Power or Luck? Understanding the Character of European Commission Agenda Setting Influence[1]

-Buket Oztas (Franklin and Marshall College)
-Amie Kreppel (University of Florida

Within the European Union (EU), the formal monopoly of the Commission over the initiation of legislation, despite repeated revisions to most other aspects of the EU legislative process, has resulted in an often-inflated understanding of Commission agenda setting power (Pollack, 2003; Princen, 2007; Hartlapp, Metz, & Rauh, 2015). However, as previous research has demonstrated, the eventual adoption of even priority Commission legislative initiatives is far from certain. Commission success not only appears to vary according to the type of legislative initiative, but also to be declining over time more generally (Kreppel & Oztas, 2016). Indeed, recent research suggests that Commission 'success' increasingly appears to be a function of luck rather than policy making power to the extent that it is best able to achieve its policy preferences when these align with those of the other core EU institutions including the European Parliament (EP) and the Council of the European Union (Thomson et al, 2012; Thomson, 2011). However, the effect of shared policy preferences between the Commission and the other critical policy actors on the success of Commission Work Program priority initiatives is largely unknown, and is the focus of this research.

Given that the Commission lacks a direct role in the decision making aspects of the policy process, it is perhaps not surprising that it is often unable to ensure its priority legislation is adopted.[2] Balancing this, however, is the informational advantage enjoyed by the Commission and its ability to be strategic in its initial policy offerings to the Council and EP (Nugent, 1995; Tsebelis & Garrett, 2000; Schmidt, 2000). Indeed, if the Commission knows the policy preferences of the EP and the Council it should be able to strategically devise policy initiatives that reflect Commission policy preferences and have a high probability of success. On the other hand, if the Commission must tailor its policy proposals to fit the preference configurations of the other core EU institutional actors to be successful, it would suggest that its policy making power is both constrained and contingent. This research investigates the relationship between the policy desires of the Commission and those of the other key policy actors in the EU (EP, Council and EUCO) through an analysis of the impact of congruence between the formal and informal policy initiatives by these actors and the success of Commission priority initiatives. In particular, we look at the likelihood that Commission Annual Work Program (AWP) legislative priorities will be transformed into policy outcomes when these initiatives are on the same topic as EP own-initiative reports (EPOI), EUCO Summit Conclusion statements and/or Council Presidency

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[2] The Commission can neither veto nor adopt legislation, and even its amendment powers have been significantly curtailed recently as a result of the increased recourse to early decisions between the EP and the Council (Tsebelis & Garrett, 2000; Princen & Rhinard, 2006; Bocquillon & Dobbels, 2014). Furthermore, despite the fact that the Commission can withdraw legislation (effectively, if not formally, vetoing it) it can only do this during the early stages of the legislative process and the tactic is generally used only when failure appears unavoidable due to conflict between the EP and the Council (Rasmussen, 2007; Nugent & Rhinard, 2015).

Work Program initiatives.[3] Our results demonstrate that the Commission's priority Work Program initiatives are significantly more likely to be successful when they address policy topics highlighted by the other key EU institutions. However, this positive impact is neither universal, nor entirely consistent. Furthermore, its appears that attempts to align priority initiatives with the policy goals of other actors is not enough to halt the overall trend of decreased AWP priority initiative success over time.

To examine the relationship between the informal and/or indirect policy initiatives of the other core EU actors (EP, Council and EUCO) and the success of Commission AWP priority initiative success we develop new data sets on EP own initiative resolutions from 1997-2014 and Council Presidency policy priorities (1997-2014) and utilize existing resources for EUCO summit conclusions (1997-2014), Commission Annual Work Program priority initiatives and EU legislative outcomes (2000-2015).[4] Before discussing the data collection process and examining the results of our analysis we provide a brief review of current understandings of Commission agenda setting power and the influence of other EU institutional actors on this process. We then outline our theoretical expectations based on the literature and the changing character of the EU legislative process before moving to the presentation and discussion of the data and our findings.

