

Anticipating Resistance: The Effect of Member State Preferences on the European Commission's Agenda-Setting Activity¹

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Abstract

The high success rate of Commission proposals seems to suggest that the European Commission is very influential in promoting European policies. However, the Commission's agenda-setting activity might be affected by its anticipation of member states' preferences. If the Commission acts with foresight, it simply does not initiate a proposal when it knows that the proposal will not be acceptable to member state governments in the Council or, more recently, the European Parliament. In this respect, the Commission is far less powerful than it appears. We test this hypothesis with aggregate data on the number of Commission proposals for directives and the degree of EU support in the Council between 1976 and 2003. The results of the analysis broadly support the theoretical argument.

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The role of the Commission in the European integration process

The power of the Commission to promote and shape the course of the integration process is one of the main unresolved questions in European integration research. For intergovernmentalists, the Commission is merely an agent of powerful member state interests. Its independent role is restricted to providing technically informed and politically neutral policy proposals, facilitating information exchange and brokering agreements between member states. In this view, the Commission is just an instrument of member states to attain their collectively best negotiation agreement (Moravcsik, 1993 p. 507). The Commission is a tool of member states to reach more efficient bargaining outcomes, but it has no independent effect on the content of those bargaining outcomes.

In contrast, neo-functionalists and other supranationalists attribute substantial influence to supranational institutions in general, and to the European Commission in particular (Sandholtz and Stone Sweet, 1998 p. 4; Sandholtz and Zysman, 1989 p. 96; Stone Sweet and Brunell, 1998 p. 75). According to this view, the Commission's right of initiative allows it to fuel and mould the integration process. The Commission's superior expertise and knowledge in many policy areas provides it with an informational advantage that it can use to promote its own institutional interests in the decision-making process. Also, the Commission's monopoly on drafting and initiating legislation allows it to set the broad parameters in which the subsequent political debates take place.

Finally, the third theoretical perspective takes a more nuanced position between these two extremes. Rather than perceiving the Commission to be generally powerful or generally lacking, Institutionalists argue that the influence of the Commission and other supranational actors depends on the preference constellation among all powerful actors as well as the institutional environment (Pollack, 1997 pp. 121-24; Tallberg, 2000; Tsebelis and Garrett, 2000, 2001). In this view, other actors with institutional powers to change or reject

Commission initiatives, like member states and the European Parliament (EP), act as constraints on the Commission's power to shape and drive the integration process.

In this paper, we study the legislative agenda-setting activity of the European Commission between 1976 and 2003. To shed more light on the relative distribution of power between the Commission and member states, we examine how responsive the Commission is to changes in member states' attitudes towards European integration. Applying an institutionalist perspective, we expect that the Commission's decision to initiate legislation crucially depends on the attitudes of member states in the Council. If the Commission anticipates that a proposal will be rejected in the Council or amended towards a less preferred policy than the status quo, the Commission will likely abstain from introducing such a proposal. By focusing on the Commission's decision about whether or not to introduce a proposal, we study a largely neglected aspect of EU legislative decision-making.⁴ Most studies of the Commission's agenda-setting power focus on cases in which negotiations took place and decisions were eventually made. In these contexts, researchers find that the Commission can have significant influence on the content of agreements, either by framing the debate or exploiting different majority coalitions (Boessen and Maarse, 2008; Elsig, 2007; Princen and Rhinard, 2006)⁵.

While we do not dispute these findings, we argue that an exclusive focus on actual decision-making cases overlooks the arguably more fundamental question about the conditions under which the Commission decides to introduce a proposal in the first place. Only about one out of twenty proposals introduced by the Commission is not adopted by

⁴ While our general argument about the anticipation of member states preferences by the Commission is hardly novel, no previous research has explicated the theoretical assumptions on which such an argument can be based or investigated its empirical validity in any systematic way.

⁵ For a recent review of the policy framing literature, see Daviter (2007). For contrasting findings, see the studies by Haverland (2007), Selck and Rhinard (2005), and Thomson and Hosli (2006).

member states⁶. At least two possible explanations can account for this very high adoption rate. A supranationalist explanation would stress the Commission's resources and powers that allow it to ensure that almost every policy it desires will be adopted by the Council. In contrast, an institutionalist explanation would argue that the high adoption rate is due to a selection effect: the Commission appears successful because it only introduces those proposals that it knows to be broadly in line with the preferences of the required majority of member states. As Bachrach and Baratz have long pointed out, restricting the study of power to an examination of actors' influence in actual decision-making cases distorts the analysis (Bachrach and Baratz, 1962). The ability to keep issues off the agenda is just as or even more important as the ability to influence policy outcomes once issues are debated in the political arena. Our study contributes to the literature on Commission agenda-setting and the debate about the relative influence of supranational actors and member states in the integration process by examining this more elusive aspect of power.

In the next section, we first explicate the assumptions and the logic of the theoretical argument through a simple institutionalist model of the Commission's proposal initiation decision. From this model, a testable hypothesis about the effect of changes in Council attitudes on the Commission's legislative agenda-setting activity can be derived. Following the theory section, we discuss the research design, the operationalization of variables, and the data sources. The results of the analysis indicate that the Commission's agenda-setting activity is indeed responsive to changes in member state's attitudes towards European integration. The European Commission introduces more legislative proposals when the Council consists of mainly integrationist governments than when the Council consists of less integrationist governments. Although public support for European integration also increases the Commission's agenda-setting activity, it does not render the relationship between agenda-

⁶ See Table 4 in (König et al., 2006 p. 563).

setting activity and Council attitudes spurious. Finally, the increasing power of the EP, or any other institutional changes brought about through Treaty revisions, did not influence the Commission's agenda-setting activity.

Modelling the Commission's proposal initiation decision

To explicate the assumptions underlying our theoretical argument and demonstrate its logical consistency, we present a simple spatial model of the Commission's proposal initiation decision. Spatial models have originally been developed to study political decision-making in the United States (e.g. Krehbiel, 1988). Subsequently, the same technical apparatus has been used to model legislative decision-making in the EU (e.g. Crombez, 1996; Steunenberg, 1994; Tsebelis, 1994). In this context, it is important to note that the current model does not present novel ideas. The main insight about the agenda-setter's behaviour resulting from the anticipation of the other actor's actions has already been established by Romer and Rosenthal (1978) more than three decades ago.

However, amongst the formal theories of EU decision-making, only Steunenberg's (1994) theoretical account models the Commission's decision about whether or not to introduce a proposal as the first move of the game.⁷ In line with the aim of Steunenberg's model of predicting policy outcomes under different legislative procedures, his model is more complex than the model proposed here. In our model, we strip the latter parts of the legislative process down to their bare essentials in order to highlight the considerations made by the Commission at the beginning of the game when deciding about whether or not to introduce a proposal. In this way, the model represents the core of the theoretical argument,

⁷ Tsebelis' (1994) analysis focuses on the last stage of the legislative procedure and Crombez (1996) explicitly rules out that the Commission can choose whether or not to introduce a proposal.

while sidestepping debates about the powers and relative influence of different actors in the legislative process that are of secondary importance to our point.

The model is strategic in nature, as the Commission is supposed to take the potential reactions of other powerful actors into account when making its decision. The model is a simplification of any actual decision-making situation but we hope to capture one of the most salient aspects affecting the Commission's decision to introduce a proposal by stressing the role of member states in the Council and their preferences. For the moment, we do not consider the potential influence of the EP. After explicating the basic logic of the model, the consequences of including the EP as a co-legislator will be explored.

