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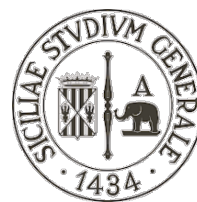
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Dipartimento di Scienze politiche e sociali

**UNIVERSITÉ DE LIÈGE**

Faculté de Droit, de Science Politique et de Criminologie

Double Master's Degree in

Global Politics and Euro-Mediterranean Relations

Sciences politiques, orientation générale, à finalité spécialisée en  
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Exploring Convergence of Political Agendas:  
The European Commission and the European Council

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## **Abstract**

Agenda-setting in the European Union represents a fruitful area of study, as it allows to detect the underlying dynamics governing this peculiar political system. This thesis addresses the dimension of institutional agenda-setting, highlighting the interplay that takes place around the initiation of legislative proposals in the EU. Although the European Commission is granted a formal monopoly of power in this respect, its activity is in fact limited and influenced by the other institutions. Among these, the European Council plays a central role, being responsible for the high political direction of the integration process. The research proposed herein aims at investigating the interaction between the agendas of these two bodies. It does so by leveraging the concept of agenda convergence as tool of enquiry into the influence that the European Council exercises on the European Commission. Its results show that the overall convergence between the two agendas is definitely high, yet decreases if the President of the Commission adopts a strong leadership style vis-à-vis Member States. As regards single policy areas, convergence appears to be higher in sectors that have been under EU competence since a little time, while trends are irregular as for older competences, suggesting the intervention of third factors. This thesis is meant to pave the way for further research on this subject, so as to contribute from an agenda-setting perspective to the debate on the nature of the institutional system of the Union.

## **List of abbreviations**

CAP	Comparative Agendas Project
CFSP	Common foreign and security policy
DG	Directorate-General
EU	European Union
EUCO	European Council
EUPAP	EU Policy Agendas Project
JCCM	Judicial cooperation in criminal matters
OLP	Ordinary legislative procedure
QMV	Qualified majority voting
SEA	Single European Act
TEC	Treaty establishing the European Community
TEEC	Treaty establishing the European Economic Community
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union



## **Introduction**

One of the most cited papers in the history of Political Science (Breton 2015), ‘Two Faces of Power’ by Peter Bachrach and Morton S. Baratz (1962), sheds light on the dual nature of political power: the clear one, that of making decisions, and the hidden one, that of establishing upon which issues decisions will be made. This awareness has been acquired by students of public policy-making, who focus a great part of their research efforts on agenda-setting and its dynamics within political systems.

With regard to the European Union<sup>1</sup> (EU), the studies on agenda-setting have proved to be a fruitful field, for several reasons.

First, although not being a State, the EU is indeed a political system, conforming to all the elements of the definition of the concept (Hix and Høyland 2022). It is a *supranational* political system, founded on an extensive delegation of powers by Member States to newly created institutions in a framework shaped with the goal to represent the various interests at stake, including the one of the Union itself. This political system undergoes a constant development also concerning its competences: challenging the traditional vision of indivisibility of sovereignty, these are limited to what is ‘conferred upon it by the Member States in the Treaties to attain the objectives set out therein’ [principle of conferral: art. 5(2) TEU]. Jurists have largely discussed the notion of competence in the EU law (for an overview, see Schütze 2015); rather, what interests more political scientists is the range of issues which the EU governmental institutions effectively deal with, and the dynamics thereof. From a policy-making perspective, this can be considered a proxy of the extent of European integration (Princen 2009: 5).

Second, the EU, in spite of its apparent distance from citizens, has a policy system with many opportunities of access: for this reason, a high variety of actors takes part, or attempts to take part, in the public policy process, and especially in its early stages. Studying the patterns of behaviour of these actors and of the involved institutions not only

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<sup>1</sup> Formally, the term ‘European Union’ was introduced by the Treaty of Maastricht in 1992. In reference to the previous period, it is more correct to talk about ‘European Communities’, indicating the threefold system introduced by the Treaty of Rome in 1957 and then rationalised by the Merger Treaty of 1965, which included the European Coal and Steel Community (ECSC), the European Atomic Energy Community (Euratom) and the European Economic Community (EEC). Nonetheless, in this thesis the term ‘European Union’ will be employed also to refer to the European Communities, unless otherwise stated.

helps to understand who is more powerful in the EU and under which conditions, but also produces insights which can prove to be useful for comparative agenda analysis in a broader perspective (Breeman and Timmermans 2019).

Third, the distribution of agenda-setting power is to some extent a reflection of the institutional features of a political system (Döring 1995a). Studying agenda-setting is therefore linked to studying interinstitutional dynamics in public policies, but also in politics, of the EU, so to attempt to answer the fundamental question of the nature of the EU political system.

Fourth, responsiveness of the political agenda to public demands is one of the indicators of democracy. In a system like that of the Union, which is progressively structuring as supranational democracy but whose democratic quality is contested (see Jensen 2009), such studies become particularly relevant also in a normative light (Princen 2009: 6-8).

Several strands of research have thus developed in relation to agenda-setting in the EU, addressing its different theoretical meanings and analytical dimensions. In general, there is an overall consensus in attributing the European Commission a focal position in this scope, in line with the quasi-monopoly of legislative initiative that the Treaties assign to it. The classical conception of the Commission as representative of the general interest of the Union, defender of pro-integrationist stances vis-à-vis other institutions which are expression of different constituencies, has recently been discussed, sharpened and downsized by scholars (Becker et al. 2016, Thomson and Dumont 2022), but its quasi-exclusive right to initiate the legislative process definitely cannot be overlooked.

Although the Treaties require a total independence of it from ‘any Government or other institution, body, office or entity’ [art. 17(3) TEU], theoretical and empirical studies show that the Commission is actually influenced by other actors during the exercise of its function of legislative initiative, therefore in its agenda-setting activity; however, the debate about the impact of this influence is far from being over, and empirical research is still needed to explain several murky points. Among these, my interest has been sparked by the unclear relation between the Commission and the ‘other head of the EU executive’, i.e., the European Council (EUCO). Although recently this issue has been the subject of a burst in theoretical debate, it is still comparatively understudied.

Therefore, this thesis addresses the following research question: *to what extent is the agenda-setting activity of the European Commission influenced by the European Council?*

Across its three Chapters, this thesis tries to give to this question an answer, which will be necessarily incomplete and provisional, but will attempt to shed new light on the topic. To better contextualise the research, Chapter 1 introduces the key concepts of agenda studies and scrutinises the state of the art of the role of the European Commission in establishing the EU agenda. Its formal powers in this respect are analysed and related to the general features of the EU political system. Hence, the interplay between the Commission and the other three central political institutions of the Union is examined: the European Parliament, the Council of the European Union, and the European Council. In conducting this analysis, special attention is given to the scholarly debate on the purported decline of the European Commission over time vis-à-vis these other institutions, highlighting the strengths and the weaknesses of this popular argument. Being the focus of the research question, the interaction between the Commission and the European Council is dissected more in depth, drawing on the (comparatively little) extant research on this subject. In conclusion, the unclear aspects of this relation are pointed out, among which that of mutual dynamics assumed by the two institutions in policies governed by the so-called ‘Community method’ after the Treaty of Lisbon.

Chapter 2 gets further into this gap by proposing a research design aimed at addressing the topic. In order to innovate this research strand, which mainly relies on case studies, a large-N design is set up, which nevertheless borrows some analytical elements from qualitative comparative research. The core purpose of this design is to investigate the variation of the convergence between the agendas of the Commission and of the European Council according to two possible explanatory variables: leadership style of the President of the European Commission and age of the EU competences. To this end, the meaning of the concept of agenda convergence is specified, and its heuristic potential and limits are addressed. Operationally, the adopted approach is meant to calculate a numerical index expressing the convergence of agendas between the two institutions and assess the values that it assumes across different Commission Presidencies and policy areas. This index, originally elaborated by Sigelman and Buell (2004), takes into consideration a breakdown in quantitative terms of the contents of the two agendas, which has been made according to the standards of the Comparative Agendas Project, and in particular of its EU chapter, the EU Policy Agendas Project. As for the Commission, the legislative proposals introduced under the ordinary legislative procedure in the second years of term of the Barroso II College and of the Juncker College have been analysed; as for the European Council, its Conclusions in the preceding three years have been considered,

relying on the existing dataset by Alexandrova et al. (2014), which has been integrated with more recent data when necessary. The index has been calculated separately with respect to the two time spans selected, so as to assess the impact of different Presidents of the Commission, and to three specific policy areas, differentiated by the time the respective competences formally belong to the Union: from the most to the least aged, internal market, environment and energy.

In Chapter 3, the results of the research are displayed. The general convergence between the two agendas proves to be high, but, as predicted, its value changes across different Presidencies and policy fields. While the Juncker Commission, with a President considered to be ‘strong’, indeed promotes a legislative agenda which is less convergent to the one of the European Council than the ‘weak’ Barroso Commission, the relation between convergence and age of the competence is not as linear as estimated. In particular, environmental policy presents a value far lower than the other two competences, and notably than the more aged internal market policy. The peculiarities of the agenda composition in that area allow to highlight the role of other factors complicating the picture.

The results of the analysis, insofar as they are provisional and the methodology is subject to improvement, allow to argue that the influence of the European Council on the agenda of the European Commission is elevated *per se*, but the intervention of some variables, notably of a strong President of the Commission vis-à-vis the Member States, is able to modify it even relevantly. This finding adds a new element to the growing scholarship on the agenda-setting stage of EU policy-making and on the heterodox nature of political leadership in the Union.

# **Chapter 1**

## **Institutional agendas and the European Commission**

### **1. The significance of agenda-setting in Political Science**

Studies on agenda-setting represent a highly significant subfield within research on policy-making. Political agendas can be defined as ‘the set[s] of issues that policy-makers give serious attention to’ (Lelieveldt and Princen 2011: 206), and agenda-setting is conventionally considered to be the first stage of the so-called policy cycle (for an overview with a focus on the application of the policy cycle model to the EU, see Buonanno 2018b).

‘Agenda’ is a central concept in Political Science at least for two reasons. First, no political system is technically able to ‘address all possible alternatives to all possible problems that arise at any time’ (Birkland 2005:172): a limitation in the number of issues and a prioritisation of them is therefore unavoidable. Second, political actors may not want to address some topics: as is traditionally stressed, the power of choosing which topics decision-makers will make decisions upon is maybe greater than the power of making decisions itself (Bachrach and Baratz 1962, Schattschneider 1960).

Scientific research on the dynamics behind the formation and the modification of agendas date back to the just cited seminal works of Schattschneider (1960) and Bachrach and Baratz (1962), and developed focusing mainly on the United States context, on the basis of which many classical theories were built up (e.g., Baumgartner and Jones 1993, Cobb and Elder 1971, Kingdon 1984). Comparative studies involving non-American political systems – mainly European – are far more recent, fostered also by the international Comparative Agendas Project (Baumgartner et al. 2006, 2011, 2019, Eissler et al. 2014). Within this strand, the European Union stands as a highly meaningful field of investigation. Given its well-known peculiarities, the EU is the only supranational polity whose policy-making is object of a thorough research tradition, and agenda-setting is no exception. It is now commonly accepted by political scientists to conceive the EU as a political system, albeit not a State, that can be studied through the theories and tools of Comparative Politics (Hix 1994, 1998), and therefore of Comparative Public Policy Analysis as well.

In the case of agenda-setting, a first empirical-based insight was given by Peters (1994), who highlighted the fragmentation of the EU policy system with regard to the channels

through which issues could enter the political agenda. The following research faced a great deal of facets of the matter (for an overview, see Alexandrova and Carammia 2018), constantly drawing upon the concepts of comparative theories of agenda-setting. For this reason, the next paragraph is devoted to some basics that will prove to be useful for the ensuing analysis.

### **1.1. Some preliminary concepts**

Agendas cannot be meant as unitarian entities. Rather, it is appropriate to differentiate several types of agendas, according to different dimensions.

First, one can identify types of agendas according to the actor who pays attention to the issues. In this regard, Princen distinguishes between a ‘political’ or ‘formal’ agenda, a ‘public’ or ‘systemic’ agenda, and a ‘media’ agenda (Princen 2009: 21). The actors who give serious attention to the issues are respectively decision-makers (and notably formal institutions), public opinion (remarkably through opinion polls), and mass media. Whereas in democratic domestic arenas the public and media agendas are very likely to influence the content of the political agenda, this is not the case at EU level.

Indeed, a European public sphere has not formed definitively yet (Eriksen 2005, Risse 2015); EU-wide media are still underdeveloped, and the EU traditionally does not enjoy a high visibility on national media; national public opinions are often poorly aware of EU topics (Princen 2011). Although in the last years a staggering increase of the interest of national public spheres in EU affairs has been recorded (Risse 2015) – the rise of Euroscepticism proves it –, systematic studies on these two types of agendas – on the public more than the media one – are few and their results are still rough (e.g., Alexandrova et al. 2016, Haverland et al. 2018, Koop et al. 2022). This is why most research on EU agenda-setting focuses on classical political agenda, and the present thesis is no exception. Anyway, a growth of studies on public and media agenda is to be expected in the near future, due to the growing politicisation of the EU at national level and the slow but stable spread of transnational online European media (e.g., Euractiv, EuObserver, Politico.eu).

Second, within political agenda, one can discern other ‘sub-agendas’ based on the specific promoting actor. In the EU, every institution has its own agenda, evidently influenced by the interests represented and by the position within the political system. It is also possible that, within every institution, different specialised agendas referred to specific policy areas develop (Princen 2009). All these agendas can be conflicting with each other, and

the conflict will be settled on the basis of the features of the policy system. The distinction between different institutional agendas – specifically those of the European Commission and of the European Council – is one of the fundamental assumptions of this thesis.

Third, another classical criterion to differentiate agendas is the figurative distance from the moment of decision. Birkland distinguishes a broad ‘systemic agenda’, including all the issues considered with different intensities by every actor participating to the policy process; an ‘institutional agenda’, including the issues seriously considered by ‘authoritative decision makers’; a ‘decision agenda’, including the items upon which an authoritative decision is actively going to be made (Birkland 2005: 170-172).

Lastly, another distinction that will turn out useful is between ‘formal’ or ‘procedural’ agenda-setting and ‘informal’ or ‘substantive’ agenda-setting (Pollack 1997: 121). The latter refers to the ability of an actor to play as policy entrepreneur, framing effectively desired items and presenting them to a suitable venue so to make them gain attention and build credibility among decision-makers. The former refers to the formal activity of setting forth the issues on which decision-makers are called upon to decide, mainly through a legally recognised right to legislative initiative. Hence, it is worth to note that literature on formal agenda-setting employs terms in a slightly different way from that on informal agenda-setting: proper ‘agenda-setting’ is defined as the introduction of a specific wording of legislation, whereas the activity of pushing issues in order that they reach the agenda (i.e., informal agenda-setting) is called ‘initiation of legislation’ (Tsebelis and Kreppel 1998: 41). In this sense, their notion of strict ‘agenda-setting’ partly overlaps the concept of ‘policy formulation’, that is the conventional second stage of the policy cycle. In this thesis, I prefer to align with the terminology of informal agenda-setting: the term ‘agenda-setting’, unless the context otherwise suggests, refers to what they call ‘initiation of legislation’, both in its informal and formal senses, whereas the term ‘legislative initiative’ refers to the formal power of issuing and shaping law proposals.

Anyway, informal agenda-setting precedes formal agenda-setting, and involves largely non-institutional actors such as interest groups, political parties and social movements. However, also institutions play a central role in this informal stage, besides the possible formal powers attributed to them: they take advantage of the varying tools at their disposal in order to push the items of their own institutional agenda up into the decision agenda. I will come back to this topic in the next paragraphs.

As it will be shown in par. 5. and in the next Chapter, the aim of this thesis is to investigate the influence of a kind of informal institutional agenda-setting (by the European Council) on the formal agenda-setting activity by the responsible institution in the selected political system (the European Commission).

## **1.2. Political agendas in a comparative perspective**

As just emerged in the previous paragraph, institutions play a pivotal role in agenda-setting, being traditionally referred to as ‘policy venues’. This term was coined by Baumgartner and Jones, who define it as ‘the institutional locations where authoritative decisions are made concerning a given issue’ (Baumgartner and Jones 1993:32). Venues are far from being just engaged in decision-making: they establish which issues enter the political agenda and at which level of priority. In complex political systems there is a high number of venues – corresponding to institutions and their internal structures or configurations –, and, what is crucial, each of them frames differently issues (for an overview on the importance of framing in public policy with a focus on the EU, see Rhinard 2018). In summary, actors interested to add an item into the political agenda will mobilise a venue having a compatible vision of the issue: this activity is called ‘venue shopping’ and is, alongside issue framing, one of the core activities of agenda-setters. For this reason, scholars have analysed the strategies used by actors to place issues in the institutional agenda by focusing on these concepts (e.g., Princen 2011). In other terms, institutions are seen as part of a variously defined ‘political opportunity structure’ which gives incentives and constraints to the behaviour of organised actors, mainly interest groups (Princen and Kerremans 2008).

Nonetheless, the interaction between interests and frames that characterises agenda-setting continues after venues have defined their own agendas. Indeed, institutions collide and/or cooperate with each other in order to set a decision agenda as close to their preferences as possible. The outcome of this interinstitutional interaction is produced by several factors: the structure of the institutional regime, the informal political practices, the peculiarities of the policy, the effectiveness of venue mobilisation by informal agenda-setters. Put simply, an institution which has not the power of legislative initiative can anyway push an issue into the political agenda – with different degrees of success – by influencing the institution that has that power, employing the instruments at its disposal. Conversely, an institution which enjoys the right of legislative initiative – hence, a formal



agenda-setter – not necessarily will transpose every one of its priorities to the decision agenda, since the known opposition by a decision-maker with veto power can dissuade it from doing that, and thus might prefer to build a coalition of other actors, both institutional and non-institutional, able to overturn or at least soften the veto-player's disagreement. Therefore, institutional agenda-setting is a field where formal and informal dimensions intertwine and should be disentangled so to conduct an orderly analysis.