Interpreting Commission Agenda Setting Power

The literature on the agenda setting of the European Union generally recognizes the Commission's exclusive authority to draft and introduce bills and relies on the assumption that the formal powers granted by the treaties give the Commission a monopoly over agenda-setting processes. In addition to these formal powers, analyses and case studies also draw attention to the Commission's informal powers ((Pollack, 1997; Daviter, 2007), mediation role (Gornitzka & Sverdrup, 2008), influence on the Council (Schmidt, 2000) and overall ability to tilt the institutional balance of power in its favor through the technical expertise and knowledge its bureaucrats provide for other institutions (Nugent, 2010; Kassim et al. 2013; Hartlapp et al. 2014). All of which help the Commission realize its own policy preferences.

A simple overview of the changing institutional structures and power dynamics in the EU, however, suggests that recent reforms have increasingly restricted the Commission's ability to translate its policy priorities into legislative outcomes, and strengthened the European Council and the European Parliament instead (Crombez & Hix, 2011; Rasmussen et al., 2013; Majone, 2014). While some scholars point to a "gradual erosion" of the Commission's powers with each new treaty (Tsebelis & Garrett, 2001; Werts, 2008; Bickerton et al., 2015), others argue that the Lisbon Treaty leaves the issue of agenda setting vague enough to create "competence overlaps" and "institutional battles" over the ability to determine the European policy agenda (Thomson,

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[3] This is a draft paper and unfortunately does not yet include the data from the Council of the EU (presidency work programs). The origins of this data and the collection process will be discussed in the appropriate section, but the results of our analysis do not include this variable, as the dataset is still incomplete.
[4] The dataset on EP own initiative reports is currently missing data from 1997-mid 1999 as these are not available on line and must be collected from microfiche. As noted previously, this draft does not include data from the Council Presidency work programmes as this dataset is still under construction (we thank Petya Alexandrova, Christine Reh and Edoardo Bressanelli for sharing their copies of these documents). The EUCO summit conclusions data is from Alexandrova, Carammia, Princen, & Timmermans (2014) and was provided by Petya Alexandrova. Data on Commission AWP legislative priorities and all EU legislative outcomes is from Kreppel & Oztas, 2016, but has been updated as needed.

2011; Bocquillon & Dobbels, 2014). Indeed, while Article 17(2) retains the Commission's prerogative to initiate legislation, Article 15 gives the European Council new powers to "provide the Union with impetus and general political directions and priorities" (Article 15, Treaty on European Union [TEU]). This encouragement to EUCO to provide priorities, however, contradicts with Article 17 (3), which requires that the Commission act independently in carrying out its responsibilities and, as such, it cannot seek or "take instructions from any government or other institution, body, office or entity" (Article 17 (3), TEU).

The implementation of these articles complicates the picture even further, as the Commission's power of initiative has never been combined with real decision-making powers (Ponzano, Hermanin, & Corona, 2012; Gardner, 2013). The exclusion of the Commission from decision-making processes means that the legislation passed in the EU does not always reflect the Commission's policy preferences (Kreppel & Oztas, 2016) and that the Commission has to rely on the other institutions to translate its policy priorities into legislative outcomes. Not surprisingly, some would argue, this reliance usually expands the agenda-setting powers of the Council and the EP (as the actual decision making institutions), largely at the expense of the Commission (Christiansen, 2012; Ponzano at al. 2012). In fact, both the Council and the EP frequently use their dialogue with the Commission and right to request specific policies to increase their roles in determining the European policy agenda. The EP uses "sunset clauses" that set deadlines for the adoption of new proposals (Tholoniat, 2009) and its discretion to interpret the rules to act as a "constitutional agenda-setter" (Hix, 2002), whereas the European Council signals its interests and priorities to the European institutions, identifies concrete tasks and sets specific deadlines for the Commission through the "conclusions" of the summits (Crum & Curtin, 2015; Puetter, 2014). In this regard, the reality of agenda setting looks very different from the simple division of labor foreseen in the Treaties.

