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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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

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[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

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[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 instituiton 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 Wartnjen, 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

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[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

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[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,

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[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*

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[26] See also Nugent (2010).

2.3. Institutional designs

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

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 especifically 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

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[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 requieres so.

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[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.

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[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 shorted 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 posess 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 initatives 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).

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[34] The EU High Representative was included only with the Treaty of Lisbon.
[35] Since 1999 its term in office is alligned 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 advise, 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 adopt it. Only then, the draft can be conceived formally 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 especialized 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

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[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.