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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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Citation

Elias Carrillo, I. L. (2019, September 26). *Agenda dynamics in the European Union : the interaction between the European Council and the European Commission in the policy domain of organized crime*. Retrieved from <https://hdl.handle.net/1887/78558>

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Issue Date: 2019-09-26

Intra-agenda dynamics of the European Council

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

6.1. Expectations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

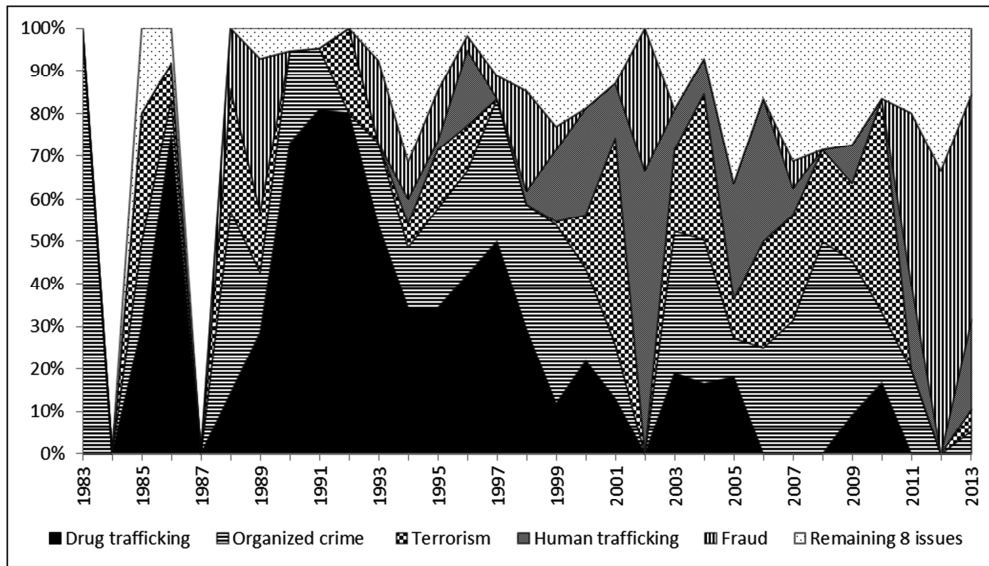


Figure 6.1. Allocation of attention across OC issues on the European Council agenda