Although this reliance may appear to be transforming the Commission into the "secretariat of the European Council" in some cases (Wessels & Höing, 2013) and a passive respondent to external pressures of others (Ponzano et al., 2012), some scholars suggest that it is actually strengthening the Commission's hand in legislative processes and increasing its legitimacy vis-à-vis other institutions in its pursuit of ambitious policy objectives (Eggermont, 2012; Christiansen & Dobbels, 2013; Nugent, 2016). By "acting as a purposeful opportunist" with clear goals and flexible means to achieve them (Cram, 1994), the Commission is able to use the signals from other key actors to strategically shape its policy priorities and maximize the chances of legislative success (Osnabruegge, 2015). With the information provided by the EUCO Summit Conclusions, EP (own initiative) resolutions and Council Presidency Work Programs, the Commission can identify the key players in any policy area, evaluate their relative strengths, shape and reshape its own interests and develop new policy initiatives that have a higher likelihood of being adopted by the EP and the Council. Thus, the Commission's Annual Work Programmes, which give a detailed account of the Commission's policy objectives and provide a list of its forthcoming priority initiatives, are prepared in the light of such data, as well as the preparatory work on the preferences and objections of different institutions (Crum & Curtin, 2015; Craig & de Burca, 2011). The policy agenda created as a result reflects these diverse policy goals and echoes the outcomes of strategic decisions taken by the institutions to advance their interests.

This approach to the agenda-setting process emphasizes the feedback mechanisms in policy-making and points to joint agenda-setting processes, rather than a clear hierarchy among the EU institutions, or a zero-sum game in which every gain by the Council or the EP means a loss of power for the Commission (Bocquillon & Dobbels, 2014). It also demonstrates that the Commission's agenda setting powers may vary, with higher/lower levels of success around certain issues or types of legislation (Bauer & Becker, 2014). Yet, this complexity has led to difficulty when trying to "disentangle" the policy contributions of each institution. Because of this complexity, there has been little effort to determine the true origin of policy initiatives, differentiating between the arenas in which the Commission introduced legislation based entirely or primarily on its own preferences and priorities, and those in which it did so at the bidding of another institution (Nugent, 2016). In other words, current research does not allow us to understand the extent to which the Commission carries out its power of initiative in an independent manner, effectively engaging in "autonomous" agenda setting (Ponzano et al., 2012), versus acting as a "compliant servant" (Wessels & Höing, 2013) "dedicated to applying the will of its political masters" (Wessels, 2008). This gap in the literature inevitably leads to questions regarding the "legislative paternity" of policy proposals and it simpact, which we analyze in this project.

Understanding the Impact of Legislative Paternity

Despite the formal requirement that only the Commission can initiate EU legislation, most of the other EU actors have employed a variety of tools over the years to try to informally set the policy agenda. Long before the European Parliament had any formal ability to participate in the legislative process they issued resolutions on policy topics thought to be important in an effort to informally set the agenda through attracting public attention and politicizing topics (Kreppel, 2002; Rittberger, 2003; Princen & Rhinard, 2006). Similarly, the EU Heads of State and Government issued common statements following informal summits that often included clear policy initiatives well before there was a formal European Council (Moravscik, 1994; Pollack, 1997; Pollack, 2003). The Council (formerly Council of Ministers) has also used a variety of direct and indirect tools to shape the policies pursued by the Commission (Tallberg, 2003; Wessels, 2008). Thus, the efforts of other EU actors to influence Commission agenda setting are not a new, or even recent phenomena. Yet for a long time little attention was given to these efforts either because they were considered to be largely in vain (EP) or because there was little doubt about the overall influence and policy making power of the institution in question (Council). What has changed, as noted above, is the perception of Commission power and the ability of the Commission to act as a political agenda setter rather than a largely technical one (Kreppel & Oztas, 2016).

The political influence of the Commission over EU politics is generally understood to have waxed and waned during the early years of the EU. While the Commission's first President, Walter Hallstein (1958-1967) was considered to be a very influential and powerful leader, his conflicts with French President de Gaulle ultimately led to a rapid decline in Commission political leadership in EU political agenda setting. However, after a long period of relative reserve, the presidency of Jacque Delors witnessed a resurgence of Commission political leadership (1985-1995). During the years between Delors and the introduction of the "*spitzenkandidaten*" process used to select the current President of the Commission in 2014, the influence of the Commission is generally understood to have declined (Allerkamp, 2010;

Wessels & Höing, 2013; Bocquillon & Dobbels, 2014; Westlake, 2016).[5] This is partially the result of a series of comparatively weak Commission Presidents, including Jacques Santer (1995-1999) who was ultimately forced to resign. More importantly, however, are the successive treaty revisions that have significantly expanded the formal legislative powers of the EP and incentivized direct collaboration between the EP and the Council during the legislative process, as well as the formalization of the European Council and a clarification of its role in formulating the broad policy agenda for the EU as a whole.[6]

