be explained?* The answer showed the intra- and inter-agenda dynamics of the institutions. First, the processes of each institution in agenda setting were revealed by addressing two sub-questions: *What are the intra-agenda dynamics of the European Council?* and *What are the intra-agenda dynamics of the Commission?* Second, the dynamics of the relationship between the agendas were demonstrated by answering the third sub-question: *What are the inter-agenda dynamics of the European Council and the Commission?* The three questions were explained under the theoretical framework proposed and applied in this project: the Agenda Dynamics Approach. The agendas of the institutions on the domain of organized crime were analyzed.

The empirical findings of this research can be succinctly expressed in two ideas. First, the European Council and the Commission set their agendas mostly differently over time. Second, the European Council influences the Commission in the long run.

9.2. Contributing to a better understanding of EU agenda dynamics

9.2.1. A theoretical framework for the study of the institutions in agenda setting

Research that focuses on the effect of the different designs of the European Council and the Commission on agenda setting is scarce. The ideas in the literature on the relationship between the institutions are unconsolidated. The Agenda Dynamics Approach included these conditions and delivered an integrative theoretical framework. ADA helped in analyzing how the relationship between the two institutions emerges in the absence of formal regulation of their interaction. This was the first attempt to theorize altogether the individual and interactive agenda dynamics of the institutions. ADA provided a framework to study the complete chain of ways the political bodies perform in setting the agenda. This was achieved by making a distinction between their intra- and inter-agenda dynamics, and combining the two types of dynamics. With this, ADA provided an innovative frame for the analysis of EU agenda setting, identifying and explaining the patterns of the processes, as experienced by the institutions. In doing so, the approach strengthened the position of existing theories used for the study of policymaking not only in the EU but also in countries. This enabled the examination of paradigms and paths of reasoning.

In the study of the intra-dynamics, the Processing Model and the Routes Framework were tested. The validity of existing postulates was confirmed and new theoretical

elements were discovered. More specifically, we saw that the propositions of the Processing Model —on how the attention of policy actors evolves in national political systems— are valid for the analysis of the EU political system, as they hold true for the ways the European Council and the Commission behave. Further, the proposition of the Routes Framework on what triggers the institutions to set issues on the EU agenda was empirically analyzed. The original theory proposes two factors, namely, focusing events and professional concerns, which were confirmed by the empirical evidence. But also four more factors were found. We discovered that the attention of the European Council and the Commission is driven as well by EU institutional milestones, political signals, policy inheritances and public concerns. These four theoretical concepts emerged from the empirical analysis, drawing from notions in and beyond the literature on agenda setting in domestic systems and EU politics. This adds scholarly value because we know little about what makes the European Council prioritize issues on its agenda, as recent work has recognized (Alexandrova et al., 2016), situation that is similar for the case of the Commission agenda.

In addition, we noticed that the political attributes and the information-processing capacities are equally important in determining how the institutions set the agenda and in explaining their dynamics. It thus became evident that their institutional designs entail ‘twin features’ —the features mirror each other—: the European Council is both a serial processor and a high politics venue; similarly, the Commission is both a parallel-processor type of organization and a low politics venue. We thus realized that recognizing the twin characteristics at once, rather than placing each feature in separate analytical containers as commonly done in academic research, is useful to study the dynamics of the institutions and better understand the ‘black box’ of EU agenda setting. As a result, we can confirm that the Processing Model and the Routes Framework have complementary postulates, as argued in the beginning of the project. Together these theories can help in explaining agenda-setting processes in the EU political system.

In the study of the inter-agenda dynamics, we ventured into the world of policy makers and explored how the relationship between the European Council and the Commission work. The exploratory study was done given the broad variety of theoretical indications, the lack of formal rules and the limited empirical evidence. This was done on the basis of the different ideas of how scholars think the interaction happens, from which four possible patterns to discover emerged. This allowed us to unravel the underlying dynamics, confirming a specific line of academic reasoning and discarding the others.

Ultimately, we empirically showed, as initially proposed by ADA, that the dynamics happening in the agendas of the institutions affect the dynamics between them. In this way, the Agenda Dynamics Approach entails a holistic view. The story of the interaction is not only about the interaction itself. It is also about the individual processes of each institution. An appropriate way to know the dynamics of their relationship is by knowing first the single logics. This is especially useful, given that there are formal rules on the function of each institution in agenda setting, but not on their interplay. Based on ADA, the role and performance of each of the two institutions shall be put in perspective. Thus, this theoretical framework has a less extreme view than other perspectives that revolve around the idea of which of the two institutions is more powerful than the other, such as the principal-agent approach.

Much of the academic debate on the functioning of the European Council and the Commission has dealt traditionally with their nature as intergovernmental and supranational bodies. This study showed that these political actors can be better understood by looking at their institutional designs. Their architectures affect their attention to policy issues, as posited by ADA. On the whole, the designs have an effect on their individual and interactive performance in the policy process. In other words, institutional designs matter in EU agenda setting. As a result, by thinking 'out of the box', we were able to appreciate other characteristics of the institutions and thus broaden our knowledge and understanding of how and why these political actors behave the way they do. This helps us better comprehend how political arenas in the European Union move and how policymaking in this political system works, also in comparison to national systems.

9.2.2. Fostering empirical and theoretical knowledge on the dynamics of the institutions

Intra-agenda dynamics

Our knowledge on the similarities and differences in the longitudinal trends of the European Council and the Commission in agenda setting was limited prior to this study. This is the first in-depth and systematic analysis that compares their patterns over decades. A main conclusion of the project is that, while the European Council and the Commission have a similar agenda-setting role, their intra-agenda dynamics are mostly different. For instance, the European Council agenda is more erratic in how issues are addressed than how it occurs on the Commission agenda, which is more gradual. Moreover, the European Council is especially affected by both political signals and policy inheritances to set issues on its agenda. The Commission

is mostly driven by policy inheritances. While both institutions often respond to policy inheritances, they do it in different degrees and for different motives and with distinct political goals. There are also similarities in their dynamics. For example, neither agenda is stable over time. Both follow instead a punctuated equilibrium pattern. The institutions take up policy problems triggered by at least the six factors mentioned in the section above, albeit in different ways. The similar features in their processes were far less present than the differences, but this finding is important because it indicates that the institutions ultimately share some logic in setting the agenda. Therefore, the conclusion that the dynamics of the institutions mostly differ does not mean that the institutions are entirely disconnected.

It is not for nothing that the institutions were created with a similar function and different designs. The circumstance that both set the agenda and have distinct information-processing capacities and political attributes enables the EU political system to deal with a large number of matters, highlighting policy issues, producing proposals and monitoring problems. The institutions handle problems in different ways, depending on what the system requires. For instance, “the routine needs of a society can be handled in parallel. But adaptation to the novel and the unexpected does require focusing attention on them” (Simon, 1983:83). The designs of the institutions are complementary. This composition avoids certain problems to be in the territory of the European Council and, as a result, the institution can have its hands free to attend other issues instead because the Commission is dealing with many of them and handling routinely some others. Simple division of labor at first glance. Yet a complex one in reality, as this research demonstrated.

9

Inter-agenda dynamics

The project introduced a new method for the analysis of the relationship between political institutions in the European Union. Drawing from the field of econometrics, Vector autoregression (VAR) techniques were applied, which until now were used to study the interactions of organizations in domestic political systems. This research thus contributed with the use of an innovative way to analyze EU policymaking.

By means of VAR, agenda-setting scenarios were modeled and interactive dynamics between the European Council and the Commission in the long run were observed. Four possibilities were explored: no interaction; unidirectional interaction, where the European Council leads; unidirectional interaction, where the Commission leads; and bidirectionality. This is thus the first research that deals with all potential ways the interplay between the institutions can happen. This was done based on the results of the time-series analysis itself and supported by the findings on the intra-agenda

dynamics. The evidence revealed that the European Council is the leading institution in agenda setting. From this finding, the four paths of reasoning were addressed.

First, the study touched upon the scholarly line that considers that the European Council influences the Commission, which is mainly based on the idea that the strong political power of the former institution makes the latter dependent. This research confirmed that the European Council's high political attributes are relevant. They empower the initiatives of the Commission and, as a result, the institution follows the European Council. But the analysis also indicated that the distinct way the two institutions process information is important, as the European Council signals problems more generally and the Commission takes them up to handle them in a specialized way. Furthermore, it was demonstrated that the European Council does not exert total control of the Commission agenda. The European Council agenda determines in first instance the Commission agenda, but there is space for the latter institution to decide part of the issues to include on its agenda. Accordingly, this research identified that the Commission also takes up policy problems from at least six sources, as just mentioned. This adds academic value because the existence of other factors has been often overlooked when conceptualizing and analyzing the relationship between the institutions. Noticing this situation can avoid an overrepresentation of the impact of the European Council on the Commission, as well as an underappreciation of factors beyond the two institutions.

This research gave us key insights on how the European Council and the Commission communicate in their relationship. As noticed above, the European Council responds specially to political signals and policy inheritances likewise, and the Commission mostly to policy inheritances. These are their means of communication. The Commission is responsive to both political signals and policy inheritances from the European Council. In the meanwhile, the European Council takes up issues out of political signals from the Commission. In the latter case, the communication flows only through one channel because the Commission does not have decision-making power. As a result, there is practically no line for the European Council to follow.

The study empirically demonstrated for the first time the way the reaction between the institutions happens. On the one hand, the European Council does not respond to the Commission on a regular basis. On the other hand, the Commission needs time to digest the new impulses from the European Council. An important reason for the Commission's behavior is that it is dealing with policy inheritances, largely on the basis of political agreements made by the European Council and earlier policy decisions. Thus the Commission does not sit and wait until the next new

desire of the European Council comes. The Commission is also busy with previous commitments. It works without a novel indication, at least for a while. This situation facilitates that the European Council turns its view to deal with other issues for some time, given that it does not need to re-send the same pointer. It is a continuous process. In this way, this research also showed that policy inheritances matter in EU agenda setting.

This is a concrete example that their intra-agenda dynamics impact their inter-agenda dynamics. On the whole, each institution works on its matters, but they also attend issues together. It is thus important to consider all parts of the story to avoid a partial view of their processes. Knowing their intra-agenda dynamics can importantly contribute to comprehend their inter-agenda dynamics and enrich our understanding of the complexity of the policy process.

Second, this research addressed the line of thinking that the Commission has the ability to influence the European Council. Such idea has its ground mostly on the relevance of the broad resources of the Commission, which stimulates that the European Council follows. The results in this study showed that the Commission's capacities indeed play a key role. However, it also demonstrated that the Commission is characterized by a gradual performance, circumstance that makes it unlikely to be the leader over time. Moreover, the study showed that the European Council is regularly stimulated by different sources to take up problems on its agenda, given its need to be flexible to adapt to contemporaneous issues as they may suddenly come in the environment of the EU. This makes the European Council less prone to be moved by the Commission on a regular basis.

Third, this study touched upon the stream in the literature where the relationship is seen as reciprocal, meaning that the institutions need each other. The basis of such scholarly reasoning is that the Commission requires the European Council to legitimize its initiatives and, at the same time, the European Council needs the Commission to complement its significant limitations to process issues. This research empirically confirmed the first part of the proposition, as noted above. However, it showed that the second part happens only partially. While it is true that the European Council needs broader resources to be able to process policy issues, we realized that the Commission is not the only way to fill its institutional gap. The European Council becomes complemented by the Commission *and* other EU institutions, including the European Council itself. And an important reason is that, as previously mentioned, the Commission practically lacks decision-making authority. This is a central insight because so far we have been commonly paying

attention only to 'the usual suspect' —the Commission— and consequently we have practically overlooked other actors the European Council also relies on to fulfill its role in agenda setting.

In this way, another conclusion is that the European Council depends not only on the Commission in this regard. It finds important support also on institutions that can make the times of the Commission qua broad apparatus but with a decision-making role. The European Council is an entrepreneur that uses different possibilities within the EU political configuration to have alternative ways to process information and promote its leadership. As a result, the relationship between the European Council and the Commission is not likely to have a circular flow of interactions over time.

Lastly, the findings in this study also addressed the path of reasoning that no interaction occurs. The conclusions are discussed below in a separate section because this idea is linked to an intriguing element in the EU framework, as mentioned in the beginning of this study when delineating the research puzzle: the lack of formalization of the relationship between the institutions and its effect on agenda setting.

All in all, an important conclusion is that in their interaction, the European Council has the strategy and the Commission the machinery. There is thus a difference in EU agenda setting in terms of ability and capacity. The European Council has the ability to lead the process and the Commission has the capacity to move it further. Thus, when analyzing the individual and interactive performance of the European Council and the Commission in the policy process, the approach shall be nuanced, in that the role of the Commission shall not be underestimated, just as the role of the European Council shall not be overestimated. Recognizing the differences —and similarities— of the institutions can make us better appreciate their different contributions in the agenda-setting process.

Based on the findings on the inter-agenda dynamics, this research does not entirely agree with scholarly work that conceives that the interdependency of political institutions is a prevailing feature of the policy process in the European Union. For instance, Marks and colleagues have claimed: "Policy-making in the EU is characterized by mutual dependence, complementary functions and overlapping competences" (Marks et al., 1996:372). Similarly, Bocquillon and Dobbels have argued that the European Council and the Commission "are highly interdependent and mutually influence each other" (Bocquillon and Dobbels, 2014:34). In the same way, Alexandrova has also claimed that, although the ways and communication approaches are different between the European Council and the Commission, their interdependencies and central roles in agenda setting "lead to a circular pattern of

interaction" (Alexandrova, 2014). In this study, no empirical evidence was found that indicated that the European Council and the Commission have a bidirectional relationship over time, even when they have complementary designs and overlapping roles. This research thus challenges the idea in academia that political institutions in the EU often have a relationship in which they are regularly mutually dependent in the policy process.

Linked to this, this project disagrees with the view that the relation between the European Council and the Commission is "often collaborative rather than antagonistic" (Bocquillon and Dobbels, 2014:26). After the analysis, the conclusion is that the institutions are neither partners nor adversaries. The dynamics observed suggest that the political bodies can simply be in their own worlds to a certain extent and then they eventually talk to each other. Even when the institutions may have the will to cooperate, their architectures—rather than a sense of rivalry—stimulate their dynamics to be dissimilar over time. In consequence, the claim in the literature that their relationship "can be best characterized as one of 'competitive co-operation'" (Ibid: 34) is not shared by this research. The institutions are not competitors. Competition between them does not necessarily takes place. A reason is that, as observed in this project, the institutions were created with different designs largely to perform their role in agenda setting in a different way. Thus each of the two actors implicitly has its sort of niche.

Further, the research revealed that the rhythm of the political bodies to attend and process issues is different. This finding has methodological implications for the study of EU agenda dynamics. The discussion in academia commonly takes place without considering differences in their institutional tempos. In the meanwhile, empirical studies have commonly observed their interplay on a yearly basis. However, as the results in this study showed, making assumptions in this regard may be misleading. This research thus brings forward the relevance of making a refined estimation of the time interval and lag length for the analysis, in order to appreciate the processes of the institutions adequately.

This project demonstrated in an extensive way how the European Council and the Commission have attended the policy problem of organized crime across decades. Organized crime has been barely investigated from a political science perspective, and even less as a field of agenda setting. This is the first systematic study on how EU policy-making institutions have dealt with this matter on their agendas. It provided a substantive analysis on the evolution of their OC agendas even before the problem was established as an EU policy domain, showing how it was born as a policy issue

and developed as a field. It also highlighted key moments in the development and showed the mechanisms that moved the institutions to deal with OC and how the political bodies relate to each other in handling the topic.

It would be a mistake to conceive that all policy domains are the same. Different types of issues may stimulate institutions to have different preferences in agenda setting (Soroka, 2002; Alexandrova, 2017). However, while the project analyzed the policy area of organized crime, the theoretical framework developed in this study and the theoretical insights on the patterns of the intra- and inter-agenda dynamics can be transferred to broader contexts, as this domain is far from unique and extreme for the institutions. This policy field has received a relatively similar political treatment altogether by the two institutions, in that the field attained a permanent space on both agendas over the years with attention levels that went up and down. This comparable political handling is remarkable, especially in the EU context. It is difficult to find policy domains that are considered more or less uniformly by any pair of EU institutions, in comparison to the way each deals with other fields, because of the complex EU policy-making configuration. The analysis of the domain of organized crime allowed us to observe and compare policy processes of the European Council and the Commission under relatively similar and balanced conditions for both institutions.

In this way, this study serves as a baseline of their agenda dynamics. The general contours of the logics of the institutions, as identified and shaped by the Agenda Dynamics Approach, can be potentially translated to further domains. For the first time, central features of their behaviors in agenda setting in the long run were revealed and explained in detail. As a consequence, we now know, for instance, the factors regularly affecting the attention of each institution and the reasons of this. As another example, we are now aware of the mechanisms and rationale in the interaction of the political bodies, also taking into account their individual processes. ADA thus opened an important door that contributes to theorize and obtain a firm grasp of how the institutions work. Considering a 'possibilistic' perspective (cf. Blatter and Haverland, 2012), there are potential arrangements that in theory are likely to occur also in other policy fields. The explanatory elements provided in this study can serve as a means to better understand the performance of the institutions in setting the agenda in other domains. This adds value to the literature on agenda setting and EU institutions.

No formal rules, but emerging conventions of interaction

Initially as part of the research puzzle, we noted that the relationship between the European Council and the Commission in the EU legal framework is not

formalized. During the development of this project several insights were generated that help better understand this situation.

To begin with, there is no requirement for the European Council and the Commission to work together and be efficient to fulfill the demands of the public, in contrast to what is traditionally expected from national governments. The EU system differs in this regard, as these political institutions are not directly accountable to European citizens. Paradoxically, both actors are by mandate at the core of the agenda-setting process. Given that there are no rules on what the institutions shall or not do together, this study distinguished the four scenarios mentioned above to demarcate possible ways this may happen. One possible pattern was that, discouraged by the absence of regulation, the institutions do not interact in the long run. The evidence demonstrated that, despite the lack of formalization, the institutions do interplay and the European Council leads.