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

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

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

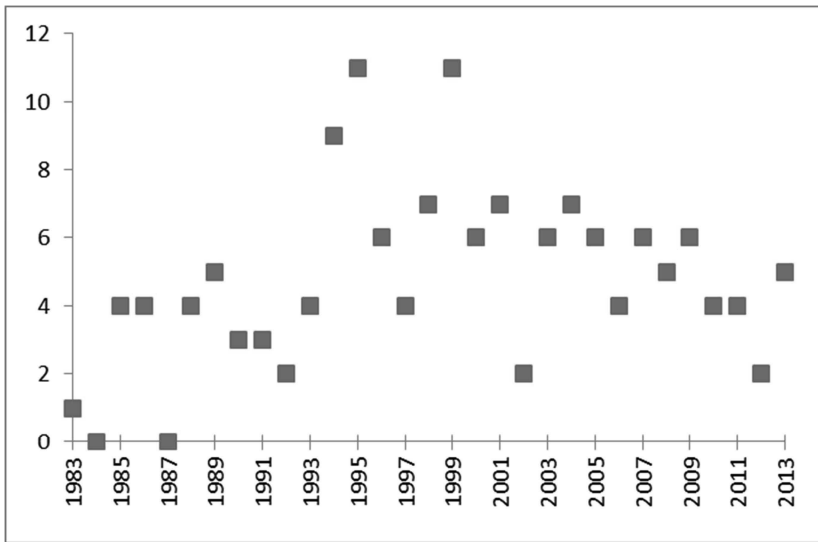


Figure 6.2. Scope of the European Council agenda on organized crime

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

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

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

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

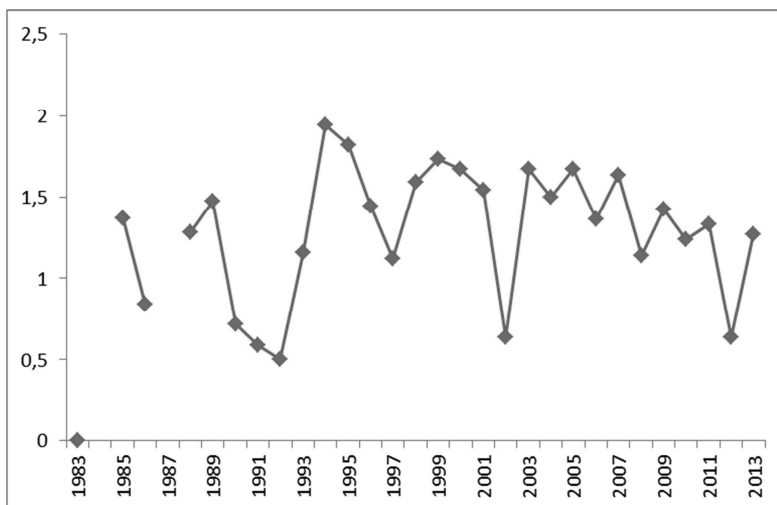


Figure 6.3 Diversity of the European Council agenda on organized crime

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

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

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

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

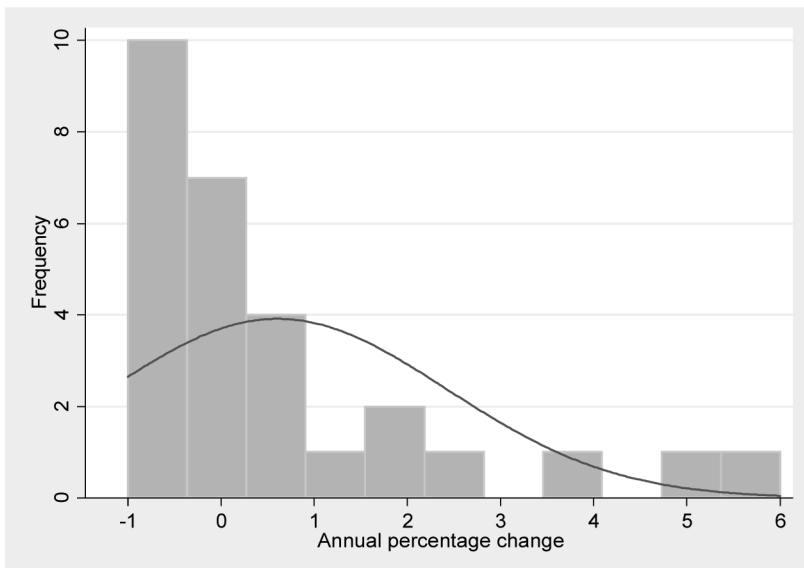


Figure 6.4. Distribution of attention changes on the European Council agenda

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

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

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

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

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

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

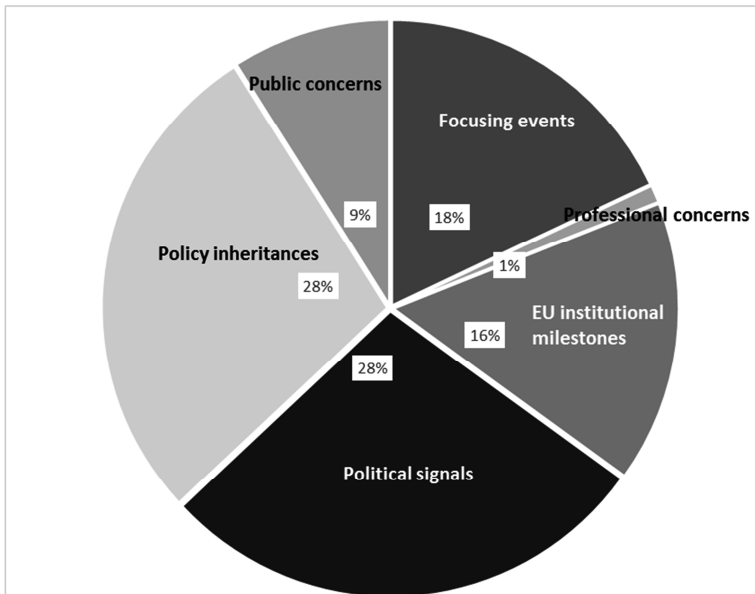


Figure 6.5. Factors generating the European Council's attention (1983–2013)

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

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

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

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

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

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

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

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

No attention [1970s]

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

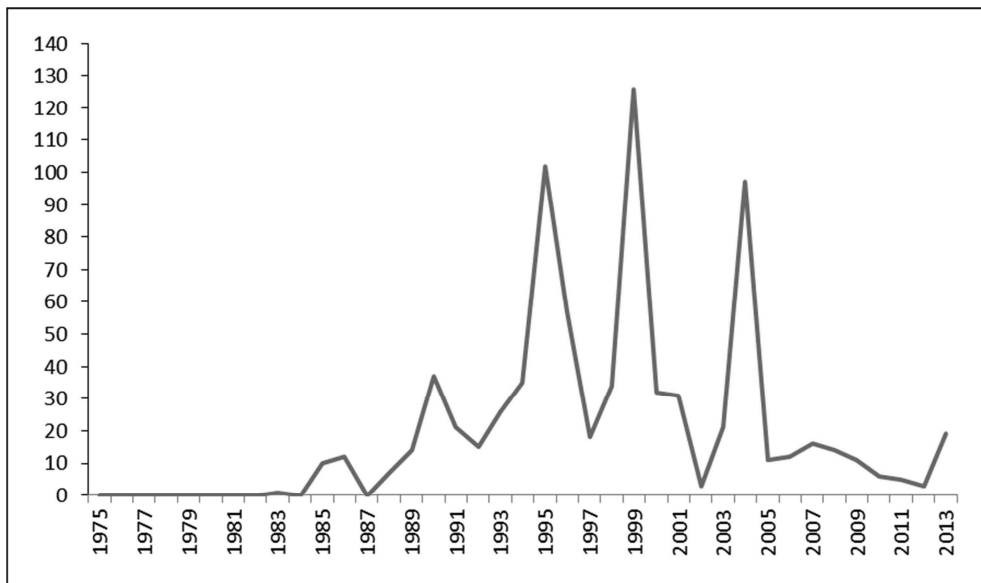


Figure 6.6. Development of the European Council's attention

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

The awakening of political awareness [1983]

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

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

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

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

Intermittent political consideration [1984–1992]

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

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

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

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

Attention take-off [1993]

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

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

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

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

Waves of attention [1994–2013]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.5. Conclusions

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

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