The formal changes introduced by these treaty revisions fundamentally altered the inter-institutional relationships that governed the EU during the Commission's heyday under Delors. As the formal legislative powers of the EP grew it became increasingly less dependent on the Commission's support of its informal preferences and formal legislative amendments (Kreppel, 2002; Tsebelis, 1995; Tsebelis & Garrett, 2000; Selck & Steunenberg, 2004). Moreover, the increasing formalization of the European Council provided a highly visible and democratically legitimate political executive for the EU. Together these trends suggest a relatively dramatic reduction in the political influence of the Commission and a resulting decrease in its autonomous agenda setting powers. As a result, we expect to find that the ability of the Commission to achieve its own policy priorities, as indicated in its Annual Work Programmes, will decline over time. This is trend suggested by existing research as well, and thus is largely confirmatory in character.

H1: Commission success, as defined by the eventual adoption by the Council and EP of EU legislation on a topic highlighted in the Commission Annual Work Programmes as one of its priorities has declined over time.

Within the Annual Work Programmes, legislative priorities are classified according to whether they would require the amendment of an existing EU law (regulation or directive) or require a wholly new policy initiative. Given the bureaucratic character of the Commission and the reduction in its political leadership role since the pinnacle of the Delors' years, it is also likely that the Commission is less successful when its priority legislative initiatives are intended to expand EU integration efforts to new policy arenas, suggesting a deepening and/or expansion of EU integration. Conversely, the amendment of existing policies is likely to be more technical in character, providing the Commission with a greater degree of deference from two legislative decision makers.[7]

H2: Commission AWP priorities will be adopted less often when they introduce new policy initiatives than when they amend existing policies.

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[5] The term is borrowed from the German term used to identify the head of a party's electoral list and effective candidate for Chancellor if the party forms the government. It was applied to the efforts of the supranational European parties to name candidates for Commission President during the 2014 EP elections. The hope was that this would politicize the elections, strengthen EU level political parties and bring greater democratic legitimacy to the position of Commission President. The success of this effort remains to be determined.

[6] Between 1987 and 2009 the EU underwent five different treaty revisions (Single European Act, Maastricht Treaty, Amsterdam Treaty, Nice Treaty and Lisbon Treaty), all of which to one degree or another increased the legislative powers of the EP (though the 1993 Maastricht Treaty and the 2009 Lisbon Treaty made the most fundamental changes).

[7] On the other hand, it might be argued that amending existing legislation is more difficult because the status quo already resides within the Pareto set of the various actors involved (Kreppel, 2000; Tsebelis and Kreppel, 1998).

In contrast, congruence in policy preferences between the Commission and the other core EU actors is likely to have a positive effect on AWP priority initiative success.[8] If one or more of the various actors has publicly support a particular policy initiative (new or amendment) it is more likely that the necessary agreement between the legislative actors will be possible. The relative impact of the various institutions is less clear, however. Given the direct role of both the Council and the EP in the actual legislative decision making process it is logical that Commission alignment with their public policy preferences, as communicated in EPOI and the Presidency Work Programmes, would be especially likely to lead to positive outcomes.[9] Alternatively, it may be that the unique political position of the European Council as the forum for the national political leaders to make joint policy preferences public leads to a greater impact of Commission alignment with EUCO summit conclusions, despite the absence of a direct role for EUCO in the legislative process.[10] It is also probable that when multiple actors have individually supported legislative action on a policy that is included as a Commission priority initiative the likelihood of eventual adoption will be further increased.[11]

H3: When Commission AWP priority initiatives reflect the public policy priorities of the other core EU institutions (EP, Council and EUCO), they will be more likely to be adopted than when they do not.

H3a: This effect will be stronger when multiple EU actors support the introduction of an initiative in the same policy arena.

Moreover, the inter-connected character of all of these aspects of agenda setting and the legislative process in the EU context suggests that the effects of these variables will be linked. Thus, the positive impact of a Commission priority initiative having been previously publicly supported by the EP, Council or EUCO should increase over time as the independent influence of the Commission declines. This would result in policy preference congruence becoming an increasingly important indicator of likely success for Commission priority initiatives.

H4: The positive effect of Commission and EP/Council/EUCO policy congruence will increase over time as the independent power/influence of the Commission declines.