The question then turns to why no regulation exists and how the institutions have been able to work together, in the absence of rules. Although this study did not directly investigate this topic as such, some ideas to provide possible answers can be taken from the analysis and further examination of the literature. According to March, in order to make a decision that follows a “rational procedure”, “four basic” elements of information are required, namely, alternatives, expectations, preferences and decision rules (March, 1994:2–3). In the interaction of the European Council and the Commission, these features are blurred and some even missing. Therefore, it seems that the lack of formal rules does not stem from a “logic of consequence”, by which choices are rationally taken according to the expected results and based on a calculation between alternatives (Ibid:2). In other words, the lack of regulation does not appear to be a rational choice in the EU institutional configuration.

The absence of formal lines in their interaction gives room of maneuver for the European Council to set political guidelines, according to its mandate. At the same time, the Commission can be independent, according also to its mandate. In this way, the institutions are flexible to deal with issues. Apparently, their relationship takes place in an ‘arena without rules’ (Dudley and Richardson, 1998). It would not be the first time that a sort of ‘carte-blanc’ event has occurred in the EU framework. For instance, the fact that the European Council was appointed an *EU institution* only recently (in 2009), but politically positioned many decades ago at the top of the EU institutional organization, promoted that its actions “could not be subject to any judicial review”, as Wessels has argued (Wessels, 2012:761). According to Wessels, with this circumstance, “the European Council was located

outside of the EC's institutional architecture with its checks and balances, which is characterized by the fact that each organ has to respect the tasks of the others laid down in the treaty" (Ibid). By contrast, the Commission is an *EU institution* already since its origins in the 1950s, which means that it has been always required to behave according to EU regulations. However, in spite of being formally embedded in the EU framework, the Commission has not needed to follow rules on how to relate to the European Council in agenda setting. This situation is perhaps because this would also signify to put rules on the latter institution, thus hindering its freedom.

After all, the designs of the European Council and the Commission somehow push the political bodies to arrive at one view sooner or later. Their information-processing capacities are complementary and, regarding their political attributes, the peer pressure from the European Council on the Commission appears to be a regulatory mechanism itself. Rules are not only formal and strict or imposed by law. Also they "can reflect subtle lessons of cumulative experience" (March and Olsen, 1989:22). For example, they can be "routines, procedures, conventions, roles, strategies" (Ibid).

It seems that their relationship has been shaped out of the repetition of informal rules and conventions that have evolved into a quasi-formal set of rules of interaction. From this, a gentlemen's agreement of policy delivery and political timing has been set. Although we cannot substantiate empirically this claim in this research, there is evidence that indicates that an interface has been established. So eventually a certain level of "predictability" can be secured. A certain dynamic has emerged and institutionalized out of habit, setting tacit norms in their interaction over the years. In effect, "[n]orms do not as a rule come into the existence at a definite point in time, nor are they the result of a manageable number of identifiable acts. They are, rather, the result of complex patterns of behavior of a large number of people over a protracted period of time" (Ullmann-Margalit, 1977:8). It thus appears that the decision not to formalize their regulation is based on a 'logic of appropriateness', by which the interaction between the institutions is "rule following" (March, 1994:57–59), according to what is appropriate in the political reality of the EU. We can thus say that, while at first sight the interplay of the European Council and the Commission in the EU framework revolves around a ruleless atmosphere, their interaction has apparently come to be channeled by emerging convention between them.

Implications of EU agenda dynamics for policy change

Policymaking in democratic systems requires that institutions interact and reach explicit or tacit agreements to be able to produce policies. But the need to cooperate

gives friction to the policy process (Jones and Baumgartner, 2005: 87-88). Conflict is actually central and the struggle of institutions to determine policy choices promotes policy formation (Schattschneider, 1957, 1960). As scholarly work in domestic political systems has claimed, “[u]nderstanding the complexity and dynamics of how the national agenda is set is essential to an explanation of the policy-making process” (Thurber, 2011:vii). A powerful reason is that agenda setting is a structuring factor for policy change. The former process sets the stage for the latter.

This study identified that the designs of the European Council and the Commission are limited to a greater or lesser extent and, consequently, the institutions are not able to deal with all sorts of issues on their agendas. In effect, they have bounded rationality (cf. Jones, 2002). Thus, their discussion about policy problems in the EU is essentially incomplete. As a result, the institutions are “inefficient” to handle information, similar to organizations in countries (Jones and Baumgartner, 2005:43-49). However, this does not mean that the European Council and the Commission fail in their policy-making functions. Although they cannot tackle each and every single issue in the EU, they do address a significant number of problems. In this context, this research demonstrated that their intra-agenda dynamics are mostly different. This situation does not facilitate to attain policies. This suggests that policy changes in the EU are prevented. The reason is that when each political body regularly prioritizes problems in its way, it can overlook the view of the other. It was also shown that the institutions are sensitive to policy inheritances. These conditions suggest that their agendas are mostly incongruent over time and a change in the way the institutions deal with issues is not easy to happen. As also demonstrated, their relationship is led in the long run by the European Council. It thus appears that cooperation between them is more an exception than a constant.

This suggests the regular presence of a policy-formation lock in the EU. An important condition for policy production in the EU is that the agendas of the two institutions match. According to the Routes Framework, while issues in the EU are initiated on the agenda by any of the two institutions, the two routes need to connect at a certain point to make issues move further on the agenda for decision making (Princen and Rhinard, 2006). Based on the findings, agenda congruence does not seem to happen regularly. The institutions entail designs that complement their institutional capacities, stimulating the formation of policies. But, at the same time, the architectures promote mostly dissimilar patterns in and between the agendas in the long run, which rather obstruct such formation. There is thus a hindrance to policy production. This signifies a hindrance to policy change. Policy change is conditional on the interplay between the institutions. These circumstances may be

to secure stability in the EU system. This does not mean that policy change in the EU is impossible, but implies that shifts in policies are unlikely to occur often. After all, even when there is normally friction in the interaction between organizations, abrupt changes may happen once the resistance is finally overcome (Jones and Baumgartner, 2005: 145).

Avoiding change and being unable to arrive at a consensus about change are two sides of the same coin. Thus, on the one hand, one may wonder whether the discrepant dynamics of the European Council and the Commission are conceived to happen in this way by the designers of the EU, in order to avoid volatility in the policy-making system. On the other hand, we may wonder whether these circumstances represent unintended costs that the EU institutional framework needs to pay to be able to handle a significantly large number of problems in the system. The first situation is typical for countries (Jones and Baumgartner, 2005). It would then seem reasonable to apply the same logic to how the EU works. However, there is a difference. The EU configuration has accounted for the similar roles—and distinct designs—of the European Council and the Commission, but not for the formalization of their interaction. This research suggested that there are emerging conventions in their relationship. It seems that this situation has enabled the creation of policies. Therefore, there is room to think that there is a trade-off. The two institutions process a huge amount of policy issues, according to the different needs of the EU—whether faster or slower, or in a generalized or more specialized way—, in spite of not producing often a common agenda. In any case, regardless of the reason, the consequences are mixed. It may be an advantage when shifts in policies are not necessary, as in domains that entail a consolidated legislation. But, in more novel fields, it may be rather a drawback when the production and adaptation of policies is required to promote development. In this way, this research shows under what conditions policy change in the EU can happen and helps better comprehend why such shifts are not likely to happen frequently.

9.2.3. Discovering ‘blind spots’ in agenda-setting theories

During the analysis of the intra-agenda dynamics, the two theories that supported the development of the Agenda Dynamics Approach were tested. In doing so, some ‘blind spots’ were discovered.

What are the dynamics of political institutions in the same policy stage?

When the Processing Model was used, we identified that the theory does not account for the differences in the behavior of political institutions accomplishing a similar

function in the policy-making process. According to the Model, “the institutional costs increase as a proposal moves through the policy stages” (Jones and Baumgartner, 2005: 175). This means that the theoretical expectations vary depending on how little or far advanced is the process that we analyze. But it has not been theorized what happens when we study the dynamics of distinct types of political institutions *within* the same policy phase.

Therefore, this theory needs a complimentary perspective. It does not indicate how or whether to differentiate when comparing institutions belonging to one phase in the policy process. The empirical work done so far using this theory has not touch on this matter either. A possible reason of this omission is that the Model has a more generalist approach, in the sense that it was developed for the study of the whole policy process and thus probably leaving out of its scope the nuances within the different stages. Lacking this knowledge can easily make us assume that the behavior of institutions in the same policy stage is the same. This project, however, showed that this assumption is incorrect, at least for agenda setting. It revealed that differences are also present between policy actors within a similar function in the policy stage, *provided* distinct institutional designs.

9

What factors drive the European Council and the Commission to set issues on their agendas?

In testing the Routes Framework, it became evident that the theory provides a limited scope of what stimulates the institutions to initiate issues on their agendas. According to the Framework, the European Council is triggered basically by focusing events and the Commission by professional concerns from the expert community.

While this project confirmed that these two factors play a role, it identified that there is more ‘out there’. The analysis revealed that much more affects the attention of the institutions. In this regard, the study also adds important value to the literature of EU agenda setting, where a fundamental question is “where do issues come from?”, but our knowledge is still limited. As mentioned above, the research demonstrated that at least six factors drive the European Council and the Commission to attend policy issues.

This means that the picture on agenda setting is actually broader than the original theory presents. As a consequence, also the picture is somewhat different. The Routes Framework claims that major and sudden events do not necessarily drive the orientation of experts. However, it was identified that focusing events and EU institutional milestones do play a part in stimulating the Commission’s attention.

Similarly, it was revealed that the latter factor has also an effect on the European Council. Moreover, as demonstrated, policy inheritances have a relevant role. It was also identified that the institutions react in front of signals made by political actors. Finally, we saw that public concerns also trigger their attention.

In this way, we discovered that on the whole the two institutions do not respond to a single type of stimulus. Perhaps a reason why the Routes Framework did not address more elements that can stimulate the consideration of the institutions is that the goal of the theory is much broader than to explain this phenomenon in particular. Instead the aim is to understand the four 'careers' followed by issues in the policy process.

How important are competences in EU agenda setting?

Princen and Rhinard state that the Routes "framework gives rise to some empirical expectations. One expectation is that institutional structures will play an important mediating role as an issue's agenda career unfolds (...) Legal limitations to the EU's competences, for instance, will constrain issue initiation" (Princen and Rhinard, 2006:1123). In other words, this theory conceives the possibility that faculties limit the entrance of issues on the agenda in the European Union and does not distinguish the effect between the institutions.

Two findings in this research can help address expectations on the implications of competences for EU agenda setting. First, EU competences are important to a certain extent. As observed in this study, faculties were necessary for the OC policy problem to obtain a fixed place on the agenda, but not to enter it. A reason for a given problem to consolidate itself on the agenda is that competences in a domain create the responsibility and the obligation of political institutions to pay attention to it. However, EU competences are not a prerequisite for an issue to make it to the agenda. An issue can attract the attention of the European Council and the Commission even without faculties to deal with it for two reasons. Both institutions are expected to feed the policy machinery by sensing and indicating problems in the EU. Besides, the political bodies cannot deny a possible collateral damage—or spillover effect—of problems apparent in policy areas where the EU does have jurisdiction.

Second, competences matter in a different way for each institution. The formalization of faculties to deal with a specific domain is less relevant for the European Council. As shown, the European Council did not require official competences in the OC field to play an active part in the policy process, in contrast to the Commission. To provide political guidelines, as the European Council does, a high political authority is more relevant. Its top political configuration allows this institution to get involved.

By contrast, the Commission with its more technical policy-making profile requires faculties together with expertise and a broad apparatus in order to issue policy proposals. It is not argued here that the Commission is paralyzed until competences are granted to it, but faculties leverage its performance.

9.2.4. The ‘uniqueness’ of the EU political system

A fundamental question in EU comparative politics is: to what extent do political institutions in the European Union behave like those in national political systems? This research was importantly based on theoretical propositions formulated for the study of countries. Therefore, the study can give an indication of the degree of peculiarity of the EU system.

After examining the findings, two important remarks can be done. First, the EU political system is largely similar. Many behaviors proved valid for national agendas also happen on EU agendas, as indicated in the analytical chapters. Additionally, theoretical notions applicable to national governments were also valid for the EU system. The EU institutions act in many ways similarly to institutions in countries, regarding both the intra- and inter-agenda dynamics. As an example of the former dynamics, the European Council agenda and the Commission agenda display a punctuated equilibrium trend over time, as also policy agendas of institutions in domestic political systems. As an example of the latter dynamics, the finding that the European Council influences the Commission is in line with previous work that has found a similar pattern for the relationship between the President and the Congress in the United States.

Second, some differences with national systems can be also appreciated. One of the most evident peculiarities of the EU system is that EU institutions play different roles in policymaking. The European Council and the Commission do other tasks besides setting the agenda. To mention an example, the Commission proposes legislation, implements policies, represents the EU abroad, and manages the EU budget. In effect, as Peterson has argued, the Commission is “the European Union’s largest administration and main policy manager, as well as a source of political and policy direction” (Peterson, 2012:96). On paper the different roles are officially demarcated, but in practice all functions intertwine. The empirical findings indicate that the attention of the European Council and the Commission are related also to their other functions in the policy-making process. This means that the mixed composition of their roles ultimately echoes on their agendas. For instance, the Commission is stimulated by policy inheritances to set an issue on its agenda because the institution needs to look after policy implementation. The mixed configuration in the EU policymaking has implications on how to observe and analyze agenda dynamics in

this system. Therefore, a study on EU agenda setting shall be placed in context. While such study can gain from previous work on national agendas, an adequate analysis of EU agendas shall account for the nature and broader functioning of political bodies in the EU institutional framework. Having a complete picture of what the institutions do beyond agenda setting enables a better understanding of the behaviors and mechanisms that make the institutions react and attend policy issues.

Another important characteristic peculiar to the EU became manifest during the analysis. The agendas of the European Council and the Commission behave differently to what is expected, when considering the classification conceived by the Processing Model. According to this classification, in theory the two agendas belong to the category policy processes agendas —between the input from the agendas outside the government and the policy output of decision making. However, this research showed that the agendas of the European Council and the Commission behave like policy input agendas —agendas feeding the government from outside of it. This behavior is due to a particular feature of the European Union. In the EU, the distinction between public and media European agendas is blurred and even contested. By contrast, in countries, the distinction is clear. This is a significant difference from what happens in national political systems, such as in the US where the Processing Model was originally developed and has been widely applied. As a consequence, the applicability of the notion of policy input agendas for the study of policymaking in the European Union becomes questionable. Input and policy process agendas in the EU are somehow fused and thus likely to be part of the same concept. In this sense, the European Council and the Commission have a hybrid performance in EU agenda setting, in that they act in some way as both types of agendas.

Based on these results, it is appropriate to study the EU institutions with a flexible approach under which they are given ‘the benefit of the doubt’ on being similar to political institutions in national systems, rather than neglecting such possibility right away. At the same time, it is important to be cautious not to overstretch such flexibility, trying to make EU policymaking fit national behavior at any rate. Studying the nature of the institutions by conceiving them completely different —or totally similar— to national organizations runs the risk to limit and bias our appreciation and understanding on their dynamics in the EU policy process.

9.2.5. Practical implications

Another type of contribution of this project refers to the ‘so-what’ question or, more precisely, what the relevance of this research is for the non-academic world. It is useful for EU policymakers. Thorough profiles of the European Council and the Commission

in setting the agenda were delineated. These outlines revealed different features of the political bodies, showing from the more evident characteristics of their dynamics to the more subtle ones. The profiles also demonstrated the way the relationship between the two institutions works. These revelations can be useful to make the political bodies more aware of how they are perceived by outsiders. In addition, the conclusions of this study can be a way for the institutions to reflect on how they have performed over the years. For instance, as discussed above, their dynamics in agenda setting seem to hinder policy change. While volatility of the EU system is not desirable, putting change too much on hold can also damage the development of the system. In this way, the study serves as a mirror and exposure of the behaviors of the European Council and the Commission in policymaking. This can stimulate the institutions to establish mechanisms of confirmation and correction of the way they act and react in certain areas in the policy process.

The study is also valuable for governmental and non-governmental stakeholders. They can learn from the comprehensive profiles of the institutions, as developed in this project. By these means, interest groups and experts in policy domains are more informed of the logic followed by the European Council and the Commission in agenda setting. The research is especially relevant because the strategy mostly followed in the EU to influence policy-making is 'inside lobbying' (Lelieveldt and Princen, 2011:141–142). According to this strategy, lobbying is done *within* the EU institutional framework by trying to directly influence EU policy-making institutions. This study can make stakeholders more alert on the conditions to push their issues on the EU agenda. In this regard, this study is also useful for stakeholders to realize that policy change in the EU is unlikely to happen often, condition that can be relevant to shape their strategy on how to influence policymaking.

This research is significant for EU citizens. The study revealed that public concerns stimulate the institutions to initiate policy issues on their agendas. However, it was also observed that this factor seldom triggers their attention. These findings can add value to the way people think around the notion of democracy in the EU. The result can be read in two different ways. On the one hand, it suggests that EU institutions are not entirely disconnected from citizens, as the worries from the public sometimes play a role in the process of setting the EU agenda. This can help promote a positive perception of the society on the political institutions in the EU system. On the other hand, the result suggests that EU citizens are not that relevant for policy-making organizations in the EU, in comparison to national citizens in countries, because EU institutions do not respond regularly to the needs of the society. This can add to the discussion on democratic deficit in the EU.

