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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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Intra-agenda dynamics of the Commission

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

7.1. Expectations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

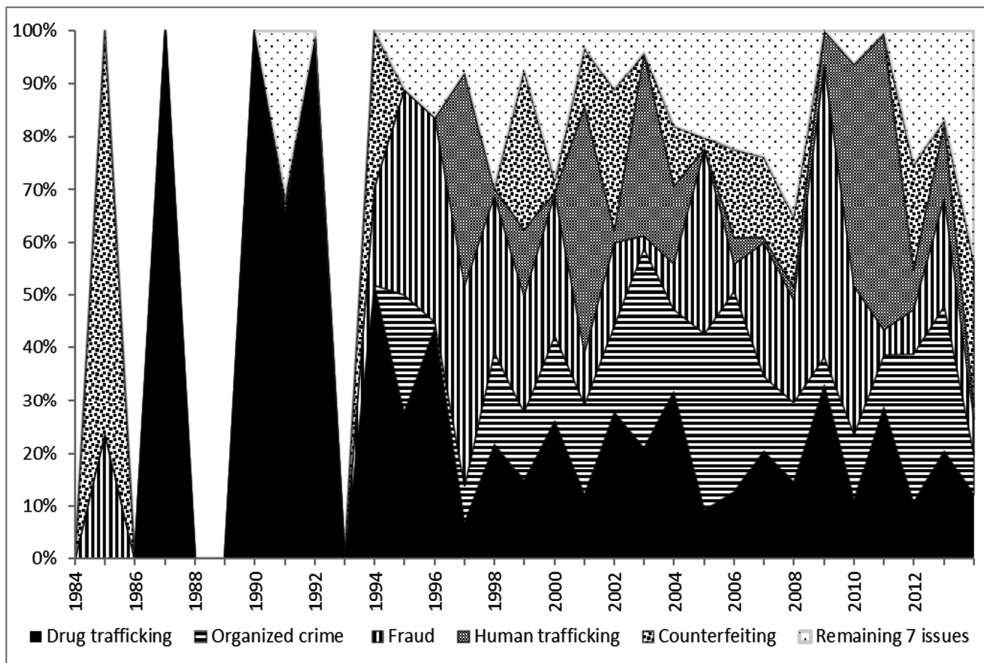


Figure 7.1. Allocation of attention across OC issues on the Commission agenda

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

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

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

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

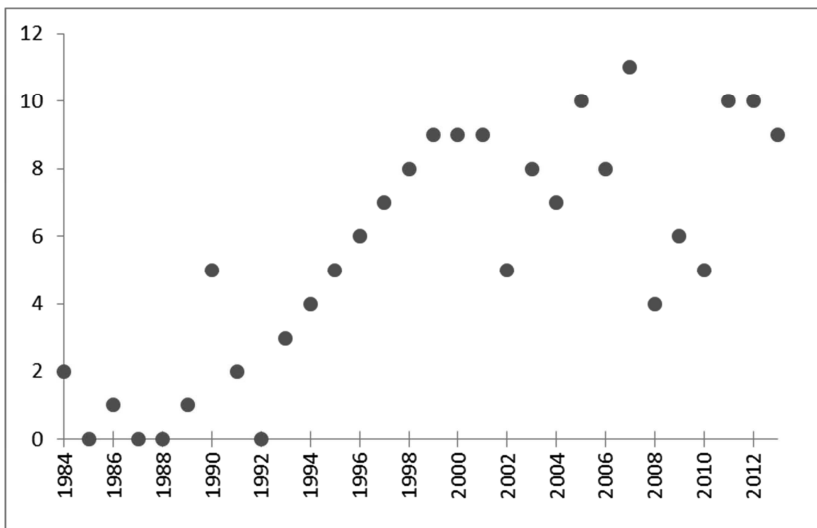


Figure 7.2. Scope of the Commission agenda on organized crime

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

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

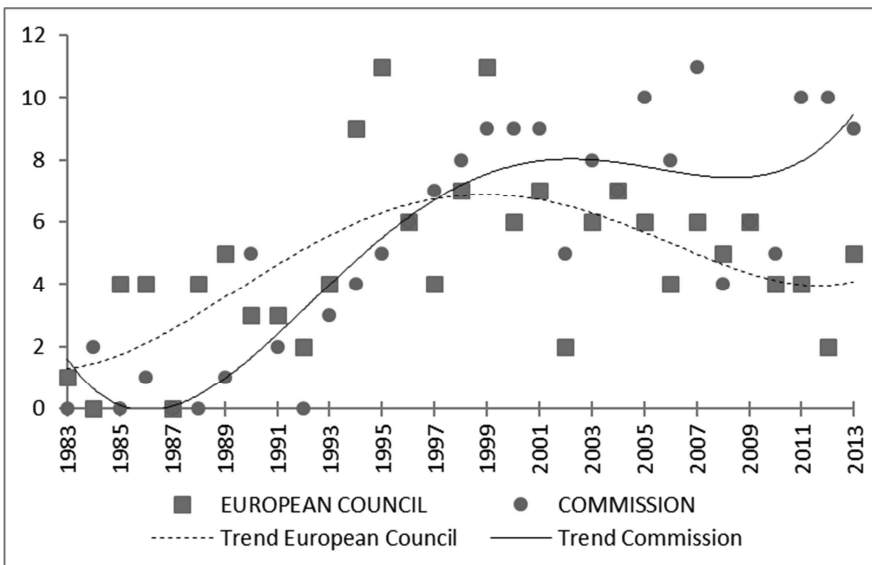


Figure 7.3. Scope of the OC agendas of the institutions

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

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

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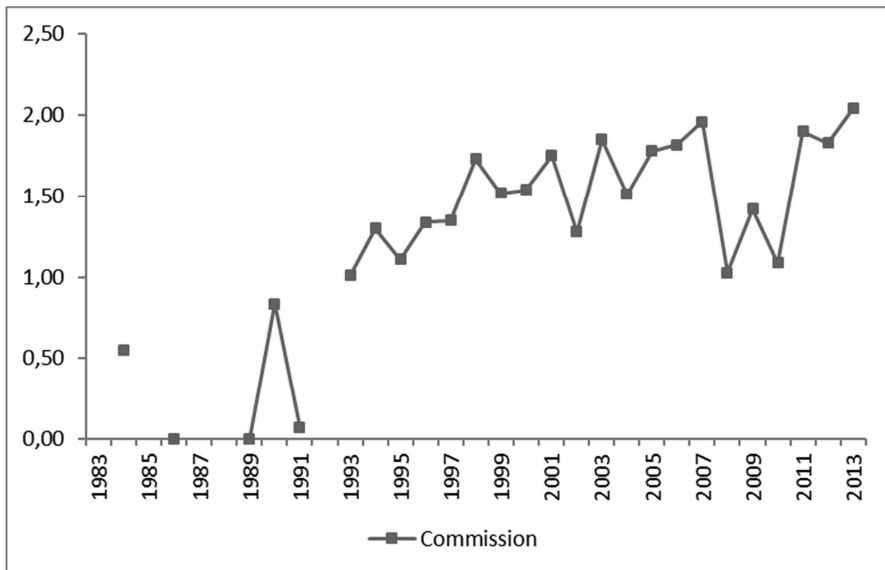