The basic model consists of two stages: First, the Commission decides about whether or not to introduce a proposal. If the Commission refrains from introducing a proposal, the outcome is the current status quo policy. If the Commission introduces a proposal and transmits it to the Council, member states make a collective decision about whether to accept a new policy and how that policy should look like. The model does not impose any detailed restrictions on the precise voting or bargaining protocol that governs interactions in the Council. We just assume that the pivotal Council members agree on an outcome that does not make them worse off than the status quo and that no other outcome exists that is collectively more preferable (i.e. the negotiation outcome is assumed to be individually rational and Pareto efficient).⁸ The type and sequence of moves in the model, as well as possible outcomes are illustrated in Figure 1.

Figure 1 about here

⁸ Gely and Spiller (1990) use this general characterization of the negotiation outcome to study policy-making in the United States.

We assume that the policy space is one-dimensional, distinguishing between more and less favourable attitudes towards European integration.⁹ While the integration dimension might have lost in importance in recent years, it has historically been the main dividing line in EU politics and continuous to be a major source of conflict today (Hix et al., 2007 p. 177; Mattila, 2004 p. 41; Tsebelis and Garrett, 2000 p. 10).¹⁰ We denote the current status quo policy as *SQ* and refer to the most preferred policy or ideal point of the Commission by *COM*. The one-dimensionality of the policy space allows us to focus on the two pivotal member states: *L* stands for the ideal point of the least integrationist member state whose agreement is required to adopt a Council decision, and *M* for the ideal point of the most

⁹ From a purely theoretical point of view, the assumption about the uni-dimensionality of the issue spaces is not consequential. The Commission will introduce a proposal whenever the intersection between the Commission's winset, the collective winset of the pivotal Council members, and the core of the pivotal Council members is non-empty, and refrain from introducing a proposal if the intersection is empty. However, without being able to specify the number and content of those multiple dimensions, such abstract predictions do not provide testable hypotheses that can guide empirical research.

¹⁰ The logic of the model does not depend on specific assumptions about the content of the issue dimension. While the European integration dimension has been a major dividing line historically, recent studies have also found some evidence for the relevance of the left-right dimension in Council decision-making (Hagemann and Høyland, 2010; Mattila, 2004). Thus, in the empirical analysis, we investigate a possible effect on proposal submissions by changes in the left-right dimension as well. However, focusing on the integration dimension has the advantage that we can make reasonable assumptions about the policy position of the Commission, which in turn is necessary to derive precise predictions that can be tested empirically. As we cannot make such assumptions about the Commission's position on the left-right dimension and no valid measures exist either, such predictions are not possible for this dimension. In either way, if the integration dimension does not capture a substantial part of the political conflict in the EU, the empirical analysis will simply reject the integration hypothesis. At the same time, support for the integration hypothesis does not imply that other considerations, like disagreement on the left-right dimension, do not play a role in the Commission's decision to introduce a new proposal.

integrationist member state. In the case of unanimity rule, L and M are simply the ideal points of the member states with the most extreme policy preferences. In the case of qualified majority voting, L is the ideal point of the least integrationist member state whose agreement is required to form a qualified majority in favour of a more integrationist policy, and M is the ideal point of the most integrationist member state whose agreement is required to form a qualified majority in favour of less integration.

While we allow member state preferences to take on any value on the integration dimension, we require the Commission to prefer a policy that is more integrationist than the status quo. In addition, if all member states prefer a more integrationist policy than the policy currently in force, we require the Commission to prefer any policy that is acceptable to L over the status quo. Both restrictions rule out implausible preference configurations. The first restriction rules out that the Commission prefers a lower level of integration than currently in force. The second restriction rules out that the Commission has incentives to refuse introducing a proposal because the Council decision-making outcome would be more integrationist than what was acceptable to the Commission. Unlike Tsebelis and Garrett (2000p. 15) in their supranationalist scenario, we do not assume that the Commission is always the most integrationist actor. However, we think it is reasonable to assume that the Commission will not intentionally block increases in the degree of integration. We further assume that all actors have complete information. This assumption implies that they know their own and each other's policy preferences, as well as the sequence of moves of the interaction.

Based on these assumptions, we can solve the game by backward induction. A few definitions make the exposition easier. First, we can define an actor's winset as the set of policies preferred by the actor to the status quo. We assume that actors have a symmetric utility function and denote actor A 's indifference point as $i(A)$. Second, we can define the

Council's Pareto set as the set of policies such that no policy outside the set exists that makes all member states better off. In the one-dimensional scenario employed here, the Pareto set is delimited by the ideal points of the two pivotal Council members L and M . Third, we can define the negotiation set as the set of policies lying in the intersection of the Pareto set and the winset of the member state with an ideal point closest to the status quo. As discussed earlier, we assume that any negotiation outcome must be individually rational (i.e. lie within the pivotal actor's winset) and collectively efficient (i.e. lie within the Pareto set). Thus, the negotiation set indicates the set of possible negotiation outcomes in the Council. Finally, the feasible set indicates the range of feasible policy outcomes. It is defined by the intersection of the Commission's winset and the negotiation set. The Commission will only introduce a proposal if the final outcome will make it better off than the status quo. Thus, any policy outcome must not only lie within the negotiation set of Council members, but also within the winset of the Commission.

In the last stage of the game, the members of the Council decide whether they can agree on policy change. They will be able to do so if the Council's Pareto set does not include the status quo. If the Pareto set includes the status quo, the majority or unanimity agreement required to change policy does not exist. When the Commission knows that its proposal will be blocked in the Council, it has no incentive to introduce a proposal in the first stage of the game.¹¹ This Council gridlock scenario is depicted in Panel A of Figure 2. If the Pareto set does not include the status quo, both pivotal member states prefer a new policy over the status quo. The new policy will then be located somewhere in the intersection of the Council's Pareto set and the winset of the pivotal member state with an ideal point closest to

¹¹ Technically, the Commission is indifferent between introducing a proposal and not introducing a proposal. However, if there are any costs associated with introducing a proposal that is subsequently rejected, the Commission will not introduce such a proposal.

the status quo. The Commission's decision in the first stage of the game depends on which side of the status quo the Council's Pareto set lies. If both pivotal Council members prefer a less integrationist policy over the status quo, the Commission will again not introduce a proposal. The outcome resulting from negotiations among member states would make it worse off than the current policy in place. This anti-integrationist Council scenario is illustrated in Panel B of Figure 2. The Commission will only introduce a proposal when both pivotal member states prefer a more integrationist policy over the status quo. Panel C in Figure 2 pictures a situation in which the pivotal Council members agree on such a more integrationist policy.

Figure 2 about here

From the scenarios illustrated in Figure 2, deriving a hypothesis about the effect of member state preferences on the Commission's agenda-setting activity is straightforward. In order to turn a gridlocked Council into an integrationist Council, the less-integrationist pivot and all member states with ideal points that are more integrationist but still less integrationist than the status quo have to become more favourably disposed towards European integration. In the case of an anti-integrationist Council, both pivots and all member states with ideal points located between the pivotal member states' ideal points have to change their preferences towards favouring more integrationist policies.