Comparative research conducted by students of formal agenda-setting has highlighted the variation among political systems regarding the institutional agenda-setting power, defined as 'the ability to make proposals that are difficult to amend' (Tsebelis and Garrett 1996: 346). Indeed, governments, parliaments or other institutional actors can benefit from exclusive or shared rights of carrying out law proposals, but also of setting the work schedules of the decision-making bodies, imposing diverse limits to the discussion of the orders of the day so as to prevent opposition's obstructionism, withdrawing proposals so as to avoid that approved amendments water it down, et cetera. When agenda setting power by an institution is so high that becomes a power of 'mak[ing] proposals that are easier to be accepted than modified', it can be defined 'conditional agenda-setting' (Tsebelis and Kreppel 1998: 41).

A conclusion drawn by Tsebelis (2009), who reviews the relevant literature on the topic (Döring 1995b, Lijphart 1999), is that presidential democracies are mainly characterised by a dominance of the legislative (i.e., the parliament) over agenda-setting, whereas parliamentary democracies by a dominance of the executive (i.e., the president or the government).

## **2. Agenda-setting in the European Union: an institutional overview**

In a comparative perspective, the European Union is somehow a special case. Although the EU has been defined as a separated powers system (Fabbrini 2007, Kreppel 2009), therefore closer to a presidential system, the institutional framework of its agenda-setting stands out as a clear outlier. Indeed, in the EU the agenda is largely controlled by the European Commission, an executive institution which enjoys a substantial monopoly of the right to legislative initiative. As it will be depicted in par. 3., a great deal of studies has addressed the question whether this quasi-monopoly of legislative initiative signifies a high agenda-setting power, trying to quantify it, but the formal Treaty provisions leave no room for doubt: as article 17(2) of TEU states,

‘Union legislative acts may only be adopted on the basis of a Commission proposal, except where the Treaties provide otherwise’.

The centrality of the Commission in making law proposals, therefore in formal agenda-setting, is uncontested. Nonetheless, it has undergone an evolution over time that limited its room for manoeuvre in this function: on the one hand, other institutional actors have slowly gained a direct or indirect right of initiating legislation beside the Commission – this is why we talk about ‘quasi-monopoly’; on the other hand, the changing landscape in the EU decision-making, and especially the increasing powers of the European Parliament, have augmented the veto-points in the policy process, leading the Commission to take into consideration the preferences of veto-players in its activity of both agenda-setting and policy formulation (Tsebelis and Garrett 1996, 2000, Tsebelis and Kreppel 1998). Another limit should not be overlooked: the formal architecture envisaging the enactment of ‘legislative acts’ works just in the areas covered by the so-called ‘supranational method’. Areas covered by the so-called ‘intergovernmental method’, which are fewer but, according to some scholars (see pars. 3.2. and 4.3.), increasingly important, do not entail the enactment of binding acts, but rather of other kinds of documents of diverse nature, with no legislative character. In these cases, the Commission has always had a far more marginal role (on the two methods, see Fabbrini 2019: 15-37).

Article 17(2) quoted above was introduced by the Treaty of Lisbon but enshrines a feature that has distinguished the EU since its very origins. Let us briefly retrace the legal development of institutional agenda-setting across the Union Treaties.

At first, the High Authority of the European Coal and Steel Community was granted the monopoly over the power of issuing legally binding acts in the Community vis-à-vis the Council and the Assembly, which had, each differently, mainly a control function. The Treaty of Rome establishing the European Economic Community enshrined the task of the Commission as principal legislation initiator by adding to many of its articles the clause ‘acting on a proposal from the Commission’. The few exceptions to a Commission’s monopoly consisted of the possibility granted to every Member State to propose legislation regarding custom duties (art. 28 TEEC), air and sea transports (art. 84 TEEC) and statistics (art. 213 TEEC). The only existent legislative procedure was the consultation one, whereby the Council had to approve the Commission proposal via

qualified majority voting after consulting the Assembly and could amend it only unanimously (arts. 148 and 149 TEEC). Having just six Member States, the number of veto-players could be considered fairly low and the Commission in such a context enjoyed a high agenda-setting power (Tsebelis and Garrett 2000).

The Treaty of Rome bestowed on the Commission also a relevant function of agenda expansion, as a proof of its mission of ‘engine of integration’. The so-called ‘clause of flexibility’ (art. 235 TCEE, today art. 352 TFEU) granted the Commission the power of proposing actions, to be approved by the Council unanimously, beyond the Community competences envisaged by the Treaties, should this ‘prove necessary to attain, in the course of the operation of the common market, one of the objectives of the Community, and th[e] Treaty has not provided the necessary powers’. The wording of the clause, moreover, reminds of the importance of framing issues in the context of common market, to which the beginning of the integration process was intrinsically tied.

The following reforms grazed this power by allocating an increasingly higher share of involvement to other institutions. The Single European Act (SEA) introduced cooperation procedure, which conferred upon the European Parliament the power of vetoing a legislative proposal, thus leading the Commission to take into consideration also its will during the preliminary phase. More conspicuously, the Treaty of Maastricht made the Council and the Parliament able to demand the Commission to submit a legislative proposal (so-called indirect initiative: arts. 192 and 208 TEC, today arts. 225 and 241 TFEU). Furthermore, it fostered the importance of the Parliament, notably by establishing a codecision procedure, which granted the assembly the power to amend Commission proposals and a substantially equal role to the Council as a legislator (article 189 B TEC, today art. 294 TFEU). In addition, it attributed to the European Council, already formally instituted by the SEA, the task of ‘provid[ing] the Union with the necessary impetus for its development’ and ‘defin[ing] the general political guidelines thereof’ (article D TEU, today art. 15 TEU). More than others, these adjustments in the institutional structure of the Union have had an effect on the activity of the Commission, which is pushed to put forward proposals that will reasonably meet the favour of the other institutions involved in policy-making. Alongside this, Member States were made the exclusive agenda-setter in the newly introduced non-legislative fields covered by the second and the third pillars (Common foreign and security policy, Police and judicial cooperation in criminal matters).

The Treaties of Amsterdam and Nice further strengthened the role of the Parliament by widening the scope of application of the codecision procedure and slightly reforming it. Finally, the Treaty of Lisbon established that the latter would have become the main legislative procedure – contextually renaming it Ordinary Legislative Procedure (OLP); introduced citizens’ initiative, promoted by one million citizens coming from at least seven Member States [arts. 11(4) TEU, art. 24 TEU]; maintained special regimes for CFSP (art. 42 TEU: it is still non-legislative, but the initiative for decision can come from either the High Representative or a Member State) and for JCCM and police cooperation (art. 76 TFEU: both for legislative and non-legislative acts the initiative can come from the Commission or from a quarter of the Member States).

In addition, the aforementioned provisions on indirect initiative by the Council and the Parliament now specify that the Commission is not obliged to put forward a proposal, but, in such a case, it must inform the requiring institutions of the reasons why it has decided not to do so. On the other hand, the flexibility clause was modified, extending its scope of application to all the objectives set out in the Treaties apart from CFSP (art. 352 TFEU). Alongside unanimity in the Council, Parliament’s consent is now mandatory to approve a Commission proposal based on art. 352; nevertheless, the inclusion across Treaties’ chapters of a high number of legal bases establishing special procedures for controversial issues ended up reducing the appeal to this, in the past revolutionary, institutional tool (Konstadinides 2012). Lastly, the provision on the European Council was extended, saying that ‘[t]he European Council [...] shall define the general political directions and priorities thereof. It shall not exercise legislative functions’ (art. 15 TEU). This specification on ‘priorities’ highlights its centrality specifically in agenda-setting.

Despite being closer to decision-making than to agenda-setting, it is worthwhile to spend a few words on the formal provisions concerning two complementary powers which, alongside the one to propose legislation, compose the right to legislative initiative of the Commission: amending its own proposals and withdrawing them during decision-making. The former has been granted by Treaties since Maastricht (art. 189 A TEC, today art. 293 TFEU), but only rarely has turned out substantially relevant, as the Commission almost always conforms to Parliament and Council’s positions. The same article confers upon the Council the power of overcoming Commission’s opposition to proposed amendments by an unanimity vote, but this event has hardly occurred either (Ponzano et al. 2012). The latter has emerged from practice and recognised as legitimate by the Court of Justice (case C409/13) in case a planned amendment distorts excessively the rationale

of a proposal. But, again, this institutional mechanism has hardly ever been used for political reasons, rather for technical purposes, at least until the Barroso II Commission (Ponzano et al. 2012, Boranbay-Akan et al. 2017). The Juncker Commission, innovatively, started again resorting to withdrawal, or to the threat of it, in a more political way (Reh et al. 2020).

To sum up, at present the legislative initiative power of the Commission has to be looked at in the light of the increased power of the other institutions over agenda-setting, both at a formal and an informal point of view. Over the course of time, it can be argued, the *right to legislative initiative* of the Commission has not been questioned – if not in the intergovernmental method, where it has never existed, though –, but its *power of legislative initiative*, thus its role in agenda-setting, has been challenged by the rise of new channels of direct and indirect initiative. Moreover, the increasingly more important role in policy-making of other institutions, and particularly of the European Parliament and the European Council, has put constraints on the work of the Commission.

## **2.1. The reasons of the centrality of the European Commission**

The reason why the Member States decided to attribute to a supranational independent institution like the Commission such power has been linked to the will not to tie the pathway of European integration to the contingent visions of national governments (Majone 2008). As Jean Monnet said,

‘Putting governments together and making national administrations cooperate starts with a good intention but fails as soon as there are differences in interests if there is no independent political body capable of taking the common view and coming to a common decision’ (Monnet 1976 in Ponzano et al. 2012: 6).

This principle is one of the foundations of the neo-functional theory of European integration, that looks at the European Commission as the technical and political supranational engine through which the Union assumes more and more competences and powers. In Haas’s definition,

‘Political integration is the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new centre,

whose institutions possess or demand jurisdiction over the pre-existing national states' (Haas 1958: 16).

In the EU, the Commission represents the nucleus of this centre, especially at the beginning of the integration process. The mandate given by Member States to the Commission has been studied by scholars besides neo-functionalism, drawing conclusions useful also to other schools of thought, like intergovernmentalism and institutionalism. In particular, some students of the principal-agent theory (on this theoretical model, see Karagiannis and Guidi 2018) analysed several policy areas and the political dynamics via which governments originally decided to assign to the Commission the agenda-setting power, and empirically confirmed that what stated by Monnet was effectively shared by governments (Franchino 1998, Pollack 2003). Nonetheless, the political will of delegating such functions to a supranational body was counterbalanced by the intention to establish a complex system of institutional checks and balances via which the Member States could monitor and limit the Commission's excessive power (Pollack 2003), by the way confirming a seminal intuition by Haas (1958). Both the delegation and the control mechanisms were and still are formalised as binding Treaty provisions, so as to make the undertaking by the Member States more credible (Majone 2001, Pollack 2003).

The whole institutional system designed by the Treaty of Rome should be read in this way. The following Treaty reforms introduced more elements driven by the logics of restraining the Commission and keeping under control its political impetus, both at supranational – mainly, the rise of the Parliament, not only in decision-making but also in Commission's appointment – and intergovernmental level – e.g., the formalisation of the European Council and the introduction of the comitology system (Pollack 2003). This process arguably led to a 'marginalisation' or 'decline' of the Commission widely and variously discussed by scholars. I will come back to this below (par. 3.2.).

### **3. The European Commission and agenda-setting: a picture troubled by other institutions**

The decline of the European Commission, or perhaps its 'relativisation', has turned out a mainstream theme of research in European studies. It interests many dimensions and its nature itself is contested. Although not exclusively, agenda-setting by the Commission is

at the centre of this analysis since it has been more affected by reforms and changes than other functions like law-making and executive tasks (Nugent and Rhinard 2016). Broadly speaking, literature highlighted the dual identity of European Commission's agenda-setting: at the same time 'technical' and 'political'. Kreppel and Oztas define technical agenda-setters as 'actor[s] whose participation is procedurally required for policy change to take place', whereas political agenda-setters are 'actor[s] capable of utilizing agenda setting power to strategically determine the content of policy change, in particular to ensure that the outcome of policy change reflects the agenda setter's policy preference' (Kreppel and Oztas 2017: 1121). This distinction follows the one between formal and informal institutional agenda-setting: formal agenda-setters have a privileged position within the policy process but informal dynamics, albeit facilitated by institutional structures, can hamper their political influence.

In domestic systems, governments generally act as political agenda-setters, being able to initiate proposals as well as to determine the outcome of the policy process – with variations between parliamentarisms, where this phenomenon is more accentuated, and presidentialisms, where it depends according to other variables (Cheibub et al. 2004, Diermeier and Vlaicu 2011). Bureaucracies can be considered, on the other hand, mainly technical agenda-setter, able to initiate proposals and shape relevantly the agenda but not necessarily to take active steps to make their proposals be approved over the course of the policy process (Baekgaard et al. 2018, Kroeger 2022).

It is worthwhile to specify that this kind of research starts from agenda-setting but ends up by studying the policy process as a whole, or at least until decision-making. Indeed, one of its central concepts is 'legislative success', which cannot be investigated unless considering also influence or strategic behaviour in formulation and decision-making: nevertheless, its results produce highly important understanding regarding 'solely agenda-setting' dynamics, which are the interest of this thesis. This is why in the following paragraphs reference will be made also to scholarly literature on the subsequent stages of the policy-cycle considered theoretically relevant to the study of agenda-setting. Before moving forward, it should be specified that the overarching focus of this thesis is the critical passage from political agenda to decision agenda. The European Commission has proved to be a successful informal policy entrepreneur as regards moving new issues from the systemic to the political agenda, thus giving the very birth to new policies (Princen 2009: 80-98). To this end, the Commission has shown its skills in taking advantage of the instruments at its disposal in flexible and innovative ways, such as the

exploitation of ambiguous wordings in official documents (Edler and James 2015), the employment of economic frames (Littoz-Monnet 2012, Rhinard 2018), the shrewd use of policy windows (Stephenson 2012), and the alliance with international organisations (Kurzer and Cooper 2011). Notwithstanding the importance of this research strand, this thesis will rather address a more formal-oriented approach analysing the translation of issues to bills eventually processed by decision-makers.

### **3.1. An overview of the present scenario: between technical and political functions**

As shown in par. 2., the core of agenda-setting functions of the Commission has hardly changed throughout Treaty reforms. It maintains a substantial monopoly of legislative initiative in almost every area, except for judiciary cooperation, where it is shared with Member States, and CFSP: it can be defined as the gatekeeper of the European Union agenda (Deters and Falkner 2021: 299).

The legal cadre is not substantially changed, yet institutional processes surrounding the Commission ended up limiting its agenda-setting – and also policy formulation – powers. Let us have a look at the overall present scenario, before addressing in depth the main factors considered to have an influence on the Commission's agenda-setting powers.

Research confirms the image, already emerging from Treaty provisions, of a Commission that is technically essential. Not only, from an agenda-setting perspective, cannot an issue formally be decided upon without the Commission raises it, but also, from an equally important policy formulation perspective, its expertise is necessary to shape the content of bills even in their final form. Indeed, the textual matching between Commission proposals and the finally adopted acts is high and even progressively increasing (Laloux and Delreux 2021, Rauh 2018), also in a comparative perspective (Barrett 2005, Gava et al. 2021, Kerrouche 2006). This does not mean that the amendment-making process managed by the two co-legislators is ineffective, rather the opposite (Kreppel 1999, Cross and Hermansson 2017), but shows how crucial the policy-shaping activity by the Commission is.

This outcome is possible since the Commission can count on resources like knowledge and expertise – belonging to its personnel, advisors and consulted interest groups – to a greater extent than other institutions, allowing it to shape successful legislation (Nugent and Rhinard 2015: 296-301, 314-315). Nonetheless, as Bailer shows, this upper hand is



not sufficient *per se* to give the Commission a relevantly high political control of the policy outcome. Rather, decision-making actors, and remarkably the Member States within the Council, play a crucial role over the whole policy process, also influencing the formulation of proposals by the Commission itself (Bailer 2014). To a certain extent, also the European Parliament is able to do it thanks to the everyday interaction it has with the Commission (Egeberg et al. 2014). This phenomenon is accentuated in case of interinstitutional conflict: the higher is the distance between the Commission and the co-legislators about a proposal, the less the approved act will present text originating from the original Commission proposal (Laloux and Delreux 2021).

The scholarly interest has therefore moved to the political ability of the Commission to influence the approval of its proposals by the decision-making institutions, or better to the conditions under which the Commission is able or unable to do so.

Although the share of proposals turned into legislative acts is high, approximately 80 per cent over the 1985-2015 period (Rauh 2018), the raw rate of the Commission's political priorities, made explicit in its annual work programmes, that succeed in becoming approved laws is in average equal to 67.6 per cent, representing just 40.4 per cent of the total legislative output (2000-2013 period), significantly lower than the analogous value for national executives (Kreppel and Oztas 2017; see also Osnabrügge 2015). Moreover, the probability that a political priority of the Commission is turned into law appears to have decreased by about 9 per cent per year (Oztas and Kreppel 2022).

A last aggregate figure that is worth to be pointed out refers to the absolute number of legislative proposals. Indeed, despite the considerable expansion of EU competences, the annual quantity of proposals has distinctly decreased (from 538 in 1988 to 255 in 2015; see Nugent and Rhinard 2015: 284), evoking the image of a Commission unable to keep up with such a high number of communitarised policy areas (Rauh 2018), or alternatively strategically limiting itself in view of reorganising its own activities (Ząbkowicz 2018).

