

The European Commission and the
implementation of its legislative programme

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Abstract

This article analyses the circumstances under which the European Commission implements its legislative programme on time. Similar to many national governments the European Commission announces an annual Work Programme, where it identifies important legislation it plans to propose within 12 or 18 months. This study is based on an original dataset of 233 legislative proposals listed in the Work Programme in the period 2005-2012. I show that the Commission implements at least 94% of its legislative programme, where 76% of the proposed legislation is formally introduced within the deadline. The empirical analysis provides evidence that procedural and technical complexity decreases the probability of timely implementation. In addition, proposals listed in Work Programmes that allow for the introduction of some proposals within the extended deadline of 18 months are more likely to be introduced on time. The size of the grid-lock interval, as defined in spatial models, does not have a statistically significant effect.

Keywords

Agenda setting, efficiency, European Commission, legislative politics, Work Programme

Introduction

In the European Union (EU) the European Commission has the exclusive right to initiate legislation in most policy areas. This article investigates the implementation of the annual European Commission Work Programme. The Work Programme includes the most important reforms the Commission aims at proposing within 12 months or, in some cases, 18 months. This format is similar to post-electoral programmes at the national level, where governments state legislative reforms to be initiated within a specific time period ([Moury, 2011, 2013](#); [Timmermans, 2003, 2006](#); [Zubek and Klüver, 2013](#)). In light of declining public support in the EU and continuous criticism of its institutions (see also [Hix, 2008](#)), my findings may help to assess the performance of the European Commission in its role as legislative agenda setter on the basis of systematic evidence.

To investigate the implementation of the legislative programme I draw upon previous work on EU decision making. I use different theoretical approaches to derive theoretical expectations on the implementation of the legislative programme within the declared deadline. Firstly, the workhorse models in legislative politics are spatial models, which often assume Euclidean preferences. The theoretical expectation of most applications is that the size of the gridlock interval, defined as the status quo points that cannot be changed given the preferences and institutional rules, is negatively related to legislative productivity ([Crombez and Hix, 2014](#); [Golub, 1999](#),

2007; Junge et al., 2014; Klüver and Sagarzazu, 2013; Schulz and König, 2000). Assuming that the Commission has incomplete information on the preferences of the Council and Parliament at the time it drafts the Work Programme, a simple spatial model predicts that a smaller gridlock interval increases the likelihood of implementing the legislative proposals listed in the Work Programme within the deadline. Second, public support is expected to be positively related to policy output (Toshkov, 2011). Thirdly, technical and procedural complexity is relevant because it takes more time to formulate complex legislation. Finally, the analysis also examines the role of administrative resources and workload.

I test the theoretical expectations on the basis of the annual Work Programmes of the European Commission. The Prodi Commission introduced the current format of Work Programmes in light of the Kinnock reforms to increase the Commission's efficiency and accountability (European Commission, 2000a). These reforms were a reaction to mismanagement and fraud that led to the resignation of the Santer Commission in 1999 (Cini, 2007; Schön-Quinlivan, 2011). The data includes 233 proposals listed in the Work Programmes in the period 2005-2012. I exclude from the analysis 16 legislative proposals that were not introduced as legislation. As the Commission does not state a legal basis for these cases, it is ambiguous to identify the institutional rules. In addition, the Commission often addressed these issues by non-legislative means. The dependent variable is one if the Commission introduces a proposal within the deadline and zero otherwise. The Commission

planned to propose 187 legislative acts within 12 months and 46 observations within 18 months. The empirical analysis provides evidence that variables related to procedural and technical complexity explain the implementation of Work Programme proposals. In addition, the inclusion of extended deadlines increases the timely implementation of Work Programmes.

To the author's knowledge, previous research has not yet examined how the European Commission sets legislative priorities in the pre-legislative stage. One exception is the recent work by [Kreppel and Oztas \(2014\)](#) who investigate the legislative outcome of proposals listed in the European Commission Work Programmes. In comparative politics [Martin \(2004\)](#) shows that coalition governments prioritise less divisive and salient legislation. [Zubek and Klüver \(2013\)](#) confirm this finding by investigating legislative pledge fulfilment in Poland in the period 2008-2011. [Moury \(2011\)](#) analyses how far national governments in Belgium, the Netherlands and Italy implement coalition agreements. She finds that about 68% of the legislative pledges are implemented and argues that coalition agreements serve to control for agency loss in the principal-agent relation between coalition parties and ministers. [Timmermans \(2006\)](#) focuses on two coalition governments in Belgium and three in the Netherlands. He shows that the specificity of coalition deals does not have a substantive influence on the implementation rate.