From a decision-level model to aggregate trends in the volume of Commission proposals

On the basis of the formal theoretical model sketched above we can derive a hypothesis about the conditions under which the Commission will or will not introduce a proposal. Since non-decisions are not observable, it is very difficult to test such hypotheses directly. The

insights of the model, however, have implications about the aggregate level time trends of the total number of proposals: implications which can be tested.

Figure 3 about here

How does the decision-level model translate into observable aggregate-level behaviour? In short, when the Commission faces a more EU-supportive pivot in the Council, there is a larger number of proposals it can introduce that will get the support of the Council. Figure 3 illustrates the logic of this proposition. Similar to the setup of the decision-level model, the horizontal line stands for the European integration dimension on which the Commission (*COM*) and two actors pivotal in two separate time periods (*L1* and *L2*) have ideal points. The origin of the line is at the point of ‘No integration’. The dotted curved line represents a distribution¹² of status quo positions for the current set of policy issues: most of them are clustered towards the ‘less integration’ end of the scale, meaning that the current situation is one of little European co-operation on the issue. In the first time period the Commission faces a rather Eurosceptic pivot in the Council (*L1*). Area A contains all policies that can be amended (the European integration dimension can be strengthened) with the support of the Council pivotal member under QMV. Any proposals to bring a policy that is already to the right of *L1* even further towards the position of the Commission will be defeated, and therefore the Commission will never introduce the proposals in the first place. What happens when a new more integration-friendly pivot *L2* replaces *L1* in period 2 (e.g., after elections in any of the member states)? In addition to all proposals under area A, now the Commission can improve on the policies in area B as well. There is a larger range of policy issues on

¹² The exact functional form of the distribution does not matter for the direction of the effect of the pivot’s position on the number of proposals: it only matters for the magnitude of the effect.

which the Council can agree to amend the status quo in a more integrationist direction. Hence, the volume of proposals made by the Commission in the second time period will be greater.

The model outlined above made a number of simplifying assumptions about the EU legislative process in order to clearly explicate the basic logic underlying the theoretical argument. In particular, it has neglected the European Parliament. For much of the period considered here, the Parliament only had a consultative function. In fact, about 80 percent of all proposals in our sample were introduced under the consultation procedure. Until the entry into force of the Single European Act in 1987, the Parliament did not have any strong legislative powers; and even by the end of the study period in 2003, the proportion of proposals introduced under the consultation procedure still accounted for about 60 percent of all proposals. Nevertheless, the role of the EP increased considerably over time and cannot be ignored. Theoretically, the EP can easily be incorporated as an additional veto player into the model. Intuitively, the inclusion of the EP does not have an effect on the model's predictions in situations in which the Commission faces a gridlocked or an anti-integrationist Council. In both cases, the preference configuration of member states is already sufficient to prevent the Commission from introducing a proposal.

The only situation in which the EP really matters for the Commission's decision to introduce or not introduce a proposal is when the Commission faces an integrationist Council. Only considering the preferences of the Council, the Commission would usually introduce a proposal. However, if the EP is a veto player and has anti-integrationist preferences, then the inter-institutional pareto set will include the status quo and there will be no overlap in the winsets of the Parliament on the one hand and the winsets of the Council members and the Commission on the other hand. Therefore, the Commission is less likely to introduce a proposal when the EP has substantial law-making powers than when the EP is only consulted

during the legislative procedure. Again, our main hypothesis is robust to the inclusion of the EP in the model. Keeping the ideal point of the EP constant, a move of member states towards more integrationist attitudes will either not change the prediction of the model or lead the Commission to introduce a proposal where it would not have introduced one before. Nevertheless, the empirical analysis controls for effects of changes in the powers of the EP, as well as any other constitutional changes over time that result from different treaty reforms.

Operationalization and measurement

The research strategy we adopt for testing the hypothesis derived in the previous section is a diachronical analysis of aggregated Commission activity over the period 1976 to 2003. As explained above, the constraining effect of Council preferences should be visible in the aggregate proposal output. This section provides details on the operationalization and measurement of the variables used in the analysis.

We operationalise the Commissions' agenda-setting activity using the number of directives proposed by the Commission in each semester. We opt for the semester as the unit of analysis because decision making in the EU follows the rhythm of the meetings of the rotating Council Presidency. Although the individual Council configurations and the working parties attached to them have meetings throughout the year, June and December are the months in which most legislative decisions are adopted, modified or abandoned (Toshkov, 2009). In principle, the data that we employ allows for an even finer disaggregation into months or even weeks, but our independent variables change rather slowly over time and some of our variables are only measured twice a year. Therefore, the semester emerges as the natural unit of analysis for the purposes of our study.

We focus only on proposals for directives because the other two types of binding EU legislative acts – regulations and decisions – either have a limited scope of application and/or deal mostly with routine issues (Golub, 1999 p. 738). Of course, there are important

regulations and decisions with far-reaching consequences. We have no clear criteria, however, to single out the few important ones from the thousands of trivial regulations and decisions proposed each year. In addition, the bulk of EU regulations concern the agricultural policy sector, which would skew our sample if we were to include those. We obtain data on the number of proposals from the Prelex database. Prelex is the EU database of inter-institutional procedures and tracks the main stages in the legislative process in the EU¹³. It is managed by the Commission itself and provides a record of its legislative proposals for the period 1976 to 2005. We used automated data extraction software to collect the individual records, which is a more reliable method than using the built-in search facilities of the database.

Having described the operationalization and measurement of our dependent variable, we turn towards a discussion of our main independent variable, Council EU support. We operationalise Council EU support by the EU position of the pivotal Council member under QMV¹⁴. First, for each semester, we identified the EU positions of the governments of the member states and their voting share under the existing rules. Second, we ordered these positions from the least to the most EU-friendly, and we identified the pivotal member state whose agreement was necessary for an integrationist policy proposal to be adopted under the existing QMV rules. For example, in the second part of 1984, the least EU-supportive governments were Ireland (0), Greece (0.34), Denmark (1.72) and the UK (1.80), and the QMV threshold was 45 out of 63 votes (71%). Since Ireland, Greece and Denmark together

¹³ Prelex is freely accessible at <http://ec.europa.eu/prelex>.

¹⁴ Depending on our assumptions about the prevailing mode of decision making in the Council of Ministers, different operationalisations are possible. The average EU position (possibly weighted by vote shares), or the minimal position, or the (weighted) average of the positions to the right of the pivot are some of the options. In the results section, we report how sensitive our findings are to the exact operationalisation of Council EU support.

had 11 votes, they could be outvoted under QMV and the UK's position (10 votes) was pivotal for any proposals that move policy in an integrationist direction.

Preferences are notoriously difficult to measure and our operationalization choices are restricted by the available data. We faced two options regarding possible data sources for government party positions: expert surveys and party manifestos. We opted for the latter because of the long time-span of our analysis. While expert surveys provide useful estimates of party positions on a range of issues, including European integration, there are no systematic surveys of party positions for the period before the late 1990s. If we were to use expert survey estimates, we would have had to extrapolate estimates of party positions made in 1999 to parties governing in the 1970s and 1980s. For a study that is primarily interested in the effects of preference changes over time, such a near-constant preference indicator would have been extremely problematic. Moreover, we would have had a large number of missing cases in the form of parties and governments for which no measures are available. Thus, we measure mean EU support in the Council with the estimates provided by the comparative party manifestos project, which uses programmatic party statements to capture the attitudes of parties on a variety of issues (Klingermann et al., 2007).