Before moving on, it is appropriate to specify that the legislative success of the European Commission varies across policy areas. In particular, it has been shown that Directorates-General (DGs) with more experience, i.e., dealing with policy areas which have been under EU competence for the longest time, are more able to draft bills that succeed in the legislative process than younger DGs, whose success rates are lower (Rauh 2018, 2021; see par. 2.2. of Chapter 2).

Besides this, these data apparently convey a scenario of a Commission in crisis, and they have been related with possible explanatory variables. Literature focalises mainly on the

one hand on time factor, on the other hand on the role of other institutions (Parliament, Council and European Council). Let us analyse the impact of each of these elements on the Commission agenda-setting.

### **3.2. Patterns of agenda-setting throughout time: the debate on Commission's decline**

It has been already said: the European Commission is thought to be in decline. Actually, the just cited data give this impression. Another figure can be added: legislative proposals whose content reflects Commission's political priorities but not those of any other political institution (European Parliament, Council, European Council) are in average 31 per cent less likely to be passed than those sharing at least one item of another institution's agenda, and this value further stresses when proposals concern an innovative policy area (2000-2014 period; Oztas and Kreppel 2022).

Although its technical activity of drafting bills proves to be crucial and highly successful, the Commission's ability of effectively moving forward its political preferences is comparatively low. Scholars look at this phenomenon as the peak of a historical trend that has progressively deprived the Commission of its political influence: a technical yet less and less political agenda-setter (Kreppel and Oztas 2017). Nonetheless, this decline is deemed not to have interested only agenda-setting, but rather the role of the Commission in general within the EU political system.

Following Nugent and Rhinard (2013), four groups of explanatory variables at the base of this decline can be identified.

The first one consists in *institutional factors*, i.e., the growing relevance of other European institutions in the EU agenda-setting. The Commission shows to limit its own choice to proposals that are already likely to be accepted by the co-legislators, at least in innovative areas (Ponzano et al. 2012), and the legislative success of bills containing one of its political priorities is strongly influenced by the agreement of the other institutions (Oztas and Kreppel 2022). Furthermore, the upsurge of the practice of direct negotiations between the Parliament and the Council, including trialogues, had the effect of partly 'cutting the Commission out' and reducing its political agenda-setting resources. The 2016 interinstitutional agreement on Better Law-Making attempted to regulate these practices (European Parliament et al. 2016), but the question of the relativisation of the role of the Commission in this stage still remains (Martínez Iglesias 2020). All in all, the

Commission progressively ended up acting as a ‘honest broker’ mediating between the co-legislators and hardly able to emphasise its own position (Ponzano et al. 2012: 37; see also Brandsma 2015, Rasmussen and Reh 2013). It is not by chance that uncertainty on the Parliament and Council’s position, for instance due to an election in a Member State or to a running change in the applied legislative procedure (e.g., following the into force of a Treaty reform), entails an increase in policy failure rate, which induced to call the Commission an ‘imperfect agenda-setter’ (Boranbay-Akan et al. 2017).

Interestingly, early analyses (e.g., Tsebelis and Garrett 2000) predicted that in codecision procedure even the formal agenda-setting power would have belonged to the Conciliation Committee or, in case the approval occurs at a previous stage (as actually happens most of time), to both the Council and the Parliament, marginalising the Commission. Results shown above render *prima facie* an image that is not that distant from this forecast, although adopting a more flexible conception of ‘agenda-setting power’.

Another relevant institutional factor is the introduction of a stable post as President of the European Council, with a resulting reinforcement of this intergovernmental institution. I will come back extensively below to these topics, analysing in a specific way the influence of each single institution and in particular of the European Council.

In second place, *procedural factors* are pointed out, i.e., the increase of occasions in which the community method is not used. In particular, strategic policy areas that probably represent the challenge of the future of European integration after the completion of common market – e.g., foreign policy, external and internal security, macroeconomics and taxation, social policy – are subjected to the intergovernmental method (Bickerton et al. 2015b, Labayle 2013, Martinsen 2020, Nugent and Rhinard 2013), even more so in crisis periods (Biermann et al. 2019, Schimmelfennig 2015a, Smeets and Zaun 2021). Light on this ‘intergovernmental turn’ has been shed by a recently born theoretical strand, the one of ‘New Intergovernmentalism’. These scholars place at the basis of their analysis the new direction taken by European integration since the Treaty of Maastricht: a pursuit of integration but a quiet abandonment of supranationalism, preferring to it the delegation to intergovernmental institutions – first and foremost, the European Council – and to newly instituted organs, like the European Central Bank, the European Stability Mechanism, and regulatory agencies (Bickerton et al. 2015a, 2015b, 2015c). In other words, what takes place is an ‘integration without supranationalisation’ (Fabbrini and Puetter 2016). This approach has been criticised by scholars of the well-established strand of Liberal Intergovernmentalism, who rather mean

intergovernmental bargaining as a feature of the whole integration process starting from the Treaty of Rome (Schimmelfennig 2015b). However that may be, both schools agree upon the fact that supranationalism is in crisis and that the Commission in such relevant policy areas plays a far limited political role and has little opportunity to demonstrate its possible policy activism, unlike it historically did as for the building of single market.

The third set of variables consists in *policy factors*, i.e., the feature of the ‘new’ policy areas under EU competence as politically sensitive for Member States. In other words, they belong to ‘high politics’. Foreign affairs, security, macroeconomics, but also migration, are sectors in which national governments, with different intensities, want to retain their power and the Commission is hard-pressed to emerge as policy entrepreneur (Nugent and Rhinard 2013; see also Jennings et al. 2011).

In fourth place, *leadership factors*, i.e., the lack of idiosyncratic impressiveness of the Presidents of the European Commission following Jacques Delors. Indeed, the latter is considered to be the ‘benchmark for a successful Presidency’ (Monar 2013: 280). It is not just a matter of personality, but also of relational resources and experience of the President, as well as of the context of action: Delors is considered to have succeeded in taking advantage of his political capital (Ross and Jenson 2017), unlike his successors Jacques Santer, whose previous political experience and personal qualities turned out far less beneficial, and Romano Prodi, who lacked Union-appropriate leadership qualities in spite of his high profile at national level (Lord 2002, Tömmel 2013). In José Manuel Barroso’s case, his political capital allowed him to foster a model of ‘presidential’ Commission, with high internal cohesion (Kassim 2013, Prifti 2013), yet with a low charisma in crisis situations, to the benefit of intergovernmental actors (Olsson and Hammargård 2016). In addition, Barroso is considered to have manifested somehow an ‘intergovernmental attitude’ that ended up reinforcing the role of Member States in the EU politics (Peterson 2015). Jean-Claude Juncker, compared to his predecessors, has pursued a politicisation of his office, often resorting to references to his ‘popular mandate’ guaranteed by the enactment of the *Spitzenkandidat* mechanism (Kassim 2017, Kassim and Laffan 2019, Nugent and Rhinard 2019, Sarmiento 2020, Tömmel 2020). Regarding Ursula von der Leyen, no systematic studies on her personality as President of the Commission have been conducted yet, since she is still incumbent (a provisional assessment has been made by Müller and Tömmel 2022; about her in domestic German politics, see Mushaben 2021). Nevertheless, despite having been appointed by getting ahead the European People’s Party *Spitzenkandidat* Manfred Weber, her pleas for

supranationalism and deepening of integration, as well as her strong public image vis-à-vis weaker President of European Council Charles Michel, will arguably produce fruitful consequences for the Commission. The years of Von der Leyen's college are not covered by the reviewed studies nor are by the research proposed in this thesis, but it can reasonably be expected that this Commission has retrieved at least a little part of Delors's vigour. The argument of leadership factors will be recalled in par. 2.1. of Chapter 2.

All these variables helped scholars to investigate on the multifaceted nature of this decline, and to identify some focal points via which it has unfolded. In particular, Treaty reforms are under scrutiny, inasmuch as moments of change of the broadly understood institutional structure of the Union. As seen above, liberal intergovernmentalists, but also some rational institutionalists like Tsebelis and Garrett (2000), affirm that the marginalisation of the Commission is as a core element of European integration since its origins – ‘from Messina to Maastricht’ (and beyond), said Moravcsik (1998) –, whereas new intergovernmentalists date it back to the Treaty of Maastricht. Recent empirical studies, in any case, have underscored the relevant influence of the Treaty of Lisbon, which had a negative impact on both the legislative success of law proposals reflecting Commission priorities (Oztas and Kreppel 2022) and the autonomy of the Commission from the European Council (Bocquillons and Dobbels 2014, Höing and Wessels 2013). In general, the Treaty of Lisbon has been read as a symbolic moment in which the growth in powers of other institutions decisively reduced the political leadership of the Commission in agenda-setting, yet maintaining unchanged its crucial technical role (Kreppel and Oztas 2017, Monar 2013, Oztas and Kreppel 2022).

Whilst the reported data are indeed irrefutable, the scenario of a Commission in relentless decline has been contested and contextualised by some other scholars. Their criticisms can be grouped in two categories.

The first one disagrees upon considering the political agenda-setting power of the Commission as fading, but rather believes that its political influence has only changed shape.

‘[T]he Commission's ability to get its proposals adopted has remained strong and stable and during the recent decade while the resulting laws increasingly resemble the policies the Commission has proposed in the first place’ (Rauh 2018: 24),

and, at the same time,

‘no matter from where the original ideas for initiatives or proposals may stem, once the Commission begins working on them it can do much to frame the terms in which they are considered, when they are considered, by whom they are considered, and with what receptivity they are considered’ (Nugent and Rhinard 2016: 1203).

In other terms, the legal quasi-monopoly of legislative initiative granted to the Commission allows it to maintain a control over the framing of policies. The Commission has an upper hand in choosing the paradigm in which contextualising its proposals – the selection of legal bases is in this sense relevant –, and in shaping a discourse useful to its purposes, by means of public interventions or official documents such as communications (for examples, see Nugent and Rhinard 2015: 267-281; but also, Panebianco 2021, Vesan and Pansardi 2021). The Commission hence stands out as ‘purposeful opportunist’ which flexibly takes advantage of the, often troubled, situations where it operates, in order to expand its scope of action through the varying means at its disposal (Cram 1994, Camisão and Guimarães 2017). To this end, the Commission also founds cooperative bonds and alliances with other actors, like the European Council itself (Nugent and Rhinard 2016; see par. 4.3.1.), thus performing as an actual policy entrepreneur. The discursive and strategical behaviour of the Juncker Commission should also be read in this way (Ząbkowicz 2018), including the resumption of the strategy of political withdrawing of proposals (Reh et al. 2020). Commission’s policy ventures, with changing intensities and outcomes, have not stopped, even in ‘slippery’ areas such as economic governance and external relations, sometimes also with a respectable success (Monar 2013). Thus, the political agenda-setting by the Commission has not ended off, but rather is going to recalibrate towards a model of selective targeting of a lesser number of policy initiatives, strategically chosen under the President of the Commission’s control so to take part more actively and efficiently to crisis-management (Becker et al. 2016).

On the other hand, the second category of criticisms does not contest significantly the debate on the Commission agenda-setting but prefers to point out the stunning strengthening of the Commission’s executive powers strictly speaking – such as implementation. Indeed, this reinforcement is deemed to have made the Commission gain a position in policy management even more pivotal than before, also thanks to Lisbon reforms of Treaty provisions on infringement procedures and secondary legislative and non-legislative acts (Monar 2013), whilst the emergence of European agencies,

notwithstanding ‘new intergovernmental’ theses, seems not to have significantly undermined it (Nugent and Rhinard 2016; see also Laffan 1997). An example of the Commission’s strengthening as policy manager rather than as agenda-setter concerns economic governance after the Eurozone crisis (Bauer and Becker 2014; cf. da Conceição-Heldt 2016).

#### **4. The European Commission and the other institutions: competition and veto-playing**

Once the general characters of the debate on the purported Commission’s decline have been sketched out, let us now analyse the influence of the three main political institutions on Commission agenda-setting: the European Parliament, the Council of the European Union, and the European Council.

##### **4.1. The European Parliament: cooperation and rivalry between supranational actors**

The Commission and the Parliament are both supranational institutions, and for this reason the relationship between them has a dual nature: on the one hand they are cooperative bodies, allied in support of the Community method; on the other hand, they are competitors for political leadership in the scope of that method.

According to the formal framework, the European Parliament does not enjoy an initiative legislative power, yet art. 225 TFEU grants it an ‘indirect initiative’ right by requesting the Commission to present a proposal on a certain issue. The functioning and the enactment of this right has undergone developments over time (Kotanidis 2020, Rasmussen 2007), but it plays a not irrelevant role in the definition of EU agenda. Indeed, 12.2 per cent of all Own Initiative Reports by the Parliament have been referred to by the Commission in its legislative proposals (2000-2017 period). The likeliness of such a Report to influence the Commission can vary from 6 to 23 per cent according to the saliency of the issue and the political connectedness of the rapporteur, and this value has increased over time (Webb and Kreppel 2021).

More in general, the importance of everyday contacts between the two institutions has been underscored (Egeberg et al. 2014), and more than once the Presidents of the

Commission have emphasised its privileged relationship between the two supranational bodies *par excellence* (Barroso 2009: 4, Juncker 2014: 15, Von der Leyen 2019: 20).

As a co-legislator, the Parliament is traditionally seen as an increasingly more relevant veto-player, limiting the Commission agenda-setting powers. The active participation of the Parliament to the practice of early interinstitutional agreements, as said in par. 3.2., has undermined the Commission, in spite of their shared supranational identity (see Pollack and Slominski 2015). Besides, light has been shed on the shift from consultation procedure to cooperation and finally codecision (Tsebelis and Garret 2000, Tsebelis and Kreppel 2003, Costello and Thomson 2013), highlighting that the generalisation of the latter has contributed to increase the veto-points in the policy process.

Indeed, the involvement of the Parliament in the legislative process entails a definite decrease in the number of approved acts – irrespective of the applied procedure –, and in the textual similarity between proposals and final acts – with a variation according to the procedure: the phenomenon is exacerbated in codecision, where the Parliament is an equal co-legislator (Rauh 2018, 2021).

Furthermore, in case of convergence between Commission and Parliament policy priorities, proposals reflecting the priorities of the former will be in average 31 per cent more likely to be passed (2000-2014 period; Oztas and Kreppel 2022) and 3.7 times as likely to reproduce in their final content the Commission's initial preferences (2000-2011 period; Kreppel and Oztas 2017).

All in all, despite its procedural powers, which stay quite limited, the Parliament's role in agenda-setting has been defined as mainly 'discursive', due to its ability to frame effectively issues to be dealt with by the Commission (Deters and Falkner 2021: 295). Political parties have taken advantage of this aspect to advance desired proposals, building coalitions with the Commission to this end (e.g., Leppänen and Liefferink 2021). To sum up, the European Parliament acted as a 'supranational competitor' of the Commission and eroded its agenda-setting power in several respects. Nonetheless, it cannot be overlooked that President Von der Leyen has publicly expressed support to the introduction of a right of initiative for the European Parliament, besides the indirect mechanism envisaged by art. 225 TFEU (Von der Leyen 2019: 20). No effective steps forward have been taken thus far, and it is still too early to assess soundly the Parliament-Commission relations in the incumbent legislature, but some variation in key dimensions can be expected in the near future.



## **4.2. The Council of the European Union: the most influent co-legislator**

The relation between the Commission and the Council is maybe the main axis of analysis of the development of the European integration. Focusing just on agenda-setting, the indirect initiative envisaged by art. 241 TFEU is a clear institutional instrument at disposal of the latter, yet it seems that hardly ever has it been utilised in recent times<sup>2</sup>. Nevertheless, the Council holds an undiscussed power in influencing Commission proposals. In particular, research addressed on the one hand its veto-playing role, on the other hand the influence of its Presidencies.

As regards veto-playing, a framework similar to what said about Parliament can be applied. The main difference is that the Council is involved in every legislative procedure of the Union, and variations can be retrieved according to the employed voting system. The constraints imposed to the Commission by the decision-making position of the Council have been proved theoretically and empirically. In particular, unanimity is considered to have a stronger effect in limiting Commission powers, since it evidently engages more veto-actors than qualified majority voting (QMV) (Tsebelis and Garret 2000, Tsebelis and Kreppel 2003). Specifically, the use of QMV has a positive effect on proposals adoption rate and in the textual similarity between initial bills and final laws, whereas the number of members of the Council – varying after enlargements – produces in general a strong negative effect on adoption rates – because of the increase of the quantity of actors to make agree –, but at the same time a weak positive effect on textual similarity – maybe for the difficulty to reach agreements on amendments (Rauh 2018).

As regards informal agenda-setting, the Council itself has not been object of significant focused studies, which have rather, and maybe more appropriately, preferred to analyse its ‘fellow institution’ European Council (see next paragraph). Nonetheless, the agenda-setting functions of the rotating Presidencies have been pointed out. Indeed, the Presidency can count on a wide range of instruments granting an influence on the agenda-building of the Council, even though this cannot be defined a clear agenda-control since its preferences can be easily overturned by other Member States (Tallberg 2003; cf. Alexandrova and Timmermans 2013). Apropos of this, a relevant factor that reinforced the Council vis-à-vis the Commission is the introduction of the mechanism of eighteen-

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<sup>2</sup> No studies have been conducted on this topic, and research on EUR-Lex databases has not produced useful results.

months-long ‘trio’ Presidencies, grouping the three subsequent countries holding the post and allowing for higher capacities in policy-planning, to the possible detriment of the Commission (Nugent and Rhinard 2013).

From a quantitative point of view, the positive influence of the Council Presidency on the EU decision agenda has been proved (Cross and Vaznonytė 2020). Moreover, in case of convergence between Commission and Council Presidency policy priorities, legislation reflecting priorities of the former will be in average 40 per cent more likely to be passed (2000-2014 period; Oztas and Kreppel 2022). Outstandingly, in case of convergence between Commission and general Council positions (obtained by aggregating single Member States’ positions, so neglecting the role of the Presidency), the former will be 27 times as likely to reproduce in approved legislation its initial political preferences as those which do not (2000-2011 period; Kreppel and Oztas 2017).