Figure 7.4. Diversity of the Commission agenda on organized crime

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

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

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

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

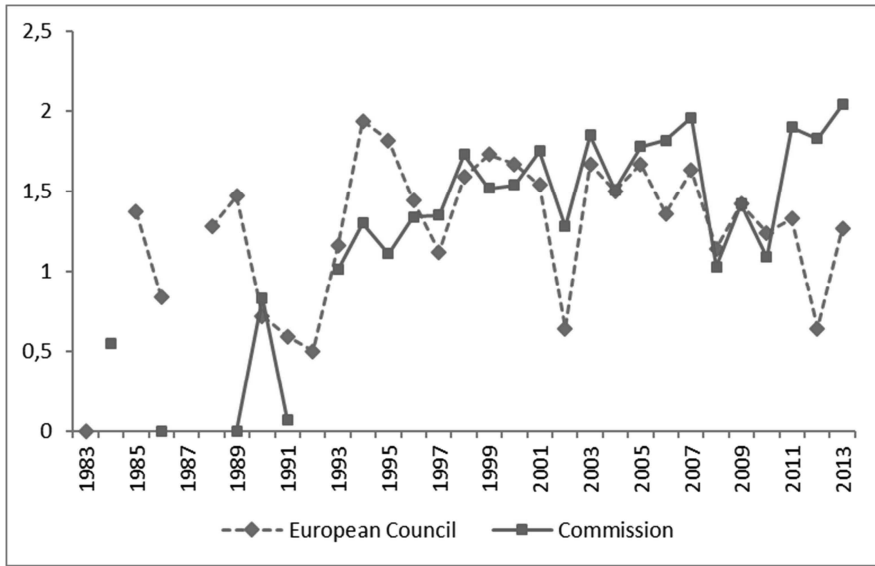


Figure 7.5. Diversity of the OC agendas of the institutions

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

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

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

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

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

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

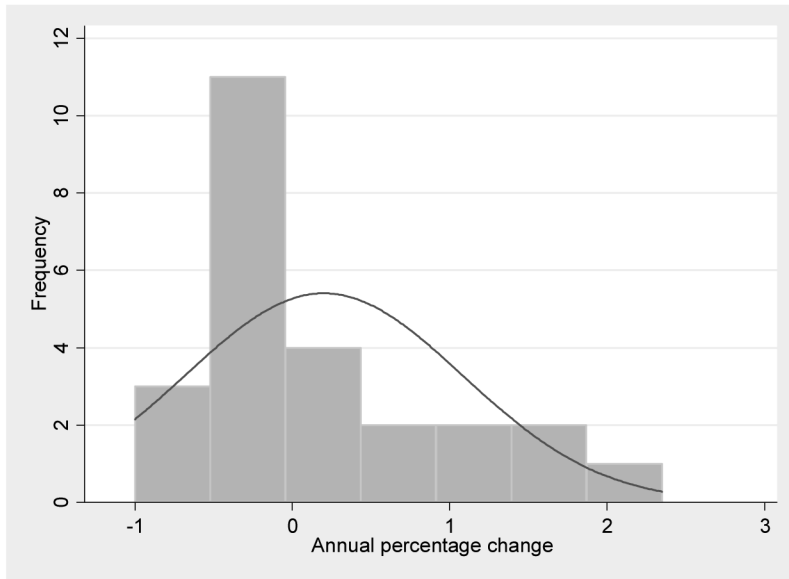


Figure 7.6. Distribution of attention changes on the Commission agenda

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

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

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

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

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

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

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

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

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

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

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

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

7.3. What factors generate the attention of the Commission?

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

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

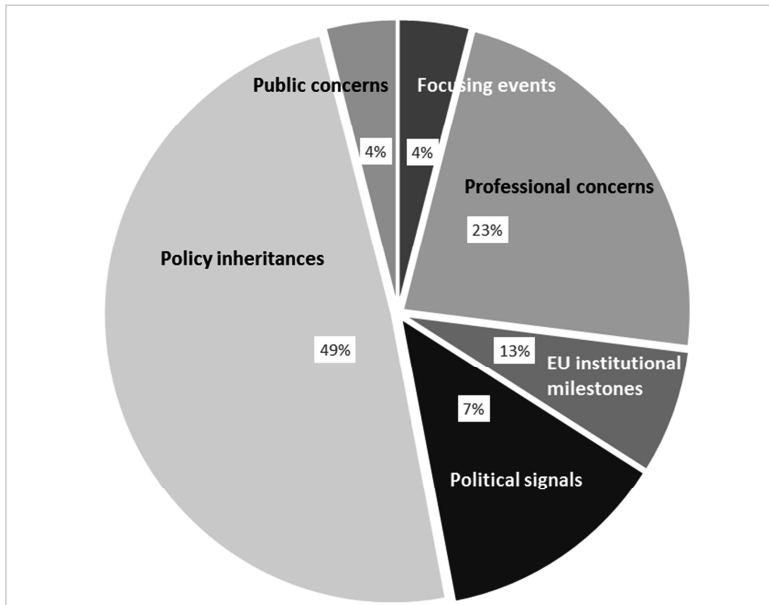


Figure 7.7. Factors generating the Commission's attention (1984–2013)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

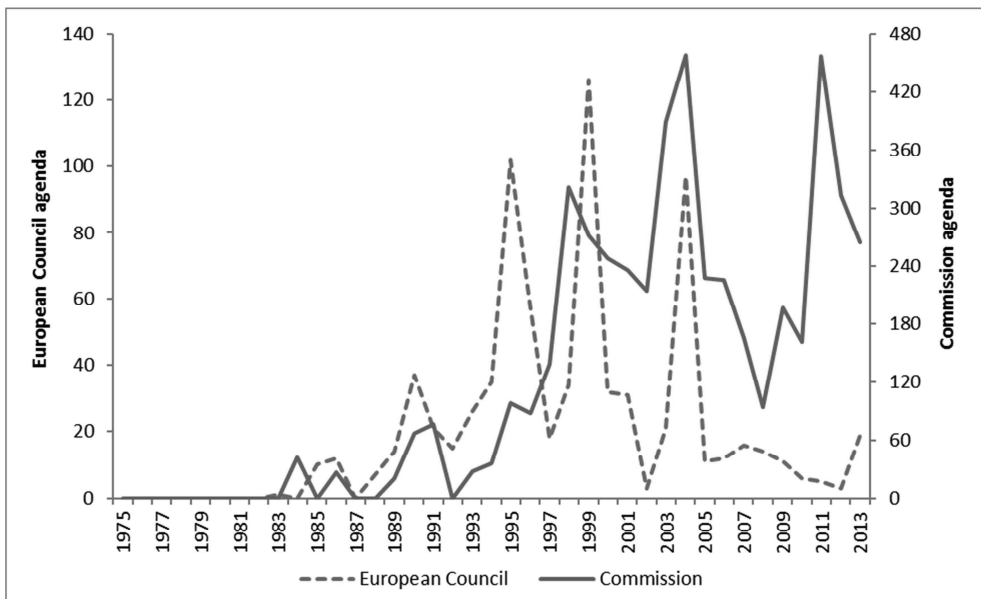


Figure 7.8. Development of the Commission's and European Council's attention

No attention (1970s)

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

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

The awakening of political awareness [1984]

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

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

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

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

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

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

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

Intermittent political consideration (1985–1992)

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

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

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

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

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

Attention take-off [1993]

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

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

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

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

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

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

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

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

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

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

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

Waves of attention [1994–2013]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.5. Conclusions

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

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

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

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