The EU support variable based on this data source tracks the number of positive statements about European integration that parties make minus the number of negative statements. An advantage of this measure is that it varies not only between parties but also for the same party over time. Each national government score is calculated as the weighted mean of the positions of the government parties, where the weights represent the proportion of parliamentary seats held by each party.

¹⁷ The question is: "Generally speaking, do you think that (OUR COUNTRY)'s membership of the European Union is...?" and the possible answers are 'a good thing', 'neither good nor bad', "a bad thing".

In addition to the main explanatory variable Council EU support, we measure and include *public* EU support in the analysis as a potential confounding variable. Public support is related to the amount of legislation adopted in the EU over time (Toshkov, 2009), and thus potentially to the number of Commission proposals as well. Furthermore, it is likely that elite and societal support of the EU move hand in hand, even if it might be unclear who leads and who follows. Therefore public support for the EU emerges as a potential confounding variable, which, if not included in the model, can bias inferences about the relationship between Council EU support and the Commission's legislative agenda-setting activity over time. We measure public EU support with data on the proportion of positive answers to the corresponding question provided twice a year by Eurobarometer¹⁷. Furthermore, we employ a number of dummy variables to control for changes in the constitutional setup of the EU, for seasonal effects, and for features of the Commission's 'lifecycle'.

The impact of EU support on the number of Commission proposals

We start the analysis with a presentation of the features of the outcome variable, the number of proposals for directives tabled by the Commission in each semester from the beginning of 1976 until the end of 2005. The top panel of Figure 4 tracks the movement of this variable over time. We can see that the time series is quite jittery with big variation from one semester to the next. The 11-point moving average superimposed on the graph shows evidence for a weak, increasing trend in the number of proposals between circa 1984 and 1990, but the trend reverses afterwards. The period of intensified activity corresponds with the initiative for completing the Single Market during the Commissions presided by Jacques Delors. What is surprising is that this particular episode in the history of the European Union has not produced an even more marked increase in the number of Commission proposals.

Figure 4 about here

The top panel of Figure 5 presents the distribution of the number of proposals. The variable has a mean of 26.4 with a standard deviation of 8.9 and a variance of 78.7, and ranges between 7 and 56 proposals per semester. Periods of exceptionally low and high numbers of proposals are more common than we would expect if the data followed a normal or a Poisson distribution. The bottom panel of Figure 5 shows the auto-correlation function (ACF) of the number of proposals. The ACF indicates that there is no significant auto-correlation for any lags; past values of the series are not correlated with present values. The lack of auto-correlation is important because it means we do not have to consider the threat of auto-correlation when building the statistical model. The lack of evidence for auto-correlation implies that we can treat the number of proposals during a semester as a random variable.

Figure 5 about here

Next, we turn to an exploration of the movements of our main explanatory variables over time. The middle panel of Figure 4 represents the value of the pivotal government's EU support in the Council of Ministers per semester over the 28 years between 1976.I and 2003.II. The overall mean is 1.72 and the standard deviation is 0.83. Following a slow but steady growth, the Council's pivotal EU support value peaks in the late 1980s, after which it drops substantially until around 1993. Afterwards, Council EU support rises, only to reverse direction again after 2001. The movements of EU public support (bottom panel of Figure 4) over time are familiar and have received a lot of scholarly attention. In short, EU public support slowly but consistently grows from the late 1970s to reach a maximum of 72% of the

EU population in favour of integration in 1992, but the level of support falls steadily afterwards to levels slightly below those in the 1970s.

Figure 6 about here

The three panels of Figure 6 show scatterplots of the three variables we have been discussing and the corresponding linear regression lines. We can already note that there are positive relationships between the number of proposals and Council EU support (top left) and the number of proposals and public support (bottom left). The correlation coefficients are 0.38 and 0.27, respectively. There is also evidence for a relationship between Council and public EU support (top right panel: the correlation is 0.34). Still, this confirms our expectation that public support might be a confounding variable for the relationship between Council EU support and the number of Commission proposals.

The scatter plots distinguish between observations falling within the period of the push for the creation of the single market (1986-1992, shown as squares) and the remaining observations before and after that period (shown as triangles). We can see that the bivariate relationship between Council EU support and the number of proposals holds for both subsets of the data. Thus, the relationship found for the complete time period is not driven by the possibly exceptional circumstances related to the completion of the Single Market project. At the same time, the relationship between public support and the number of Commission proposals seems spurious. The positive association found in the aggregate seems to be driven entirely by the fact that in the period 1986 to 1992 both public support for integration and the number of proposed directives were high, while both were lower before and after this period. It is also interesting to note that while for the period of the completion of the Internal Market Council EU support and public EU support are strongly and positively related, the link is

reversed and we find a strong negative relationship between government and public EU attitudes outside this period.

Before we turn to a more comprehensive multivariate analysis, we present in detail the temporal cycles in the number of Commission proposals adopted. We might suspect a seasonal effect in the pattern of Commission proposals: autumn semesters might be more productive than the spring semesters. In addition, we expect that the Commission's lifecycle could be responsible for some of the variation in the number of proposals over time. When freshly instituted, the new College of Commissioners needs time to gain momentum and produce proposals. At the same time, during their last year before their term is over, the Commissioners should be especially eager to transform their ideas into legislative proposals. Looking at Figure 7 we can confirm these expectations. The figure presents the number of proposals adopted by each Commission for each semester of its tenure (solid black dots) and in addition indicates the mean values averaged for each semester over all Commissions (the smaller grey dots).

Figure 7 about here

We can see that the first semester is in general less productive than the remaining ones. Furthermore, it is clear that especially the last two semesters of a Commission's term are increasingly productive. Curiously, the seasonal pattern is quite strong for the first two years of a Commission's term, but weaker for the last years of the cycle. An important message of the plots presented in Figure 7 is that the variation of proposals over time within the same Commission is comparable to, if not larger than, the variation between Commissions. This indicates that there is a substantive amount of short term variation in the number of proposals that needs to be accounted for. In addition to the intrinsic insight that it brings, the

exploration of the cycles in Commission activity is important for constructing an adequate statistical model for the links between Council and public EU support and the number of proposals adopted. The cyclical variation can obscure the real effects of our main explanatory variables unless it is accounted for. Hence, we use three variables to capture the cyclical nature of Commission activity: a seasonal dummy indicating the semester of the year, an indicator for the first semester of a new Commission, and an indicator for the last year of an outgoing Commission.

Having explored the developments of our variables over time, we now turn towards constructing and developing a parametric statistical model accounting for the variation in the number of Commission proposals. As discussed above, a model based on the Normal distribution would not be appropriate for the data at hand. Even the Poisson distribution, which is in principle suitable for modelling count data, under-estimates the dispersion of public proposals in the data, as it forces the mean and the variance to be equal. Hence, we opt for the negative binomial specification which allows for over-dispersed data.

Table 1 about here

Table 1 presents the results from the estimations. We report in full five models: the first three models have the same set of explanatory variables but different dependent variables (*all* proposals for directives, proposals for *new* directives only, and proposals for *amending* directives only). Models 4 and 5 use different operationalisations of the main independent variable – Council EU support. In all models, all coefficients have the expected sign. While it is not possible to report a R^2 -statistic for negative binomial models, a linear specification of Model 1 with the same variables has an adjusted R^2 of 0.31. The signs of the coefficients show that Council EU support, public EU support, and the indicators for the second semester

and the last year of a Commission have a positive influence on the number of proposals tabled. The binary variable for the first semester of a new Commission has the expected negative effect.