All in all, the Council of the European Union proves to be an actor that largely impacts the political agenda-setting by the Commission from a procedural point of view. Nevertheless, the best way to assess the influence of national governments in the Commission agenda is analysing the role played by the other grand intergovernmental institution: the European Council.

#### **4.3. The European Council: the ‘collective President’ of the European Union, up to a point**

Let us now have a look at the extant studies directly addressing the research question of this thesis, set forth in the Introduction: *to what extent is the agenda-setting activity of the European Commission influenced by the European Council?*

Although it was formally instituted only by the SEA in 1986, the European Council has soon assumed a high political role within the EU, if not the highest. Born as institution securing Member States’ governments a guiding role in the integration process, the European Council developed in a way that granted it a leadership position in EU high politics (for a history, see Wessels 2012).

As article 15(1) TEU says,

The European Council shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof. It shall not exercise legislative functions.

Whereas the reference to ‘general political direction’ has been present in this paragraph since the Treaty of Maastricht, the mention to priorities and the clarification on the absence of legislative function were introduced by the Treaty of Lisbon and further specify the formal limits of its mandate.

Rather than being considered a *sui generis* actor just ‘overseeing’ EU politics and policies, the European Council should be looked at as the executive institution of the EU. Or better, as branch of a ‘dual executive’ along with the Commission. Put simply, the governments gathered in the European Council

‘set the long- and medium-term agendas, by reforming the EU Treaty and delegating political and administrative tasks to the Commission. In the areas where executive powers have been delegated, the Commission has a significant political leadership role and is responsible for distributing the EU budget, monitoring policy implementation by the member states, and making rules and regulations’ (Hix and Høyland 2022: 54).

This dual executive displays features which are different from analogous experiences in national institutional systems, like semi-presidentialisms. Indeed, the distinction of EU policy-making between a supranational and an intergovernmental method does not allow to establish a clear-cut division of roles between the two institutions. As Fabbrini illustrates, in the former method the European Council acts like a ‘collective Head of State’ setting general principles of actions, whereas the Commission like a government holding executive political leadership. The appointment mechanism of the Commission as well as the complex legislative procedures grant the appropriate checks and balances to the system. In the latter method, the European Council acts like a collective Head of Government – and the Council executes its wills –, whereas the European Commission plays mainly an implementation role. Moreover, the European Parliament cannot exercise any effective control, and, ultimately, no mechanism of checks and balances exist, affecting democratic accountability (Fabbrini 2017a, 2017b).

Notwithstanding the application of this last method just to several policy areas most sensitive to national interests, the ‘new intergovernmental’ turn taken by the EU since the Treaty of Maastricht (see par. 3.2.), together with the high domestic saliency of the new issues in the EU agenda, produced a raise in the importance of the European Council in policy-making, notably agenda-setting and decision-making. This process took place to

such a point that the European Council is considered to have shifted from being a summit convened to discuss on history-making decisions to playing as institution frequently gathered to deal with day-to-day policies (Fabbrini and Puetter 2016, Puetter 2013, 2015). This long-period phenomenon was also accentuated by factors like the constant context of crisis characterising the EU in the post-Lisbon period (de Schoutheete 2012), as well as the introduction of the stable and exclusive post of President of the European Council (Tömmel 2017).

Empirical analysis of the European Council agenda confirmed and gave further insights to these arguments: indeed, although the European Council has been traditionally sensitive to external focusing events (Alexandrova 2015), it appears to have moved from a ‘selective targeting’ model, typical of periodic international summits, to a ‘routine monitoring’ model, typical of governmental institutions, in which the agenda is at the same time increasingly broadening to new topics and becoming more stable (Carammia et al. 2016). Furthermore, throughout history, the European Council agenda focused mainly on ‘high politics’ issues (foreign affairs, macroeconomics, EU governance), with considerable variation over time, but other topics have always been present even though in a secondary position (Alexandrova 2016, Alexandrova et al. 2012, 2014a, 2014b; see also Ullrichova 2023). It should not be omitted either that the European Council agenda, albeit with many limits, appears to be at least partly responsive to the interests of public opinion, in any case considerably more than the European Commission one (Alexandrova et al. 2016; Haverland et al. 2018; cf. Koop et al. 2022).

#### **4.3.1. Agenda-setting between the European Commission and the European Council: patterns of a competitive cooperation**

In such a framework of strengthening of the European Council, the European Commission, as said in par. 3.2., exacerbated its marginalisation, at least in agenda-setting, and had to rethink its position in the EU political system – according to someone, in policy management (Monar 2013, Bauer and Becker 2014, Nugent and Rhinard 2016). Moving specifically to the relationship between the two branches of the executive, the function of the European Council has been defined ‘discursive agenda-setting’, in reference to its ability to influence other institutions agendas and frames through informal instruments, notably the European Council Conclusions issued at the end of every summit

(Deters and Falkner 2021). Anyway, it is useful to remind what article 15(6)(b) TEU states:

‘The President of the European Council [...] shall ensure the preparation and continuity of the work of the European Council in cooperation with the President of the Commission’.

Thus, a cooperation and exchange between the two bodies should take place at all stages. Nonetheless, a variation in their interaction occurs according to policies and political conditions. To this end, it is possible to identify several scenarios, helping to understand the possible dynamics arising between the two institutions. It being the topic of the present thesis, the description of these models will be devoted specifically to agenda-setting. The framework below has been elaborated mainly by crossing the sketches of ideal types drawn by Höing and Wessels (2013) and Bocquillon and Dobbels (2014).

The scenarios are:

1. ‘The Commission as a secretariat’: in this case, the Commission does little more than what the European Council requests it to do. The Commission has hardly any political autonomy and is basically an obedient agent of the European Council. This model takes to the extreme the theses of intergovernmentalists and is likely to apply to the areas covered by the intergovernmental method. Analyses showed how the European Council in its conclusions actually tends to consider the Commission as its agent, even explicitly marginalising it in some crisis-management situations (Höing and Wessels 2013). As Bocquillon and Dobbels show, this scenario is likely to take place in crisis situations, especially after the Treaty of Lisbon and the introduction of the permanent President of the European Council (Bocquillon and Dobbels 2014). The case of the Eurozone crisis is highly cited to this end, since the Commission ‘six-pack’ proposals were largely a transposition of the recommendation of the task force designated by the European Council and presided personally by Herman Van Rompuy (Chang 2013; Bocquillon and Dobbels 2014; Bauer and Becker 2014).
2. ‘Runaway Commission’: in this case, the European Council still acts as a principal whereas the Commission is its agent, yet the latter tends to escape the former’s wills and tries to perform autonomously. Indeed, one of the foundational notions of the principal-agent theory is that the agent can take the risk of moving away

from the principal's direction ('agency drift': Bocquillon and Dobbels 2014: 26; see also Karagiannis and Guidi 2018). The Commission can exploit the ambiguity of the European Council's instructions or the divisions among Member States to move its vision forward (but cf. Bailer 2014: 47). This model seems to have applied to the reform of the Schengen system of 2011 and the elaboration of the Europe 2020 strategy on economic governance, where these conditions actually took place (Bocquillon and Dobbels 2014; Copeland and James 2014).

3. 'The Commission and the European Council as mutually reinforcing partners': in this case, there is no principal-agent relation, but rather what Bocquillon and Dobbels call 'joint agenda-setting' (Bocquillon and Dobbels 2014: 26). The relation between the two institutions is non-hierarchical, and they are likely to influence each other in a cooperative fashion. Getting the spirit of the aforementioned article 15(6)(b), the Commission represented by its President actively participates in the European Council activities and takes into serious account its Conclusions to shape the legislative agenda. Originally considered to occur in non-urgently critical conditions, like the case of energy policy, where a close cooperation between the Presidents of the two institutions overcame Member States' scepticisms in more than a case, both before and after the Treaty of Lisbon (Bocquillon and Dobbels 2014, Thaler 2016), this scenario has proved to be applicable also to Brexit negotiations and vaccine procurement amidst COVID-19 crisis (Bocquillon and Kassim 2020 in Deters and Falkner 2021, Kassim 2023), where one institution could not do without the resources – technical expertise or national investiture – of the other.
4. 'The Commission and the European Council as agenda-setting competitors': in this case, joint agenda-setting takes place, but the two institutions vie with each other in order to impose their own vision or solution. Possible examples are the response to refugees crisis and the challenge of the Next Generation EU: in the former case the Commission tried to strategically exploit disagreements between Member States, failing in its initiative as these division led to a deadlock (Smeets and Zaun 2021); in the latter case, the Commission acted as a policy entrepreneur which procedurally, considering the features of the issue, had to involve the European Council, within which the Heads of State and Government participated to the definition of the policy in their own way (de la Porte and Jensen 2021, Kassim 2023).

5. ‘The Commission as the hidden master of spill-over’: in this case, which is eccentric as compared with the previous ones, there is a principal-agent relation that works in the opposite way: the Commission is the principal and the European Council is the agent. The former is able to mobilise the latter in order to strengthen and carry out its own positions. To do this, like in previous scenarios, the President of the Commission takes advantage of its right to participate in European Council summits, and moreover their personality is a highly relevant factor to ‘hold the stage’ among national leaders: it is not by chance that this model has been come closer to during Delors’s presidencies with regard to common market completion (Höing and Wessels 2013, Ross and Jenson 2017). However, it can also be applied to the will of the Commission to get stronger in implementation and control tasks – the role of ‘policy manager’ addressed in par. 3.2. and agreed on by the European Council (see Laffan 1997).

These scenarios can occur variously according to policies and underlying conditions. Following Bocquillon and Dobbels, they can be encompassed under the umbrella term of ‘competitive cooperation’, which can take different shapes (Bocquillon and Dobbels 2014). It is important to underscore that the models have to be understood as ideal types, and every real case can display features of more than one of them. For instance, the response to the Eurozone crisis has been largely explained as a case of ‘Commission as a secretariat’; even so, all the relevant authors specify that in several respects there has been in it a competition between the two bodies, especially in the ‘race against each other’ for the publication of the six-pack bills – although the contents of the Commission proposals and the task force recommendation were mostly identical (Bressanelli and Chelotti 2016, Chang 2013). Moreover, the participation of the Commission within the task force – which was a peer organ – took place in a way that is closer to competitive joint agenda-setting, rather than to a principal-agent relation (Bocquillon and Dobbels 2014, Moloney 2021, Nugent and Rhinard 2015). The competitive cooperation can also be retrieved in the way the European Council and the Commission are more inclined to deal with one issue rather than another: the traditional ‘division of labour’ between high and low politics, or better between non-legislative and legislative competences, that takes place respectively between the two institutions can be blurred in periods of crisis, with the former depriving the latter of its agenda leadership in its traditional domains – such as common market (Alexandrova 2017).

Having traced this outline, it has to be acknowledged that so far hardly any large-scale study testing such a framework has been conducted. The analysis of the interactions between the European Council and the Commission in agenda-setting relies mostly on single case studies or in small-N comparisons. Perhaps, this is a restraint imposed by the varying nature of concrete circumstances, a comprehensive assessment of which is possible only via qualitative methods. Nonetheless, the risk of anecdotalism – highlighted by some of the cited authors (Costello and Thomson 2013: 1037, Kreppel and Oztas 2017: 1139, Webb and Kreppel 2021: 308) –, should not be excluded, and in general this methodology shows its well-known limits in the phase of generalisation of results. Among the few quantitative studies, it is worth to mention Oztas and Kreppel, who calculate that, in case of convergence between Commission and European Council policy priorities, legislation reflecting priorities of the former will be in average 32 per cent more likely to be passed – interestingly, lower than 40 per cent referred to Council Presidency priorities (2000-2014 period; Oztas and Kreppel 2022).

## **5. Limits and gaps of the extant scholarship**

This short review has pointed out the features of the agenda-setting functions of the European Commission and its limits. In particular, the impact on its activity by of the other legislative and executive EU institutions has been briefly highlighted (for the role of the Court of Justice in EU agenda-setting, which has been intentionally neglected, see Blauburger and Schmidt 2017, Deters and Falkner 2021). Deeper insight has been reserved for the analysis of the relations between the European Commission and the European Council, since it is the subject of the research question. To sum up, the European Council proves to have really a leadership role in the present Union, whose new strategic areas of integration are subject to the intergovernmental method. Agenda-setting is no exception, but the exact extent of the European Council power in this stage is still unclear. In particular, some observations can be drawn from the review of extant scholarship on the topic:

1. Research is principally driven by single-case studies which apparently have not been ‘systematised’ yet within a comprehensive theoretical framework. The only attempt in this sense has been the ‘competitive cooperation’ by Bocquillon and Dobbels (2014), but it has been tested just through a limited comparison of three



- cases. Moreover, the role of the European Council has been assessed mainly with regard to crisis situations or policies governed by the intergovernmental method.
2. The impact of the Treaty of Lisbon in limiting the agenda-setting power of the Commission vis-à-vis other institutions, including the European Council, has been proved in many respects. Due to temporal reasons, little research has still been devoted specifically to interinstitutional agenda dynamics as they took shape in the post-Lisbon period.
  3. In general, qualitative studies focus just on the strict agenda-setting stage of the policy cycle, going from the emergence of the issue to the formal presentation of the bill – in a few cases involving also to some extent the policy formulation stage. Put simply, their basic argument is that the Commission can be considered successful if it, notwithstanding the direct or indirect effects of other actors, moves forward to the decision agenda proposals reflecting its own institutional agenda. On the other hand, quantitative studies tend to assess the Commission's agenda-setting power in a broader sense, looking also at legislative outcomes. To them, the Commission is successful if a large part of its institutional agenda is finally transposed into legislation. Undoubtedly, the distinction between policy stages is just virtual, and the different phases should not be seen as discrete arenas; nevertheless, this approach divergence is noteworthy, since the political processes in each of the stages assume a distinct nature.

These annotations make clear that several gaps still exist in literature. In particular, what sparks my interest is the role of the European Council in supranational policies, where its, arguably indirect, influence is understudied as compared to that of the two co-legislators. A challenge would be to analyse the phenomenon resorting to a higher number of cases, in order to produce generalisable results. Nevertheless, the specificity of the interaction in each case of successful or unsuccessful agenda-setting would make such a work colossal and definitely infeasible. Yet, I argue that another facet could be pointed out: the convergence between the agendas of the two institutions. Or rather, the convergence between the institutional agenda of the European Council and the decision agenda of the system as it results from the exclusive gatekeeping activity of the European Commission. In the next chapter, I will address this conceptual distinction and propose a research design to investigate the phenomenon, with the aim of providing an answer to the research question coming from a different approach.

## **Chapter 2**

### **Research design: the politics of agenda convergence in the EU executive**

#### **1. Introducing a new concept: agenda convergence**

Assessing in causal terms on a large scale of cases the influence which an institutional agenda exercises on another is a significant challenge. It implies knowing the specific interactions between the involved institutions in every single case: in the varying landscape of the relations between the European Council and the European Commission, in which several kinds of scenario can occur, and the causation can even be bidirectional (see par. 4.3.1. of Chapter 1), this activity might turn out hardly feasible. Strictly speaking, the only empirical study hitherto devoted specifically to the European Council's influence on the Commission's agenda-setting activity which is based on the analysis of more than one case is the one by Bocquillon and Dobbels (2014), which compares no more than three cases.

Yet, this scope broadens if another concept, closely related to that of agenda influence, is considered. A successful influence will result in a *convergence* between the two agendas. A Commission which systematically introduces bills reflecting the will of the European Council is highly likely to have been influenced by it; by contrast, a Commission whose activity of legislative initiation focuses mainly on themes which are not addressed by the European Council can be deemed more independent.

Actually, convergence proves to be the subject of several studies on the EU institutions. In particular, studies on legislative success do nothing but assess the congruence between the Commission legislative priorities and the preferences of decision-makers and other actors, among which there is also the European Council. It is necessary to clarify that in this thesis the terms 'convergence', 'congruence', 'overlapping' and the like are employed quite interchangeably, according to the dimension of the concept to highlight, but 'convergence' will be used more frequently, since it is the most occurring one in the literature. However, as already mentioned at the end of the previous Chapter, none of the

existing analyses evaluates convergence in reference to the ‘strict’ agenda-setting stage of the policy cycle. The present thesis wants to start to fill that gap.

Convergence *per se* does not imply a causal relation: one agenda could influence the other, or they can influence each other, or they can be both influenced by a third factor, or it can just be the result of chance. In other terms, it can be the product either of ‘power’ or of ‘luck’ or of a combination of them (Oztas and Kreppel 2022, Selck and Steunenberg 2004). Distinguishing power and luck in agenda-setting through quantitative designs is the grail of this strand of research, and its difficulty has been underscored by the cited authors. It is another facet of the problem of assessing interinstitutional interactions without qualitative in-depth analysis, and it has not been solved yet.

Nevertheless, the study of ‘rough’ agenda convergence stands meaningful at least for two reasons. First, it gives solid clues of the existence of some sort of influence between the analysed actors. This confidence is grounded on a precise theoretical presupposition typical of rational institutionalism: actors have a complete knowledge of what has been done by other actors. Although this assumption in general has been variously challenged in many respects, in a context like that of the interaction between European Council and European Commission it is largely legitimate. Indeed, the European Commission introduces its legislative proposals while having a complete knowledge about the European Council agenda, or at least as it is set forth by its Conclusions; contrariwise, the European Council is informed of the legislative proposals moved forward by the Commission as well as of its legislative priorities, which are issued every year. A convergence between the two institutional agendas can undoubtedly be caused by chance or third factors, but to a relevant extent this phenomenon is very likely to indicate a mutual interaction. As shown in Chapter 1, this influence can be twofold: direct impact of one agenda on another, or preventive indirect constraint that discourages the Commission from moving forward to the decision agenda its own preferences.