This article increases our knowledge in several ways. First, it contributes to the research on legislative efficiency in the EU (e.g. [Crombez and Hix, 2014](#); [Hertz and Leuffen, 2011](#); [König, 2007](#); [Schulz and König, 2000](#); [Thomson,](#)

2011). I provide a novel perspective by investigating how far the European Commission implements its legislative programme, which contains the most important planned legislative reforms. Furthermore, this article is relevant for research examining policy agendas in the EU on the basis of the Comparative Agenda Approach (Alexandrova et al., 2014; Jones and Baumgartner, 2005; Princen, 2009). My article provides a different measure of attention based on the European Commission Work Programmes that may complement previous studies and therefore increase our understanding of EU agenda setting processes. In addition, my results are relevant for comparative politics scholars who analyse legislative agendas and their implementation across political systems (Martin, 2004; Moury, 2011, 2013; Timmermans, 2003, 2006; Zubek and Klüver, 2013).

The process of formulating and proposing legislation

The annual European Commission Work Programme includes the most important planned legislative reforms. According to Nugent (2001: 224) ‘the ability of the Commission to use its annual programme to frame the EU’s policy agenda and working schedule should not be exaggerated.’ The Work Programme has to be in line with the President’s political guidelines (European Commission, 2000b). The process of defining the legislative proposals for the Work Programme is not formalised across Directorate-Generals

(DGs) (personal interview with a European Commission official, 20 June 2012). The Secretariat-General coordinates this process and prepares the Work Programme in conjunction with the Commissioners, their DGs and the President's cabinet. The document is then considered by all cabinets and, finally, the College approves the Work Programme (Nugent, 2001: 223).

In setting up the Work Programme the Commission considers the preferences of the member states and the European Parliament. The framework agreement on inter-institutional coordination describes the cooperation between the Commission and the European Parliament (European Commission, 2005). The European Commission President presents the next year's Annual Policy Strategy to the Conference of Presidents in February. The European Commission and the European Parliament then debate the major priorities based on the Annual Policy Strategy in February or March. Regular consultations between the Commissioners and parliamentary committees as well as between the Commissioner Vice-President for Inter-Institutional Relations and the Conference of Committee Chairs take place. The Conference of Committee Chairs presents a summary to the Conference of Presidents in September. Finally, the President outlines the next European Commission Work Programme and reports on the implementation of the current programme.¹ The European Commission commits itself politically to implement the programme (European Commission, 2005, 2010). The 2010 inter-institutional agreement between the Commission and the European Parliament implemented changes to the agreement of 2005. For example, it states that the

‘Commission shall explain when it cannot deliver individual proposals in its Work Programme for the year in question or when it departs from it’ (European Commission, 2010: 51). The new agreement does not mention the Annual Policy Strategy, but introduces a state of the union address.

The Work Programme contains different types of initiatives. Firstly, the Work Programme lists a number of key legislative and non-legislative initiatives the Commission plans to propose within 12 or 18 months - in most documents denoted ‘strategic’ or ‘priority’ initiatives.² The 2007 and 2008 Work Programmes include some proposals with an extended deadline of 18 months (European Commission, 2006, 2007a), while the other programmes only refer to the deadline of 12 months. The Work Programme contains detailed information on the strategic and priority proposals including the title, the type of proposal, a description of the content and also, in some cases, the legal basis. In addition, the programme contains a list of other proposals under consideration as well as simplification initiatives. The European Commission provides execution reports that document the implementation of the Work Programmes. These reports are published on a yearly basis and list the initiatives proposed in a specific year. Besides the Work Programme proposals, the European Commission also proposes other legislation. Figure 1 shows the total number of proposed legislation³ and the number of strategic and priority initiatives in the period 2005-2012. The graph illustrates that the number of Work Programme proposals differs substantially from the total number of proposals.

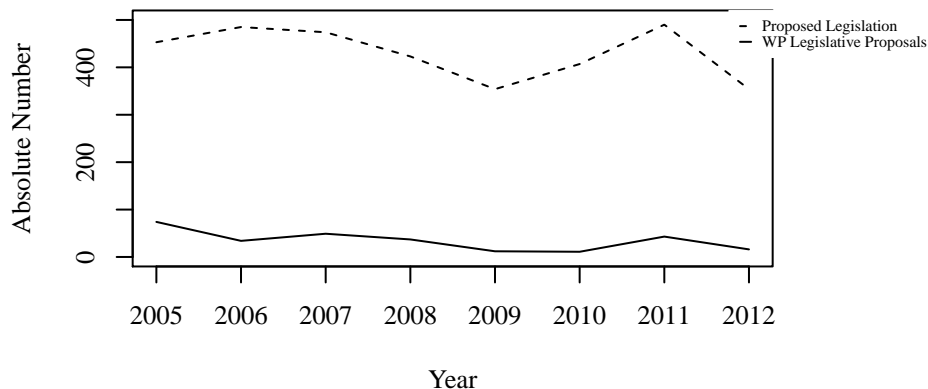


Figure 1. Number of legislative proposals related to a Work Programme and number of total legislative proposals.

Note: The number of Work Programme proposals takes into account proposals that the Commission committed to propose within a specific time period (including repetitions and proposals that were not introduced). The total number of proposals considers decisions, regulations and directives (source: EUPOL dataset, Häge, 2011).