Because the model is nonlinear, we cannot interpret the regression coefficients directly as effect sizes. Instead, we can calculate factor changes in the expected number of Commission proposals. For a unit change in EU Council support, the expected number of proposals changes by a factor of 1.14. In other words, each additional point on the Council EU support scale increases the number of Commission proposals by almost 14%. The 95% confidence intervals of this estimate range from 1.04 to 1.25. The effect is comparable to a one-standard deviation change in the dependent variable, which is 10 proposals. Some of the control variables also have substantial effects. The last year of a Commission is associated with a 22% increase in the number of proposals adopted. In contrast, during the first semester of a new commission, 30% less proposals are adopted on average. Another way of gaining an insight into the estimation results is by calculating the predicted number of Commission proposals for a given combination of values on the independent variables. The expected number of proposals changes from 32 to 47 over the observed range of the pivotal Council EU support when public EU support is set to its mean.

Models 2 and 3 show that while the effect of Council EU support is even stronger when we take the number of proposals for amending legislation only as a dependent variable, it is much weaker when we look into the number of proposals for new laws. This findings matches well the logic of the theoretical model and its interpretation sketched in Figure 3: in times when the pivotal government is more EU-supportive, the Commission can not only introduce proposals to ‘communitarize’ policies which previously have been the exclusive domain of national governments, but it can also amend in a more integrationist direction policies which have already been integrated to some degree (zone B from Figure 3).

Models 4 and 5 use different operationalisations of the main independent variable – Council EU support. In model 4 Council support is calculated as the weighted (by vote share) average of all the governments to the right of the pivot (and including the pivot). In model 5 the weighted average of all government position is used instead. Both models lead to only minor changes – under the alternative specifications, Council EU support remains positively

and significantly associated with the number of proposals that the Commission introduced over time¹⁹.

Conclusions

A major issue in the study of European integration concerns the relative power of supranational institutions and national governments in steering and shaping this process. In particular, the influence of the European Commission is subject to much debate. While neo-functionalists and institutionalist scholars might agree with intergovernmentalists that member states are largely in charge of constitutional changes implemented through reforms of the EU treaties (Wallace et al., 1999 pp. 162, 5), they would assert that the Commission exerts much influence on the integration process through its formal powers and other resources in day-to-day decision-making of the EU (Sandholtz and Stone Sweet, 1998; Stone Sweet and Brunell, 1998; Tsebelis and Garrett, 2001). The Commission's exclusive right of initiative is widely seen as one of its major assets to promote and shape the European integration process. The Commission seems to be able to mould policy to its liking by

¹⁹ Although the plot in Figure 5 did not suggest any significant auto-correlations, we re-estimated the model with the lagged number of proposals as an independent variable, but the results did not change significantly. We also estimated the model lagging the dependent variable: the coefficient of Council EU support dropped in value but remained positive and marginally significant ($p=0.096$). We also estimated a model in which we included dummy variables for the different Treaty regimes and a model with a dummy for the Single Market program period: the coefficient of Council EU support remained in the expected direction but the effect dropped to 0.08. A model in which the weighted average left/right position in the Council was included returned a positive and statistically significant result for Council EU support and a positive but not significant result for the left/right position. Removing an outlying observation, which seemed to have a disproportionately big influence on the estimated coefficients, did not result in substantial changes in the estimated effects and their significance. Lastly, we tested whether there is a significant interaction between Council and public EU support but found no supporting evidence.

framing the problem in a favourable way or by exploiting the possibility to satisfy competing qualified majority coalitions in the Council. However, these studies neglect what Bachrach and Baratz have called the second face of power (Bachrach and Baratz, 1962). When it comes to agenda-setting power, the power to determine whether or not an issue is going to be on the agenda logically precedes the power to influence the final decision-making outcome. The study of actual decision-making cases is not able to uncover this more hidden form of power and an exclusive focus on such cases biases the analysis of influence and power in politics.

While the Commission has the formal and exclusive right to initiate legislation, it usually takes the views of member states into account when deciding about whether or not to submit a proposal. The very high rate of successful Commission proposals is therefore not a result of the Commission's power to see its policy ideas adopted by member states in the Council, but due to the Commission's foresight in anticipating resistance. Most of the time, the Commission does not have an incentive to initiate legislative proposals that it knows will be unacceptable to member states. We presented a simple theoretical model to elaborate on this selection effect. The model illustrates the conditions under which the Commission will or will not introduce a proposal. Under the plausible assumption that the Commission has rather integrationist preferences, it abstains from introducing a proposal when it faces a Council that favours a less integrationist policy than the status quo or if it faces a gridlocked Council that is divided about the future course of integration. Anticipating member states' views, the Commission only introduces a proposal that it expects to be acceptable to the Council and that it expects to result in an increase in the level of integration.

We tested this hypothesis with data on the aggregate agenda-setting activity of the Commission and overall EU support in the Council between 1976 and 2003. While individual non-decisions are hard or even impossible to observe and study, the anticipation effect is

visible on the aggregate level: changes in the aggregate Commission output over time are associated with changes in the level of EU support in the Council. This association remained robust even after controlling for EU public support, changes in the constitutional framework, seasonal effects, and features of the Commission's life cycle. Thus, the results of the empirical analysis support the anticipation hypothesis.

While robust, the relationship is moderate in size, and there is a substantial degree of variation that is not captured by the model. Problems regarding the measurement of EU support in the Council might be to blame for the lack of a stronger association. The government positions estimated from party manifestos are for now the only option researchers have to systematically compare party positions over extended periods of time and across EU governments. Recent advances in automated text analysis might allow for the construction of improved measures that are based on a wider selection of documents and represent the underlying positions of parties and governments in a more valid and reliable manner. The results presented in this paper will certainly benefit from future replications based on new measures of Council EU support. Still, the fact that the analysis revealed the expected association despite these measurement problems gives us confidence in the validity of the theoretical argument.

In general, the complex relationships between elite and public preferences and Commission activity present an interesting view of the dynamic links between mass attitudes, government positions, and policy output in the EU. Understanding the temporal dynamics of the European polity is an important, albeit somewhat neglected area of European integration research. Recent studies have suggested that the overall legislative productivity of the EU responds to shifts in public EU support, that government EU support might be higher after periods of worse economic conditions, especially high unemployment (Toshkov, 2009), and that public and elite EU preferences interact in complex ways (Carrubba, 2001; Hellstrom,

2008). The present paper has illuminated another piece of the puzzle by discovering that the Commission's agenda-setting activity is constrained by the degree of EU support in the Council. Building a fuller picture incorporating all these links in a comprehensive theory is a task that should be addressed in future research, if we are to understand the dynamic interplay of forces shaping the process of European integration.