Second, mapping agenda convergence may help to understand which issues are dealt with more by each actor. In a separated powers government system, indeed, it is interesting to analyse how institutions divide their attention towards issues, also through forms of ‘issue competition’ (Baumgartner et al. 2011, Green-Pedersen and Mortensen 2010). In particular, research on political parties has put forth the concept of ‘issue ownership’, whereby actors figuratively ‘seize’ certain public problems and focus on them, making it difficult to other actors to deal with them effectively. Whereas early studies drawing on this theory assumed a static background with little room for agenda overlapping (see

Petrocik 1996), other authors acknowledged the importance of issue convergence, especially face external events or pressure by other actors – such as the medias –, who may challenge the ‘ownership’ logics (Baumgartner et al. 2011, Green-Pedersen and Mortensen 2010, Sigelman and Buell 2004). Variation in convergence across actors or systems can thus be a symptom of variation in agenda dynamics in a broader sense. To this end, although this reflection has been primarily elaborated with regard to political parties – which are comparatively free to set their own agenda as they want to –, it has been applied also to institutional agendas, which, as a general principle, should be able to cover, at least slightly, every policy issue. Despite it has been empirically proved that governments tend to focus mainly on some specific thematic areas – the so-called ‘core functions’: defence, foreign affairs, economy, government operations – instead of others (Jennings et al. 2011), speaking of ‘ownership’ would be conceptually incorrect for them: rather, the term ‘institutional issue proclivity’ has been employed (Alexandrova 2017). The measurement of convergence is a tool that proves useful to this strand of research. Therefore, the concept of agenda convergence to some degree allows to shed light on the phenomenon of institutional agenda influence. Let us briefly come back to the research question to which this thesis is devoted: *to what extent is the agenda-setting activity of the European Commission influenced by the European Council?* Assessing the convergence between the agendas of the two institutions will give an answer to this question. This answer will be provisional and limited to one dimension of the phenomenon, yet meaningful, as it will try to clarify some murky aspects of this relation and pave the way for future research on the subject by employing new methods and concepts.

It still remains to clarify what ‘agenda-setting activity’ exactly means among the various possibilities set forth in par. 1.1. of Chapter 1. To sum up what already said in the previous chapter, the European Commission has its own institutional agenda within the broad political agenda of the Union, like any other EU institution. This institutional agenda has been studied quantitatively mainly through the analysis of the Working Programmes that the Commission issues every year (e.g., Kreppel and Oztas 2017, Osnabrügge 2015, Oztas and Kreppel 2022). At the same time, its special position in the EU system enables the Commission to exercise a gatekeeping activity, deciding in a quasi-exclusive way which issues enter the decision agenda. This second meaning is the one on which this thesis is focused, and the expression ‘Commission agenda’ hereinafter has to be understood in this way, unless otherwise specified.

The following paragraphs are devoted to the delineation of a research design leveraging these concepts.

## **2. Two hypotheses on agenda convergence between the European Commission and the European Council**

Par. 3.2. of Chapter 1 outlined the scholarly debate about the purported decline of the European Commission. The main argument of this theoretical strand is that the Commission is less and less able to impose to the EU agenda its priorities, to the advantage of intergovernmental institutions. The Commission is thus reduced to a simple technical agenda-setter which, in order to increase its success chances, is likely to align its scope of action to what is included in the ‘general political orientation’ by the European Council. Therefore, over time the Commission agenda increasingly coincides with the EUCO one, and, from a purely agenda-setting perspective, a sort of ‘fusion’ between the two organs is gradually attained. The divergences between the Commission political programmes and the EUCO orientation are settled to the advantage of the latter in the preliminary informal stage, and the legislative decision agenda of the Union, on which the Commission still maintains its formal monopoly, ends up reflecting the EUCO political agenda (on institutional fusion in the EU, see also Fabbrini 2017b, Schramm and Wessels 2023).

On the basis of what has been shown in the previous Chapter, such a phenomenon is likely to have increasingly interested the EU at least until the Barroso II Commission, which concluded its term in 2014. It has been empirically proved in more intergovernmental-oriented policies, whereas research on the effects of this in supranational policies is more defective. It is indeed expectable that also such policies are interested by this trend, even though, doubtlessly, to a lesser extent, in that the Commission is supposed to maintain comparatively a more autonomous profile.

More than anything, no new research has apparently been produced about the post-2014 period. As a matter of fact, almost all the studies on this subject were aimed at assessing the impact of the Lisbon reforms: once these reforms have been implemented, it is not known yet how the interinstitutional interactions in agenda-setting have taken shape.

### **2.1. Personality matters: the President of the Commission vis-à-vis Member States**

Looking back at the four groups of variables explaining the Commission's decline identified by Nugent and Rhinard (2013), institutional, procedural and policy factors have basically not changed since the Treaty of Lisbon, being closely related to formal legal provisions. Perhaps, some innovations as regards policy factors can be found in very recent phenomena like the EU response to the COVID-19 pandemics and to the Ukraine crisis, whose impact on the interinstitutional distribution of competences can nonetheless be assessed only in the long term.

By contrast, a clear evolution has occurred in leadership factors. As already highlighted, the Juncker Presidency and even more the Von der Leyen Presidency display idiosyncratic features clearly distinguishing them from previous experiences.

The pathway followed by the figure of President of the Commission is not linear, varying according to the institutional framework, the external climate and personal qualities (Nugent and Rhinard 2015: 78-84). In the post-Lisbon years, characterised by crises and growing Euroscepticism, personality in particular proved to be a highly relevant variable in explaining the policy entrepreneurship of the Commission. The first President after the come into force of the reform Treaty, José Manuel Barroso – confirmed for a second term –, adopted a 'presidential' model of Commission, with little sense of collegiality and a high degree of concentration of power in the hands of the President. Although this model was similar to that followed by past Presidents considered successful – Walter Hallstein, Roy Jenkins, Jacques Delors –, his political ambitions were deemed modest, and this organisational change was mainly driven by technical reasons due to the enlargement of the College to twenty-seven, then twenty-eight, Commissioners. In the crisis context, he manifested his comparative weakness by showing a very low rhetoric charisma and letting Member States and the President of the European Council Herman Van Rompuy lead EU politics without a relevant counterbalance (Kassim 2013, Nugent and Rhinard 2015, Olsson and Hammargård 2016). It is no coincidence that most of the literature on New Intergovernmentalism, technical agenda-setting and Commission's decline developed under the Barroso College or just after the end of his second term (see Peterson 2015).

Jean-Claude Juncker, for his part, brought fresh novelties to the Commission's leadership vis-à-vis other institutions. First and foremost, he was the first – and hitherto the only – President of the European Commission to be able to claim the popular legitimisation of his mandate. The enactment of the informal *Spitzenkandidat* mechanism granted him the post of President, as candidate selected by the most voted party, the European People's Party,

and Juncker himself emphasised it in several of his public statements (Kassim 2017, Tömmel 2020, Ząbkowicz 2018). In particular, he asserted the necessity of a more political Commission, and, indeed, the first years of his term were characterised by a process of politicisation (Kassim and Laffan 2019, Nugent and Rhinard 2019, Sarmiento 2020). The cohesiveness of the College was reinforced, with the appointment of Vice-Presidents responsible for general portfolios, and an ambitious political programme started to be enacted through the introduction of a series of innovative legislative proposals in fields such as energy, digital market, and climate change. Such activity strengthened the positional role of the Commission vis-à-vis the other institutions, even though decision-makers, and especially Member States, sometimes reacted coldly and watered down the proposals. This reluctance of intergovernmental actors to Juncker's activism was exhibited particularly in reference to the response to new crisis situations, and notably in the failure of the reform of migration policy following the refugee crisis of 2015. Even so, the Commission emerged as a principal actor during early Brexit negotiations (Kassim 2017, Tömmel 2020). In the second half of his mandate, Juncker softened his at times antagonistic attitude and rather preferred to launch longer-term political initiatives of reflection on the future of the Union, involving both supranational and intergovernmental actors (Tömmel 2020).

Lastly, Ursula Von der Leyen's leadership has been barely studied due to temporal reasons, being her still incumbent, but her strategic and proactive policy entrepreneurship in several areas has been pointed out (Müller and Tömmel 2022). Despite having been considered somehow path-dependent to Juncker's activity (Sarmiento 2020), Von der Leyen is deemed to be even more assertive and successful than her predecessor, also due to the fact that some of her most meaningful ventures were eventually adopted by decision-makers, even within the intergovernmental method – notably, the Next Generation EU.

Most studies reviewed in Chapter 1 are grounded on data that do not go beyond the end of the Barroso II Commission. The ground-breaking innovations brought by Juncker and later by Von der Leyen have not been included because of either chronological reasons or a lack of data. This limit returns an incomplete image of the post-Lisbon Commission, making it coincide just with the experience of the Barroso II College. Therefore, it is appropriate to update the empirical account in order to assess variations in relevant dimensions between post-Lisbon Commissions.

As regards leadership styles, it can reasonably be expected that stronger Presidents will be more autonomous in the definition of the EU decision agenda and will align to the European Council to a lesser extent than weaker Presidents. Therefore, a first hypothesis can be formulated:

*H1: the stronger is the President of the Commission vis-à-vis Member States, the lower is the convergence between the agenda of the Commission and the one of the European Council.*

This hypothesis assumes a diachronic variation of convergence. However, some synchronic variation thereof can also be expected, between different policy areas.

## **2.2. Experience matters: agenda convergence among EU competences**

As is known, the European Union has not a uniform competence in every area; rather, its means of action change dramatically according to what is established by the Treaties. It is true that its scope of activity, i.e., its agenda, has incrementally broadened throughout history, besides Treaty reforms, with supranational institutions like the Commission and the Court of Justice interpreting extensively certain legal bases; nevertheless, the formal structure of competence is a clear predictor of the limits within which EU policies on a given issue can extend. This is particularly true after that the Treaty of Lisbon introduced, in the first part of the TFEU (arts. 2-6 TFEU), a clear ‘competence catalogue’ of the Union, which hampered the ‘creeping competence’ phenomenon, that is, the sweeping expansion of the EU agenda in completely new policy fields (Lelieveldt and Princen 2011: 215). However, this newly introduced catalogue ended up encompassing almost every policy area, albeit with an unmistakable distinction with regard to the possible extent of the EU action – which stays limited by the three principles of conferral, subsidiarity and proportionality (Schütze 2015). Nevertheless, in spite of this competence expansion, the Commission has progressively reduced its absolute number of legislative proposals, and this trend has been used as an argument in favour of the thesis of the Commission’s decline (Rauh 2018; see par. 3.1 of Chapter 1).

Besides enshrining the assent of Member States to the authority of the EU in that area, the formal provision of a competence in the Treaties allow common institutions to organise their policy action in a more cohesive way. In particular, the attention of scholars



has focused on the Commission DGs, as specialised venues having the task of setting thematic sub-agendas and shaping the early version of proposals. The interaction between DGs is complex and has proved to generate biases in the overall composition of the Commission agenda (Hartlapp et al. 2013), but, in general, DGs operating in more aged EU competences are more likely to produce proposals succeeding the legislative process rather than more recent ones (Rauh 2021).

Once again, such an analysis has not been conducted with respect to strict agenda-setting dynamics, although a similar reasoning could be applied to the convergence of competence-based sub-agendas between the Commission and the European Council. Indeed, it can be expected that the more aged a competence is, the more experienced the Commission and its internal structures will be, thus abler to set autonomously an agenda without being relevantly tied to the programmes of the European Council, which is an institution lacking in the technical know-how which the Commission had the opportunity to develop over time. On the other hand, in younger competences the Commission will abide by the EUCO agenda more extensively, because of the absence of a strong organisation able to stand up to the Heads of State and Government.

Put differently, it is likely that every EU policy area is characterised by a different practice of ‘division of scopes of actions’ between the two executives: more or less formally, some issues are considered to be mainly a ‘prerogative’ of the Commission, whereas other issues are regularly addressed also by the European Council (cf. Hix and Høyland 2022: 54; see par. 4.3. of Chapter 1). The growing involvement of the latter in routine policy-making (Carammia et al. 2016) makes the investigation into this phenomenon particularly intriguing. It is expected that in older policies such practices are stabler than in younger ones. Therefore, agenda profiles of the two institutions in more aged competence areas are likely to converge less than in more recent ones, where a congruence should be more probable – either because an issue competition, or because of a compliance of the Commission with the EUCO agenda.

Therefore, a second hypothesis can be formulated:

*H2: the more time a policy area is under the EU competence, the lower is the convergence between the agenda of the Commission and the one of the European Council in that area.*

In this regard, the convergence is calculated in terms of policy items within a certain area, and ‘agenda’ means the thematic sub-agenda referred to that area. ‘Time’ is meant as the

temporal distance from the moment of formal enshrinement of the given competence into the Treaties (Biesenbender 2011).

The two hypotheses presented above are the core of the research to which this thesis is devoted. In both of them, the convergence between the two agendas is the dependent variable, whereas the leadership style and the age of competences are the independent variables. In the following paragraphs, I explain the operationalisation of the relevant concepts and the testing methods. The results of the test are displayed and discussed in Chapter 3.

### **3. Operationalising agendas: the contribution of the Comparative Agendas Project**

Once the theoretical framework and the hypotheses have been set forth, it is necessary to operationalise the referred concepts in such a way to make empiric test possible.

As previously mentioned, the research is focused only on the post-Lisbon period. Besides the need for examining dynamics in reference to this understudied time span, such a temporal limitation helps to hold many distractors brought by the Treaty reform constant, following what said in par. 2.1. In particular, the activity of Barroso II and Juncker Colleges will be under the spotlight. It would have been desirable to analyse the Von der Leyen Commission as well, but the difficulty of a thorough data collection in the post-2019 period, as well as the expectedly massive impact on agenda-setting of the COVID-19 crisis in the first years of her mandate, make it difficult to include that in the research herein. Undoubtedly, updates of this study, also in the near future, should take in account the further evolution undergone by the European Commission in the Von der Leyen years. As regards the dependent variable – the convergence between the Commission and the European Council agendas –, it is a complex concept whose operationalisation consists of three steps: defining how to detect the Commission agenda, how to detect the European Council agenda, and how to measure the convergence between them.

How to operationalise an agenda is, in fact, a challenging activity. ‘Agenda’ is *per se* an abstract concept, yet the analysis of relevant documents issued by agenda-setters allows to understand it with a high degree of confidence. The nature of these documents can vary dramatically according to the goal of the research and the type of agenda studied. Media articles, official press releases, laws, position papers, party manifestoes, public speeches... Many agendas, many documents, many ways to study this subject. Another

problem is ‘what to do’ with the chosen documents. Fortunately, scholarship in this respect is solid, and a sound shared methodology has been developed thanks to the efforts of the international Comparative Agendas Project (CAP; Baumgartner et al. 2006, 2011, 2019).

A codebook has been built up, in order to assign to every unit of analysis a code, recognised by the international scientific community (Comparative Agendas Project 2022), identifying the issue to which attention is given. The unit of analysis can be the whole text of the document – e.g., a law or a newspaper article –, but also just a part of it – e.g., a paragraph or a sentence –, provided that it addresses one issue in particular (Walgrave and Boydstun 2019). The CAP codebook contains 21 ‘major topics’ further divided in approximately 210 ‘subtopics’, with the goal to cover every class of issues which might be focused on in any political system by any actor. A distinct identification number has been associated to each of these categories. Fine-tuning the codebook in such a way that it can be valid worldwide, also in the view of cross-system comparisons, has been a tough challenge, that still succeeded (Bevan 2019). Nevertheless, local projects stay free to add to the codebook new codes reflecting topics typically addressed in the chosen political system and not present in the global one. It is the case of the EU Policy Agendas Project (EUPAP; Alexandrova 2019), whose codebook consists of approximately 260 subtopics (Alexandrova et al. 2015). The list of the twenty-one major topics plus a meaningful selection of subtopics (see par. 4 on testing design) is reported in Appendix 1.

The works of the EUPAP provide a methodological track that this thesis wants to follow. The primary interest of EUPAP scholars has been the study of the dynamics of the European Council agenda (Alexandrova 2015, 2017, Alexandrova and Timmermans 2013, Alexandrova et al. 2012, 2014a, 2014b, 2016, Carammia et al. 2016), and this thesis treasures the results of their works. As for this institution, the most obvious – if not the only – tool to take account of its agenda is represented by the Conclusions issued at the end of every of its summits. The Conclusions are agreed on consensually by the Heads of State and Government behind closed doors and are the only publicly available official document reporting the orientation of the European Council. They have virtually no particular limitations in their policy content: as a matter of fact, topics that are outside of the EU competence have been regularly addressed (Alexandrova et al. 2014a, 2014b).

The units of analysis cannot be the entire documents of the Conclusions, which are manifold and deal with a wide range of topics: rather, the analysis will be conducted at

level of ‘quasi-sentences’, i.e., sentences or elements of sentences expressing a political attention towards a certain issue. Following this approach, Alexandrova et al. (2014a) coded every European Council Conclusions document from the very informal origins, in 1975, to 2014. These data will be employed in the present research. In addition, for the reasons explained a few lines below, the dataset has been integrated with the Conclusions of the first three European Council summits of 2015 (20 March, 26 June, 15 October). The codification of these three additional documents has been made by me. The analysis takes into account only those quasi-sentences having a policy content, thus excluding general titles and formal expressions – i.e., the introductions –, which have accordingly been removed from the database.