9.3. Limitations of this research

Analyzing a single policy domain was useful because it allowed for an in-depth examination of the processes and arrangements of the European Council's and the Commission's performance under relatively similar conditions. The disadvantage is that we do not know with certainty whether such mechanisms occur in policy fields where the interest and faculties of one of the two institutions substantially predominate. Another shortcoming is that the amount of data was limited in comparison to studies that observe many policy fields. Furthermore, the research provided new knowledge and key insights of how the interaction between the institutions happens in the long run, as revealed by the use of vector autoregression techniques, but a limitation is that the study cannot inform us about temporary changes in their directionality. In addition, while the participation of other political actors—than the European Council and the Commission—in agenda setting was also investigated, the study can inform us only in a general way on this, given that their role was observed as a whole, by looking at the effect of political signals and policy inheritances.

9.4. Avenues for further work

This study is only a small contribution to get a better understanding of agenda-setting processes in the European Union. A lot of work remains to be done of course. Lines for further research may follow after the development and application of the Agenda Dynamics Approach. This framework provided indicators of mechanisms and effects regarding how the institutions behave, opening the door to explore and confirm the patterns and processes demonstrated in this study.

In this sense, ADA serves as a point of reference for further research in other policy domains. This research showed the dynamics of the institutions on the basis of a field attended relatively similar by both institutions. What dynamics do we observe for more 'extreme' issues that are mostly handled by one of the two institutions over time? For instance, do the institutions have different intra-agenda dynamics also in foreign affairs, to which the European Council regularly devotes high attention? It was identified that the European Council regularly influences the Commission in a policy field where neither institution clearly governs in the policy-making process. Does this pattern of interaction also occur in other pillars mostly under the dominion of one of the two institutions? So, for instance, research in the future may observe a policy area in the (ex) first pillar, which is more the 'territory' of the Commission. On this basis, a comparative analysis of the inter-dynamics among (ex)pillars can follow.

Also future work can expand the model of agenda-setting scenarios, on the basis of the pool of factors of attention found in this study.

This research showed the agenda dynamics of the governmental agenda in the EU. Further studies can look at the decision agenda and compare the patterns. Following the theoretical logic applied in the construction of ADA and the results, it may be that the dynamics of the Council and the Parliament are similar, because their institutional designs are similar—or at least not remarkably different as the European Council and the Commission architectures are. Future work can confirm this.

Finally, this study argued that agenda setting has a powerful effect on the policy-making process. The project thus suggested that the results of the intra- and inter-agenda dynamics have implications for policy change. On this basis, a proposition was that agenda incongruence in the EU is likely to predominate in the long run, discouraging shifts in policies. Further empirical analysis can endorse such proposition.

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A p p e n d i x e s

This part includes 7 appendixes:

1. Catalogue on organized crime issues
2. Codebook on organized crime issues
3. Data: Conclusions on organized crime
4. Data: COM docs on organized crime
5. Codebook on factors of attention
6. Allocation of attention across all OC issues on the agendas
7. Vector Autoregressions (methods part)

Appendix 1: Catalogue on organized crime issues

Clusters		
A. DENOMINATION	B. ACTIVITIES	C. ACTORS
1. Crime	8. Drug trafficking	22. Criminal individuals
2. International crime	9. Counterfeiting	23. Criminal groups
3. Cross-border crime	10. Cigarette smuggling	24. Criminal states
4. Transnational crime	11. Corruption	25. Victims
5. Organized crime	12. Human trafficking	
6. Serious crime	13. Environmental crime	
7. White collar crime	14. Trafficking in works of art	
	15. Arms trafficking	
	16. Terrorism	
	17. Fraud	
	18. Trafficking in vehicles	
	19. Cybercrime	
	20. Money laundering	
	21. Gambling	

Appendix 2: Codebook on organized crime issues

Code	Issue
1	Organized crime <ul style="list-style-type: none"> – It includes generic ways to refer to OC (e.g. crime, international crime, cross-border crime, transborder crime, transnational crime, serious crime, white collar crime). – When the issue refers to a specific activity, the issue is coded in the specific activity (e.g. 'money laundering crimes' is coded as 14; 'such crimes' referring to drug trafficking is coded as 2). – It includes OC activities that are not specified (e.g. all forms of trafficking/smuggling) – Crimes that do not relate to OC (such as war crimes, crimes against humanity, and crimes of opinion) are not included.
2	Drug trafficking E.g. drugs, narcotics, illegal/illicit production/manufacture/trade/diversion/transit of them. <ul style="list-style-type: none"> – Drugs related to drug (ab)use (such as addiction, consumption and dependence) are not included.
3	Counterfeiting E.g. piracy, pirating, forgery, intellectual property crime/infringement, counterfeit/pirate/falsified products and goods, forged documents
4	Cigarette smuggling <ul style="list-style-type: none"> – tobacco smuggling, cigarette illegal/illicit trade
5	Corruption <ul style="list-style-type: none"> – corrupt officials/enterprises
6	Human trafficking <ul style="list-style-type: none"> – trafficking in persons, people smuggling, trade/sale of persons, prostitution, sexual exploitation, pornography, organ trafficking. – Sexual abuse is not included.
7	Environmental crime <ul style="list-style-type: none"> – ecological crime, illicit waste traffic, illicit trade of hazardous substances/fissile/radioactive/nuclear material, waste trafficking, trafficking in endangered species, green crime, illegal fisheries
8	Trafficking in works of art <ul style="list-style-type: none"> – trafficking in cultural goods/heritage, antique theft
9	Arms trafficking <ul style="list-style-type: none"> – trafficking in weapons of mass destruction (WMD)/small arms and light weapons (SALW)/ammunition, gunrunning, illicit production of (fire)arms. – Arms proliferation is not included.
10	Terrorism <ul style="list-style-type: none"> – terrorist attacks, terrorist acts, terrorist financing.
11	Fraud <ul style="list-style-type: none"> – defrauded/fraudulent services/goods
12	Trafficking in vehicles <ul style="list-style-type: none"> – illicit trade of cars, illegal transfer of motors

Code	Issue
13	Cybercrime – computer crime, high-tech crime, cyber attacks, attacks against information systems
14	Money laundering – laundering of illegal proceeds/profits

Each category includes:

- a) authorities that tackle the issue (e.g. European Committee to Combat Drugs -coded as 2) and their abbreviations (e.g. CELAD – coded as 2). When the complete name *and* its abbreviation appear together, it is coded only one time.
- b) criminals and criminal groups who commit the issue (e.g. criminal organizations in general –coded as 1; illegal networks of human trafficking –coded as 6; offenders of cybercrime –coded as 13).
- c) victims of the issue (e.g. victims of crime in general – coded as 1; cybercrime victims – coded as 13)
- d) venues where the issue is discussed (e.g. United Nations Conference on Drugs – coded as 2) and their abbreviations (e.g. UNCD – coded as 2). When the complete name *and* its abbreviation appear together, it is coded only one time.
- e) policy instruments tackling an issue (e.g. Fraud Prevention Action Plan – coded as 11) and their abbreviations (e.g. FPAP – coded as 11). When the complete name *and* its abbreviation appear together, it is coded only one time.

The unit of analysis is words. They can sometimes be 'composed' words based on the keywords in the codebook. For example, the issue of money laundering is composed of two words and coded as 14. However, laundering of drug trafficking profits includes words from two different categories, therefore it is coded as 14 and 2.

Note on the issues analyzed for the study of the inter-agenda dynamics

While the analysis of the intra-agenda dynamics considered all 14 issues, as set in the codebook, the study on the inter-agenda dynamics included 11 issues. The eleven issues were (in brackets the code): organized crime (1), drug trafficking (2), counterfeiting (3), corruption (5), human trafficking (6), environmental crime (7), arms trafficking (9), terrorism (10), fraud (11), cybercrime (13) and money laundering (14). The reduction was done, based on the findings of the intra-agenda dynamics.

Three issues were discarded, because they received less than 1% of attention on each agenda or no attention. The three issues were (in brackets the code, as set in the codebook): cigarette smuggling (4), trafficking in works of art (8) and trafficking in vehicles (12). This low percentage was set as a threshold, given that their presence was almost negligible for the two institutions. This basically signifies that both considered them equally irrelevant, thus even less relevant for their relationship. Important to note is that when an issue received less than 1% of attention only in one agenda, but more than this percentage in the other, the issue was not discarded. The reason is that this dissimilarity, where one deals with an issue and the other not, is an indication of their different intra-dynamics and is thus relevant for the analysis of their interactive processes. For instance, cybercrime in the European Council agenda received around 0.60% of attention, while in the Commission agenda received 1.47%.

Coding rules specific for the issue terrorism

The topic is included only in the context of organized crime. To define this, some rules apply, depending on the type of data. When coding the Conclusions, terrorism is considered only when it is accompanied

by another OC issue in the same paragraph. When coding the COM docs, terrorism is included when any of two conditions occurs. 1) Terrorism appears in the title accompanied by another OC issue. 2) Terrorism appears in a paragraph accompanied by another OC issue. When the title does not include any other OC issue connected to terrorism, terrorism must be accompanied by another OC issue in the same paragraph. When the title of the policy document includes terrorism accompanied of another OC issue, all hits on terrorism in the text are included because the link was already established in the title.

Coding rules specific for COM docs

The texts in the introductory part of the communications are analysed. The introductory part is called explanatory memorandum in the case of proposals. Other COM docs, such as reports and communications, contain an introductory part with a different name but similar function. Some interchangeable names are introduction, summary and background. In case a document included two types of introductory parts, the first choice is to analyse the explanatory memorandum. When there is no explanatory memorandum, the next first choice is to analyse the so-called introduction. In case there is no introduction, the first introductory part is analysed. Further, the technical subsections within the introductory part are not considered. These parts are regularly referred to as "legal elements of the proposal", which contain for instance the legal basis of the proposal, commentaries on individual articles, explanation on the principles of subsidiarity and proportionality, and budgetary implications. Finally, footnotes are not considered.

Appendix 3: Data: Conclusions on organized crime

#	YEAR	DAY	MONTH	CITY
	1983	17, 18, 19	June	Stuttgart
	1985	29, 30	March	Brussels
	1985	2, 3	December	Luxembourg
	1986	26, 27	June	The Hague
	1986	6	December	London
	1988	27, 28	June	Hannover
	1988	2, 3	December	Rhodes
	1989	26, 27	June	Madrid
	1989	8, 9	December	Strasbourg
	1990	28	April	Dublin
	1990	24, 25	June	Dublin
	1990	14, 15	December	Rome
	1991	28, 29	June	Luxembourg
	1991	9, 10	December	Maastricht
	1992	26, 27	June	Lisbon
	1992	11, 12	December	Edinburgh
	1993	21, 22	June	Copenhagen
	1993	29	October	Brussels
	1993	10, 11	December	Brussels
	1994	24, 25	June	Corfu
	1994	9, 10	December	Essen
	1995	26, 27	June	Cannes
	1995	15, 16	December	Madrid
	1996	29	March	Turin
	1996	21, 22	June	Florence
	1996	13, 14	December	Dublin
	1997	16, 17	June	Amsterdam
	1997	12, 13	December	Luxembourg
	1998	15, 16	June	Cardiff
	1998	11, 12	December	Vienna
	1999	3, 4	June	Cologne
	1999	15, 16	October	Tampere
	1999	10, 11	December	Helsinki
	2000	23, 24	March	Lisbon
	2000	19, 20	June	Santa Maria da Feira
	2000	7, 8, 9	December	Nice
	2001	23, 24	March	Stockholm
	2001	15, 16	June	Göteborg

#	YEAR	DAY	MONTH	CITY
	2001	21	September	Brussels
	2001	19	October	Ghent
	2001	14, 15	December	Laeken
	2002	15, 16	March	Barcelona
	2002	21, 22	June	Seville
	2003	20, 21	March	Brussels
	2003	19, 20	June	Thessaloniki
	2003	16, 17	October	Brussels
	2003	12, 13	December	Brussels
	2004	25, 26	March	Brussels
	2004	17, 18	June	Brussels
	2004	4, 5	November	Brussels
	2004	16, 17	December	Brussels
	2005	16, 17	June	Brussels
	2005	15, 16	December	Brussels
	2006	15, 16	June	Brussels
	2006	14, 15	December	Brussels
	2007	8, 9	March	Brussels
	2007	21, 22	June	Brussels
	2007	13, 14	December	Brussels
	2008	13, 14	March	Brussels
	2008	19, 20	June	Brussels
	2008	11, 12	December	Brussels
	2009	19, 20	March	Brussels
	2009	18, 19	June	Brussels
	2009	10, 11	December	Brussels
	2010	16	September	Brussels
	2011	11	March	Brussels
	2011	24, 25	March	Brussels
	2011	23, 24	June	Brussels
	2011	8, 9	December	Brussels
	2012	30	January	Brussels
	2012	1,2	March	Brussels
	2012	28, 29	June	Brussels
	2013	14, 15	March	Brussels
	2013	22	May	Brussels
	2013	24, 25	October	Brussels
	2013	19, 20	December	Brussels

Appendix 4: Data: COM docs on organized crime

#	Reference	Date	Year	Title
1	COM (1984) 290	23-03-84	1984	Proposal For A Council Recommendation On Action Against Audio-Visual Piracy
2	COM (1984) 177	28-03-84	1984	Recommendation For A Council Regulation(Eec)Providing For Direct Cooperation Between The Authorities Of The Member States Of The European Economic Community Responsible For The Prevention Of Fraud And The Corresponding Authorities In The Swiss Confederation
3	COM (1984) 261	11-05-84	1984	Recommendation For A Council Decision Accepting On Behalf Of The Community The Recommendation Of The Customs Cooperation Council Concerning Action Against Customs Fraud Relating To Containers
4	COM (1984) 705	11-12-84	1984	Proposal For A Council Regulation(Eec)Laying Down Measures To Discourage The Release For Free Circulation Of Counterfeit Goods
5	COM (1986) 457 – 1	31-07-86	1986	Communication From The Commission To The Council On Community Contribution In The International Conference On Drug Abuse And Illicit Trafficking
6	COM (1986) 457 – 2	31-07-86	1986	Recommendation For A Council Decision On Community Participation In The Preparatory Work And The International Conference On Drug Abuse And Illicit Trafficking
7	COM (1989) 26	26-01-89	1989	Proposal For A Council Decision Of The United Nations Convention Against Illicit Traffic In Narcotic Drugs And Psychotropic Substances Concluded In Vienna On 20 December 1988
8	COM (1989) 654	19-12-89	1989	Proposal For A Council Decision On The Conclusion On Behalf Of The European Economic Community Of The United Nations Convention Against Illicit Traffic In Narcotic Drugs And Psychotropic Substances, Adopted In Vienna On 19 December 1988
9	COM (1990) 106	21-03-90	1990	Proposal For A Council Directive On Prevention Of The Financial System For The Purpose Of Money Laundering
10	COM (1990) 215	06-06-90	1990	Proposal For A Council Regulation (Eec) Laying Down Measures To Be Taken To Discourage The Diversion Of Certain Substances To The Illicit Manufacture Of Narcotic Drugs And Psychotropic Substances
11	COM (1990) 353	27-07-90	1990	Amended Proposal For A Council Decision On The Conclusion On Behalf Of The European Economic Community Of The United Nations Convention Against Illicit Traffic In Narcotic Drugs And Psychotropic Substances, Adopted In Vienna On 19 December 1988

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
12	COM (1990) 597	18-12-90	1990	Proposal For A Council Directive On The Manufacture And The Placing On The Market Of Certain Substances Used In The Illicit Manufacture Of Narcotic Drugs And Psychotropic Substances
13	COM (1991) 455	22-11-91	1991	Proposal For A Council Regulation (Eec) Amending Regulation (Eec) No 3677/90 Of 13 December 1990 Laying Down Measures To Be Taken To Discourage The Diversion Of Certain Substances To The Illicit Manufacture Of Narcotic Drugs And Psychotropic Substances
14	COM (1991) 463	27-11-91	1991	Proposal For A Council Regulation(Eec)On The Establishment Of A European Drugs Monitoring Centre And A European Information Network On Drugs And Drug Addiction(Reitox)
15	COM (1993) 141	20-04-93	1993	Annual Report From The Commission On The Fight Against Fraud - 1992 Report And Action Programme For 1993
16	COM (1993) 299	22-07-93	1993	Proposal For A Council Regulation (Eec) Amending Council Regulation (Eec) N. 302/93 On The Establishment Of The European Monitoring Centre For Drugs And Drug Addiction
17	COM (1993) 329	13-08-93	1993	Proposal For A Council Regulation (Eec) Laying Down Measures To Prohibit The Release For Free Circulation, Export Or Transit Of Counterfeit And Pirated Goods
18	COM (1994) 92	23-03-94	1994	The Commission's Anti-Fraud Strategy - Work Programme For 1994 - Protecting The Financial Interests Of The Community - The Fight Against Fraud
19	COM (1994) 94	23-03-94	1994	Protecting The Community's Financial Interests The Fight Against Fraud : 1993 Annual Report
20	COM (1994) 234	23-06-94	1994	Communication From The Commission To The Council And The European Parliament On A European Union Action Plan To Combat Drugs (1995-1999)
21	COM (1994) 383	07-09-94	1994	Communication From The Commission To The Council And The European Parliament - The Illicit Traffic In Radioactive Substances And Nuclear Materials
22	COM (1995) 23	08-02-95	1995	Work Programme For 1995 - Combating Fraud
23	COM (1995) 54	03-03-95	1995	Report From The Commission - First Commission's Report On The Implementation Of The Money Laundering Directive (91/308/Eec) To Be Submitted To The European Parliament And To The Council
24	COM (1995) 108	29-03-95	1995	Communication From The Commission - Fraud In The Transit Procedure,Solutions Foreseen And Perspectives For The Future