In the process of formulating a legislative proposal, the main responsibility resides with the DG ‘under whose policy remit the proposal falls’ (Nugent, 2001: 242). These lead DGs consult with institutions, interest groups, advisory committees as well as other DGs where responsibilities overlap (see also Hartlapp et al., 2013). At the beginning the work is carried out primarily by the rapporteur where heads of units and in some cases directors examine the drafts and include their proposals. Before the drafts are discussed in the College, the lead Commissioner has to approve the document. In addition, the Legal Service and the Secretariat-General check that all formalities

have been met (Nugent, 2001: 250-251). The decision to formally propose a legislative act is made by the College of Commissioners. As set up in the Treaty of Nice, all member states have one Commissioner in the period of analysis. The College of Commissioners usually meets at least once a week. These meetings are prepared by the cabinet members and the heads of cabinet meetings so that only controversial issues need to be discussed. The President of the Commission is considered as *primus inter pares* among the Commissioners and chairs the meetings. The College can approve proposals by three procedures: (1) empowerment, where it delegates powers to a Commissioner, (2) written procedure, and (3) oral procedure, where it decides at a College's meeting (European Commission, 2000b). A Commissioner can request to vote on a proposal based on majority. However, most of the decisions are made by consensus so that votes are rarely taken (Spence, 2006: 47-48).

Explaining the implementation of the legislative programme

First, spatial models, which are the workhorse models in legislative politics (Hix et al., 2007; Tsebelis, 2002), allow us to formulate a hypothesis on the relation between the gridlock interval and the implementation of the Work Programme. Scholars have developed several spatial models of EU decision making (see also Schmidt, 2000). Such models typically assume that players

operate under complete information and hold Euclidean preferences. The European Commission is conceptualised as the agenda setter. In case the co-decision procedure applies, the veto players are the Council and the European Parliament (Tsebelis and Garrett, 2000). The gridlock interval reflects the set of status quo points that cannot be changed given the preferences and the institutional rules. A larger gridlock interval is expected to decrease legislative productivity. The gridlock interval can be calculated on the basis of expert survey or manifesto data using information on the government composition and institutional rules (Crombez and Hix, 2014; Junge et al., 2014). Several scholars have investigated the relation between the gridlock interval and legislative activity and provided evidence that the size of the gridlock interval is negatively related to legislative productivity (Borghetto and Mäder, 2014; Crombez and Hix, 2014; Golub, 2007; Häge and Toshkov, 2011; Klüver and Sagarzazu, 2013; König, 2007; Schulz and König, 2000). I assume that the European Commission has incomplete information on the future preferences of the Council and the European Parliament at the time it drafts the Work Programme. Referring to the period in which the Commission planned to formally introduce its proposal, a smaller gridlock interval makes it easier to find a point that can be changed.

H1: The smaller the gridlock interval in the period the Commission planned to introduce the proposal, the more likely the Commission is to propose within the deadline.

In addition, public opinion plays an important role in EU decision making. According to [Hix \(2008: 49\)](#) ‘a lack of a sufficient mandate’ can hinder the European Commission of implementing important reforms. Empirical research supports this argument. [Toshkov \(2011\)](#) examines how public support influences legislative output and finds a positive relation. This effect is strong from 1973 until the 1990s, but for the subsequent years [Toshkov \(2011\)](#) finds no evidence. [Crombez and Hix \(2014\)](#) also show that public support increases the number of proposed and adopted legislation. Several explanations for this empirical relation between public opinion and policy output exist. The Commission, for instance, ‘might be ideologically predisposed’ to introduce fewer proposals if public support is low ([Toshkov, 2011: 173](#)). Moreover, the Commission may anticipate that the Council is likely to block legislation if the EU lacks public support.

H2: The larger the public support in the EU, the more likely the Commission is to propose within the deadline.

Procedural and technical complexity may in addition influence the time it takes to formulate legislative proposals. The involvement of the European Parliament makes EU decision making more complex since the Commission needs to coordinate with more actors. In my period of analysis the European Parliament consists of more than 700 Members of the European Parliament organised in European party groups. The parliamentarians have multiple principles with potentially different policy views ([Hix, 2002; Hix et al., 2007](#)).

Before the European Commission formally introduces a proposal it is likely to meet informally with parliamentarians such as the rapporteur or committee chairs to plan and coordinate legislative action. This process takes time and can potentially delay implementation of the Work Programme. As the European Parliament does not have a large administration, the Commission may also need to explain the technical details of future proposals. In addition, the type of legislation involves different degrees of complexity. The Commission can propose binding legislation as a directive, a regulation or a decision. Directives are implemented at the national and not the European level by national administrations. This may involve additional efforts because the Commission needs to formulate text that is understandable and implementable by national administrations with very different traditions and resources. Moreover, the Commission is likely to be confronted with different pre-existing measures in the member states (Zhelyazkova and Yordanova, 2015).

H3: The less complex a legislative proposal is, the more likely the Commission is to propose within the deadline.