As for the European Commission, several possibilities are viable, because this institution frequently publishes documents of many types: legislative proposals, communications, secondary legislation, press releases, speeches, interviews, et cetera. Since this thesis is focused on the formal gatekeeping activity of the Commission, legislative proposals are considered, as relevant authors do (Kreppel and Oztas 2017, Oztas and Kreppel 2022, Rauh 2018, 2021). Only the proposals introduced under the Ordinary Legislative Procedure are included in the testing model. Besides representing the most conspicuous form of legislative activity by the post-Lisbon Commission, the choice of limiting the database in this way allows to hold the distractor variable of applicable legislative procedure constant (for the opposite strategy of including every policy initiation document, even when non-legislative such as communications, see Alexandrova 2017). Before moving on, attention should be drawn to the problem of assigning to every item a unique issue code, even though it is certain to more than one policy area. This question is noteworthy in the EU, where general provisions originally related to certain policies are often employed as a vehicle for pursuing other policies. For example, in January 2016, the Commission introduced a proposal for a directive on the technical requirements for the production of motor vehicles. Its legal basis was art. 114 TFEU on the approximation of national legislation in the framework of internal market, and the DG for internal market (DG GROW) had been in charge of drafting it. Yet, notwithstanding its internal market framing, its substantive content related to the domain of transports. Given that the CAP explicitly excludes the possibility to assign more than one code per item (Baumgartner et al. 2011: 963), substantive content is considered to have priority, besides formalities. Therefore, the item got the value ‘1002’, referring to road transportation and safety, within the major topic ‘10’, transportation. This even though the EU transport policy as

defined by the TFEU focuses on other aspects (arts. 90-100 TFEU): the topic of the proposal primarily concerned transports, and policy networks dealing with transports were mobilised in the early stages of its formulation (European Commission 2016), therefore it has been coded as referred to transportation policy. Analogous examples are the cases referring to digital market: when their content is not too general, they are assigned the major topic code '17', i.e., space, science, technology and communications. This protocol had been used by EUPAP coders, and so did I in constructing still missing data.

Although it would have been interesting, the analysis will not cover all the ten years of tenure of the two Commissions: it would entail a too high effort in data collection, unfeasible at this stage. Rather, it will consider only the legislative proposals issued in the second year of term of each of the two Colleges<sup>3</sup>. The choice of the second year allows for a vision of a Commission still in the beginning period of its five-years-long tenure, in which it is arguably more likely to act more autonomously and be largely driven by the will to implement its own legislative priorities. Furthermore, as compared to the first year of term, the selection of the second year lessens the predictable discrepancy between the Commission led by Barroso, already in office in the previous five years and arguably already 'accustomed' to the introduction of legislative proposals, and that led by Juncker, who had just started his term and for whom it is reasonable to expect a 'run-in period' of several months.

Therefore, the legislative proposals – for regulations, directives and decisions – falling into the OLP in the two chosen time intervals have been codified by me following the EUPAP codebook. The assignment of issue codes has been carried out by looking mainly at the title of proposals, and, if not clear, at their content, legal bases, and competent drafting DGs, as well as the associated descriptors provided by EU data repositories. All the information has been collected via the EUR-Lex database.

A potentially problematic point is represented by the choice of the European Council Conclusions to take into account, in order to assess the convergence between the two agendas. It could be possible to consider the same time interval of the Commission proposals, similarly to what Alexandrova (2017) does. Nevertheless, the research

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<sup>3</sup> Corresponding to the following time spans: for Barroso II, from 10 February 2011 to 9 February 2012 (162 proposals); for Juncker, from 1 November 2015 to 31 October 2016 (108 proposals). In total, the dataset includes 270 proposals.

question of this thesis should be borne in mind: the aim of the research is to detect the influence that the European Council exercises over the Commission. To this end, it is reasonable to analyse the Conclusions that have been issued in the period preceding the introduction of the Commission proposals. Following Osnabrügge (2015) and Oztas and Kreppel (2022), the time span into account covers the three years preceding the analysed Commission proposals. Three years are a sufficient time to allow the Commission to elaborate the EUCO inputs and, if desired, to draft and move forward pertinent legislative proposals. The three years considered cross the cusp between an institutional cycle and the following one, implying the change of President of the European Council in office: this is not a problem, as the goal of the research is to assess the role of the European Council in general – whose general composition is independent from the timing of EU-level institutional cycles –, without considering specifically the position of its Presidency. There periods of consideration of the Commission proposals and of the respective European Council Conclusions do not overlap, so as to avoid that data are disturbed by a possible reversed causal effect whereby the Commission legislative proposals influence the EUCO agenda.<sup>4</sup> The existing dataset by Alexandrova et al. (2014) does not go beyond 2014; so, as said above, the 2015 data have been collected by me following the same coding technique.

### **3.1. Measuring institutional agenda convergence**

Assessing the convergence between the two institutional agendas so defined might be problematic to some extent. In first place, it is right to wonder whether agendas operationalised using different units of analysis – on the one hand the quasi-sentence of a broad non-legislative document, on the other hand the whole law proposal – can be technically compared with each other. This is the same question tackled in general by Baumgartner et al. (2009) and, for the EU case in a way similar to the present thesis, by Alexandrova (2017). What these scholars argue is that the different origin of data is not a problem as long as they are representative of the wanted agenda, and they are compared as proportions of attention allocated to a topic, rather than raw numbers. The N of quasi-

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<sup>4</sup> Thus, the following time spans are to be considered: from 10 February 2008 to 9 February 2011 (15 Conclusions, 3835 quasi-sentences); from 1 November 2012 to 31 October 2015 (16 Conclusions, 3866 quasi-sentences). In total, the dataset includes 7701 quasi-sentences.

sentences is inevitably far higher than the N of legislative proposals, but this is not a problem as far as their relative frequency distributions are able to illustrate the composition of the two agendas.

Consequently, the formula that has been utilised to calculate convergence considers percentages of occurrence of items, and not absolute numbers. Elaborated by Sigelman and Buell to assess the convergence between the contents of the electoral campaigns of the Democrat Party and the Republican Party in the United States (Sigelman and Buell 2004), it has been employed also by public policy scholars to quantify the stability of the agenda of the same institution over time (Carammia et al. 2016) or, as is the case of the present thesis, the convergence between the agendas of different institutions (Alexandrova 2017). The formula is:

$$100 - \frac{\sum_{i=1}^n |A_{COM} - A_{EUCO}|}{2}$$

$A_{COM}$  and  $A_{EUCO}$  are the percentages of attention allocated by respectively the European Commission and the European Council to a given issue. Their absolute differences are summed over all the  $n$  possible issues addressed in their agendas. The subtraction from 100 and the division by 2 are there in order to simplify a duplication effect and make the result treatable as a percentage value (for details, see Sigelman and Buell 2004: 653).

The formula returns an index of agenda convergence, that hereinafter will be called ‘Sigelman-Buell index’. This index will be the main instrument through which the two hypotheses will be tested.

#### **4. Comparing indices and testing the hypotheses**

Once the underlying operational mechanisms have been clarified, it remains to specify the testing methods of the two hypotheses.

As regards H1, it will be assumed that Barroso represents a ‘weak’ President vis-à-vis Member States, whereas Juncker a ‘strong’ one. This assumption is made on the basis of the literature that has been reviewed in par. 2.1. of this Chapter. If Juncker’s overall convergence value is lower than Barroso’s one, the hypothesis can be considered confirmed. To this end, the Sigelman-Buell index is calculated with reference to the distribution of the twenty-one EUPAP major topics.

Nonetheless, it should not be overlooked that, whereas the European Commission in this model can deal only with the competences falling into the Ordinary Legislative Procedure, the European Council has virtually no substantive limits of competence and stays able to freely address any topic. This discrepancy can distort the calculation of convergence: it makes no sense to include in the analysis even typically non-legislative fields which the Commission is legally not able to address in its legislative proposals.

For this reason, in order to produce a clearer picture, the calculation will be repeated twice: the first time considering every policy area ('inclusive analysis') – even at the risk of producing a misrepresentative value of convergence –, the second time excluding the three big areas which are definitely not covered by the OLP ('exclusive analysis'): macroeconomics (code '1'), defence ('16') and international affairs ('19'). It is expected that Juncker's convergence will be lower than Barroso's one in both cases.

Given that the codebook structure does not reproduce faithfully the legal distinction of competences – such a formalism would be a problem for agenda analysts in most cases –, it may happen that some Commission legislative proposals in any case fall within these three excluded areas. This is, for example, the case of the code '19', which includes not only CSFP matters (which still remain the subject of most occurrences as for EUCO quasi-sentences), but also several minor items that are actually regulated by the OLP, like foreign aid policy (under OLP according to arts. 208-214 TFEU) or Stabilisation and Association agreements (legally based on art. 207 TFEU on common commercial policy, despite having a far broader scope). Waiting for more accurate techniques of data classification in this respect, it is preferable to provisionally exclude also these proposals from the database while making the 'exclusive calculation of overall convergence and focus just on the supranational areas in which such a problem does not occur.

As regards H2, agendas are not considered as a whole, but in their subsets related to general policy areas on which the EU has competence to legislate according to the Treaties. For the purposes of this research, policy areas will be operationalised as broadly corresponding with EUPAP major topics, so to compare the occurrences of the single specific issues within them, which correspond with the EUPAP subtopics. In particular, the analysis concentrates on three distinct areas, differentiated by age of the inclusion in the Treaties of the related competence (Biesenbender 2011): energy, environment and internal market. The case selection is driven by the logic of the most similar system design: therefore, in order not to let the analysis be distorted by distractors, all three areas are covered by a shared competence, hence the Union in them enjoys a fairly



homogeneous amount of power. At present all three areas are regulated by the OLP, and so it has been for a relevant amount of time: internal market and environment have been subject to codecision since the very introduction of this procedure in the Treaty of Maastricht; energy, on the other hand, was introduced as an EU competence later, but was born directly under the OLP. This common feature levels another possible distractor, related to path-dependences linked to the veto-playing of the Parliament in the agenda-setting stage (see par. 4.1. of Chapter 1). This is why internal market has been preferred to the peer in age competence on agriculture: in the latter, OLP has been introduced only by the Treaty of Lisbon, overturning its traditional policy-making based on the consultation procedure, which had renders it a distinctive area whose comparison with other ones is not that smooth (Roederer-Rynning 2020, Roederer-Rynning and Schimmelfennig 2012), even in the analysed periods, which are still too close to the Lisbon reform.

The list of EUPAP subtopics of the three analysed policy areas is reported in Appendix 1.

The first one, energy, is a case of very recent EU competence. Energy affairs have interested laterally the integration process since the foundation of the ECSC (Buchan 2020), but the Union competence has been legally extended to this domain only by the Treaty of Lisbon (art. 194 TFEU). Operationally, all the items whose EUPAP major topic is expressed by the value ‘8’ are considered to be part of the energy agenda. Accordingly, the convergence as for its nine subtopics has been assessed.

The second area, environment, is a case of competence that has belonged to the EU since a longer time, but not since the birth of the Community. Environmental issues had been only sparsely addressed since 1970s in the framework of common market as a result of the enactment of quality and safety standards for goods (Lenschow 2020), whereas the enshrinement as a competence was fulfilled by the SEA, in arts. 130 R-T TEEC (today arts. 191-193 TFEU). The Treaty of Maastricht extended to it the codecision procedure. Operationally, all the items whose EUPAP major topic is expressed by the value ‘7’ are considered to be part of environmental agenda. Accordingly, the convergence as for its fifteen subtopics has been assessed.

The third one, internal market, by contrast, is recognised to be one of the very first EU policies, dating back to the Treaty of Rome. Internal market policy has always been driven by the goal to establish a common European market guaranteeing the ‘four freedoms’ of circulation of goods, services, capitals and people. As is known, the implementation of

the Single market was a difficult process, which in a first period was hindered by divergences between Member States and later regained momentum with the SEA and the ‘1992 programme’ promoted by Jacques Delors (Buonanno 2018a, Young 2020). In order not to stretch the concept, internal market policy should be meant as just one, the most central, policy within the field of Single market. Therefore, it should be distinguished by other Single-market-related policies like competition or agriculture: to the purposes of this study, internal market policy includes the general issues regarding the economic and commercial aspects of the four freedoms within the EU territory, especially – but not exclusively – when art. 114 TFEU on the approximation of legislation is applicable. As specified above, when provisions on internal market are applied to a category of goods or services clearly connected to other well-defined policy areas (e.g., transportation or health), the latter policy prevails. Therefore, operationally, the internal market agenda will broadly correspond with the issues having ‘15’ as EUPAP major topic code – category ‘Banking, finance and internal trade’. Nevertheless, some subtopics of this category fall definitely outside the boundaries of EU internal market policy: for this reason, subtopics related to banks, bankruptcy issues, small and medium business, tourism, consumer protection, and sport will be excluded from this area when testing H2, and the convergence has been calculated on the basis of the remaining eight items.

It is expected that convergence is lower for internal market, slightly higher for environment and even higher for energy. If this trend applies, H2 is confirmed.

In addressing both hypotheses, the possible effect of distractors is controlled via a qualitative assessment of the relevant cases. For this reason, it can be said that the research proposed in this thesis adopts a mixed methods design.

In the next Chapter, data will be displayed and analysed, and the research results will be discussed tracing them back to the theoretical framework hitherto outlined.

## **Chapter 3**

### **Research results: convergence as an indicator of a complex interplay**

#### **1. The aggregate picture: a high level of convergence**

Before testing the hypotheses, it is worth to display the overall picture of the agenda convergence between the European Council and the European Commission. These aggregate data, displayed in Tables 1A and 1B in Appendix 2, allow to have a first look at the distribution of attention to different policy areas among the two institutions and to make some first annotations.

Table 1A shows what has been called in par. 4. of Chapter 3 ‘inclusive analysis’, which helps to understand, albeit vaguely, what shape the patterns of agenda-setting assume in general, including the typically intergovernmental areas. Analysing individually the EUCO issue distribution, it comes evident that the three most addressed areas are macroeconomics, foreign policy, and business and finance (which includes internal market). Historically, foreign affairs have been the most present topic in Conclusions, followed by macroeconomics and governmental operations (Alexandrova et al. 2014a): the fact that the examined periods show a slight difference in order can be linked to the impact of the economic crisis and of its political aftermath. It is also interesting to point out that the sum of the three most prominently intergovernmental policy areas – foreign affairs, macroeconomics and security, that is, the three areas not included in the ‘exclusive analysis’ of convergence – amounts to approximately 40% of the whole agenda: confirming already observed trends (Carammia et al. 2016), it is evident that this agenda has a structural bias towards ‘high politics’ fields, as EUCO students often highlight.

As regards the Commission, the areas in which most legislative proposals have been introduced are business and finance, agriculture, and migration. Whereas the first two are among the most aged EU policies subject to the Community method, the high value of the third one, which had originated in 1990s, can be explained by the new impetus gained following the Treaty of Lisbon (Guild 2010), as well as by the response to the 2015 refugee crisis – whose impact is partly reflected in these data.

Still as regards the ‘inclusive analysis’, the overall convergence between the two agendas, calculated according to the Sigelman-Buell index, amounts to 60.72 per cent. This means that, even considering the areas in which the Commission has little formal agenda-setting power, the two agendas overlap, at least from the point of view of issue attention, for more than 60 per cent. The value for ‘exclusive analysis’ (Table 1B) is relevantly higher: 69.62 per cent.

Taken by themselves, these figures seem to be sizeable. Nevertheless, their significance *per se* should not be overestimated. In first place, it should not be surprising that two institutions operating in the same political system share a great part of their priorities: albeit according to different perspectives and with different means of action, both of them work in the same polity and are affected by the same problems. In the opposite case, the risk of an institutional paralysis would be too high. In second place, at present these numbers cannot be compared to any other similar value, since this is the first time that convergence between the European Council and the Commission is calculated in these terms. There are neither such data relating to other periods, nor on relations between different branches of the executives in other analogous political systems, like semi-presidential republics. Rather, it is right to assume this aggregate value as a reference point for evaluating the results of the analyses of convergence related to the hypotheses. Looking at the differences of levels of attention given to single topics, the deepest divergences are recorded, as expectable, in those policies outside of the Community method, which have been excluded by the ‘exclusive analysis’ precisely for this reason. Among them, the most divergent areas are foreign affairs and macroeconomics.

As regards supranational areas, the highest divergences are found in agriculture and energy, arguably for opposite reasons. The former, as shown by general trends (Alexandrova et al. 2014), has been decreasingly present in European Council Conclusions over time until almost disappearing, while the Commission continued to deal with it constantly until the analysed periods. The latter, by contrast, has always appeared in the intergovernmental agenda even without a clear EU competence on it, whereas the Commission, having gained a formal competence on energy so recently, has not (yet?) given to it such an important place in its legislative agenda.

The patterns are more nuanced as for the other subjects. Some of them are relevantly addressed by both institutions, albeit with differences in intensity – e.g., business and finance, labour, and justice and home affairs (including both law and crime and immigration) –, whereas others are almost ignored, arguably because they are typical ‘low

politics' areas in which the EU competence is quite poor – e.g., health, territorial issues, and culture.

This cumulative picture gives only a few glimpses of the agenda dynamics between the two branches of the EU executive. The next paragraphs present the results of the empirical tests conducted on the hypotheses and bring them back to general theory, in order to clarify, at least partly, this still blurred political relation.

## **2. Strong leaders think differently: convergence, divergence and the Commission's decline**

H1 assumed that stronger Presidents of the Commission present values of agenda convergence lower than weaker Presidents. Operationally, it is thus expected that Juncker's value is lower than Barroso's one.

Comparing the two values of convergence for the 'inclusive analysis' (Tables 2A and 2B), the hypothesis is confirmed. The agenda of the Barroso II Commission converges with that of the European Council for almost 59.12 per cent, whereas Juncker's one stops at approximately 52.28 per cent. The 'exclusive analysis' (Tables 3A and 3B) further validates this confirmation: 68.32 per cent of the agendas overlap under Barroso, and this value decreases to 60.58 per cent under Juncker.