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
25	COM (1995) 98	29-03-95	1995	The Fight Against Fraud (Protecting The Community's Financial Interests) - Annual Report 1994
26	COM (1995) 296	30-06-95	1995	Proposal For A Council Regulation (Ec) On North-South Cooperation In The Campaign Against Drugs And Drug Addiction (Budget Heading B7-5080)
27	COM (1995) 398	06-09-95	1995	Report From The Commission On The Recovery Of Traditional Own Resources In Cases Of Fraud And Irregularities (Methodology And Sample A 94)
28	COM (1995) 585 - 1	29-11-95	1995	Proposal For A Council Decision Concerning The Signature And Conclusion Of An Agreement On The Control Of Drugs Precursors And Chemical Substances Between The European Community And Bolivia
29	COM (1995) 585 - 2	29-11-95	1995	Proposal For A Council Decision Concerning The Signature And Conclusion Of An Agreement On The Control Of Drugs Precursors And Chemical Substances Between The European Community And Colombia
30	COM (1995) 585 - 3	29-11-95	1995	Proposal For A Council Decision Concerning The Signature And Conclusion Of An Agreement On The Control Of Drugs Precursors And Chemical Substances Between The European Community And Ecuador
31	COM (1995) 585 - 4	29-11-95	1995	Proposal For A Council Decision Concerning The Signature And Conclusion Of An Agreement On The Control Of Drugs Precursors And Chemical Substances Between The European Community And Peru
32	COM (1995) 585 - 5	29-11-95	1995	Proposal For A Council Decision Concerning The Signature And Conclusion Of An Agreement On The Control Of Drugs Precursors And Chemical Substances Between The European Community And Venezuela
33	COM (1995) 690	20-12-95	1995	Proposal For A Council Regulation (Ec,Euratom) Concerning On - The - Spot Checks And Inspections By The Commission For The Detection Of Frauds And Irregularities Detrimental To The Financial Interests Of The European Communities
34	COM (1996) 17	31-01-96	1996	Work Programme 1996 - Fight Against Fraud - Protection Of The Community's Financial Interests
35	COM (1996) 171	19-04-96	1996	Communication From The Commission To The Council And The European Parliament - Illicit Trafficking In Nuclear Materials And Radioactive Substances - Implementation Of The Guidelines Laid Down In The Communication From Commission Of 7 September 1994 Com(94)383 And In The Conclusions Of The Essen European Council
36	COM (1996) 173	08-05-96	1996	Annual Report 1995 - The Fight Against Fraud - Protecting The Community's - Financial Interests

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
37	COM (1996) 567	20-11-96	1996	Communication From The Commission To The Council And The European Parliament On Trafficking In Women For The Purpose Of Sexual Exploitation
38	COM (1996) 622	02-12-96	1996	Proposal For A Council Decision Concerning The Conclusion, On Behalf Of The Community, Of An Agreement Between The European Community And The United Mexican States On Cooperation Regarding The Control Of Precursors And Chemical Substances Frequently Used In The Illicit Manufacture Of Narcotic Drugs Or Psychotropic Substances
39	COM (1997) 146	11-04-97	1997	Commission Report To The European Parliament And The Council Of The European Union And For Information To The Economic And Social Committee And The Committee Of The Regions On The Activities Of The European Monitoring Centre For Drugs And Drug Addiction (1994/1996) In Accordance With Article 18 Of Council Regulation (Eec) 302/93 Of 8 February 1993
40	COM (1997) 205	06-05-97	1997	Proposal For A Council Decision Authorizing Conclusion, On Behalf Of The Community, Of An Agreement On Drugs Percursors And Chemical Substances Between The European Community And The United States Of America
41	COM (1997) 199	06-05-97	1997	Work Programme 1997/1998 - Protection Of The Community's Financial Interests: Fight Against Fraud
42	COM (1997) 200	06-05-97	1997	Annual Report 1996 - Protection Of Community Financial Interests - Fight Against Fraud
43	COM (1997) 192	21-05-97	1997	Communication From The Commission To The Council And The European Parliament On A Union Policy Against Corruption
44	COM (1997) 249	23-05-97	1997	Communication From The Commission To The Council And The European Parliament On The Control Of New Synthetic Drugs (Designer Drugs)
45	COM (1997) 259	09-06-97	1997	SECOND REPORT On The Recovery Of Traditional Own Resources In Cases Of Fraud And Irregularities (Sample B 94)
46	COM (1997) 489 - 6	06-10-97	1997	Proposal For A COUNCIL REGULATION (EC) Amending Council Regulation (EC) Nr. 302/93 Of 8 February 1993 Establishing A European Monitoring Centre For Drugs And Drug Addiction
47	COM (1997) 528	20-10-97	1997	Proposal For A Council Decision On A Joint Action Establishing A Programme Of Exchanges, Training And Cooperation For Persons Responsible For Action To Combat Organised Crime (Falcone Programme)

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
48	COM (1997) 670	08-01-98	1998	Communication From The Commission To The Council And The European Parliament With A View To Establishing A Common European Union Platform For The Special Session Of The UN General Assembly On International Cooperation In The Fight Against Drugs
49	COM (1998) 22 - 1	23-01-98	1998	Proposal For A Council Regulation (EC) Amending Regulation (EEC) N. 3677/90 Laying Down Measures To Be Taken To Discourage The Diversion Of Certain Substances To The Illicit Manufacture Of Narcotic Drugs And Psychotropic Substances.
50	COM (1998) 22 - 2	23-01-98	1998	Proposal For A European Parliament And Council Directive Amending Council Directive 92/109/EEC Relating To The Manufacturing And Placing On The Market Of Certain Substances Used In The Illicit Manufacture Of Narcotic Drugs And Psychotropic Substances.
51	COM (1998) 25 - 1	28-01-98	1998	Report From The Commission On The Implementation Of Council Regulation (EC) N. 3295/94 Of 22 December 1994 As Regards Border Controls On Trade In Goods Which May Be Counterfeit Or Pirated.
52	COM (1998) 25 - 2	28-01-98	1998	Proposal For A Council Regulation (EC) Amending Regulation (EC) N. 3295/94 Laying Down Measures To Prohibit The Release For Free Circulation, Export, Re-Export Or Entry For A Suspensive Procedure Of Counterfeit And Pirated Goods.
53	COM (1998) 276	06-05-98	1998	ANNUAL REPORT 1997 - Fight Against Fraud - Protection Of The Financial Interests Of The Communities
54	COM (1998) 278	06-05-98	1998	Protection Of The Communities' Financial Interests - Fight Against Fraud - Work Programme 1998/1999
55	COM (1998) 395 - 1	01-07-98	1998	COMMUNICATION FROM THE COMMISSION To The European Parliament, The Council, The European Central Bank And The Economic And Social Committee On A Framework For Action On Combatting Fraud And Counterfeiting Of Non-Cash Means Of Payment
56	COM (1998) 395 - 2	01-07-98	1998	Proposal For A JOINT ACTION On Combating Fraud And Counterfeiting Of Non-Cash Means Of Payment
57	COM (1998) 401	01-07-98	1998	SECOND COMMISSION REPORT To The EUROPEAN PARLIAMENT And The COUNCIL On The Implementation Of The Money Laundering Directive
58	COM (1998) 474	22-07-98	1998	Commission Communication To The Council, The European Parliament And The European Central Bank - Protection Of The EURO Combating Counterfeiting

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
59	COM (1998) 359	03-09-98	1998	Proposal For A COUNCIL DECISION Concerning The Conclusion Of The Agreement Between The European Community And The Republic Of Chile On Precursors And Chemical Substances Frequently Used For The Illicit Manufacture Of Narcotic Drugs And Psychotropic Substances
60	COM (1998) 569	15-10-98	1998	GREEN PAPER : Combating Counterfeiting And Piracy In The Single Market
61	COM (1998) 717	01-12-98	1998	Proposal For A Council Regulation (EC, Euratom) Establishing A European Fraud Investigation Office
62	COM (1998) 726	09-12-98	1998	Communication From The Commission To The Council And The European Parliament: For Further Actions In The Fight Against Trafficking In Women
63	COM (1999) 140	17-03-99	1999	Amended Proposal For A COUNCIL REGULATION Concerning Investigations Conducted By The Fraud Prevention Office
64	COM (1999) 140 - 1	17-03-99	1999	Draft INTERINSTITUTIONAL AGREEMENT Concerning Internal Investigations By The Fraud Prevention Office
65	COM (1999) 140 - 2	17-03-99	1999	COMMISSION DECISION Establishing A Fraud Prevention Office
66	COM (1999) 160	21-04-99	1999	REPORT On The Recovery Of Traditional Own Resources In Cases Of Fraud And Irregularities (Sample B98)
67	COM (1999) 239	26-05-99	1999	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS On An European Union Action Plan To Combat Drugs (2000-2004)
68	COM (1999) 307	23-06-99	1999	Proposal For A COUNCIL DECISION Defining 4-MTA As A New Synthetic Drug Which Is To Be Made Subject To Control Measures And Criminal Provisions
69	COM (1999) 349	14-07-99	1999	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT AND THE ECONOMIC AND SOCIAL COMMITTEE. CRIME VICTIMS IN THE EUROPEAN UNION. REFLEXIONS ON STANDARDS AND ACTION
70	COM (1999) 352	14-07-99	1999	Proposal For A EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE Amending Council Directive 91/308/EEC Of 10 June 1991 On Prevention Of The Use Of The Financial System For The Purpose Of Money Laundering
71	COM (1999) 430	09-09-99	1999	Proposal For A COUNCIL REGULATION (EC) Completing Regulation (EEC) N° 302/93 Establishing A European Monitoring Centre For Drugs And Drug Addiction (EMCDDA)

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
72	COM (1999) 438	14-09-99	1999	Proposal For A COUNCIL FRAMEWORK DECISION On Combating Fraud And Counterfeiting Of Non-Cash Means Of Payment
73	COM (1999) 496	28-10-99	1999	Proposal For A COUNCIL DECISION On The Conclusion Of An Agreement Between The European Community And The Kingdom Of Norway On The Participation Of Norway In The Work Of The European Monitoring Centre For Drugs And Drug Addiction
74	COM (1999) 588	16-11-99	1999	Proposal For A COUNCIL DECISION Authorising The Provisional Application Of The Memorandum Of Understanding Between The European Community And The Government Of Vietnam On The Prevention Of Fraud In Trade Of Footwear Products
75	COM (1999) 589	16-11-99	1999	Proposal For A COUNCIL DECISION On The Conclusion Of A Memorandum Of Understanding Between The European Community And The Socialist Republic Of Vietnam On The Prevention Of Fraud In Trade Of Footwear Products
76	COM (1999) 590	17-12-99	1999	ANNUAL REPORT 1998 - Protecting The Communities' Financial Interests And The Fight Against Fraud -
77	COM (2000) 358	28-06-00	2000	COMMUNICATION FROM THE COMMISSION: Protection Of The Communities' Financial Interests - The Fight Against Fraud: For An Overall Strategic Approach
78	COM (2000) 492	26-07-00	2000	Proposal For A COUNCIL REGULATION On The Protection Of The Euro Against Counterfeiting
79	COM (2000) 718	08-11-00	2000	ANNUAL REPORT 1999 : Protecting The Communities' financial Interests The Fight Against Fraud
80	COM (2000) 737 - 1	16-11-00	2000	REPORT FROM THE COMMISSION TO THE COUNCIL Called For By The Joint Action On New Synthetic Drugs (97/396/JAI) Concerning Ketamine
81	COM (2000) 737 - 2	16-11-00	2000	REPORT FROM THE COMMISSION TO THE COUNCIL Called For By The Joint Action On New Synthetic Drugs (97/396/JAI) Concerning GHB
82	COM (2000) 786 - 1	29-11-00	2000	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT - The Prevention Of Crime In The European Union Reflection On Common Guidelines And Proposals For Community Financial Support
83	COM (2000) 786 - 2	29-11-00	2000	Proposal For A COUNCIL DECISION Establishing A Programme Of Incentives And Exchanges, Training And Cooperation For The Prevention Of Crime (Hippocrates)

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
84	COM (2000) 789	30-11-00	2000	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT AND THE ECONOMIC AND SOCIAL COMMITTEE: Follow Up To The Green Paper On Combating Counterfeiting And Piracy In The Single Market
85	COM (2000) 760	04-12-00	2000	Proposal For A COUNCIL DECISION On The Signing, On Behalf Of The European Community, Of The United Nations Convention Against Transnational Organised Crime And Its Protocols On Combating Trafficking In Persons, Especially Women And Children, And The Smuggling Of Migrants By Land, Air And Sea
86	COM (2000) 828 - 3	14-12-00	2000	Proposal For COUNCIL DECISION Establishing A Second Phase Of The Programme Of Incentives, Exchanges, Training And Cooperation For Persons Responsible For Combating Trade In Human Beings And The Sexual Exploitation Of Children (Stop II)
87	COM (2000) 854 - 1	21-12-00	2000	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT: Combating Trafficking In Human Beings And Combating The Sexual Exploitation Of Children And Child Pornography
88	COM (2000) 854 - 2	21-12-00	2000	Proposal For A COUNCIL FRAMEWORK DECISION On Combating Trafficking In Human Beings
89	COM (2000) 854 - 3	21-12-00	2000	Proposal For A COUNCIL FRAMEWORK DECISION On Combating The Sexual Exploitation Of Children And Child Pornography
90	COM (2000) 890	26-01-01	2001	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS: Creating A Safer Information Society By Improving The Security Of Information Infrastructures And Combating Computer-Related Crime
91	COM (2001) 44	07-02-01	2001	Proposal For A COUNCIL REGULATION Amending Regulation (EEC) No 3677/90 Laying Down Measures To Be Taken To Discourage The Diversion Of Certain Substances To The Illicit Manufacture Of Narcotic Drugs And Psychotropic Substances
92	COM (2001) 11	09-02-01	2001	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT, THE EUROPEAN CENTRAL BANK, THE ECONOMIC AND SOCIAL COMMITTEE AND EUROPOL: Preventing Fraud And Counterfeiting Of Non-Cash Means Of Payment
93	COM (2001) 254	15-05-01	2001	COMMUNICATION FROM THE COMMISSION: Protecting The Communities' Financial Interests Fight Against Fraud Action Plan For 2001-2003

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
94	COM (2001) 255	15-05-01	2001	ANNUAL REPORT 2000: Protection Of The Communities' Financial Interests And The Fight Against Fraud
95	COM (2001) 248 - 1	22-05-01	2001	Proposal For A COUNCIL DECISION Establishing A Training, Exchange And Assistance Programme For The Protection Of The Euro Against Counterfeiting (Pericles Programme)
96	COM (2001) 248 - 2	22-05-01	2001	Proposal For A COUNCIL DECISION Extending The Effects Of Decision Establishing A Training, Exchange And Assistance Programme For The Protection Of The Euro Against Counterfeiting (Pericles Programme) To The Member States Which Have Not Adopted The Euro As The Single Currency
97	COM (2001) 259	23-05-01	2001	Proposal For A COUNCIL FRAMEWORK DECISION Laying Down Minimum Provisions On The Constituent Elements Of Criminal Acts And Penalties In The Field Of Illicit Drug Trafficking
98	COM (2001) 301	08-06-01	2001	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT On The Implementation Of The EU Action Plan On Drugs (2000-2004)
99	COM (2001) 397	13-07-01	2001	Proposal For A COUNCIL DECISION Concerning The Signing Of The United Nations Protocol, Annexed To The Convention Against Transnational Organised Crime, On The Illicit Manufacturing Of And Trafficking In Firearms, Their Parts, Components And Ammunition, On Behalf Of The European Community
100	COM (2001) 536	28-09-01	2001	GREEN PAPER. Compensation to crime victims
101	COM (2001) 734	06-12-01	2001	Proposal For A COUNCIL DECISION Defining PMMA As A New Synthetic Drug Which Is To Be Made Subject To Control Measures And Criminal Provisions
102	COM (2001) 771	13-12-01	2001	REPORT FROM THE COMMISSION Based On Article 11 Of The Council's Framework Decision Of 29 May 2000 On Increasing Protection By Criminal Penalties And Other Sanctions Against Counterfeiting In Connection With The Introduction Of The Euro
103	COM (2002) 71	11-02-02	2002	Proposal For A COUNCIL DIRECTIVE On The Short-Term Residence Permit Issued To Victims Of Action To Facilitate Illegal Immigration Or Trafficking In Human Beings Who Cooperate With The Competent Authorities
104	COM (2002) 98	14-03-02	2002	Proposal For A COUNCIL REGULATION Amending Regulation (EEC) No 3677/90 Laying Down Measures To Be Taken To Discourage The Diversion Of Certain Substances To The Illicit Manufacture Of Narcotic Drugs And Psychotropic Substances

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
105	COM (2002) 328 - 2	25-06-02	2002	Proposal For A REGULATION OF THE EUROPEAN PARLIAMENT AND THE COUNCIL On The Prevention Of Money Laundering By Means Of Customs Co-Operation
106	COM (2002) 348	02-07-02	2002	REPORT FROM THE COMMISSION: Protection Of The Financial Interests Of The Communities And Fight Against Fraud - Annual Report 2001 -
107	COM (2002) 406 - 7	17-07-02	2002	Proposal For A COUNCIL DECISION Amending Decision 2002/187/JHA Setting Up Eurojust With A View To Reinforcing The Fight Against Serious Crime
108	COM (2002) 406 - 9	17-07-02	2002	Proposal For A COUNCIL REGULATION Amending Regulation (EC) No 302/93 As Regards The Budgetary And Financial Rules Applicable To The European Monitoring Centre For Drugs And Drug Addiction And Access To The Centre's Documents
109	COM (2002) 494	10-09-02	2002	Proposal For A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL On Drug Precursors
110	COM (2002) 500	12-09-02	2002	Proposal For A COUNCIL DECISION On The Signature And Conclusion Of The Agreement Between The European Community And Turkey On Precursors And Chemical Substances Frequently Used In The Illicit Manufacture Of Narcotic Drugs Or Psychotropic Substances
111	COM (2002) 562	16-10-02	2002	Proposal for a COUNCIL DIRECTIVE on compensation to crime victims
112	COM (2002) 599	04-11-02	2002	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT On The Mid-Term Evaluation Of The EU Action Plan On Drugs (2000-2004)
113	COM (2002) 777	30-12-02	2002	Proposal For A COUNCIL DECISION Concerning The Conclusion Of An Agreement In The Form Of An Exchange Of Letters Between The European Community And The Republic Of Vietnam Amending The Memorandum Of Understanding Between The European Community And The Socialist Republic Of Vietnam On The Prevention Of Fraud In Trade In Footwear Products
114	COM (2003) 20	20-01-03	2003	Proposal For A COUNCIL REGULATION Concerning Customs Action Against Goods Suspected Of Infringing Certain Intellectual Property Rights And The Measures To Be Taken Against Goods Found To Have Infringed Such Rights
115	COM (2003) 154	02-04-03	2003	COMMISSION REPORT Evaluation Of The Activities Of The European Anti-Fraud Office (OLAF) - Parliament And Council Regulation (EC) No 1073/1999 And Council Regulation (Euratom) No 1074/1999 (Article 15)