Finally, I expect that more resources allow the Commission to increase the probability of adoption as preparing legislation requires resources. If a DG has few resources and more work, the probability of adoption will decrease as formulating successful legislation is work and time consuming. A DG needs to consult different actors, find an agreement among the actors involved in EU

decision making and often generate an impact assessment report. In addition, the European Parliament cycle may play a role (Crombez and Hix, 2014). At the beginning of the legislative term the Commission is busy preparing the appointment of Commissioners and coordinating committee chairs and Members of the European Parliament. At the end of the legislative term the inter-institutional cooperation is expected to work better.

H₄: The more resources the responsible DG has, the more likely the Commission is to propose within the deadline.

Data and measures

Dependent variable

To measure the agenda of potential legislative proposals in the pre-legislative stage, this article uses annual Work Programmes of the European Commission. The Work Programmes contain a list of the main proposals the European Commission plans to propose within 12 months (187 observations) or in some cases 18 months (46 observations). The Work Programmes are published at the end of the year before they apply. The main advantage of these documents is that they include a specific list and description of legislative proposals. The dependent variable is one if the Commission introduces a legislative proposal within the deadline and zero if it proposes later. The following section states how I constructed the data on the Work Programme

legislative proposals.

The Work Programmes can include initiatives that the Commission plans to introduce within a specific deadline (strategic or priority initiatives), simplification initiatives as well as, in some cases, a list of proposals under consideration. This article focuses on strategic and priority initiatives. These initiatives are the most important legislative proposals where the European Commission commits itself to propose them vis-à-vis the European Parliament in the inter-institutional agreement. Several legislative proposals may be part of one Work Programme issue; the 2008 Work Programme, for example, included the *energy package*. This issue involved three legislative proposals: the *revision of oil stocks legislation*, the *recasting of Directive 2002/91/EC on the energy performance of buildings* and the *review of the energy taxation directive*. In these cases, each legislative proposal is considered separately since the Council voting rule and the legislative procedure may vary across different legislative proposals belonging to the same issue. When the Commission implements one Work Programme issue with several legislative proposals, I consider each proposal separately. If proposals are listed in several Work Programmes, I kept the proposal listed in the first Work Programme. This occurs in 27 observations.⁴

To identify whether and when the Commission proposed the Work Programme legislative proposals, I rely on the execution reports, where the European Commission documents the implementation of the Work Programme. These classifications exist starting from 2003. However, I also use the official

EU databases PreLex and EUR-Lex as well as the European Commission webpage to cross-validate this data. In case of doubt, I contacted the responsible unit at the European Commission. The execution reports from the years 2003 and 2004 only provide an indicative and not a full list of legislative proposals that were introduced. Hence, the empirical analysis focuses on the period 2005-2012.⁵

This research strategy identifies 249 proposals, where 16 observations have not been formally introduced as legislation. This suggests that the implementation rate of the Work Programmes is high. I exclude from the statistical analysis legislative issues that were not proposed by the Commission for two reasons. Firstly, it is ambiguous to identify the institutional characteristics as the Commission defines the legal basis for proposed legislation. Secondly, some of these issues were implemented by non-legislative measures. Hence, it would be wrong to assume that these issues were delayed. Proposals on the European Year of Workers' Mobility (Work Programme 2005) and on radioactive waste research (Work Programme 2005), for example, were implemented by non-legislative measures. Note that some proposals may still be proposed in the future.

The final dataset includes 233 legislative proposals. The replication materials include a dataset with information on the official identification number, title, voting rule, legislative procedure, responsible DG and other characteristics of these proposals.

Explanatory and control variables

I measure the gridlock interval needed to test the first hypothesis in a one-dimensional policy space taking into account the left-right dimension. I consider the Council and the European Parliament in the estimation. As my sample covers a relatively short time period, I apply a novel approach proposed by [König and Luig \(2012\)](#) that allows for an estimate of the contextual party positions for each of the nine EU policy areas (EUPAs). To calculate governmental positions for each EUPA I use the EULIS positions of the governmental party in charge of the corresponding ministry ([König and Luig, 2012](#)). The median of the European Parliament is calculated using manifesto data on the positions of the national delegations to the European Parliament ([König and Luig, 2012](#)). The gridlock interval is equal to the status quo points that cannot be changed given the distribution of preferences and the institutional rules. Hence, I calculate for each EUPA four types of gridlock intervals: (1) qualified majority voting with European Parliament involvement, (2) qualified majority voting without European Parliament involvement, (3) unanimity with European Parliament involvement and (4) unanimity without European Parliament involvement. Technically, I first estimate the gridlock interval on a daily basis and then compute averages for the period in which the Commission planned to introduce the proposals (12 or 18 months). Note that the European Parliament involvement only changes the gridlock interval if the median delegation to the EP is more extreme than the Council pivots. It is necessary to have information on the Council voting rule and the legisla-

tive procedure to calculate the gridlock interval. To make inferences on the institutional rules, I used the legal basis and manually coded the respective treaty articles. This coding focuses on the legal basis that was valid in the year where the Work Programmes listed the proposal for the first time. I cross-validated this coding with [Hix \(2005: 415-421\)](#) and the EUPOL dataset ([Häge, 2011](#)).⁶