A difference of about 7.5 percentage points is not that much *per se*, but still represents a net reduction of convergence that corroborates the image of Juncker as a President that, at least in agenda-setting, follows a path which is more distinct from Member States than his predecessor.

The more relevant differences are recorded in migration policy, to which – quite surprisingly – the Commission devoted itself proportionately far more than the European Council, and in energy policy, where the opposite happened. By contrast, Barroso in general aligns to a relevant extent to the European Council's attention profile, with the exception of agriculture, which occupies a considerable part of his agenda. On the other hand, both Commissions attribute a similar share of their consideration to Common market issues, while EUCO attention to this topic decreased under Juncker's Presidency. As said in Chapter 2, agenda convergence does not mean autonomy, but can give some clues of it. To this end, the fact that the initiation activity of the Juncker Commission diverges from the EUCO agenda comparatively more than the Barroso Commission, which instead was more compliant, should be emphasised. Indeed, this finding stands on

the opposite side of the thesis of the Commission's decline. Although the absolute level of convergence between the two institutional agendas stays high, its decrease shows that, being Treaty provisions unchanged, the compliance of the Commission's proposals with the European Council's orientation can change and even decrease. In other words, leadership matters: the broad institutional framework does not condemn *per se* the Commission to the alignment with the EUCO priorities, but a strong leader can, at least partly, overturn the trend.

Obviously, this outcome is just a little challenge to the broader theory of the decline, but still meaningful: the intergovernmental attitudes that have been attributed to the Barroso Commission can hence be relativised and ascribed in part to a typical style of leadership rather than to structural trends linked to the Lisbon reforms.

However, a 'divergent' Commission does not necessarily mean an 'agenda leader'. The rough value of convergence cannot indicate at all this analytical dimension. It is sufficient to look at the fact that the absolute number of Juncker's proposals is relevantly lower than Barroso's one: by a would-be agenda leader, a greater legislative activism in many policy areas is expected. Yet, the image, evoked by Rauh (2018), of a Commission unable to keep up with an increased number of communitarised policies, is contradicted by a deeper analysis of the issue distribution between the agendas of the two Commissions. Barroso covered to some extent all the areas, and focused more on some of them, like internal market, agriculture and transportation, which are among the most aged EU competences. His can be seen as a 'generalist' Commission that ends up dealing with the most traditional of its policy activities, in which it has always shown proclivity, albeit with some challenges (Alexandrova et al. 2017). Juncker, on his part, seems to make a clearer selection as for the topics to address. Some of them, in which the EU can exercise weak support competences, are not dealt with at all – education, health, labour, and even regional issues, which include cohesion policy –, whereas the others enjoy shares of attentions comparatively higher than in the previous term. The peaks are reached in business and internal market – traditional Commission's domain – and migration – far more recent competence that was at the centre of Juncker's strategy in the first part of its tenure. The presence of a relevant agenda strategy differentiates Juncker from Barroso: the former's legislative initiatives are less in number but politically more meaningful (Ząbkowicz 2018), as they are linked to the political priorities of its programme and are chosen through a 'programmatic and selective' approach (Nugent and Rhinard 2019: 51). This method, which somehow puts together the 'Better regulation' ideal of a more

efficient policy output (Nugent and Rhinard 2015: 284, Radaelli 2018) and that of a ‘political’ Commission (see par. 2.1. of Chapter 2), is well resumed by one of Juncker’s statements:

‘My agenda will focus on ten policy areas. My emphasis will be on concrete results in these ten areas. Beyond that, I will leave other policy areas to the Member States where they are more legitimate and better equipped to give effective policy responses at national, regional or local level, in line with the principles of subsidiarity and proportionality. I want a European Union that is bigger and more ambitious on big things, and smaller and more modest on small things’ (Juncker 2014: 4).

Barroso’s action, albeit also aimed at streamlining EU policies, at least in a first period (Jankauskas and Eckhard 2019, Lofstedt 2007), lacked political ambition, therefore ended up focusing more on economy-related topics, even frustrating the ambitions of some of his Commissioners responsible for other areas (Kassim et al. 2017).

The consequence of this difference in approach is visible in the convergence with the European Council agenda. A Commission following its political programme is a Commission that abides less by the priorities of the governments of the Member States and, all in all, is more autonomous. But, of course, the question of who, at the end of the day, leads agenda-setting in the EU has a different nature, which this research is not able to answer.

### **3. Agenda convergence among the EU competences: a complicated picture**

Let us move to the analysis of the three chosen thematic sub-agendas in order to assess the relation between age of competences and interinstitutional convergence. H2 assumed that older competences present values of convergence lower than younger ones. It is therefore expected that energy presents a higher value, internal market a lower value and environment somewhat in the middle.

The expectations for energy are confirmed (Table 3A): indeed, a convergence of more than 80% is considerably high, also if compared to the aforementioned aggregate values. Not only, as shown in par. 1., does the European Council deal with energy proportionally more than the Commission, but also the latter, in what littler it tackles this topic, largely follows the former’s orientation. As predictable for a young policy, the most attention is

given to general definitions and issues. The European Council's pleas for energy security and for an efficient system of energy infrastructures are reflected by the bulk of Commission proposals, devoted to trans-European networks and energy cooperation with third countries. The picture is completed by other proposals addressing energy efficiency and management of gas supplies, which are also dealt with by the EUCO Conclusions. The Commission does not introduce any proposal that moves away from the main concerns of the Heads of Government. By contrast, the Commission does not deal with renewable energy, in spite of the approximately 10 per cent of attention devoted to this topic by the European Council. This is partly the consequence of the temporal delimitation of the research, since some proposals on renewable energy had been introduced in the previous years (Rietig and Dupont 2021); therefore, it can even be considered an exception corroborating the trend.

Now, let us look at the opposite extreme: a very aged EU competence such as internal market. In this area, convergence between the two institutions in the given periods drops down to about 60 per cent (Table 3C). Taken individually, this value is still high, even though approximately 10 percentage points lower than the 'exclusive' aggregate one. Compared to energy, the differences with respect to single subtopics are much more accentuated. The European Council focuses largely on general issues – which, from a deeper look, are linked mainly to the circulation of financial services –, whereas the Commission introduces many proposals on intellectual property and on harmonisation of technical requirements for several categories of goods (e.g., components of lifts, pyrotechnic articles, and weighing instruments). Nevertheless, a highly similar share of attention is given by both institutions to the subfield of financial market regulation.

Interestingly, a deeper insight into the content of the related items shows that the origins of these overlapping interests are largely different: while the European Council has a leading concern about financial market stability, the Commission mainly aims to foster the principle of freedom of establishment. Therefore, the impression is that each of the two institution faces the theme in its own way, but in a situation of economic crisis or post-crisis their attention profiles as for this issue end up converging.

As regards environment, it is expected that the convergence in this area assumes a value in between that of energy and that of internal market. As displayed in Table 3B, this expectation is heavily contradicted. Outstandingly, in environmental issues the convergence is dramatically low, reaching 32.21 per cent. The reasons are apparently easy to identify: while the European Council devotes almost all its attention to the issue of



global warming and climate change, the Commission deals with it far less. Conversely, the latter touches a series of subjects never talked about by the European Council, like waste management, dangerous substances and water safety.

Therefore, H2 is not confirmed as a general statement. While age seems to be linked to convergence for a very young competence, it is not for older ones, whose trends are irregular. Nevertheless, this unsuccessful test allows to make some reflections on the agenda-setting of the two institutions vis-à-vis each other.

### **3.1. Considerations on possible third variables: different agenda dynamics and the impact of crises**

The discrepancy between the hypothesis and the reality can be interpreted in the light of different other elements. A larger-scale analysis is necessary to understand whether environmental agenda is simply a deviant case or rather indicates the intervention of factors that this design has not considered, but, looking for new research, some reflections could be made.

In first place, it should not be underestimated that the convergence is anyway very high for a recent policy. Rather, time loses its explanatory relevance in more aged competences, whereby evidently convergence varies according to third factors. It is conceivable that the ‘division of scopes of action’ hypothesised in par. 2.1. of Chapter 2 stabilises after a certain time and then new elements become relevant to the analysis. In other words, once an issue stably gets into the agenda, the European Council and the Commission will spend some time in practically defining ‘who does what’. In the meanwhile, the Commission largely complies with the EUCO orientation, and does not go beyond them. After that this definition of ‘who does what’ in practice has been achieved, the time factor no longer matters, and variations in convergence have to be attributed to other causes.

What can these other causes be? The role of external factors should be highlighted. Indeed, as Princen (2013) points out, the dynamics displayed by the two agendas with respect to the reaction to the external environment appear to be different. On the one hand, the European Council is more susceptible to external events, and therefore its agenda, albeit in a general condition of stability (Carammia et al. 2016), tends to transform over time according to what Baumgartner and Jones (1993) called ‘punctuated equilibrium’: its evolution does not take place incrementally, but rather long-lasting stable phases are

disrupted by very short periods of change ('punctuations') which redefine the old equilibria and lead to new ones (Alexandrova et al. 2012). These punctuations can correspond with elections, crises, come into action of new actors, rise in media attention, or any other event able to trigger a transformation of the policy agenda (see Beyer et al. 2018, Princen 2013). On the other hand, the European Commission historically appears to be less affected by such dynamics: therefore, the EU legislation does not follow punctuated equilibrium but rather changes according to incremental shifts (Grossman and Brouard 2009).

The present thesis does not mean to study punctuated equilibrium – if only because it does not conduct the broad diachronic analysis that would be needed to this end (Baumgartner et al. 2009) –, but a side effect of the presence/absence of this phenomenon can help to better understand the collected data on convergence.

The proneness of the European Council to this kind of dynamics in general indicates that it, notwithstanding its increasing 'routine' character (Carammia et al. 2016), still tends to give more attention to publicly salient topics, especially in crisis situations (Alexandrova et al. 2016, Ullrichova 2023). Accordingly, in the three areas that have been analysed by this thesis, the European Council allocates the highest shares of its attention to issues that have been relevantly affected by crises: energy security, climate change, financial markets and services.

On the other hand, the Commission focuses more on topics that can be addressed through the classical regulatory means at its disposal, i.e., the establishment of common standards and the approximation of national legislation: waste management, financial market regulation, harmonisation of technical requirements, common standards for copyright protection. Widely, they can be called 'technical issues', as a certain technical expertise is needed to deal with them. This could be deemed the effect of a path-dependence, a kind of dynamics quite different from punctuated equilibrium (Baumgartner et al. 2006). The attention allocated to the other category of issues, that of publicly salient ones, is lower, still constant – unlike the European Council, which barely considers 'technical issues' in its agenda. It is even not excluded that the sensitivity of the Commission to these issues can increase over time (see Koop et al. 2022), and the high relevance given by the Juncker Commission to migration issues might indicate it; nevertheless, these first hints are not sufficient to suggest a change in its traditional agenda dynamics.

In other words, the two agendas are biased towards a certain type of issues, yet the EUCO one more than the Commission one.

The interplay between these two different dynamics may have an impact on agenda convergence, at least in older and more consolidated policy areas. The Commission will be likely to align to the EUCO priorities when the external-driven attention of the latter focuses in a balanced way on issues that can be addressed via traditional regulatory methods. In a field like internal market, the distribution of EUCO attention over several issues corresponds with a higher convergence – although far lower than a recent area such as energy; in a field like environment, the dominant position of climate change is not reflected in the legislative agenda, since this addresses this specific subject only alongside other less publicly salient issues such as waste or dangerous substances management.

Of course, it can be surprising that a body like the European Council, which has been crossed by deep cleavages with respect to climate change (Skovgaard 2014), finally ends up dealing with climate change proportionally far more than the Commission, which instead is recognised for its entrepreneurship in this subject, albeit with relevant limits (Bürgin 2015, Lenschow 2020, Steinebach and Knill 2017). Nonetheless, this divergence takes place because the Heads of State and Government address ‘too much’ climate change as compared to other environmental issues, which instead are continued to be faced by the Commission in its legislative proposals.

New empirical research should treasure the failure of the test of H2, by assessing variables linked to the behaviour of actors and the character of issues in crisis contexts. Indeed, the history of EU politics and policies after the Treaty of Lisbon is deeply marked by crises (Dinan et al. 2017), and the impact that this context has on agenda-setting should be better investigated.

#### **4. Agenda-setting between sharing and competition: suggestions for further research**

To sum up, what is the picture emerging from these empirical findings? The relation between the European Commission and the European Council stays ambivalent, yet considerably dynamic. Several meaningful points can be highlighted.

First, the absolute levels of convergence between the two institutions are high in almost every situation, reaching often 60 per cent. Although it is not clear how to read this figure comparatively, it can be argued that, at the end of the day, there is a relevant concurrence between these deeply different institutions in identifying the core items of the EU agenda, somewhat recalling Fabbrini’s theses on compound democracy (Fabbrini 2007). More

research on this aspect could further shed light on the boundaries of this ‘shared agenda nucleus’ and on the dynamics through which it is defined by political actors.

Second, the leadership style of the President of the Commission proves to be an important variable to explain the interaction with the European Council. The decrease of agenda convergence under Juncker’s Presidency alludes to a possible challenge to the new intergovernmental arguments on the Commission’s decline. Widening the scope of the research to the whole legislative, and possibly also non-legislative, activity of the Commission in the post-Lisbon era, including also the Von der Leyen College, would provide more elements upon which to build a sounder theoretical debate.

Third, while in younger policy areas the Commission apparently abides by the European Council indications, in older areas this happens to a lesser extent, but not in a linear way. The correlation between age of the competence and convergence of the two agendas is not plainly driven by an indirect proportionality, but rather it is likely to be complicated by third factors, linked to the attitudes of the institutions and the substantive nature of the issues at stake. Future research should undoubtedly take into account these intervening variables as well as increase the number of analysed policy areas, in the view of making convergence a sharp tool to assess causal relations between the two agendas.

A provisional conclusion in the light of what has been said so far retrieves and reformulates the classical argument by Kreppel and Oztas (2017; see par. 3. of Chapter 1), partly changing the meaning of the terms. Whereas the European Council appears to act as a typical political agenda-setter, which addresses, as usually governments do, the publicly more salient issues, the European Commission can be considered to be a political and at the same time a technical agenda-setter, whose bias towards technical issues is hard to be weakened, but which in any case attributes a proper relevance, from a legislative point of view, also to politically ‘hotter’ topics. As for more technical matters, the European Council rarely intervenes on them, and thus the Commission is free to set the agenda without particular limits. As for politically more salient matters, by contrast, the Commission, also in function of its politicisation and of the style of its President, can try to act as ‘purposeful opportunist’ (Cram 1994, Camisão and Guimarães 2017) and challenge the European Council leadership, in a way that seems to match the concept of ‘competitive cooperation’ (Bocquillon and Dobbels 2014), albeit limited to an OLP-based institutional framework. Indeed, the shared agenda basis, indicated by the high values in convergence, hints at some form, even implicit, of cooperation, whereby the Commission somehow reports in its legislative proposals a large part of the European Council’s

concerns; by contrast, at the same time, for a relevant part of its work the Commission acts his own way, even heavily downsizing the intergovernmental expectations.

These considerations can be crossed with the list of models presented in par. 4.3.1. of Chapter 1. The final goal of such research strand would be to include this analysis in a broader diachronic study able to detect the peculiar dynamics of the interaction between the two institutions over the long period, catching the suggestion of Baumgartner et al. (2006, 2011). To this end, the impact of the twofold long period transformation of EU institutional agendas could be assessed: on the one hand, the agenda of the European Council is getting more stable and recurring (Carammia et al. 2016); on the other hand, more slowly, the European Commission is getting more sensitive to the public agenda (Koop et al. 2022), and the beginning of an evolution towards a new dynamic model cannot be excluded and should be investigated.

To conclude, only a more comprehensive research design will ultimately be able to render a clear picture of the agenda-setting interplay between the two institutions. This short study has just recorded the variations in agenda convergence according to the leadership style and the age of policy competences, allowing to highlight some interesting trends or to refute possible expectations. Although grounded on a restricted database, it has produced attention-grabbing results, that are worth to be further investigated in the near future.

## **Conclusion**

This thesis originates from the will to answer a specific research question: *to what extent is the agenda-setting activity of the European Commission influenced by the European Council?*

This question does not spring only from an academic interest, but rather addresses one of the focal dimensions of the politics of the European Union: actors who set the agenda enjoy the ‘second face of power’ and therefore should be democratically accountable for it. In the complex institutional framework of the EU, knowing who has got this power is necessary to better comprehend the functioning of a system that has authority over a high number of public policies affecting hundreds of millions of people every day. The formal provisions on the right to legislative initiative conferred exclusively upon the European Commission are not sufficient to understand on whom the EU decision agenda depends; this even more notably when the Heads of State and Government of the Member States, formally gathered in the European Council, play such an important role in the integration process.

Throughout its three Chapters, this thesis has highlighted the multifaceted relation between these two major institutions. Chapter 1 contextualised the issue in a comparative perspective and discussed critically the main existing scholarly arguments on the position of the European Commission within the EU agenda-setting mechanisms, with a deep focus on its relations, still understudied, with the European Council. Chapter 2 shifted the attention towards a more specific concept, that of agenda convergence, and proposed a research design leveraging it, in order to contribute, in its own small way, to the clarification of some murky aspects of the European Commission-European Council interaction. Chapter 3 presented the results of the research, pointing out the high absolute value of convergence between the agendas of the two institutions and the ability of Presidents of the Commission to influence it. Another hypothesis, linked to the impact of the age of competences, has not been supported by the empirical analysis, which instead seems to suggest that other factors, linked to the character of issues and to their public salience, can be relevant to this relation.