By examining the relationship between prior public support for policy action by the EP, Council or EUCO on the success of Commission Work Programme priorities we are attempting to gain

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[8] We describe in detail below how we determine policy preference congruence, including the critical element of timing, which helps to trace the origin of a policy initiative. What we are interested in here is the effects of *prior* public action by the EP, Council or EUCO on eventual Commission priority initiative success. Thus, we are examining what happens when the Commission chooses to prioritize a policy agenda that has previously been supported by one of the other institutions. Since it sis wholly up to the Commission to determine which legislative issues it chooses to include in the AWP, we assume that the decision to include some, but not most of policy agendas highlighted by the other actors suggests that the Commission is incorporating only those that it also supports acting upon.

[9] In addition, Article 241 of TFEU, stipulates that "the Council, acting by a simple majority, may request the Commission to undertake any studies the Council considers desirable for the attainment of the common objectives, and to submit to it any appropriate proposals. If the Commission does not submit a proposal, it shall inform the Council of the reasons," underscoring the agenda setting link to the Council.

[10] Recent research suggests that EUCO are actually more directly engaged in the decision making process than is current credited. See for example Kroll, 2015.

[11] Though, here again, an alternative interpretation is that such broad activity may signal a high level of salience that could actually lead to increased contention and a lower rate of success.

insight into the impact of *legislative paternity*.[12] The rules regarding formal legislative initiative have remained largely unaltered since the original Rome Treaties.[13] The Commission retains its monopoly over formal initiation, even if it increasingly lacks much ability to shape the proposal once the process has begun (Ponzano et al, 2012).[14] Thus, in the context of the European Union "*mater sempre certa est,*" however paternity is less commonly known, and its impact understudied. By examining the interplay between informal and/or indirect agenda setting by the other core EU institutions through public pronouncements of their policy priorities and the success of Commission AWP priority initiatives we can begin to gain a better understanding of the influence of legislative paternity in the EU. Our analysis also adds to the general understanding of the Commission's independent influence over the EU policymaking process. If success depends increasingly on policy preference congruence with the other EU institutional actors, it would lend support to those who question autonomous political influence of the Commission.

Measuring Success and Policy Congruence

 To distinguish between the formal technical agenda setting power of the Commission and its ability to assert political influence over EU policy outcomes through its monopoly of initiative we utilize the Commission Annual Work Programmes. Following the Kinnock Reforms in 2000s, the publication of AWPs has become the main mechanism through which the Commission signals its policy priorities to the other European institutions (European Commission, 2000). Each AWP provides a list of the policy areas the Commission deems critical and sets out a plan of action for implementing the these "priorities" –i.e. the legislative initiatives it plans to propose within the next 12 months.[15] Because the Commission prepares AWPs in consultation with the relevant EU institutions (Osnabruegge, 2015), usually "following discussions with the European Parliament" and after being "inspired by the European Council's strategic agendas" (European Commission, 2017), AWPs consist of priorities that the Commission strategically places on its agenda with the conviction that they will be eventually adopted.[16]

The AWPs provide an excellent opportunity for us to evaluate the Commission's success in pushing for the legislation it regards as important, as no institution or actor can dictate what should be included in these lists as priority initiatives and the Commission is under no obligation

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[12] We thank an anonymous reviewer on a previous manuscript for this terminology.

[13] Both the Council and the EP now have the formal ability to request that the Commission initiate policy on a specific topic, but lack the ability to initiate on their own. In addition to the Article 241 cited above, "The European Parliament may, acting by a majority of its component Members, request the Commission to submit any appropriate proposal on matters on which it considers that a Union act is required for the purpose of implementing the Treaties. If the Commission does not submit a proposal, it shall inform the European Parliament of the reasons" under Article 225 of TFEU.

[14] Although the Commission formally has the right to withdraw its initiatives (see Article 293(2) TFEU and ECJ Case C-409/13), it rarely does so, even when the eventual policy outcome deviates significantly from its original proposal (Rasmussen, 2007; Scharpf, 2002).

[15] The AWPs highlight only those legislative initiatives deemed to be a priority by the Commission, these make up a small percentage of all legislation introduced and ultimately adopted by the EU within a given year. Recent research has found that only around 40% of all legislation adopted was derived from AWP priority initiatives (Kreppel and Oztas, 2016).