Hypothesis 2 expects that public support is positively related to the likelihood that the Commission proposes within the deadline. I use the Eurobarometer (EB) surveys and calculate the share of citizens in the EU member states that think the EU membership is a good thing on the basis of the fall survey before the Work Programme is to be implemented. For the proposals of the 2005 Work Programme, for example, I rely on the EB62 conducted in October/November 2004. This empirical strategy accounts for the time it takes the policy makers ‘to respond to the changing public preferences’ ([Toshkov, 2011: 171](#)).⁷

According to hypothesis 3, complexity should influence the implementation of the Work Programme. The study includes a dummy on the European Parliament involvement equal to one if the co-decision or assent procedures apply. Note that the Lisbon Treaty renamed these procedures to ordinary and consent procedures. In addition, the analysis considers a dummy on the type of legislation coded one if the legislation is a directive, and zero otherwise. This information stems from the EUPOL dataset which I merge with my data on the European Commission Work Programmes ([Häge, 2011](#)).

I use data on the staff size as well as the workload. The explanatory variable on workload is measured for each DG and year as the share of Work Programme proposals the DG is responsible for. In addition, the European Parliament cycle is expected to be related to the available resources. The European Parliament cycle is a categorical variable (1-5) reflecting the distance from the last European election (see [Crombez and Hix, 2014](#)).

Finally, the analysis considers several control variables. First, a variable is included for the period 2010-2012 as the second Barroso College took office in 2010. In addition, the Lisbon Treaty affects this period. Second, I control for the European elections in 2009 as the procedure for setting up the Commission Work Programme differs in years with European elections. This variable is equal to one if the proposal is listed in the 2009 Work Programme, and zero otherwise. I include a dummy variable that is coded one if the Work Programme includes observations with extended deadlines of 18 months, and zero otherwise. Lastly, I generate a variable on the number of legislative proposals related to a Work Programme issue and a variable capturing the number of proposals related to a Work Programme. Table 1 includes descriptive statistics of the dependent, explanatory and control variables.

Table 1. Descriptive statistics of the variables.

	Mean	Median	Min	Max
Timely implementation	0.755	1.000	0.000	1.000
Gridlock interval	1.893	1.488	0.740	4.349
Public support	0.531	0.535	0.465	0.569
European Parliament involvement	0.635	1.000	0.000	1.000
Directive	0.369	0.000	0.000	1.000
Staff numbers	0.548	0.490	0.145	1.251
Workload	0.160	0.118	0.014	0.778
European Parliament cycle	2.330	2.000	1.000	5.000
Barroso II	0.223	0.000	0.000	1.000
European election	0.047	0.000	0.000	1.000
Extended deadline	0.331	0.000	0.000	1.000
Number of proposals by issue	2.313	1.000	1.000	8.000
Number of proposals by year	41.810	34	9	70

Results

The empirical analysis investigates the implementation of the European Commission Work Programme, where the Commission commits itself to introduce the proposals within 12 or 18 months. Figure 2 refers to the proposed legislation and illustrates the share of legislative proposals listed in the Work Programme introduced within a given number of years. The figure shows that 91% of the proposals are formally introduced within two years. Although the implementation rate is high, it is important to investigate timely implementation to understand how this process can be further improved. In addition, the findings may increase our knowledge on the delay of legislative proposals that are not listed in the Work Programme, where the number of

observations and hence the potential number of delays are much larger.

The Commission planned to introduce 187 observations within 12 months and 46 observations within 18 months. In the following, I first examine the dependent variable by focusing on the characteristics of the Work Programme proposals taking into account the voting rule, the legislative procedure as well as the responsible DG. In a second step I use a logistic regression to analyse the agenda setting activity of the European Commission.

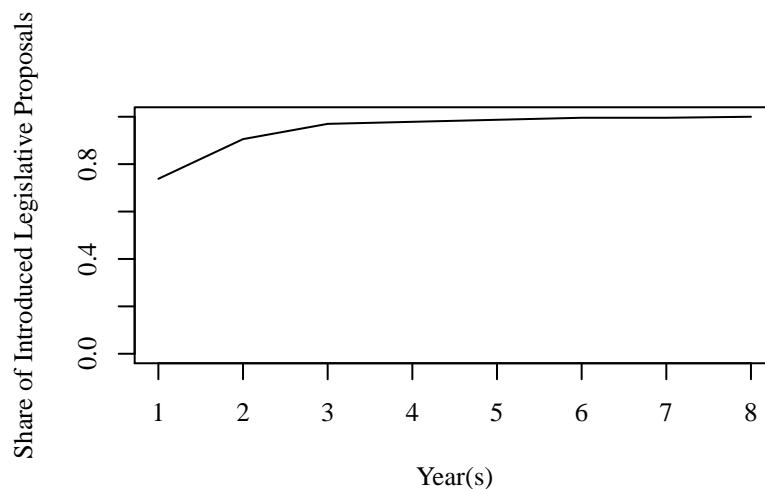


Figure 2. Share of legislative proposals introduced within one, two, three, four, five, six, seven and eight years.