The design implemented by this thesis can be improved without a doubt, and several suggestions for further research are proposed in the last paragraph of Chapter 3. It can be added that the concept itself of agenda convergence displays several limits in capacity of

expressing the mutual autonomy of the two institutions. A modification of the formula of the Sigelman-Buell index – as Alexandrova (2017) and Carammia et al. (2016) already did for their own purposes – in such a way as to better gather the bidirectional relation between the agendas would represent a great step forward in the methodology of this study. However, data on rough convergence collected by this thesis still convey useful information.

So, what is the answer to the research question? As far as the research presented in this thesis can respond, the influence is quite high, but can vary across policy areas and Commission Colleges. Moreover, it should not be forgotten that a high level of compliance is normal to a certain degree, in that it is necessary to make the system work: therefore, its variations assume a definite importance.

The variation across policy areas, even though its origin has not been fully clarified, reminds of the well-known quote:

‘Organization is the mobilization of bias. Some issues are organized into politics while others are organized out’ (Schattschneider 1960: 71).

Not only is the identification of competences a practical expression of this statement, but also the fact that policy areas work differently from each other somehow implies the proclivity of the institutions and of the whole EU system towards certain areas rather than others.

The variation across Commission terms and Presidencies demonstrates the importance of personality and political strategies also in an allegedly ‘technocratic’ system like that of the Union.

However, notwithstanding the aforementioned caveat on its normality, the elevated base value of convergence cannot be overlooked. This finding, albeit susceptible to further study, stresses the point of the general position of the European Council and of the European Commission in the EU institutional framework. The distribution of agenda power reflects and somehow expresses the nature of a government system (Döring 1995a); accordingly, this high value of convergence questions the traditional notion of the EU as separate powers system.

Certainly, more comparative research is necessary to shed light on this aspect. Indeed, such research on systems of interinstitutional relations in agenda-setting is dramatically little, and this lack makes it difficult to infer general observations on the basis of the

analysis of relatively a few cases. This thesis, in its own way, attempted to add a little piece to a general theoretical framework that is far from being complete. It did so in reference to the dual executive of the European Union, which is maybe one the most peculiar institutional phenomena among world political systems, yet highly consequential, for the meaning it assumes in the definition of the identity of the Union. This thesis represents just a little step forward in the analysis of this subject. Additional steps are yet to come.



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## **Appendix 1**

### **EU Policy Agendas Project issue codes**

Only the codes directly utilised to test the research hypotheses are reported. For the whole codebook, see Alexandrova et al. (2015).

#### **1. Major topics**

<b>Code</b>	<b>Label</b>
<b><i>1 (*)</i></b>	Macroeconomics
<b><i>2</i></b>	Civil Rights, minority issues and civil liberties
<b><i>3</i></b>	Health
<b><i>4</i></b>	Agriculture and fisheries
<b><i>5</i></b>	Labour and employment
<b><i>6</i></b>	Education
<b><i>7</i></b>	Environment
<b><i>8</i></b>	Energy
<b><i>9</i></b>	Immigration
<b><i>10</i></b>	Transportation
<b><i>12</i></b>	Law and crime
<b><i>13</i></b>	Social policy
<b><i>14</i></b>	Regional and urban policy and planning
<b><i>15</i></b>	Banking, finance and internal trade
<b><i>16 (*)</i></b>	Defence
<b><i>17</i></b>	Space, science, technology and communications
<b><i>18</i></b>	Foreign trade
<b><i>19 (*)</i></b>	International affairs and foreign aid
<b><i>20</i></b>	EU governance and government operations
<b><i>21</i></b>	Public lands, water management and territorial issues
<b><i>23</i></b>	Culture and media

*Table I. Major topics identified by the EUPAP.*

N.B. Codes tagged by (\*) are those which have been excluded from the ‘exclusive’ analysis of convergence (see par. 4. of Chapter 2).

## 2. Energy: subtopics

Code	Label
<b>800</b>	General (includes combinations of multiple subtopics)
<b>801</b>	Nuclear energy and nuclear regulatory issues
<b>802</b>	Electricity and hydroelectricity
<b>803</b>	Natural gas and oil
<b>805</b>	Coal
<b>806</b>	Alternative and renewable energy
<b>807</b>	Energy conservation and efficiency
<b>898</b>	Research and development
<b>899</b>	Other

*Table II. Subtopics of the major topic ‘Energy’ identified by the EUPAP.*

## 3. Environment: subtopics

Code	Label
<b>700</b>	General (includes combinations of multiple subtopics)
<b>701</b>	Drinking water safety, water pollution and conservation, and water supply
<b>703</b>	Waste disposal
<b>707</b>	Recycling
<b>708</b>	Indoor environmental hazards
<b>709</b>	Forest, species and biodiversity protection
<b>711</b>	Land and water conservation
<b>712</b>	Environmental technological risks
<b>722</b>	Transport of hazardous waste
<b>723</b>	Radioactive waste and regulation of dangerous chemicals
<b>724</b>	Pesticides
<b>730</b>	Air and noise pollution
<b>731</b>	Global warming
<b>798</b>	Research and development

<b>799</b>	Other
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*Table III. Subtopics of the major topic 'Environment' identified by the EUPAP.*

#### **4. Internal market: subtopics**

<b>Code</b>	<b>Label</b>
<b>1500</b>	General (includes combinations of multiple subtopics)
<b>1501</b>	Banking system and financial institution regulation
<b>1502</b>	Financial market regulation
<b>1504</b>	Consumer finance, mortgages, and credit cards
<b>1505</b>	Insurance regulation
<b>1522</b>	Intellectual property rights and patents
<b>1530</b>	Creation of the Common/Single/Internal market
<b>1595</b>	Harmonization of technical requirements
<b>1599</b>	Other

*Table IV. Subtopics considered for the policy area 'Internal market'.*

N.B. These codes are just the relevant subset of the broader major topic 'Banking, finance and internal trade' identified by the EUPAP (see par. 4. of Chapter 2).

## Appendix 2

### Data on issue distribution and convergence

In the following tables, ‘EUCO items’ indicates the frequency distribution of the quasi-sentences included in the database; ‘Commission items’ indicates the frequency distribution of the legislative proposals included in the database. Percentage frequency is always displayed, as it is necessary to calculate convergence; absolute frequency is reported only in tables referring to the ‘extensive analysis’ (see par. 4 of Chapter 2) as well as to the single policy areas.

#### 1. Aggregate data

	EUCO items		Commission items		Difference (%)
Major topic	n	%	n	%	
<i>1</i>	1367	17.75	13	4.81	12.94
<i>2</i>	163	2.12	3	1.11	1.01
<i>3</i>	44	0.57	1	0.37	0.20
<i>4</i>	120	1.56	35	12.96	11.40
<i>5</i>	410	5.32	10	3.70	1.62
<i>6</i>	59	0.77	1	0.37	0.40
<i>7</i>	429	5.57	14	5.19	0.39
<i>8</i>	642	8.34	9	3.33	5.00
<i>9</i>	301	3.91	29	10.74	6.83
<i>10</i>	36	0.47	20	7.41	6.94
<i>12</i>	213	2.77	11	4.07	1.31
<i>13</i>	125	1.62	3	1.11	0.51
<i>14</i>	206	2.67	8	2.96	0.29
<i>15</i>	798	10.36	52	19.26	8.90
<i>16</i>	457	5.93	1	0.37	5.56
<i>17</i>	253	3.29	14	5.19	1.90
<i>18</i>	287	3.73	12	4.44	0.72

<b>19</b>	1258	16.34	14	5.19	11.15
<b>20</b>	521	6.77	17	6.30	0.47
<b>21</b>	3	0.04	0	0.00	0.04
<b>23</b>	9	0.12	3	1.11	0.99
<b>Total</b>	<b>7701</b>	<b>100.00</b>	<b>270</b>	<b>100.00</b>	<b>0.00</b>
<b>Convergence</b>	<b>60.72</b>				

*Table 1A. Aggregate data – Inclusive analysis.*

<b>Major topic</b>	<b>EUCO items (%)</b>	<b>Commission items (%)</b>	<b>Difference (%)</b>
<b>2</b>	3.53	1.24	2.29
<b>3</b>	0.95	0.41	0.54
<b>4</b>	2.60	14.46	11.86
<b>5</b>	8.88	4.13	4.74
<b>6</b>	1.28	0.41	0.86
<b>7</b>	9.29	5.79	3.50
<b>8</b>	13.90	3.72	10.18
<b>9</b>	6.52	11.98	5.47
<b>10</b>	0.78	8.26	7.49
<b>12</b>	4.61	4.55	0.07
<b>13</b>	2.71	1.24	1.47
<b>14</b>	4.46	3.31	1.15
<b>15</b>	17.28	21.49	4.21
<b>17</b>	5.48	5.79	0.31
<b>18</b>	6.21	4.96	1.25
<b>20</b>	11.28	7.02	4.25
<b>21</b>	0.06	0.00	0.06

<b>23</b>	0.19	1.24	1.04
<b>Total</b>	<b>100.00</b>	<b>100.00</b>	<b>0.00</b>
<b>Convergence</b>	<b>69.62</b>		

*Table 1B. Aggregate data – Exclusive analysis.*

## 2. Testing H1: agendas under different Presidencies

	<b>EUCO items</b>		<b>Commission items</b>		<b>Difference (%)</b>
<b>Major topic</b>	<b>n</b>	<b>%</b>	<b>n</b>	<b>%</b>	
<b>1</b>	633	16.51	9	5.56	10.95
<b>2</b>	101	2.63	3	1.85	0.78
<b>3</b>	11	0.29	1	0.62	0.33
<b>4</b>	34	0.89	26	16.05	15.16
<b>5</b>	144	3.75	5	3.09	0.67
<b>6</b>	34	0.89	1	0.62	0.27
<b>7</b>	333	8.68	7	4.32	4.36
<b>8</b>	268	6.99	6	3.70	3.28
<b>9</b>	127	3.31	9	5.56	2.24
<b>10</b>	22	0.57	12	7.41	6.83
<b>12</b>	94	2.45	7	4.32	1.87
<b>13</b>	73	1.90	2	1.23	0.67
<b>14</b>	27	0.70	8	4.94	4.23
<b>15</b>	469	12.23	32	19.75	7.52
<b>16</b>	177	4.62	0	0.00	4.62
<b>17</b>	102	2.66	6	3.70	1.04
<b>18</b>	96	2.50	6	3.70	1.20
<b>19</b>	767	20.00	9	5.56	14.44
<b>20</b>	314	8.19	12	7.41	0.78
<b>21</b>	2	0.05	0	0.00	0.05
<b>23</b>	7	0.18	1	0.62	0.43

<b>Total</b>	<b>3835</b>	<b>100.00</b>	<b>162</b>	<b>100.00</b>	<b>0.00</b>
<b>Convergence</b>	<b>59.12</b>				

*Table 2A. Agendas and the Barroso II Commission – Inclusive analysis.*

	<b>EUCO items</b>		<b>Commission items</b>		<b>Difference (%)</b>
<b>Major topic</b>	<b>n</b>	<b>%</b>	<b>n</b>	<b>%</b>	
<b>1</b>	734	18.99	4	3.70	15.28
<b>2</b>	62	1.60	0	0.00	1.60
<b>3</b>	33	0.85	0	0.00	0.85
<b>4</b>	86	2.22	9	8.33	6.11
<b>5</b>	266	6.88	5	4.63	2.25
<b>6</b>	25	0.65	0	0.00	0.65
<b>7</b>	96	2.48	7	6.48	4.00
<b>8</b>	374	9.67	3	2.78	6.90
<b>9</b>	174	4.50	20	18.52	14.02
<b>10</b>	14	0.36	8	7.41	7.05
<b>12</b>	119	3.08	4	3.70	0.63



<b>13</b>	52	1.35	1	0.93	0.42
<b>14</b>	179	4.63	0	0.00	4.63
<b>15</b>	329	8.51	20	18.52	10.01
<b>16</b>	280	7.24	1	0.93	6.32
<b>17</b>	151	3.91	8	7.41	3.50
<b>18</b>	191	4.94	6	5.56	0.62
<b>19</b>	491	12.70	5	4.63	8.07
<b>20</b>	207	5.35	5	4.63	0.72
<b>21</b>	1	0.03	0	0.00	0.03
<b>23</b>	2	0.05	2	1.85	1,80
<b>Total</b>	<b>3866</b>	<b>100.00</b>	<b>108</b>	<b>100.00</b>	<b>0.00</b>
<b>Convergence</b>	<b>52.28</b>				

*Table 2B. Agendas and the Juncker Commission – Inclusive analysis.*

Major topic	EUCO items (%)	Commission items (%)	Difference (%)
<b>2</b>	6.11	2.08	4.02
<b>3</b>	0.76	0.69	0.07
<b>4</b>	3.24	18.06	14.81
<b>5</b>	5.92	3.47	2.44
<b>6</b>	2.10	0.69	1.40
<b>7</b>	10.31	4.86	5.44
<b>8</b>	11.83	4.17	7.67
<b>9</b>	7.82	6.25	1.57
<b>10</b>	0.76	8.33	7.57
<b>12</b>	8.40	4.86	3.54
<b>13</b>	4.01	1.39	2.62
<b>14</b>	0.38	5.56	5.17
<b>15</b>	17.75	22.22	4.47
<b>17</b>	6.11	4.17	1.94
<b>18</b>	3.82	4.17	0.35
<b>20</b>	9.54	8.33	1.21
<b>21</b>	0.00	0.00	0.00
<b>23</b>	1.15	0.69	0.45
<b>Total</b>	<b>100.00</b>	<b>100.00</b>	<b>0.00</b>
<b>Convergence</b>	<b>67.62</b>		

*Table 3A. Agendas and the Barroso II Commission – Exclusive analysis.*

<b>Major topic</b>	<b>EUCO items (%)</b>	<b>Commission items (%)</b>	<b>Difference (%)</b>
<i>2</i>	2.63	0.00	2.63
<i>3</i>	1.40	0.00	1.40
<i>4</i>	3.64	9.18	5.54
<i>5</i>	11.27	5.10	6.16
<i>6</i>	1.06	0.00	1.06
<i>7</i>	4.07	7.14	3.08
<i>8</i>	15.84	3.06	12.78
<i>9</i>	7.37	20.41	13.04
<i>10</i>	0.59	8.16	7.57
<i>12</i>	5.04	4.08	0.96
<i>13</i>	2.20	1.02	1.18
<i>14</i>	7.58	0.00	7.58
<i>15</i>	13.93	20.41	6.47
<i>17</i>	6.40	8.16	1.77
<i>18</i>	8.09	6.12	1.97
<i>20</i>	8.77	5.10	3.67
<i>21</i>	0.04	0.00	0.04
<i>23</i>	0.08	2.04	1.96
<b>Total</b>	<b>100.00</b>	<b>100.00</b>	<b>0.00</b>

<b>Convergence</b>	<b>60.58</b>
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Table 3B. Agendas and the Juncker Commission – Exclusive analysis.

### 3. Testing H2: agendas in different policy areas

	EUCO items		Commission items		Difference (%)
Subtopic	n	%	n	%	
<b>800</b>	393	61.21	6	66.67	5.45
<b>801</b>	14	2.18	0	0.00	2.18
<b>802</b>	20	3.12	0	0.00	3.12
<b>803</b>	59	9.19	2	22.22	13.03
<b>805</b>	1	0.16	0	0.00	0.16
<b>806</b>	66	10.28	0	0.00	10.28
<b>807</b>	70	10.90	1	11.11	0.21
<b>898</b>	14	2.18	0	0.00	2.18
<b>899</b>	5	0.78	0	0.00	0.78
<b>Total</b>	<b>642</b>	<b>100.00</b>	<b>9</b>	<b>0.00</b>	<b>0.00</b>
<b>Convergence</b>	<b>81.31</b>				

Table 3A. Issues in the EU energy policy.

	EUCO items		Commission items		Difference (%)
Subtopic	n	%	n	%	
<b>700</b>	36	10.78	2	14.29	3.51
<b>701</b>	0	0.00	2	14.29	14.29
<b>703</b>	0	0.00	4	28.57	28.57
<b>707</b>	0	0.00	0	0.00	0.00
<b>708</b>	0	0.00	0	0.00	0.00
<b>709</b>	4	1.20	0	0.00	1.20

<b>711</b>	0	0.00	0	0.00	0.00
<b>712</b>	0	0.00	0	0.00	0.00
<b>722</b>	0	0.00	0	0.00	0.00
<b>723</b>	0	0.00	3	21.43	21.43
<b>724</b>	0	0.00	0	0.00	0.00
<b>730</b>	1	0.30	0	0.00	0.30
<b>731</b>	292	87.43	3	21.43	66.00
<b>798</b>	1	0.30	0	0.00	0.30
<b>799</b>	0	0.00	0	0.00	0.00
<b>Total</b>	<b>334</b>	<b>100.00</b>	<b>14</b>	<b>100.00</b>	<b>0.00</b>
<b>Convergence</b>	<b>32.21</b>				

*Table 3B. Issues in the EU environmental policy.*

	<b>EUCO items</b>		<b>Commission items</b>		<b>Difference (%)</b>
<b>Subtopic</b>	<b>n</b>	<b>%</b>	<b>n</b>	<b>%</b>	
<b>1500</b>	176	39.20	5	11.90	27.29
<b>1502</b>	135	30.07	13	30.95	0.89
<b>1504</b>	17	3.79	0	0.00	3.79
<b>1505</b>	3	0.67	0	0.00	0.67
<b>1522</b>	21	4.68	8	19.05	14.37
<b>1530</b>	80	17.82	4	9.52	8.29
<b>1595</b>	2	0.45	10	23.81	23.36
<b>1599</b>	15	3.34	2	4.76	1.42
<b>Total</b>	<b>449</b>	<b>100.00</b>	<b>42</b>	<b>100.00</b>	<b>0.00</b>
<b>Convergence</b>	<b>59.96</b>				

*Table 3C. Issues in the EU internal market policy.*