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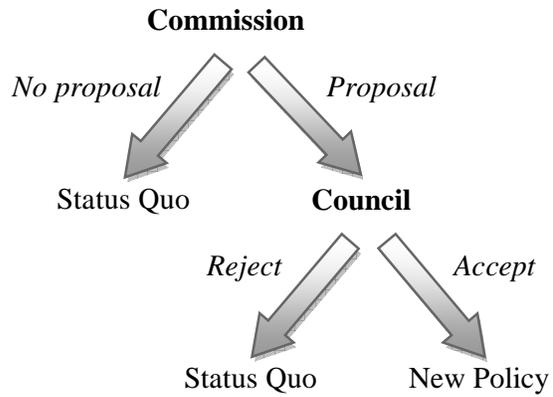
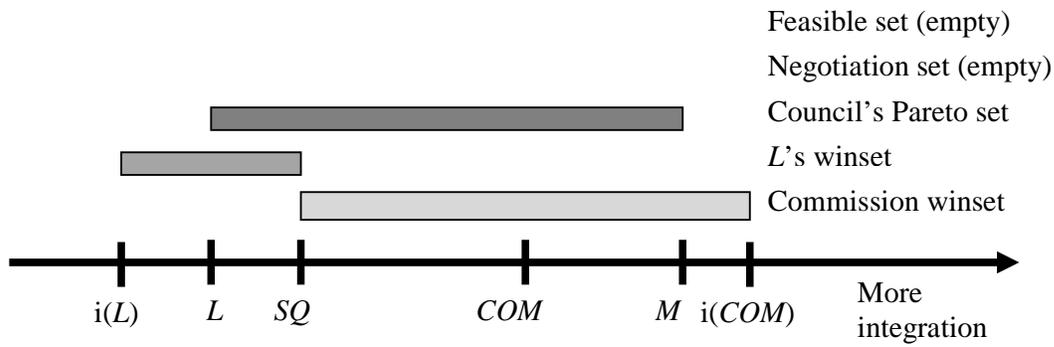
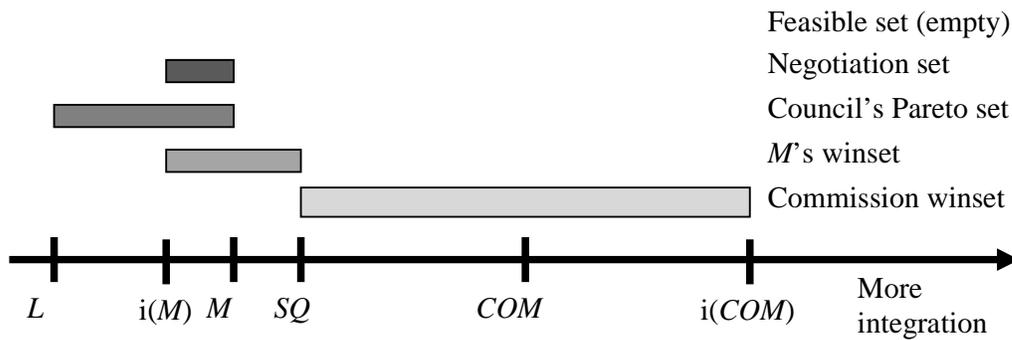


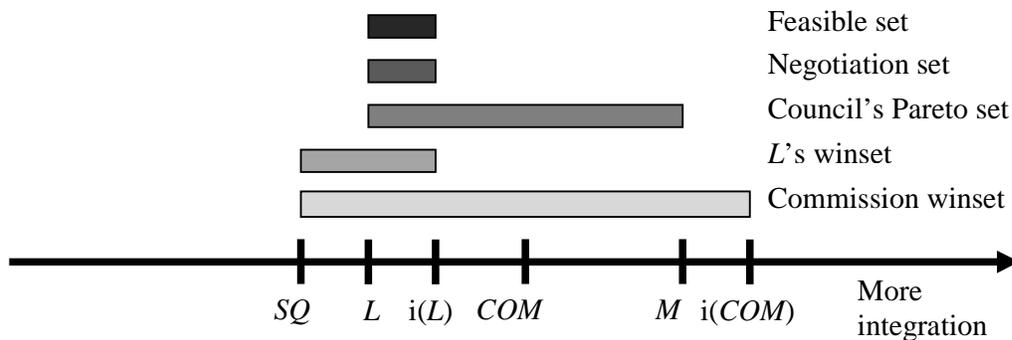
Fig. 1. Sequence of moves in the Commission proposal initiation model. In the last stage, the Council rejects the proposal if the status quo lies within the pivotal member states' Pareto set and negotiates a new policy otherwise. Anticipating the decision of the Council, the Commission introduces a proposal in the first stage if the Council is not gridlocked and if it prefers the new policy negotiated by the Council to the status quo.



A. Gridlocked Council: Commission does not introduce proposal



B. Anti-integrationist Council: Commission does not introduce proposal



C. Integrationist Council: Commission introduces proposal

Fig. 2. Commission's agenda-setting activity as a function of Council preferences.

Panel A: The Commission does not introduce a proposal because a change in either direction from the status quo would be vetoed by at least one pivotal member state.

Panel B: The Commission does not introduce a proposal because the Council amendments would reduce the level of integration.

Panel C: The Commission introduces a proposal because the Council will agree to a more integrationist policy.

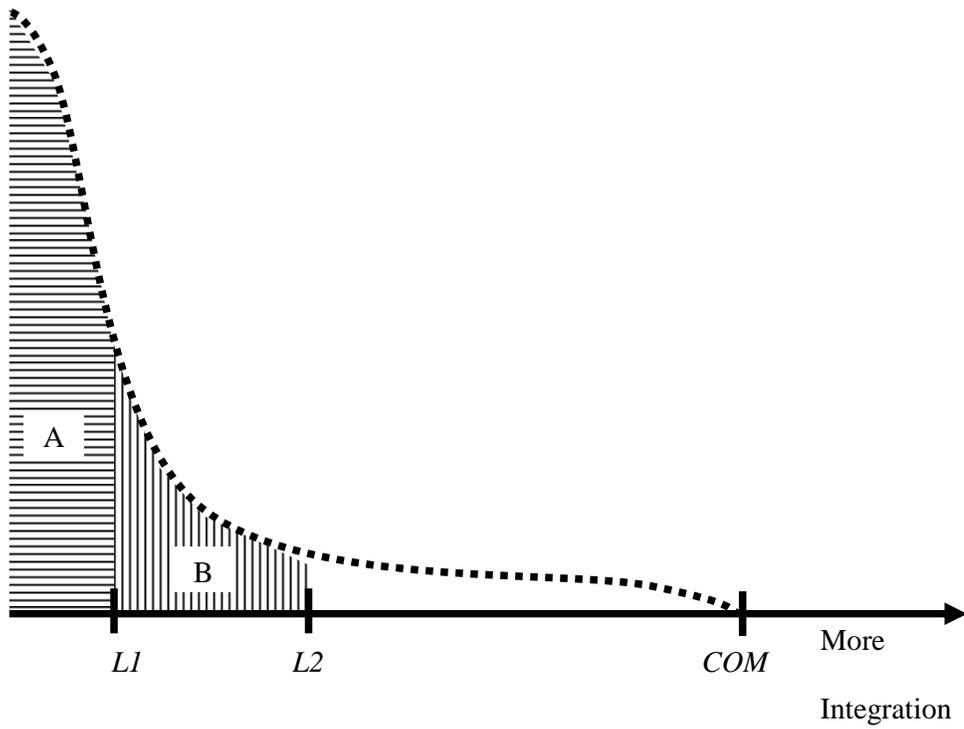


Fig.3. The number of proposals made by the Commission facing two Council pivots $L1$ and $L2$ differs. The curved line represents a distribution of the status quo positions for a set of policies. Facing $L1$, the Commission can amend only proposals in area A. When $L2$ becomes the pivot in the Council, amendments to policies in area B also become feasible.