Table 2 shows the share of proposals that the Commission introduced within the deadline by voting rule and legislative procedure. There is substantial variation across institutional rules, suggesting their importance for understanding timely implementation. If the proposal is decided by qualified

majority and the European Parliament is involved, the share of introduced proposals is 0.68. In case the European Parliament is not involved and qualified majority applies, the share is 0.93. If unanimity applies and the European Parliament is not involved, the share is 0.82. Finally, the share is 0.83 if the European Parliament is involved and unanimity applies, where this group only contains 6 observations.

Table 2. Share of proposals introduced within the deadline by voting rule and legislative procedure.

	No European Parliament involvement	European Parliament involvement
Qualified majority	0.93 (41)	0.68 (142)
Unanimity	0.82 (44)	0.83 (6)

Note: The total number of observations is indicated in the parentheses.

Table 3 summarises the share of legislative proposals introduced within the deadline by DG as well as the number of proposals by DG and year. The DG Justice, Freedom and Security was in charge of most Work Programme proposals (41 proposals) followed by the DG Internal Market and Services (30 proposals) as well as DG Energy and Transport (21 proposals). The Secretariat-General and the DG for Humanitarian Aid and Civil Protection were only primarily responsible for one proposal in the period analysed. The share of proposals introduced within the deadline is high at the DGs for Budget, Climate Action, Education and Culture, Economic and Financial Affairs, Enlargement, Information Society and Media, Maritime Affairs and Fisheries, Research and Innovation as well as Trade. The share of proposals

introduced within the deadline is relatively low at the DGs for Competition, Home Affairs, Energy, Mobility and Transport, Internal Market and Services, Regional Policy as well as Health and Consumers. This evidence suggests that there are systematic differences across DGs.

Table 4 illustrates the results of four logistic regression models (Imai et al., 2014). I use the logit coefficients and the first differences to interpret the effects. The first difference is the risk difference between two values of an explanatory variable holding the other variables at their original values (Imai et al., 2014). In case of dummy variables, I compare the values 1 and 0. In case of continuous variables, I focus on the 80th as well as 20th quantiles. The analysis of all observations shows that the effects of parliamentary involvement, directives and extended deadlines are statistically significant (see model 1). The probability for timely implementation decreases on average by 0.165 if the European Parliament is involved. If a proposal is listed in a Work Programme that allows introduction of some proposals within 18 rather than 12 months then timely implementation increases on average by 0.256. The size of the gridlock interval as measured with EULIS (König and Luig, 2012) does not have a statistically significant effect. To further inspect this result, model 2 replaces the variable on the gridlock interval with a dummy on the voting rule equal to one if the unanimity rule applies and zero otherwise. The expectation is that the unanimity rule is related to a larger gridlock interval. As Table 4 shows the effect of European Parliament involvement, directives and extended deadlines is robust, but the voting rule does not have

a statistically significant effect. I further discuss this result in the concluding remarks.

I check the robustness by running the statistical analysis on subsets. First, I implement the analysis only on observations decided on the basis of the co-decision and consultation procedure (model 3). A second robustness test involves dropping the year 2009, where the European elections took place (model 4). Referring to model 3, I find that the effect of directives is statistically significant. The variables extended deadlines and European Parliament involvement are not statistically significant. This suggests that the effect of European Parliament involvement is strong among proposals that are not decided under the co-decision or consultation procedure. In model 4 the effects of European Parliament involvement, directives and extended deadlines are robust and statistically significant.⁸

In addition, I apply alternative statistical models. First, I use a Cox survival analysis, which takes into account the specific number of days until the Commission proposes the Work Programme proposal (Golub, 2007; Golub and Steunenberg, 2007). While the substantial results are similar, the proportional hazard assumption is not met in most specifications. One reason for this is the limited sample size. A similar problem emerges when I develop a game-theoretic model and test it with a strategic statistical model (Signorino and Yilmaz, 2003). Hence, I decide to stay with a logistic regression model.

To summarise, the results provide evidence that complexity and extended

deadlines are important factors explaining the timely implementation of the Work Programme. The effect of the gridlock interval is not statistically significant.

Table 3. Number of Work Programme proposals by DG.

