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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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# Chapter 3

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## 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).<sup>37</sup> 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.<sup>38</sup>

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

<sup>38</sup> 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. Vliegthart 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

<b>Processing Model</b>	<b>Routes Framework</b>
<i>Focus on the information-processing characteristics of institutions</i>	Focus on the political attributes of institutions
<i>Types of organizations: Macropolitical institutions/Serial processors</i>	<i>Types of organizations: High politics venues</i>
<i>Policy subsystems/Parallel processors</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).<sup>39</sup> No research has analyzed the Commission in this stage in the policy process.<sup>40</sup> 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.

<sup>39</sup> 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.

<sup>40</sup> 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.

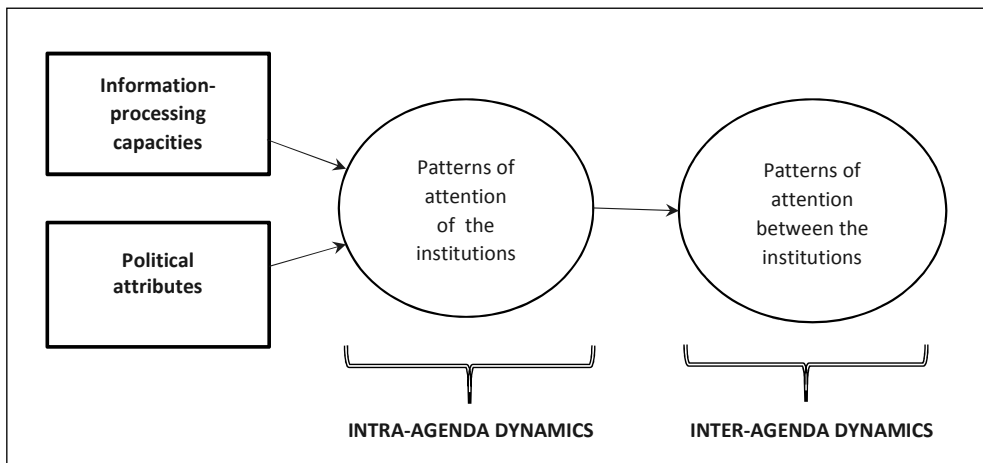


Figure 3.1. Outline of the Agenda Dynamics Approach

### 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.<sup>41</sup> 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

	<b>European Council</b>	<b>Commission</b>
<b>Information-processing capacities</b>	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
<b>Type of organization</b> (based on the Processing Model)	Serial processor / Macro-political institution	Parallel processor / Policy subsystem
<b>Expectations</b>	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

<sup>41</sup> 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
<b>Political attributes</b>	Heads of state or government More political	College of Commissioners + experts and bureaucrats Less political, more technical
<b>Type of organization</b> (based on the Routes Framework)	High politics venue	Low politics venue
<b>Expectations</b>	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.<sup>42</sup> 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

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<sup>42</sup> 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.<sup>43</sup> 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.

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<sup>43</sup> 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***

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.<sup>44</sup> 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

<sup>44</sup> 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 legitimation 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.<sup>45</sup> 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.<sup>46</sup>

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

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<sup>45</sup> 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.

<sup>46</sup> 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 interdependence 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.