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
116	COM (2003) 258-1	13-05-03	2003	REPORT FROM THE COMMISSION TO THE COUNCIL called for by the Joint Action on New Synthetic Drugs (97/396/JAI) concerning TMA-2
117	COM (2003) 258-2	13-05-03	2003	REPORT FROM THE COMMISSION TO THE COUNCIL Called for by the Joint Action on New Synthetic Drugs (97/396/JAI) concerning 2C-I
118	COM (2003) 258-3	13-05-03	2003	REPORT FROM THE COMMISSION TO THE COUNCIL Called for by the Joint Action on New Synthetic Drugs (97/396/JAI) concerning 2C-T-2
119	COM (2003) 258-4	13-05-03	2003	REPORT FROM THE COMMISSION TO THE COUNCIL Called for by the Joint Action on New Synthetic Drugs (97/396/JAI) concerning 2C-T-7
120	COM (2003) 317	28-05-03	2003	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE: On A Comprehensive EU Policy Against Corruption
121	COM (2003) 323	03-06-03	2003	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL In View Of The European Council Of Thessaloniki On The Development Of A Common Policy On Illegal Immigration, Smuggling And Trafficking Of Human Beings, External Borders And The Return Of Illegal Residents
122	COM (2003) 426	17-07-03	2003	Proposal For A COUNCIL DECISION Concerning The Analysis And Cooperation With Regard To Counterfeit Euro Coins
123	COM (2003) 445	23-07-03	2003	COMMISSION REPORT : Protection Of The Financial Interests Of The Communities And Fight Against Fraud - ANNUAL REPORT 2002
124	COM (2003) 512 - 1	22-08-03	2003	Proposal For A COUNCIL DECISION On The Conclusion, On Behalf Of The European Community, Of The United Nations Convention Against Transnational Organised Crime
125	COM (2003) 512 - 2	22-08-03	2003	Proposal For A COUNCIL DECISION On The Conclusion, On Behalf Of The European Community, Of The Protocol Against The Smuggling Of Migrants By Land, Sea And Air, Supplementing The United Nations Convention Against Transnational Organised Crime
126	COM (2003) 512 - 3	22-08-03	2003	Proposal For A COUNCIL DECISION On The Conclusion, On Behalf Of The European Community, Of The Protocol To Prevent, Suppress And Punish Trafficking In Persons, Especially Women And Children, Supplementing The United Nations Convention Against Transnational Organised Crime

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
127	COM (2003) 532	03-09-03	2003	SECOND COMMISSION REPORT Based On Article 11 Of The Council Framework Decision Of 29 May 2000 On Increasing Protection By Criminal Penalties And Other Sanctions Against Counterfeiting In Connection With The Introduction Of The Euro
128	COM (2003) 560	03-10-03	2003	Proposal For A COUNCIL DECISION On The Information Exchange, Risk-Assessment And The Control On New Narcotic Drugs And New Synthetic Drugs
129	COM (2003) 681	12-11-03	2003	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL On Coordination On Drugs In The European Union
130	COM (2003) 751	04-12-03	2003	Proposal For A COUNCIL DECISION On The Signing, On Behalf Of The European Community, Of The United Nations Convention Against Corruption
131	COM (2003) 808	19-12-03	2003	Proposal For A COUNCIL REGULATION On The European Monitoring Centre For Drugs And Drug Addiction (Recast)
132	COM (2004) 103	10-02-04	2004	Proposal For A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL Amending Regulation (EC) No 1073/1999 Concerning Investigations Conducted By The European Anti-Fraud Office (OLAF)
133	COM (2004) 104	10-02-04	2004	Proposal For A COUNCIL REGULATION Amending Regulation (Euratom) No 1074/1999 Concerning Investigations Conducted By The European Anti-Fraud Office (OLAF)
134	COM (2004) 165	12-03-04	2004	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT: Crime Prevention In The European Union
135	COM (2004) 221 - 1	29-03-04	2004	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT On Measures To Be Taken To Combat Terrorism And Other Forms Of Serious Crime, In Particular To Improve Exchanges Of Information
136	COM (2004) 230	05-04-04	2004	REPORT FROM THE COMMISSION Based On Article 6 Of The Council Framework Decision Of 26 June 2001 On Money Laundering, The Identification, Tracing, Freezing, Seizing And Confiscation Of Instrumentalities And The Proceeds Of Crime.
137	COM (2004) 244	07-04-04	2004	Proposal For A COUNCIL REGULATION Laying Down Rules For The Monitoring Of Trade In Certain Substances Used For The Illicit Manufacture Of Narcotic Drugs And Psychotropic Substances
138	COM (2004) 262	16-04-04	2004	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT On The Prevention Of And Fight Against Organised Crime In The Financial Sector

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
139	COM (2004) 260	16-04-04	2004	REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT On The Use Of Administrative Cooperation Arrangements In The Fight Against VAT Fraud
140	COM (2004) 346	30-04-04	2004	REPORT FROM THE COMMISSION Based On Article 14 Of The Council Framework Decision Of 28 May 2001 Combating Fraud And Counterfeiting Of Non-Cash Means Of Payment
141	COM (2004) 444	25-06-04	2004	Proposal For A COUNCIL COMMON POSITION On The Negotiations In The Council Of Europe Relating To The 1990 Convention On Laundering, Search, Seizure And Confiscation Of The Proceeds From Crime
142	COM (2004) 448	30-06-04	2004	Proposal For A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL On The Prevention Of The Use Of The Financial System For The Purpose Of Money Laundering, Including Terrorist Financing
143	COM (2004) 457	06-07-04	2004	Report From The Commission On The Legal Transposition Of The Council Decision Of 28/2/2002 Setting Up Eurojust With A View To Reinforcing The Fight Against Serious Crime.
144	COM (2004) 509	20-07-04	2004	Proposal For A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL On Mutual Administrative Assistance For The Protection Of The Financial Interests Of The Community Against Fraud And Any Other Illegal Activities
145	COM (2004) 544	09-08-04	2004	COMMUNICATION FROM THE COMMISSION: Protecting The Communities' Financial Interests - Fight Against Fraud - Action Plan For 2004-2005
146	COM (2004) 559 - 1	16-08-04	2004	Proposal For A COUNCIL DECISION Concerning The Signature Of The Agreement Between The European Community And Its Member States, Of The One Part, And The Swiss Confederation, Of The Other Part, To Counter Fraud And All Other Illegal Activities Affecting Their Financial Interests
147	COM (2004) 559 - 2	16-08-04	2004	Proposal For A COUNCIL DECISION On The Conclusion Of The Agreement Between The European Community And Its Member States, Of The One Part, And The Swiss Confederation, Of The Other Part, To Counter Fraud And All Other Illegal Activities Affecting Their Financial Interests
148	COM (2004) 573	28-12-04	2004	Report From The Commission: Protection Of The European Communities' Financial Interests And The Fight Against Fraud - Annual Report 2003 -

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
149	COM (2004) 679	20-10-04	2004	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, THE EUROPEAN CENTRAL BANK AND EUROPOL: A New EU Action Plan 2004-2007 To Prevent Fraud On Non-Cash Means Of Payment
150	COM (2004) 707	22-10-04	2004	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT: On The Results Of The Final Evaluation Of The EU Drugs Strategy And Action Plan On Drugs (2000-2004)
151	COM (2004) 850	04-02-05	2005	REPORT FROM THE COMMISSION: Report On The Follow-Up Of Traditional Own Resources In Cases Of Fraud And Irregularities
152	COM (2005) 6	19-01-05	2005	Proposal For A COUNCIL FRAMEWORK DECISION On The Fight Against Organised Crime
153	COM (2005) 45	14-02-05	2005	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL On A EU Drugs Action Plan (2005-2008)
154	COM (2005) 124 - 3	06-04-05	2005	Proposal For A COUNCIL DECISION Establishing The Specific Programme "Prevention Of And Fight Against Crime" For The Period 2007-2013 - General Programme "Security And Safeguarding Liberties"
155	COM (2005) 127 - 1	06-04-05	2005	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND TO THE COUNCIL Concerning The Implementation And Continuation Of The Pericles Programme For The Protection Of The Euro Against Counterfeiting
156	COM (2005) 127 - 2	06-04-05	2005	Proposal For A COUNCIL DECISION Amending And Extending Council Decision Of 17 December 2001 Establishing An Exchange, Assistance And Training Programme For The Protection Of The Euro Against Counterfeiting (The 'Pericles' Programme)
157	COM (2005) 127 - 3	06-04-05	2005	Proposal For A COUNCIL DECISION Extending To The Non-Participating Member States The Application Of Council Decision Amending And Extending Council Decision Of 17 December 2001 Establishing An Exchange, Assistance And Training Programme For The Protection Of The Euro Against Counterfeiting (The 'Pericles' Programme)
158	COM (2005) 190 - 5	13-05-05	2005	Proposal For A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL Amending Regulation (EEC) No 302/93 On The Establishment Of A European Monitoring Centre For Drugs And Drug Addiction As Regards The Director's Term Of Office

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
159	COM (2005) 232	02-06-05	2005	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT "Developing A Strategic Concept On Tackling Organised Crime"
160	COM (2005) 323	19-07-05	2005	REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT Protection Of The Financial Interests Of The Communities - Fight Against Fraud- Commission's Annual Report 2004
161	COM (2005) 399	31-08-05	2005	Proposal For A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL On The European Monitoring Centre For Drugs And Drug Addiction (Recast)
162	COM (2005) 426	13-09-05	2005	Proposal For A COUNCIL DECISION Concerning The Signing, On Behalf Of The European Community, Of Council Of Europe Convention No 198 On Laundering, Search, Seizure And Confiscation Of The Proceeds From Crime And On The Financing Of Terrorism
163	COM (2005) 479	11-10-05	2005	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE On A Customs Response To Latest Trends In Counterfeiting And Piracy
164	COM (2005) 514	18-10-05	2005	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL: Fighting Trafficking In Human Beings - An Integrated Approach And Proposals For An Action Plan
165	COM (2005) 600	24-11-05	2005	Proposal For A COUNCIL DECISION Concerning Access For Consultation Of The Visa Information System (VIS) By The Authorities Of Member States Responsible For Internal Security And By Europol For The Purposes Of The Prevention, Detection And Investigation Of Terrorist Offences And Of Other Serious Criminal Offences
166	COM (2006) 65	20-02-06	2006	REPORT FROM THE COMMISSION Second Report Based On Article 14 Of The Council Framework Decision Of 28 May 2001 Combating Fraud And Counterfeiting Of Non-Cash Means Of Payment {SEC(2006) 188}
167	COM (2006) 72	21-02-06	2006	REPORT FROM THE COMMISSION - Second Commission Report Based On Article 6 Of The Council Framework Decision Of 26 June 2001 On Money Laundering, The Identification, Tracing, Freezing, Seizing And Confiscation Of Instrumentalities And The Proceeds Of Crime. {SEC(2006) 219}
168	COM (2006) 82	02-03-06	2006	Proposal For A COUNCIL DECISION On The Conclusion, On Behalf Of The European Community, Of The United Nations Convention Against Corruption

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
169	COM (2006) 115	14-03-06	2006	Proposal For A COUNCIL DECISION On The Conclusion Of The Agreement Between The European Community And Norway On The Revision Of The Amount Of The Financial Contribution From Norway Provided For In The Agreement Between The European Community And The Kingdom Of Norway On The Participation Of Norway In The Work Of The European Monitoring Centre For Drugs And Drug Addiction (EMCDDA)
170	COM (2006) 187	02-05-06	2006	REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT Based On Article 10 Of The Council Framework Decision Of 19 July 2002 On Combating Trafficking In Human Beings
171	COM (2006) 243 - 1	23-05-06	2006	REPORT FROM THE COMMISSION To The European Parliament And To The Council Concerning The Implementation And Results Of The Pericles Programme For The Protection Of The Euro Against Counterfeiting
172	COM (2006) 243 - 2	23-05-06	2006	Proposal For A COUNCIL DECISION Amending And Extending Decision 2001/923/EC Establishing An Exchange, Assistance And Training Programme For The Protection Of The Euro Against Counterfeiting (The 'Pericles' Programme)
173	COM (2006) 243 - 3	23-05-06	2006	Proposal For A COUNCIL DECISION Extending To The Non-Participating Member States The Application Of Decision 2006/849/EC Amending And Extending Decision 2001/923/EC Establishing An Exchange, Assistance And Training Programme For The Protection Of The Euro Against Counterfeiting (The 'Pericles' Programme)
174	COM (2006) 244	24-05-06	2006	Proposal For A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL Amending Regulation (EC) No 1073/1999 Concerning Investigations Conducted By The European Anti Fraud Office (OLAF)
175	COM (2006) 254	31-05-06	2006	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE Concerning The Need To Develop A Co-Ordinated Strategy To Improve The Fight Against Fiscal Fraud
176	COM (2006) 255	01-06-06	2006	Proposal For A COUNCIL DECISION On The Conclusion Of The Agreement Between The European Community And The Government Of The Republic Of Bulgaria On The Participation Of Bulgaria In The Work Of The European Monitoring Centre For Drugs And Drug Addiction

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
177	COM (2006) 256	01-06-06	2006	Proposal For A COUNCIL DECISION On The Conclusion Of The Agreement Between The European Community And Romania On The Participation Of Romania In The Work Of The European Monitoring Centre For Drugs And Drug Addiction
178	COM (2006) 257	01-06-06	2006	Proposal For A COUNCIL DECISION On The Conclusion Of The Agreement Between The European Community And The Republic Of Turkey On The Participation Of Turkey In The Work Of The European Monitoring Centre For Drugs And Drug Addiction
179	COM (2006) 316	26-06-06	2006	GREEN PAPER On The Role Of Civil Society In Drugs Policy In The European Union
180	COM (2006) 378	12-07-06	2006	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL: Protection Of The Communities' Financial Interests – Fight Against Fraud – Annual Report 2005
181	COM (2006) 437	07-08-06	2006	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE: Developing A Comprehensive And Coherent EU Strategy To Measure Crime And Criminal Justice: An EU Action Plan 2006 – 2010
182	COM (2006) 906	22-12-06	2006	Proposal For A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL Amending Directive 2005/60/EC On The Prevention Of The Use Of The Financial System For The Purpose Of Money Laundering And Terrorist Financing, As Regards The Implementing Powers Conferred On The Commission
183	COM (2007) 218	25-04-07	2007	Recommendation For A COUNCIL DECISION Concerning The Accession Of Bulgaria And Romania To The Convention Of 26 May 1997, Drawn Up On The Basis Of Article K.3(2)(C) Of The Treaty On European Union, On The Fight Against Corruption Involving Officials Of The European Communities Or Officials Of Member States Of The European Union
184	COM (2007) 267	22-05-07	2007	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMITTEE OF THE REGIONS: Towards A General Policy On The Fight Against Cyber Crime
185	COM (2007) 328	18-06-07	2007	REPORT FROM THE COMMISSION TO THE COUNCIL Based On Article 9 Of The Council Framework Decision 2003/568/JHA Of 22 July 2003 On Combating Corruption In The Private Sector

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
186	COM (2007) 390	06-07-07	2007	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Protection Of The Financial Interests Of The Communities – Fight Against Fraud – Annual Report 2006
187	COM (2007) 430	17-07-07	2007	Proposal For A COUNCIL DECISION On Defining 1-Benzylpiperazine (BZP) As A New Synthetic Drug Which Is To Be Made Subject To Control Measures And Criminal Provisions
188	COM (2007) 524	17-09-07	2007	THIRD REPORT FROM THE COMMISSION Based On Article 11 Of The Council Framework Decision Of 29 May 2000 On Increasing Protection By Criminal Penalties And Other Sanctions Against Counterfeiting In Connection With The Introduction Of The Euro
189	COM (2007) 525	17-09-07	2007	Proposal For A COUNCIL REGULATION Amending Regulation (EC) No 1338/2001 Laying Down Measures Necessary For The Protection Of The Euro Against Counterfeiting
190	COM (2007) 644	23-10-07	2007	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT On The Role Of Eurojust And The European Judicial Network In The Fight Against Organised Crime And Terrorism In The European Union
191	COM (2007) 716	16-11-07	2007	REPORT FROM THE COMMISSION Based On Article 12 Of The Council Framework Decision Of 22 December 2003 On Combating The Sexual Exploitation Of Children And Child Pornography
192	COM (2007) 758	23-11-07	2007	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL Concerning Some Key Elements Contributing To The Establishment Of The VAT Anti-Fraud Strategy Within The EU
193	COM (2007) 781	10-12-07	2007	COMMUNICATION FROM THE COMMISSION On The 2007 Progress Review Of The Implementation Of The EU Action Plan On Drugs (2005-2008)
194	COM (2007) 805	17-12-07	2007	REPORT FROM THE COMMISSION Pursuant To Article 6 Of The Council Framework Decision Of 24 February 2005 On Confiscation Of Crime Related Proceeds, Instrumentalities And Property (2005/212/JHA)
195	COM (2007) 806	17-12-07	2007	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT AND THE EUROPEAN COURT OF AUDITORS Prevention Of Fraud By Building On Operational Results: A Dynamic Approach To Fraud-Proofing
196	COM (2008) 109	22-02-08	2008	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT On Measures To Change The VAT System To Fight Fraud