DG	2005	2006	2007	2008	2009	2010	2011	2012	Total	Share
Agriculture and Rural Development	4	2	2	5	0	0	0	0	13	0.85
Budget	0	0	0	0	0	0	3	0	3	1.00
Climate Action						0	0	2	2	1.00
Competition	1	0	0	0	1	0	0	0	2	0.50
Education and Culture	2	1	1	0	0	0	0	0	4	1.00
Economic and Financial Affairs	2	2	4	2	0	0	6	0	16	1.00
Humanitarian Aid and Civil Protection	0	0	0	0	0	0	1	0	1	1.00
Enlargement	2	0	7	0	0	0	0	0	9	1.00
Employment, Social Affairs and Inclusion	0	0	0	3	0	0	1	0	4	0.75
Energy and Transport	9	2	6	4	0				21	0.86
Energy						0	1	1	2	0.50
Mobility and Transport						0	3	3	6	0.50
Enterprise and Industry	4	4	3	2	1	0	0	1	15	0.67
Environment	5	1	4	2	0	0	0	0	12	0.75
Information Society and Media	1	0	3	1	0	0	0	1	6	1.00
Justice, Freedom and Security	19	4	3	7	8				41	0.73
Justice						2	2	1	5	0.60
Home Affairs						0	4	0	4	0.25
Maritime Affairs and Fisheries	1	0	1	1	0	0	0	0	3	1.00
Internal Market and Services	4	3	4	2	1	7	6	3	30	0.57
Regional Policy	1	1	0	0	0	0	0	0	2	0.50
Research and Innovation	2	0	0	1	0	0	0	0	3	1.00
Health and Consumers	9	1	1	2	0	0	2	0	15	0.53
Secretariat-General	0	0	1	0	0	0	0	0	1	1.00
Taxation and Customs Union	2	2	2	2	0	0	1	0	9	0.89
Trade	2	0	1	0	0	0	1	0	4	1.00
Total	70	23	43	34	11	9	31	12	233	0.76

Note: The table also includes the share of legislative proposals introduced within the deadline. The data excludes repetitions and proposals that the Commission did not propose.

Table 4. Analysis of timely implementation using logistic regression models.

	All observations Model 1		All observations Model 2		Co-decision/consultation Model 3		Excluding year 2009 Model 4	
	Coefficient	First Differences	Coefficient	First Differences	Coefficient	First Differences	Coefficient	First Differences
Intercept	4.206 (5.278)		4.039 (5.278)		2.629 (5.350)		5.200 (5.454)	
Gridlock interval	-0.134 (0.244)				-0.093 (0.292)		-0.095 (0.250)	
Unanimity			-0.188 (0.610)					
Public support	-4.470 (10.514)		-4.478 (10.540)		-2.640 (10.514)		-7.466 (11.225)	
European Parliament involvement	-1.129** (0.523)	-0.165	-1.074* (0.550)	-0.156	-0.990 (0.616)		-1.213** (0.527)	-0.165
Directive	-0.775** (0.352)	-0.133	-0.777** (0.352)	-0.136	-0.696* (0.361)	-0.125	-0.672* (0.363)	-0.110
Staff numbers	0.323 (0.885)		0.319 (0.889)		0.580 (0.913)		0.385 (0.888)	
Workload	-1.734 (1.541)		-1.832 (1.529)		-1.580 (1.571)		-0.941 (1.939)	
European Parliament cycle	-0.437 (0.462)		-0.450 (0.460)		-0.284 (0.464)		-0.343 (0.483)	
Barroso II	0.808 (0.610)		0.756 (0.600)		0.808 (0.621)		0.656 (0.622)	
European election	2.248 (1.769)		2.228 (1.767)		1.741 (1.777)			
Extended deadline	1.984* (1.077)	0.256	1.993* (1.076)	0.259	1.529 (1.081)		1.882* (1.082)	0.237
Number of proposals by issue	0.029 (0.100)		0.035 (0.099)		-0.012 (0.104)		0.062 (0.108)	
Number of proposals by year	0.021 (0.019)		0.020 (0.019)		0.024 (0.020)		0.026 (0.022)	
<i>N</i>	233		233		210		222	
Akaike information criterion	253		253		243		236	

Note: The dependent variable is one if the proposal is proposed within the deadline, and zero otherwise. The standard errors are reported in the parentheses. * $p \leq 0.10$, ** $p \leq 0.05$, *** $p \leq 0.01$.

Concluding remarks

This article shows that the European Commission proposes at least 94% of its legislative programme⁹ and 76% of the proposed legislation is introduced within the deadline as stated in the inter-institutional agreement between the Commission and the European Parliament. The empirical analysis tests different theoretical expectations to understand the circumstances under which the European Commission implements its legislative programme within the deadline. The main finding is that the complexity measured with European Parliament involvement and directives are important explanatory variables. In addition, the inclusion of extended deadlines of 18 instead of 12 months matter.