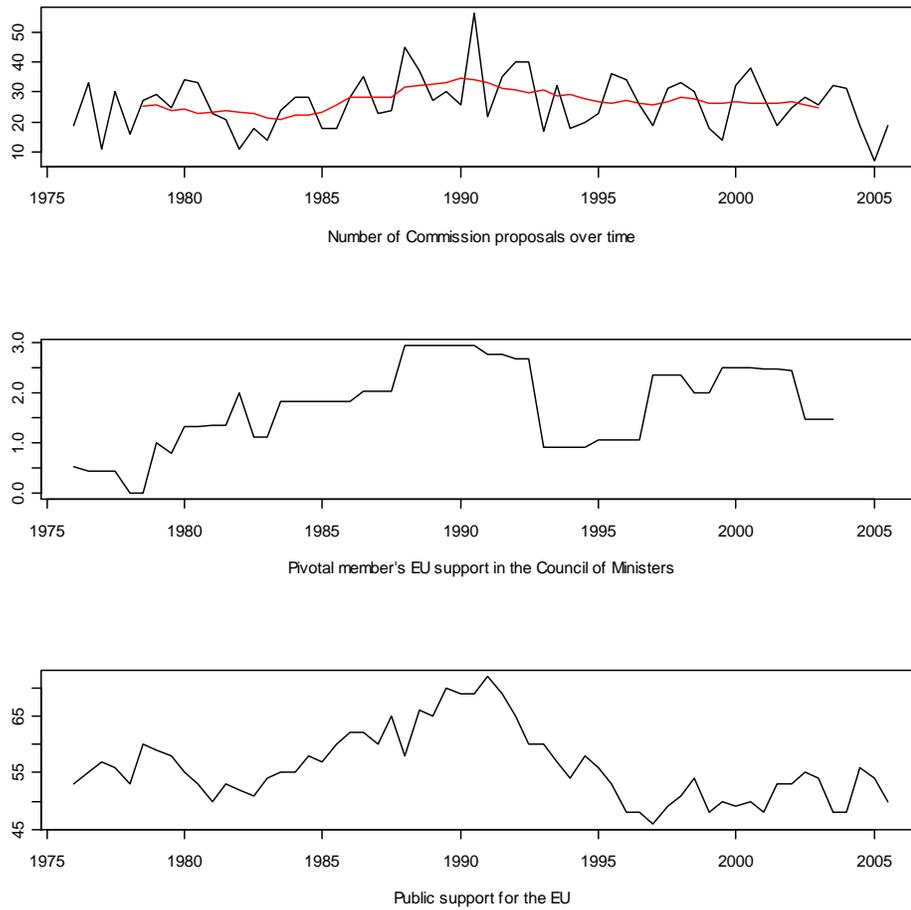


Fig. 4. Changes in variables over time. Top panel: the number of Commission proposals for directives per semester from 1976.I to 2005.II. An 11-point rolling mean is added. Middle panel: pivotal member's EU support in the Council of Ministers. Bottom panel: public support for the EU. Sources: Own calculations based on data derived from Prelex (number of proposals), Eurobarometer (public EU support), and Comparative Party Manifestos Project (Council EU support).

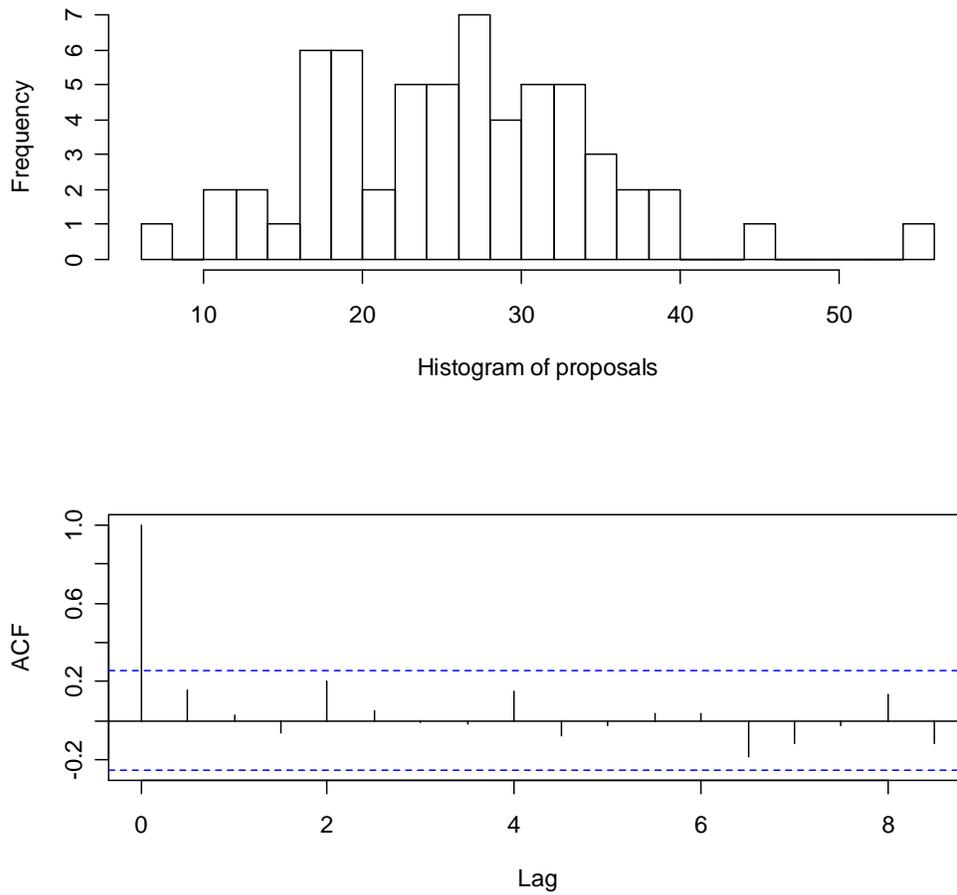


Fig. 5. Commission agenda-setting activity. Top panel: histogram of the distribution of the number of proposals. Bottom panel: auto-correlation function for the same variable. Source: Own data derived from Prelex.