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
197	COM (2008) 437	08-07-08	2008	Proposal For A COUNCIL DECISION On The Signature And Conclusion Of The Agreement Between The European Community And The Government Of The People's Republic Of China On Drug Precursors And Substances Frequently Used In The Illicit Manufacture Of Narcotic Drugs Or Psychotropic Substances
198	COM (2008) 475	22-07-08	2008	COMMISSION REPORT TO THE EUROPEAN PARLIAMENT AND TO THE COUNCIL Protection Of The Communities' Financial Interests – Fight Against Fraud – Annual Report 2007
199	COM (2008) 567	18-09-08	2008	COMMUNICATION FROM THE COMMISSION To The European Parliament And The Council On An EU Drugs Action Plan For 2009-2012
200	COM (2008) 657	17-10-08	2008	COMMISSION WORKING DOCUMENT Evaluation And Monitoring Of The Implementation Of The EU Plan On Best Practices, Standards And Procedures For Combating And Preventing Trafficking In Human Beings
201	COM (2008) 766	20-11-08	2008	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Proceeds Of Organised Crime Ensuring That "Crime Does Not Pay"
202	COM (2008) 807	01-12-08	2008	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE On A Coordinated Strategy To Improve The Fight Against VAT Fraud In The European Union
203	COM (2008) 839 - 1	10-12-08	2008	Proposal For A COUNCIL DECISION On The Signing, On Behalf Of The European Community, Of The Cooperation Agreement Between The European Community And Its Member States, Of The One Part, And The Principality Of Liechtenstein, Of The Other Part, To Combat Fraud And Any Other Illegal Activity To The Detriment Of Their Financial Interests
204	COM (2008) 839 - 2	10-12-08	2008	Proposal For A COUNCIL DECISION On The Conclusion, On Behalf Of The European Community, Of The Cooperation Agreement Between The European Community And Its Member States, Of The One Part, And The Principality Of Liechtenstein, Of The Other Part, To Combat Fraud And Any Other Illegal Activity To The Detriment Of Their Financial Interests
205	COM (2009) 135	25-03-09	2009	Proposal For A COUNCIL FRAMEWORK DECISION On Combating The Sexual Abuse , Sexual Exploitation Of Children And Child Pornography, Repealing Framework Decision 2004/68/JHA

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
206	COM (2009) 136	25-03-09	2009	Proposal For A COUNCIL FRAMEWORK DECISION On Preventing And Combating Trafficking In Human Beings, And Protecting Victims, Repealing Framework Decision 2002/629/JHA
207	COM (2009) 170	20-04-09	2009	REPORT FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE on the application of Council Directive 2004/80/EC relating to compensation to crime victims
208	COM (2009) 372	15-07-09	2009	COMMISSION REPORT TO THE EUROPEAN PARLIAMENT AND TO THE COUNCIL Protection Of The Communities' Financial Interests — Fight Against Fraud — Annual Report 2008
209	COM (2009) 427	18-08-09	2009	Proposal For A COUNCIL REGULATION On Administrative Cooperation And Combating Fraud In The Field Of Value Added Tax (Recast)
210	COM (2009) 511	29-09-09	2009	Proposal For A COUNCIL DIRECTIVE Amending Directive 2006/112/EC As Regards An Optional And Temporary Application Of The Reverse Charge Mechanism In Relation To Supplies Of Certain Goods And Services Susceptible To Fraud
211	COM (2009) 618	06-11-09	2009	Proposal For A COUNCIL DECISION Establishing The Position To Be Adopted On Behalf Of The Community Concerning A Mechanism For The Review Of Implementation Of The United Nations Convention Against Corruption, To Be Adopted In The 3rd Session Of The Conference Of The States Parties To The United Nations Convention Against Corruption (Doha / Qatar, 9 – 13 November 2009)
212	COM (2009) 653	01-12-09	2009	Proposal For A COUNCIL DECISION On The Position To Be Taken By The European Union Concerning The Proposal To Amend The Annex A Of The Agreement Between The European Community And The Government Of The People's Republic Of China On Drug Precursors And Substances Frequently Used In The Illicit Manufacture Of Narcotic Drugs Or Psychotropic Substances
213	COM (2009) 669	10-12-09	2009	REPORT FROM THE COMMISSION On The Implementation Of Framework Decision 2004/757/JHA Laying Down Minimum Provisions On The Constituent Elements Of Criminal Acts And Penalties In The Field Of Illicit Drug Trafficking

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
214	COM (2009) 707	17-12-09	2009	Proposal For A COUNCIL DECISION On The Conclusion Of The Agreement Between The European Union And Iceland And Norway On The Application Of Certain Provisions Of Council Decision 2008/615/JHA On The Stepping Up Of Cross-Border Cooperation, Particularly In Combatting Terrorism And Cross-Border Crime And Council Decision 2008/616/JHA On The Implementation Of Decision 2008/615/JHA On The Stepping Up Of Cross-Border Cooperation, Particularly In Combatting Terrorism And Cross-Border Crime, And The Annex Thereto
215	COM (2009) 709	07-01-10	2010	REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT Pursuant To Article 16 Of Regulation (EC) No 273/2004 Of The European Parliament And Of The Council Of 11 February 2004 And To Article 32 Of Council Regulation (EC) No 111/2005 On The Implementation And Functioning Of The Community Legislation On Monitoring And Control Of Trade In Drug Precursors
216	COM (2010) 20	03-02-10	2010	Proposal For A COUNCIL DECISION On The Signature Of An Agreement Between The Republic Of Croatia And The European Union On The Participation Of The Republic Of Croatia In The Work Of The European Monitoring Centre For Drugs And Drug Addiction
217	COM (2010) 21	03-02-10	2010	Proposal For A COUNCIL DECISION On The Conclusion Of An Agreement Between The Republic Of Croatia And The European Union On The Participation Of The Republic Of Croatia In The Work Of The European Monitoring Centre For Drugs And Drug Addiction
218	COM (2010) 94	29-03-10	2010	Proposal For A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL On Combating The Sexual Abuse, Sexual Exploitation Of Children And Child Pornography, Repealing Framework Decision 2004/68/JHA
219	COM (2010) 95	29-03-10	2010	Proposal For A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL On Preventing And Combating Trafficking In Human Beings, And Protecting Victims, Repealing Framework Decision 2002/629/JHA
220	COM (2010) 382	14-07-10	2010	REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT Protection Of The European Union's Financial Interests-Fight Against Fraud-Annual Report 2009

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
221	COM (2010) 493	15-10-10	2010	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL On The Application Of Directive 2004/81 On The Residence Permit Issued To Third-Country Nationals Who Are Victims Of Trafficking In Human Beings Or Who Have Been The Subject Of An Action To Facilitate Illegal Immigration, Who Cooperate With The Competent Authorities
222	COM (2010) 630	05-11-10	2010	REPORT FROM THE COMMISSION 2010 Progress Review Of The EU Drugs Action Plan (2009-2012)
223	COM (2011) 32	02-02-11	2011	Proposal For A EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE On The Use Of Passenger Name Record Data For The Prevention, Detection, Investigation And Prosecution Of Terrorist Offences And Serious Crime
224	COM (2011) 176	12-04-11	2011	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND TO THE COUNCIL Based On Article 8 Of The Council Decision 2007/845/JHA Of 6 December 2007 Concerning Cooperation Between Asset Recovery Offices Of The Member States In The Field Of Tracing And Identification Of Proceeds From, Or Other Property Related To, Crime
225	COM (2011)275)	18-05-11	2011	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing minimum standards on the rights, support and protection of victims of crime
226	COM (2011) 288	24-05-11	2011	Proposal For A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL On Entrusting The Office For Harmonisation In The Internal Market (Trade Marks And Designs) With Certain Tasks Related To The Protection Of Intellectual Property Rights, Including The Assembling Of Public And Private Sector Representatives As A European Observatory On Counterfeiting And Piracy
227	COM (2011) 307	06-06-11	2011	REPORT FROM THE COMMISSION TO THE COUNCIL On The Modalities Of European Union Participation In The Council Of Europe Group Of States Against Corruption (GRECO)
228	COM (2011) 308	06-06-11	2011	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE Fighting Corruption In The EU
229	COM (2011) 309	06-06-11	2011	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Based On Article 9 Of Council Framework Decision 2003/568/JHA Of 22 July 2003 On Combating Corruption In The Private Sector

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
230	COM (2011) 335	08-06-11	2011	Proposal For A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL On European Statistics On Safety From Crime
231	COM (2011) 379	24-06-11	2011	Proposal For A COUNCIL DECISION On The Signing, On Behalf Of The European Union Of The Anti-Counterfeiting Trade Agreement Between The European Union And Its Member States, Australia, Canada, Japan, The Republic Of Korea, The United Mexican States, The Kingdom Of Morocco, New Zealand, The Republic Of Singapore, The Swiss Confederation And The United States Of America
232	COM (2011) 380	24-06-11	2011	Proposal For A COUNCIL DECISION On The Conclusion Of The Anti-Counterfeiting Trade Agreement Between The European Union And Its Member States, Australia, Canada, Japan, The Republic Of Korea, The United Mexican States, The Kingdom Of Morocco, New Zealand, The Republic Of Singapore, The Swiss Confederation And The United States Of America
233	COM (2011) 376	24-06-11	2011	Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee, And The Committee Of The Regions And The Court Of Auditors On The Commission Anti-Fraud Strategy
234	COM (2011) 595	29-09-11	2011	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Protection Of The European Union's Financial Interests-Fight Against Fraud-Annual Report 2010
235	COM (2011) 689	25-10-11	2011	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Towards A Stronger European Response To Drugs
236	COM (2011) 752	15-11-11	2011	Proposal For A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL Laying Down General Provisions On The Asylum And Migration Fund And On The Instrument For Financial Support For Police Cooperation, Preventing And Combating Crime, And Crisis Management
237	COM (2011) 753	15-11-11	2011	Proposal For A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL Establishing, As Part Of The Internal Security Fund, The Instrument For Financial Support For Police Cooperation, Preventing And Combating Crime, And Crisis Management
238	COM (2011) 910	19-12-11	2011	Proposal For A COUNCIL REGULATION Extending To The Non-Participating Member States The Application Of Regulation (EU) No .../2012 Establishing An Exchange, Assistance And Training Programme For The Protection Of The Euro Against Counterfeiting (The 'Pericles 2020' Programme)

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
239	COM (2011) 913	19-12-11	2011	Proposal For A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL Establishing An Exchange, Assistance And Training Programme For The Protection Of The Euro Against Counterfeiting (The 'Pericles 2020' Programme)
240	COM (2012) 85	12-03-12	2012	Proposal For A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL On The Freezing And Confiscation Of Proceeds Of Crime In The European Union
241	COM (2012) 140	28-03-12	2012	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT Tackling Crime In Our Digital Age: Establishing A European Cybercrime Centre
242	COM (2012) 168	11-04-12	2012	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL On The Application Of Directive 2005/60/EC On The Prevention Of The Use Of The Financial System For The Purpose Of Money Laundering And Terrorist Financing
243	COM (2012) 286	19-06-12	2012	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS The EU Strategy Towards The Eradication Of Trafficking In Human Beings 2012–2016
244	COM (2012) 351	27-06-12	2012	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL On Concrete Ways To Reinforce The Fight Against Tax Fraud And Tax Evasion Including In Relation To Third Countries
245	COM (2012) 363	11-07-12	2012	Proposal For A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL On The Fight Against Fraud To The Union's Financial Interests By Means Of Criminal Law
246	COM (2012) 408	19-07-12	2012	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Protection Of The European Union's Financial Interests - Fight Against Fraud Annual Report 2011
247	COM (2012) 428	31-07-12	2012	Proposal For A COUNCIL DIRECTIVE Amending Directive 2006/112/EC On The Common System Of Value Added Tax As Regards A Quick Reaction Mechanism Against VAT Fraud
248	COM (2012) 521	27-09-12	2012	Proposal For A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL Amending Council Regulation (EC) No 111/2005 Laying Down Rules For The Monitoring Of Trade Between The Community And Third Countries In Drug Precursors

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
249	COM (2012) 548	27-09-12	2012	Proposal For A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL Amending Regulation (EC) No 273/2004 On Drug Precursors
250	COM (2012) 717	30-11-12	2012	REPORT FROM THE COMMISSION TO THE COUNCIL Evaluation Report On The European Union Crime Prevention Network
251	COM (2012) 722	06-12-12	2012	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL An Action Plan To Strengthen The Fight Against Tax Fraud And Tax Evasion
252	COM (2012) 732	07-12-12	2012	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL On The Implementation Of Council Decision 2008/615/JHA Of 23 June 2008 On The Stepping Up Of Cross-Border Cooperation, Particularly In Combating Terrorism And Crossborder Crime (The 'Prüm Decision')
253	COM (2013) 3	21-01-13	2013	Proposal For A COUNCIL DECISION On The Signing, On Behalf Of The European Union, Of The Agreement Between The European Union And The Russian Federation On Drug Precursors
254	COM (2013) 4	21-01-13	2013	Proposal For A COUNCIL DECISION On The Conclusion Of The Agreement Between The European Union And The Russian Federation On Drug Precursors
255	COM (2013) 45	05-02-13	2013	Proposal For A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL On The Prevention Of The Use Of The Financial System For The Purpose Of Money Laundering And Terrorist Financing
256	COM (2013) 42	05-02-13	2013	Proposal For A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL On The Protection Of The Euro And Other Currencies Against Counterfeiting By Criminal Law, And Replacing Council Framework Decision 2000/383/JHA
257	COM (2013) 154	22-03-13	2013	Proposal For A COUNCIL DECISION On The Conclusion, On Behalf Of The European Union, Of The Protocol Against The Illicit Manufacturing Of And Trafficking In Firearms, Their Parts And Components And Ammunition, Supplementing The United Nations Convention Against Transnational Organized Crime.
258	COM (2013) 209	18-04-13	2013	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL On The Functioning Of The Memorandum Of Understanding On The Sale Of Counterfeit Goods Via The Internet

Data: COM docs on organized crime (continued)

#	Reference	Date	Year	Title
259	COM (2013) 324	06-06-13	2013	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT Stepping Up The Fight Against Cigarette Smuggling And Other Forms Of Illicit Trade In Tobacco Products - A Comprehensive EU Strategy
260	COM (2013) 548	24-07-13	2013	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Protection Of The European Union' Financial Interests — Fight Against Fraud 2012 Annual Report
261	COM (2013) 588	14-08-13	2013	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL On The Evaluation Of The Programme For Exchange, Assistance And Training For The Protection Of The Euro Against Counterfeiting ('Pericles' Programme)
262	COM (2013) 618	17-09-13	2013	Proposal For A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL Amending Council Framework Decision 2004/757/JHA Of 25 October 2004 Laying Down Minimum Provisions On The Constituent Elements Of Criminal Acts And Penalties In The Field Of Illicit Drug Trafficking, As Regards The Definition Of Drug
263	COM (2013) 716	21-10-13	2013	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT Firearms And The Internal Security Of The EU: Protecting Citizens And Disrupting Illegal Trafficking

Appendix 5: Codebook on factors of attention

This codebook was developed to analyse the factors that trigger the attention of the European Council and the Commission and thus set an issue on their agendas.

It includes 6 types of factors, namely, focusing events, professional concerns, EU institutional milestones, political signals, policy inheritances, and public concerns. Each category is explained below.

Only explicit arguments, as they are found in the data, are coded. Otherwise, they are not considered.

1. Focusing event

A salient, powerful and sudden socio-political occurrence.

- It includes events that are natural (e.g. natural disaster) and manmade (e.g. incidents created by organizations). When the event is created, the actor that created the event must be different than the institution paying attention to a given issue. In case the actor is the same, it is not coded as focusing event. Instead, the factor that triggered such institution to create the event must be coded.
- It includes events in any policy domain and in and outside the EU, as long as they have an impact on OC.
- It includes events with a negative connotation, such as occurrences that imply harm. It can also include events with a positive connotation, such as key political occurrences that demand or trigger mobilization on a topic.
- When the event is related to the core institutional framework of the EU, it must be coded as EU institutional milestone.

2. Professional concern

A statement from a group of experts that estimates critical the status of a given condition.

- It includes indications on the critical status of a problem, such as, the unfavorable development of the problem, the increase of a negative condition, and the urgency to update policy due to a problematic situation.
- The concern must be done by experts. If it is done by political actors, it is coded as political signal.
- It can make a reference to the specific group that raised the concern, but it is not mandatory as long as it refers to experts.
- It includes the concerns from EU agencies, as they are specialized bodies.

3. EU institutional milestone

A key development in the institutional framework of the European Union.

- The developments must be related to the framework of the EU as a whole, not to a policy area.
- It includes occurrences related to the evolution of the EU institutional framework.
- It includes events on the EU integration process, treaty revisions, accession of new members, development of intergovernmental conferences.

4. Political signal

An indication made by a political actor in order to address a given issue.

- It includes signals from EU institutions and political organizations/actors in and outside the EU.
- It must include a concrete reference to the specific political actor making the input.
- The political actor that makes the signal must be different than the institution giving attention to the issue. Otherwise, it is coded as policy inheritance.
- It includes direct signals (e.g. explicit invitations or requests to handle an issue), as well as indirect signals (e.g. proposals, declarations, reports, recommendations, opinions) made by political actors.
- The signal does not need to be expressly for the institution that actually takes up such signal.

5. Policy inheritance

Previous policy decisions and political agreements that influence the consideration of current policy commitments.

- The decisions and agreements were made by policy-making institutions in the EU framework. They can include commitments made outside the EU, only when the EU was involved in arriving at such arrangements or it has the responsibility as an international organization to act by them.
- The policy decisions are on concrete policies and legal instruments adopted in the past. Policy proposals are coded as political signal.
- The political agreements must be adopted –or decided, concluded, agreed, etc.– and include the specific date when such agreement happened. Conclusions of the European Council and the Council of Ministers, as well as Resolutions of the European Parliament do not need such references, as they represent decided political agreements.
- It includes the revision and update of the implementation of adopted programs and policies, as well as other tasks that have their origin in previous arrangements.