The size of the gridlock interval does not have a statistically significant effect. I believe that existing measures of preferences are not appropriate for my sample. Although scholars have made great progress in measuring party positions, one potential reason for my result is that we lack methods to estimate party positions that allow for enough variation and are comparable across countries and time (König et al., 2013). In addition, existing approaches capture party positions on broad ideological dimensions, which may not be sufficient if we look at a small sample of legislative reforms considered in a relatively short time period. In line with this argument qualitative evidence suggests that conflict matters. For example, in 2007 the Commission decided not to submit a Work Programme legislative proposal on the protection of

witnesses and collaborators with justice because the ‘Member States would be reluctant to accept binding legislation to regulate their ongoing informal cooperation’ (European Commission, 2007b: 8). Another explanation for the finding on the gridlock interval is that the Commission may anticipate the actors’ preferences at the time it drafts the Work Programme (e.g. Pollack, 1997). The Commission has an interest to include legislative proposals in the Work Programme that are likely to be adopted by the Council and the European Parliament.

The findings relate to previous research in several ways. Firstly, the evidence is relevant for existing work on EU decision making and legislative efficiency that focuses on the proposed legislation (Bailer, 2014; Crombez and Hix, 2014; Golub, 1999; Hertz and Leuffen, 2011; Junge et al., 2014; Klüver and Sagarzazu, 2013; Thomson, 2011; Toshkov, 2011). My work shows that investigating the period before legislative proposals are formally introduced increases our understanding of legislative efficiency. In contrast to previous work, I do not find a statistically significant effect of the gridlock interval (Borghetto and Mäder, 2014; Crombez and Hix, 2014; Junge et al., 2014; König, 2007; Schulz and König, 2000). This study also contributes to the research in comparative politics examining how governments set the legislative agenda. Previous research on the implementation of legislative programmes focuses on the specificity, salience and divisiveness of legislative reforms (Moury, 2011, 2013; Timmermans, 2003, 2006; Zubek and Klüver, 2013). My findings underline that it is important to consider the procedural

and technical complexity of legislation as well as the actors involved in the decision making or implementation process (see also [Bräuninger and Debus, 2009](#)).

To conclude, the empirical evidence presented in this study suggests that procedural reforms on the interaction between the Commission and the European Parliament as well as national administrations may increase the timely implementation of the Work Programme. Future research can provide more systematic evidence to better understand agenda setting and legislative decision making in the EU. First, a promising approach would be to relax the assumption that the Commission is a unitary actor ([Hartlapp et al., 2014](#); [Kassim et al., 2013](#)). Proposals that generate more conflict inside the Commission might be negatively related to timely implementation. The European Commission is an institution involving Commissioners and bureaucrats with different functions or interests that need to be considered before a legislative proposal is made. Secondly, researchers may replicate existing studies on EU decision making taking into account important legislative reforms listed in the Work Programmes. This approach would ensure that the sample includes cases that change the status quo. Another promising approach would be to evaluate the implementation of the Work Programme on the basis of additional criteria.

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Notes

¹Note that the timetable does not apply in years where an European election takes place.

²In the following, strategic or priority initiatives refer to the proposals that the European Commission committed to introduce within a specific time period.

³The term ‘legislation’ refers here to legal acts and not to the decision making procedure (see also Piris, 2010: 92-95).

⁴I excluded three preliminary initiatives from the 2009 Work Programme as these initiatives did not include specific measures and, I could not unambiguously identify the associated proposals (Work Programme initiatives: *A European framework for recovery*, *Financial markets for the future Package* and *Supervision of the EU financial markets*). Furthermore, I did not consider the legislative proposals related to the *Global Agreements with the ASEAN countries* listed in the 2007 Work Programme as there is limited public information available.

⁵The Work Programmes and the execution reports can be found on the European Commission webpage: http://ec.europa.eu/atwork/key-documents/index_en.htm (accessed 1 December 2014). An alternative to the annual Work Programmes would be to use green papers, issued by the Commission containing a general analysis on a topic thus generating further discussion - and followed by white papers. However, these documents only cover very specific policies and do not allow for examination of agenda setting in general. Another strategy would be to extract reform issues from media data. However, for my purposes this method is problematic as media reports are not exogenous to the political process. In addition, this method is affected by several methodological challenges such as linking media reports to specific proposals.

⁶To calculate the size of the gridlock interval I use Moritz Marbach's code: <https://github.com/sumtxt> (accessed: 1 December 2014). The official treaties can be found on the EUR-Lex webpage: <http://eur-lex.europa.eu/collection/eu-law/treaties.html> (accessed: 1 December 2014).

⁷The analysis uses the surveys EB62, EB642, EB661, EB681, EB701, EB724, EB734 and EB753. Note that in 2010 and 2011 the question on EU membership was only asked once in EU member states.

⁸The variables on the total number of legislative proposals by year, workload and European Parliament cycle are statistically significant in certain model specifications, but the effects are not robust. A larger sample size may help to disentangle these effects in the future.

⁹The share is calculated as follows: the denominator is equal to the number of all legislative proposals related to the Work Programme. The numerator captures how many of these proposals were formally introduced by the Commission as legislation. An alternative measure would count how many Work Programme issues were fully implemented. This number may differ as a Work Programme issue may involve multiple proposals. However, the conclusion that the European Commission implements a significant majority of its legislative programme remains.

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