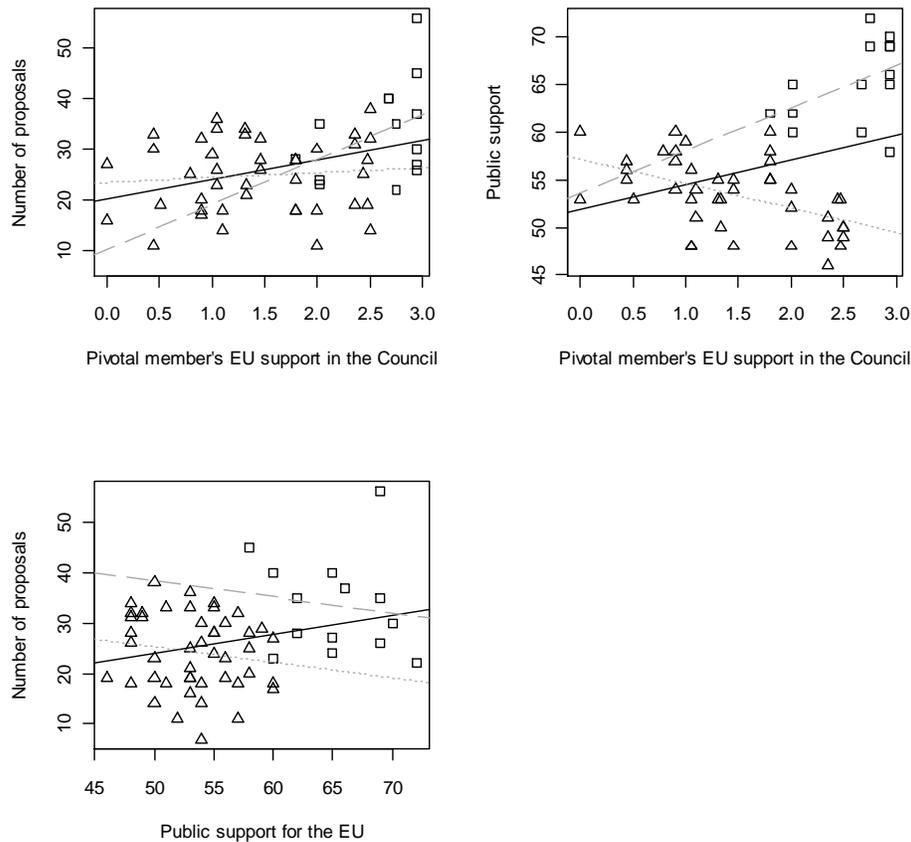


Fig. 6. Bivariate analysis. Scatter plots of the number of Commission proposals vs. the Council's pivotal member's EU support (top left), the number of Commission proposals vs. public EU support (bottom left), and public EU support vs. Council EU support (top right). Observations that fall within the Single Market programme (1986-1992) are shown as squares, while the others are represented by triangles. The solid lines present linear regression fits for the entire sample. The dashed lines are linear fits to the observations from the Single Market period only, while the dotted lines are the linear fits to the data excluding the Single Market period. Sources: Own calculations based on data derived from Prelex (number of proposals), Eurobarometer (public EU support), and Comparative Party Manifestos Project (Council EU support).

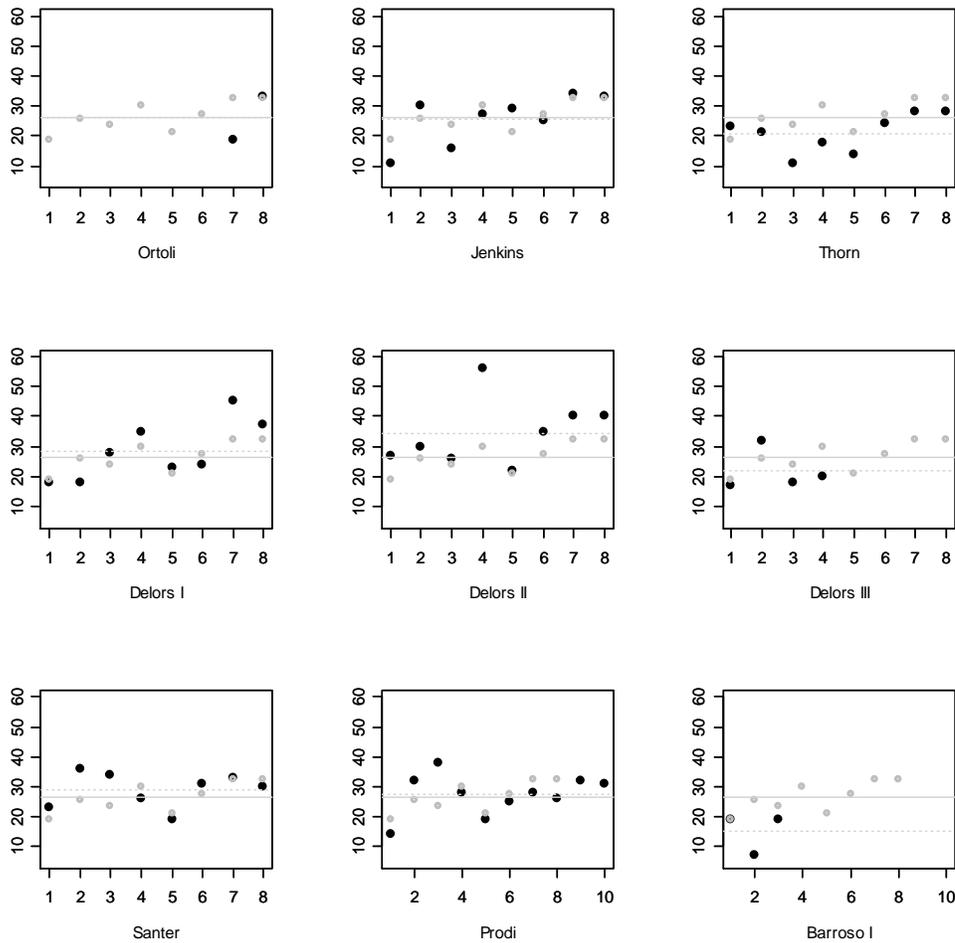


Fig. 7. The number of proposals during the lifetime of individual Commissions (labelled by the name of their Presidents). The solid black dots represent the actual number of proposals adopted in each consecutive semester of the life of the Commission. The smaller grey dots represent the mean number of proposals adopted in the respective semester averaged over all Commissions. The solid grey line shows the overall mean of proposals adopted over the period 1976.I to 2005.II, while the dotted grey line shows the mean of proposals adopted during a specific Commission. The caretaker Commission led by Marin is not included because of its short tenure.

TABLE 1 *Explaining the number of adopted Commission proposals*

Variable	Models 1-3			Model 2	Model 3
	<i>DV- all laws</i>	<i>DV- new laws</i>	<i>DV- amend. laws</i>	<i>DV- all laws</i>	<i>DV- all laws</i>
	Coeff. (st. error)	Coeff. (st. error)	Coeff. (st. error)	Coeff. (st. error)	Coeff. (st. error)
Intercept	2.73 (0.32)***	0.92 (0.49)	3.21 (0.42)***	2.43 (0.30)***	2.33 (0.30)***
Council Pivot EU support	0.13 (0.05)**	0.07 (0.07)	0.19 (0.06)**	-	-
Pivot Plus weighted average EU support	-	-	-	0.15 (0.04)***	-
All governments weighted average EU support	-	-	-	-	0.15 (0.04)***
Public EU support	0.01 (0.00)	0.03 (0.01)**	-0.02 (0.01)*	0.01 (0.01)	0.01 (0.01)
Semester (baseline='I')	0.13 (0.08)	0.09 (0.12)	0.18 (0.10)	0.12 (0.07)	0.13 (0.07)
1 st semester of a new Com.	-0.26 (0.12)*	-0.37 (0.18)*	-0.16 (0.14)	-0.27 (0.11)*	-0.26 (0.11)*
Last year of a Commission	0.20 (0.08)*	0.36 (0.12)**	0.02 (0.11)	0.25 (0.08)**	0.28 (0.08)***
	N=56	N=56	N=56	N=56	N=60

Notes. Significance levels: *** $p < 0.001$ ** $p < 0.01$ * $p < 0.05$.