6. Public concern

A problem that citizens consider important to be tackled by the EU.

- It includes statements that indicate that citizens themselves have a concern or have raised a concern.
- It does not include statements that indicate that the institutions *themselves* estimate that citizens could be affected by a given problem.
- Arguments that state that policies are created for the benefit of citizens are not included, but only when they show that the origin for doing that was actually a demand from the public.

All categories are binary coded: 1, meaning factor found; and 0, meaning factor not found.

In case a policy document includes an annex, it is necessary to identify the author of the annex before coding and identify in what way the annex and the main text are linked to be able to code accordingly.

Appendix 6: Allocation of attention across all OC issues on the agendas

Table A. Allocation of attention across all OC issues on both agendas

OC issues		European Council (1983-2013)	Commission (1984-2013)
1	Organized crime	26.51	19.05%
2	Drug trafficking	28.52	21.31%
3	Counterfeiting	1.63%	11.24%
4	Cigarette smuggling	0%	0.62%
5	Corruption	3.52%	4.94%
6	Human Trafficking	9.30%	12.58%
7	Environmental crime	1.13%	0.23%
8	Trafficking in works of art	0.50%	0%
9	Arms trafficking	1.01%	1.38%
10	Terrorism	13.44%	3.29%
11	Fraud	7.54%	18.16%
12	Trafficking in vehicles	0.50%	0%
13	Cybercrime	0.63%	1.46%
14	Money laundering	5.78%	5.72%
Total		100%	100%

The issues are presented in the order they appear in the codebook on OC issues (see Appendix 2), not ranked.



Figure A. Allocation of attention across all OC issues on the European Council agenda



Figure B. Allocation of attention across all OC issues on the Commission agenda

Appendix 7: Vector Autoregressions (methods part)

Table A. Structure of the data

Augmented Dickey Fuller test	
European Council	Commission
-4.738	-8.240

Significance at 1 percent level

The results showed evidence to reject the null hypothesis⁹⁹ that the series is non-stationary. This indicated that the time series do not have unit root.

Table B. Lag length selection

Lag	Likelihood ratio test
6	9.794 (0.044)

P-value¹⁰⁰ reported in parenthesis

The likelihood ration test is a type of “top-down sequential testing”, which starts by a maximum lag length and continues by discarding lower lags until the null hypothesis is rejected (Lütkepohl and Kilian, 2017:51). The test finishes when the first lag with a significant statistical value is reached, beginning by testing the highest lag. In this case, the maximum lag to conduct the LR test was six, taking into consideration that a common practice for quarterly data is to set the lag length of the model directly on six (Freeman et al., 1989; Miller and Roberds, 1991). The test was statistically significant at this lag.

The figure presents a snapshot of the results directly obtained in Stata. It includes two ways of observing this. When we look at the table on the left side, we can see that all the modulus of the eigenvalues are less than one. This indicates that the model is stable. In addition, Stata enables us to recognize this by literately indicating in the legend at the bottom of this table that “VAR satisfies stability condition”. In the graph on the right side, the same result can be appreciated. The twelve points (two variables times six lags) represent the eigenvalues. The fact that all points are inside the circle indicates that the model is stationary. Actually, this is the graphical representation of the legend “All the eigenvalues lie inside the unit circle” at the bottom of the table on the left side.

⁹⁹ A null hypothesis is the baseline hypothesis that the researcher tries to reject or confirm —depending on the research goal.

¹⁰⁰ A p-value is a probability score. It shows the level of statistical significance at which a test can be conducted and fail to reject the null hypothesis. Small p-values (minor to 0.05, i.e. 5%, or almost equal to zero) show evidence against the null hypothesis, as it means that the result has a small probability to occur if such hypothesis would be true. Therefore, the smaller the p-value, the stronger the evidence to reject it. A large p-value (major to 0.05, i.e. 5%, or equal to 1) indicates a weak evidence and fails to reject the null hypothesis.

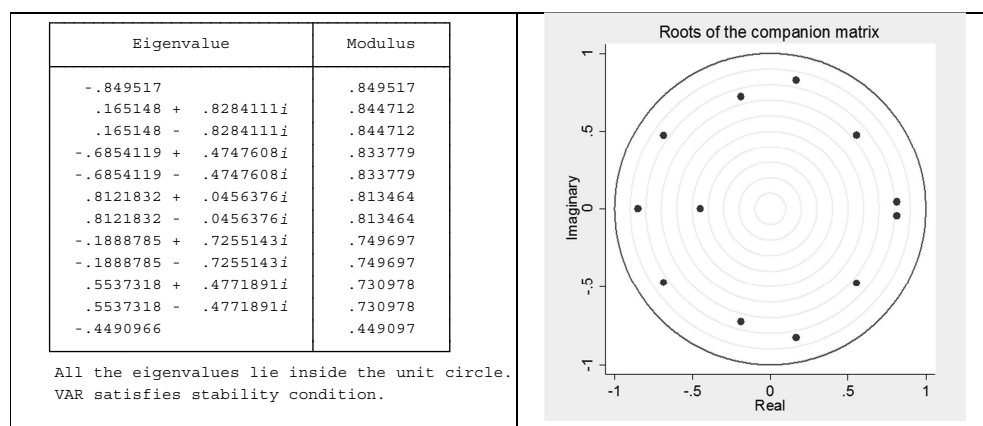


Figure A. Stability of VAR

Table C. Autocorrelation of VAR

lag	Lagrange multiplier test
1	6.2322 (0.18246)
2	6.4412 (0.16853)
3	3.0370 (0.55165)
4	1.4960 (0.82735)
5	5.8026 (0.21438)
6	5.7438 (0.21912)

Numbers reported are chi-squares with p-values in parenthesis

The null hypothesis that there is no autocorrelation cannot be rejected, as all values are statistically insignificant.

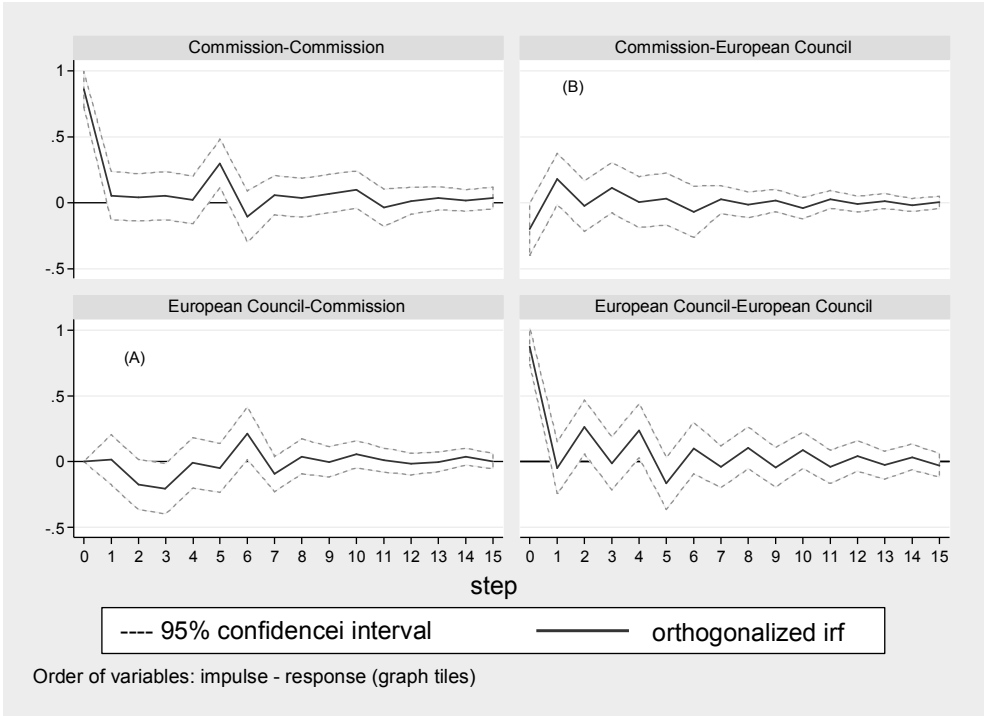


Figure B. Impulse response functions

Table D. Impulse response functions values

Time	Shock in European Council (A)			Shock in Commission (B)		
	Response in Commission	Lower bound	Upper bound	Response in European Council	Lower bound	Upper bound
0	0	0	0	-.201529	-.399057	-.004001
1	.014213	-.175392	.203818	.177703	-.016088	.371495
2	-.173072	-.363456	.017312	-.026079	-.219001	.166843
3	-.205474	-.396053	-.014895	.112097	-.079029	.303223
4	-.008673	-.201733	.184388	.003799	-.190603	.1982
5	-.046774	-.231964	.138416	.028213	-.168569	.224994
6	.21452	.014361	.414679	-.068653	-.263311	.126004
7	-.09295	-.226069	.040169	.024071	-.08196	.130103
8	.040234	-.091948	.172416	-.01689	-.114019	.080239
9	-.000877	-.116441	.114688	.016235	-.069107	.101576
10	.056299	-.045905	.158503	-.043609	-.124634	.037415
11	.012471	-.078998	.103941	.023759	-.043965	.091482
12	-.017355	-.100281	.065571	-.010425	-.070448	.049598
13	-.001445	-.07609	.073199	.011942	-.044718	.068602
14	.037279	-.026996	.101554	-.017496	-.066636	.031643
15	.004383	-.054114	.062879	.001604	-.044752	.047959

S u m m a r y

Research question and aim

This study examines the effects of the institutional designs of the European Council and the European Commission on the way each policy-making body sets the agenda of the European Union (EU) and on their interaction in the long run. The central research question is: *How can the agenda dynamics in and between the European Council and the European Commission be explained?* To address this question, the study first looks into the processes of the agenda of each institution, referred to here as *intra-agenda dynamics*. It then analyses the logics between the agendas, their *inter-agenda dynamics*. The aim of this research is to reveal and explain the underlying processes in EU agenda setting, as experienced over time by the two institutions. Analyzing such dynamics helps better understand how political institutions in the European Union work and the implications for policymaking and policy change in this political system. The study focuses on the domain of organized crime, where EU competences have developed between intergovernmental and supranational levels and neither institution clearly dominates, in contrast to how it occurs in other policy fields.

Motivation and puzzle

Some scholars argue that the EU has a “peculiar institutional constellation” not found in any country (Lelieveldt and Princen, 2011:53). The EU can be considered a unique political system, but whether it really differs from countries in how it attends policy problems is an empirical question (Carammia et al., 2012:43).

In the institutional framework of the EU, the European Council and the European Commission play a similar role in agenda setting: the former institution gives political guidelines and the latter generates policy proposals. Thus policy issues enter the EU agenda placed by any of the two bodies (Princen and Rhinard, 2006). Particularly puzzling is that these institutions entail distinct designs, condition that can be seen at least in two ways. On the one hand, they have different political attributes.

The European Council has considerably more political authority, being a venue where the closed circle of the EU top political leaders meet to discuss issues that require consensus at the EU level. On the other hand, the information-processing capacities of the institutions differ. In contrast to the European Council, the European Commission can simultaneously handle a great amount of issues, given its broad apparatus of experts and administrators.

In domestic political systems, policy-making bodies often differ on what issues to attend on their agendas and how to deal with such policy problems. These differences are induced in part by their institutional designs (Jones and Baumgartner, 2005; Baumgartner et al., 2009). But does this circumstance also happen in the EU political system? More specifically, how do the European Council and the European Commission act and react? Do they set the agenda differently, according to their distinct institutional architectures? Or do they do it in the same way, according to their similar roles?

We know little about the impact of the architectures of these EU institutions on agenda setting. Existing studies have mainly observed the information-processing capacities of the European Council. Moreover, research has hardly compared the patterns of the institutions. There is thus a gap in the EU policy-making literature; we practically lack knowledge on how similar or different the logics of the European Council and the European Commission are in setting the agenda.

Another puzzling feature of the EU framework is that the relationship between the European Council and the European Commission in agenda setting is not formalized. This contrasts with the case of the other EU institutions, whose interactions in the policy-making process are regulated by the Treaty. Therefore, we do not know whether both institutions are expected to interact in the first place and, if so, how their interplay is formally supposed to occur. But, most importantly, how does their interaction happen in practice? How do the different designs of the institutions affect their relationship? Who follows whom in agenda setting? Or do the institutions influence each other?

Scholars have speculated about the relationship. Some have claimed that the European Council exerts important control on the European Commission; other scholars have argued that the European Commission is rather influential; and some authors have considered that the interaction is reciprocal. Little empirical research has been done to endorse the points in the discussion. The few systematic studies are limited to the analysis of their interaction during only some years in this century. However,

there is no research on their behaviour over a longer period of time, in order to demonstrate the underlying trend in their interplay.

Theoretical framework

To observe and explain the processes of the institutions in agenda setting, this study proposes a theoretical framework: the Agenda Dynamics Approach (ADA). This perspective integrates two existing theories of policymaking that so far have been used separately: the Disproportionate Information-Processing Model (Jones and Baumgartner, 2005) and the Agenda-Setting Routes Framework (Princen and Rhinard, 2006). These theories are the basis to build ADA and support its propositions. This theoretical framework is used to empirically analyze the intra- and inter-agenda dynamics. This is the first attempt to theorize and analyze altogether the individual and interactive dynamics of the European Council and the European Commission. In this way, the complete chain of ways the institutions perform in agenda setting is examined.

The Agenda Dynamics Approach has two central postulates. First, it posits that the designs of the two bodies, in terms of their political attributes and information-processing capacities, affect their patterns of attention to policy issues over time. Second, it argues that the individual processes of the institutions affect the way they interact in the long run. The empirical study confirms both expectations. First, the findings indicate that institutional designs highly matter in EU agenda setting. They impact the way the institutions take up issues on their agendas. Second, the results point out that knowing the intra-agenda dynamics helps in analyzing and understanding the inter-agenda dynamics.

Data and methods

The agendas are represented in this study by key policy documents issued by the institutions over time. Accordingly, the European Council Conclusions and the COM docs of the European Commission are analyzed for the period between 1975 and 2013. A longitudinal analysis is conducted because studying the agendas on a long-term basis allow us to capture the fundamental behaviors of institutions in the policy process (Baumgartner and Jones, 1993).

The development of the agendas is studied in the policy domain of organized crime. This policy field is the vehicle to identify the dynamics of the institutions. Choosing a single domain is done for methodological and analytical reasons. It is useful to focus on a policy area when making an in-depth empirical analysis of agenda dynamics, as

such study requires a well-founded knowledge and understanding of central debates and developments in a policy field and its context (Princen, 2009). In particular, studying organized crime allows us to examine the European Council agenda and the European Commission agenda under relatively equal conditions. The two political bodies deal with this policy field similarly, in contrast to the different way each institution regularly handles other policy areas. For instance, while the European Council deals specially with policy domains such as macroeconomics and the European Commission with other fields such as common market, it appears that neither institution is the 'owner' of the domain of organized crime. Furthermore, the development of organized crime in the EU framework has happened in such a way that it is neither a purely intergovernmental nor entirely supranational policy field, in contrast to other EU domains such as defense (intergovernmental) and agriculture (supranational). This is an important consideration to avoid bias, given that the European Council is an intergovernmental organization and the European Commission a supranational one. These conditions suggest that none of the institutions clearly dominates in this field.

The analysis of the intra-agenda dynamics is largely conducted in a quantitative way, by means of content analysis and the use of statistical tools. It is complemented by a qualitative analysis that adds value and meaning to the numerical findings. To identify the inter-agenda dynamics, a new method for the study of the relationship between political institutions in the European Union is used, based on econometrics: vector autoregression techniques. Using this method, a time-series analysis is carried out to model EU agenda-setting scenarios.

Analysis and conclusions

The empirical evidence reveals that, while the European Council and the European Commission have a similar agenda-setting role, their intra-agenda dynamics are predominantly different over time, because the designs of the institutions are different. The European Council agenda is considerably more erratic in how issues are addressed compared to the European Commission agenda, which is more gradual. The institutions attend issues on their agendas stimulated by at least six factors: policy inheritances, political signals, professional concerns, focusing events, EU institutional milestones and public concerns. The European Council is particularly triggered by political signals and policy inheritances to set issues on its agenda. The European Commission is mostly driven by policy inheritances. While both institutions often respond to policy inheritances, they do it to different degrees, for different motives

and with different political goals. Some similarities are present, yet to a lesser extent. Neither agenda is stable over time. Both show a punctuated equilibrium pattern.

The inter-agenda dynamics display a unidirectional pattern in the long run. That is, the European Council mostly sets the agenda of the European Commission, but not the other way around. This does not mean however that the European Commission does not influence the European Council. It rather signifies that the European Council does not respond to the European Commission on a regular basis. While the European Council is the leading institution in agenda setting, it does not exert total control of the European Commission agenda. There is space for the European Commission to decide part of the issues to attend. Other factors, such as policy inheritances –or previous policy commitments–, play also a relevant role in triggering the European Commission to take up policy problems. Largely due to such policy legacies, the European Commission responds with delay to the new impulses from the European Council. The European Commission thus also works independently without a novel indication. This situation facilitates that the European Council turns its attention to other issues for some time, as it does not need to send signals recurrently to the European Commission. It is a continuous process. This indicates that policy inheritance highly matters in EU agenda setting.

The fact that both institutions set the agenda and have distinct information-processing capacities and political attributes enables the EU to handle a large number of problems, highlighting new policy issues, producing proposals and monitoring existing matters.

The intra- and inter-agenda dynamics of the European Council and the European Commission have implications for policymaking. The institutions have designs that complement their institutional capacities, stimulating the formation of policies. But, at the same time, their architectures promote mostly dissimilar patterns in and between the agendas, situation that is likely to rather hinder such formation to happen. This suggests that policy change is conditional on the interplay of the institutions.

Finally, the findings in this study indicate that the EU system is not entirely unique. The EU is largely similar to domestic systems. Many behaviors and theories valid for the study of national agendas hold true for the study of EU agendas. However, some peculiarities are also present. The European Council and the European Commission have a hybrid performance, in that they act to an extent as both policy input and process agendas.

S a m e n v a t t i n g

Onderzoeksvraag en doel van het onderzoek

Dit onderzoek gaat over de effecten van de institutionele opzet van de Europese Raad en de Europese Commissie op de wijze waarop deze beleidsorganen de agenda van de Europese Unie (EU) bepalen en op hun interactie op de lange termijn. De centrale onderzoeksvraag is: *Hoe kan de agenderingsdynamiek binnen en tussen de Europese Raad en de Europese Commissie worden verklaard?* Om deze vraag te beantwoorden worden eerst de agenderingsprocessen per instelling bekeken: de zogenaamde *intra-agenderingsdynamiek*. Vervolgens wordt gekeken naar de wisselwerking tussen de beleidsagenda's: de *inter-agendadynamiek*. Het doel van dit onderzoek is het blootleggen en verklaren van de onderliggende processen bij het opstellen van de EU-beleidsagenda aan de hand van de gang van zaken binnen de twee instellingen. Door deze processen te analyseren ontstaat een beter inzicht in de werking van de politieke instellingen in de Europese Unie en in de implicaties voor de beleidsvorming en beleidsverandering in dit politieke systeem. Het onderzoek is gericht op het domein van de georganiseerde misdaad, waar EU-bevoegdheden tussen intergouvernementeel en supranationaal niveau in zitten en waar geen van beide instellingen duidelijk de overhand heeft, anders dan bij andere beleidsterreinen.

Motivatie en puzzel

Volgens sommige wetenschappers heeft de EU een "bijzondere institutionele constellatie" die in geen enkel land voorkomt (Lelieveldt en Princen, 2011:53). De EU kan worden beschouwd als een uniek politiek systeem, maar of beleidsproblemen er werkelijk anders worden benaderd dan binnen landen is een empirische vraag (Carammia et al., 2012:43).

Binnen het institutionele kader van de EU spelen de Europese Raad en de Europese Commissie een vergelijkbare rol bij het bepalen van de agenda: de Raad geeft politieke richtlijnen en de Commissie genereert beleidsvoorstellen. Beleidskwesties

worden dus door een van beide organen op de EU-agenda gezet (Princen en Rhinard, 2006). De puzzel die ontstaat bij dit proces heeft te maken met twee structurele verschillen tussen de twee instellingen. In de eerste plaats hebben ze verschillende politieke kenmerken. De Europese Raad heeft aanzienlijk meer politieke autoriteit, omdat de hoogste politieke leiders van de EU hierin in besloten kring bijeenkomen om kwesties te bespreken die een consensus op EU-niveau vereisen. In de tweede plaats verschillen de instellingen wat betreft hun informatieverwerkingscapaciteit. In tegenstelling tot de Europese Raad kan de Europese Commissie, die beschikt over een breed apparaat van deskundigen en ambtenaren, een groot aantal kwesties tegelijkertijd behandelen.

Beleidsorganen in individuele landen verschillen vaak wat betreft de onderwerpen die ze op de politieke agenda zetten en hoe ze met deze beleidsproblemen omgaan. Deze verschillen vloeien deels voort uit hun institutionele opzet (Jones en Baumgartner, 2005; Baumgartner et al., 2009). Maar treedt dit verschijnsel ook op in het politieke systeem van de EU? Om het preciezer te formuleren: hoe handelen en reageren de Europese Raad en de Europese Commissie? Bepalen die de agenda elk op hun eigen manier, op basis van de verschillende institutionele structuur van beide instellingen? Of gebeurt dat op dezelfde manier, op basis van hun vergelijkbare rol?

We weten weinig over de impact van de structuur van deze EU-instellingen op de agendering. In bestaande studies is vooral de informatieverwerkingscapaciteit van de Europese Raad onderzocht. Bovendien is er nauwelijks onderzoek gedaan waarin de patronen van de instellingen worden vergeleken. Er is dus een lacune in de EU-beleidsliteratuur; het ontbreekt aan kennis over de verschillen en overeenkomsten tussen de Europese Raad en de Europese Commissie in de wijze waarop de agenda wordt bepaald.

Een ander kenmerk van het EU-kader dat vraagtekens oproept is dat de relatie tussen de Europese Raad en de Europese Commissie bij het vaststellen van de agenda niet geformaliseerd is. Dit is anders dan bij andere EU-instellingen, waar de onderlinge interacties bij de beleidsvorming worden geregeld in het Verdrag. Daarom weten we niet of er überhaupt een interactie tussen beide instellingen kan worden verwacht en, zo ja, hoe die formeel moet verlopen. Het allerbelangrijkste is echter de vraag hoe hun interactie in de praktijk verloopt. Welke invloed heeft de verschillende opzet van de instellingen op hun onderlinge relatie? Wie volgt wie bij het bepalen van de agenda? Of beïnvloeden de instellingen elkaar over en weer?

Onder wetenschappers bestaan verschillende opvattingen over deze onderlinge relatie. Sommigen stellen dat de Europese Raad aanzienlijke controle uitoefent over

de Europese Commissie; anderen betogen dat de Europese Commissie vrij veel invloed heeft, en sommige auteurs zijn van mening dat ze elkaar wederzijds beïnvloeden. Er is weinig empirisch onderzoek gedaan om steun te vinden voor de verschillende opvattingen. Het weinige systematische onderzoek blijft beperkt tot de analyse van de interactie tussen beide instellingen gedurende slechts enkele jaren van deze eeuw. Er is geen onderzoek gedaan naar het functioneren van de Europese Raad en de Europese Commissie over een langere periode, waarmee een onderliggende trend in hun onderlinge relatie kan worden aangetoond.

Theoretisch kader

Om de agenderingsprocessen bij de instellingen in kaart te brengen en te verklaren, wordt in dit onderzoek een nieuw theoretisch kader gehanteerd: *De Agenda Dynamics Approach* (ADA). Hierin worden twee bestaande theorieën van beleidsvorming geïntegreerd die tot nu toe afzonderlijk zijn gebruikt: het *Disproportionate Information-Processing Model* (Jones en Baumgartner, 2005) en het *Agenda-Setting Routes Framework* (Princen en Rhinard, 2006). Deze theorieën vormen de basis voor de ADA en de veronderstellingen die hieruit voortvloeien. Dit theoretisch kader wordt gebruikt om de intra- en inter-agenda-dynamiek empirisch te onderzoeken. Hiermee wordt de dynamiek binnen en tussen de Europese Raad en de Europese Commissie voor het eerst integraal theoretisch en empirisch onderzocht. Op deze manier worden alle schakels in de keten van de agendavorming bij beide instellingen bestudeerd.

De *Agenda Dynamics Approach* gaat uit van twee centrale aannamen. In de eerste plaats wordt aangenomen dat de opzet van beide organen, in termen van politieke kenmerken en informatieverwerkingscapaciteit, van invloed is op de aandacht die in de loop van de tijd aan beleidskwesties wordt besteed. In de tweede plaats wordt aangenomen dat de processen binnen elk van de instellingen van invloed zijn op hun interactie op de lange termijn. In het empirisch onderzoek worden beide aannamen bevestigd. Ten eerste blijkt uit de resultaten dat de institutionele opzet van groot belang is voor de bepaling van de EU-agenda. Deze beïnvloedt de manier waarop de instellingen kwesties op de agenda zetten. Ten tweede wijzen de resultaten erop dat het kennen van de intra-agenda dynamiek helpt bij het analyseren en begrijpen van de inter-agenda dynamiek.

Data en onderzoeksmethode

In dit onderzoek vertegenwoordigen essentiële beleidsdocumenten die in de loop der tijd door de instellingen zijn uitgebracht de beleidsagenda's. Het onderzoek is

gebaseerd op de conclusies van de Europese Raad en de COM-documenten van de Europese Commissie die tussen 1975 en 2013 zijn gepubliceerd. Longitudinaal onderzoek van de beleidsagenda's maakt het mogelijk om het fundamentele gedrag van instellingen in het beleidsproces vast te leggen (Baumgartner en Jones, 1993).

Het onderzoek naar de ontwikkeling van de beleidsagenda's is gericht op het beleidsdomein van de georganiseerde misdaad. Dit beleidsdomein dient om de dynamiek van de instellingen in kaart te brengen. De keuze voor één enkel domein is gemaakt om methodologische en analytische redenen. Bij een diepgaand empirisch onderzoek naar de agenderingsdynamiek is het nuttig om één beleidsdomein centraal te stellen, omdat dergelijk onderzoek gedegen kennis en begrip van belangrijke debatten en ontwikkelingen binnen een beleidsterrein en de context ervan vereist (Princen, 2009). Daarbij biedt onderzoek op het terrein van de georganiseerde misdaad de mogelijkheid om de agenda's van de Europese Raad en de Europese Commissie onder relatief gelijke condities te bestuderen. De twee politieke organen behandelen dit beleidsterrein op dezelfde manier, in tegenstelling tot andere beleidsterreinen die beide instellingen vaak op een verschillende manier behandelen. Zo houdt de Europese Raad zich bijvoorbeeld speciaal bezig met beleidsdomeinen als de macro-economie en richt de Europese Commissie zich op andere gebieden zoals de gemeenschappelijke markt, terwijl geen van beide instellingen de 'eigenaar' is van het domein van de georganiseerde misdaad. Bovendien is de georganiseerde misdaad in het EU-kader noch een zuiver intergouvernementeel, noch een volledig supranationaal beleidsterrein, in tegenstelling tot andere EU-domeinen zoals defensie (intergouvernementeel) en landbouw (supranationaal). Dit is een belangrijke voorwaarde om onderzoeksbias te vermijden, aangezien de Europese Raad een intergouvernementele organisatie is en de Europese Commissie een supranationale organisatie. Dit alles wijst erop dat geen van de instellingen op dit beleidsterrein duidelijk de overhand heeft.

De intra-agenda dynamiek is vooral kwantitatief onderzocht met behulp van inhoudsanalyse en statistische technieken. Ter aanvulling is kwalitatief onderzoek gedaan om betekenis te geven aan de kwantitatieve resultaten. De inter-agenda dynamiek is onderzocht met vector-autoregressie-technieken, een nieuwe methode voor onderzoek naar de relatie tussen politieke instellingen in de Europese Unie. Deze methode komt uit de econometrie. Hiermee wordt een tijdreeksanalyse uitgevoerd om de scenario's voor het bepalen van de EU-agenda te modelleren.

Resultaten en conclusies

Uit de empirische gegevens blijkt dat de Europese Raad en de Europese Commissie weliswaar een vergelijkbare agenderende rol spelen, maar dat er verschillen bestaan

in de intra-agenda dynamiek, omdat de opzet van de instellingen anders is. De wijze waarop kwesties worden geagendeerd is bij de Europese Raad veel grilliger dan bij de Europese Commissie, waarin het geleidelijker gaat. Ten minste zes factoren zijn bij de instellingen van invloed op de agendering: beleidserfenissen, politieke signalen, professionele overwegingen, richtinggevende gebeurtenissen, institutionele mijlpalen van de EU en publieke overwegingen. De agenda van de Europese Raad wordt vooral bepaald door politieke signalen en beleidserfenissen. Bij de Europese Commissie zijn beleidserfenissen de belangrijkste factor. Beleidserfenissen zijn bij beide instellingen dus van invloed op de agendering, maar in verschillende mate, om verschillende redenen en met verschillende doelen. Er zijn enkele overeenkomsten, maar de verschillen zijn groter. Geen van beide agenda's is door de tijd heen stabiel en beide vertonen een onderbroken evenwichtspatroon.

De inter-agenda dynamiek vertoont op de lange termijn een eenrichtingspatroon. Dat betekent dat de Europese Raad meestal de agenda van de Europese Commissie bepaalt, en niet andersom. Dit wil echter niet zeggen dat de Europese Commissie geen invloed heeft op de Europese Raad. Het betekent eerder dat de Europese Raad niet met een vaste regelmaat reageert op de Europese Commissie. De Europese Raad heeft de leiding bij de agendering, maar oefent geen volledige controle uit op de agenda van de Europese Commissie. De Commissie heeft ruimte om te beslissen over een deel van de te behandelen kwesties. Ook andere factoren, zoals beleidserfenissen – of eerder gemaakte beleidsafspraken – vormen voor de Europese Commissie een aanleiding om beleidsproblemen aan te pakken. Vooral als gevolg van dergelijke beleidserfenissen reageert de Europese Commissie vertraagd op nieuwe impulsen vanuit de Europese Raad. De Europese Commissie werkt dus ook onafhankelijk en zonder nieuwe aanwijzingen. Hierdoor kan de Europese Raad de aandacht tijdelijk op andere zaken richten, want de Raad hoeft niet steeds weer signalen naar de Europese Commissie te sturen. Het is een doorlopend proces. Dit wijst erop dat beleidserfenissen van groot belang zijn voor de bepaling van de EU-agenda.

Omdat beide instellingen de agenda bepalen en verschillen in informatieverwerkingscapaciteit en politieke kenmerken, kan de EU een groot aantal problemen aanpakken. Daarbij worden nieuwe beleidskwesties onder de aandacht gebracht, voorstellen gedaan en bestaande kwesties gevolgd.

De intra- en inter-agendadynamiek van de Europese Raad en de Europese Commissie hebben gevolgen voor de beleidsvorming. De opzet van de instellingen vormt een aanvulling op hun institutionele capaciteiten, wat de beleidsvorming stimuleert.

Tegelijkertijd bevordert hun structuur vooral verschillende patronen in en tussen de agenda's, wat beleidsvorming eerder in de weg staat. Dit geeft aan dat beleidsverandering afhankelijk is van de wisselwerking tussen de instellingen.

Ten slotte wijzen de resultaten van dit onderzoek erop dat het EU-systeem niet geheel uniek is. De EU is grotendeels vergelijkbaar met de nationale systemen. Veel gedragingen en theorieën die opgaan voor de bestudering van nationale agenda's gelden ook voor de bestudering van de EU-agenda. Er zijn echter ook enkele bijzonderheden. De Europese Raad en de Europese Commissie zijn enigszins hybride in hun functioneren, omdat ze zowel beleidsinput leveren (*policy input agenda*) als bijdragen aan het proces van beleidsvorming (*policy process agenda*).

Propositions to the doctoral dissertation

1. In order to better understand the inter-agenda dynamics of the European Council and the Commission, we need to look at their intra-agenda dynamics.
2. While the European Council and the Commission have a similar agenda-setting role, their intra-agenda dynamics are different because their institutional designs are different.
3. In the long run their inter-agenda dynamics display a unidirectional pattern. The European Council sets the agenda of the Commission over time, but not the other way around.
4. The European Council is a serial processor and a high politics venue, while the Commission is a parallel-processor type of organization and a low politics venue. The 'twin features' of each institution shall be recognized and integrated in a single approach to study their policy dynamics.
5. Policy inheritance highly matters in agenda setting in the European Union. Due to previous policy commitments, the Commission responds with delay to the new impulses from the European Council.
6. Understanding the intra- and inter-agenda dynamics of the European Council and the Commission is an important basis for understanding policy change in the EU political system.
7. The Disproportionate Information-Processing Model of Jones & Baumgartner (2005) and the Agenda-Setting Routes Framework of Princen & Rhinard (2006) have common assumptions and complementary postulates that together help in better explaining EU agenda setting.

8. More research on organized crime that applies theories of agenda setting and policymaking is needed to promote new perspectives to analyze the way organized crime is addressed in the European Union.
9. Doing a PhD requires to make choices in sequence and simultaneously. Learning to deal with serial and parallel processing is one of the most difficult tasks not only in a PhD, but also in life.
10. Writing a dissertation is more enjoyable and manageable when combining it with music. Especially in times of frustration.

C u r r i c u l u m V i t a e

Leticia Elias is Mexican. She was born in Mexico City on 25 October 1976. She studied International Relations at Instituto Tecnológico y de Estudios Superiores de Monterrey (Monterrey Institute of Technology and Higher Education) in Mexico from 1995 to 1999. Afterwards, she worked at the Mexican Ministry of Foreign Affairs, where she was Analyst and Head of Department of the South Pacific Region. She later returned to her *alma mater* to work as Director of Academic Programme, Bachelor in International Relations, and part-time lecturer. She also taught at Universidad del Valle de Mexico. Then she adventured to continue her studies abroad. In 2007 she obtained a Double Master's degree in European Studies from Twente University in the Netherlands and University of Münster in Germany. During her Master's studies, Leticia was granted a scholarship by Twente University. Her Master thesis shows the evolution of the EU agenda on counter terrorism after 9/11, applying the Multiple Streams Model of Kingdon. Later she was co-founder of the German Chapter of the Mexican Network of Talents Abroad, association of highly skilled Mexicans residing in Germany. She was also Coordinator of Communication and Public Relations of the Chapter. Afterwards, Leticia obtained a research grant from the National Council of Science and Technology of Mexico to conduct her PhD in the Netherlands at Leiden University. From 2012 to 2014 she was also Education Assistant in Public Policy and EU politics at the Montesquieu Institute, Leiden University, in The Hague. There she was involved in coordinating and co-designing courses and teaching work group sessions. Leticia was thesis supervisor between 2016 and 2018 in the Master in Crisis and Security Management at the Faculty of Governance and Global Affairs, Leiden University. She also teaches in this programme since 2017. From 2018 she teaches at Amsterdam University College. Leticia has been guest lecturer at Leiden University, Leiden University College and the Netherlands Institute for Advanced Studies. Her research has been published in the European Review of Organized Crime. She has presented work in progress at international conferences in Belgium, France, Germany, Italy, The Netherlands, Switzerland and the United States. Her research interests include agenda setting, EU policy making, EU institutions, and security issues. In her free time, Leticia likes to listen to music and dance salsa.