[16] In fact, the Commission's Work Programme for 2015 explicitly states "the Commission does not want to present draft legislation that will never be adopted by Parliament and Council" (European Commission, 2015).

to include the policy priorities of other institutions. Even when a formal request is made to initiate a proposal, the Commission is under no obligation to include that proposal among its policy priorities. As a result, the policies included within the AWPs as priority initiatives should be understood to reflect the policy preferences of the Commission itself, which may also align with the priorities of the other EU institutions. In these cases, there is *policy preference congruence*.

In this research we analyze the AWPs issued between 2000 and 2014, covering the Prodi and both Barosso Commissions.[17] To accomplish this task we used two datasets. The first consists of the Commission's priority legislative initiatives (i.e. directives, decisions and regulations) as expressed in AWPs, including information on proposal type (amendment vs. new initiative), year in which proposal was included in an AWP and the Commission DG responsible for that policy area. All AWPs published in and after 2005 are available online from the Commission website (https://ec.europa.eu/info/strategy-documents_en) and include a detailed annex that lists all of the Commission's priority legislative initiatives for the given year. For the years 2000-2004 we had to locate hard copies of the AWPs. Additionally, because the AWPs were primarily discursive during this period it was necessary to extract the relevant information through text searches for specific terms such as "objectives" and "key actions." For both AWP types we relied on two coders working independently, and a third coder, to ensure inter-coder reliability and settle any disagreements in coding, then crosschecked these results. This process resulted in a dataset with 1269 priority proposals for the 15 years under scrutiny.

Having created this list of "priority" policy proposals, we added data on whether or not these proposals resulted in any new or amended legislative outcome,[18] and if so, when and under which legislative procedure the bill was adopted. To do this, we used the Eur-Lex database (http://europe.eu.int/eur-lex) and searched all legislative documents by keyword, file category and date/time-span based on the information we collected from work programmes. If the Commission proposed a policy change on "Regulation No. 2866/98 on conversion rates for the Euro" in its 2006 work programme, for instance, we conducted a keyword search for "2866/98", "conversion rates" and "Euro" excluding all legislative actions before 2006 and limiting our search to regulations, directions and decisions. Through this process, we found that 801 (63.1 %) of the Commission's priority initiatives did result in legislation on the topic being adopted with the remaining 468 proposals disregarded, rejected, withdrawn or potentially still pending legislative action.[19]

The overall success rate of over 63% is substantial (though well below that of most EU member state executives to which the Commission is sometimes compared). However, this aggregate measure does not allow us to differentiate between initiatives that are wholly or primarily

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[17] The character of the AWPs changed significantly in 2000 and prior years are difficult to locate and may require a different a=interpretation. We do not include the AWPs from the Junker Commission because there has not been sufficient time for the legislative process to fully conclude, and this would likely lead to artificially low success rates

[18] Legislative outcomes here refer to decisions, regulations and directives, i.e. acts that have binding force on the EU institutions and member states.

[19] The dataset we use here is an updated version of that used in Kreppel and Oztas, 2016. The average time period for adoption was 2.8 years. For this reason, we end with the 2014 AWP. However, past experience has suggested that it can take two years or more for all adopted legislation to be included in the various EU legislative databases after adoption. Therefore, it is possible that some priority initiatives have been adopted, but are not registered as such in our data set, which was last updated in February 2017.

reflective solely of the Commission's policy preferences and those that also represent policy goals publically expressed by the other institutional actors, which the Commission has decided to incorporate in the AWP (presumably because they share the same goals). In these cases, the ultimate success of a priority initiative is likely to have less to do with the political influence and agenda setting powers of the Commission and more to do with the fortuitous existence of policy preference congruence amongst the relevant EU actors. Thus, we need additional tools to distinguish the Commission's political agenda setting power from what Selck and Steunenberg (2004) and Thomson (2011) call simple "luck." After all, the Commission might very well achieve its policy goals, not because it was successful in enforcing its will in decision-making processes and determining policy outcomes, but because its priorities and preferences happened to align with those of the European Council, the Council and the Parliament. To examine the potential impact of policy congruence with these other actors we created two new data sets on EP own initiative resolutions (EPOI) and Council Presidency priorities (CPP) and utilized an existing data set cataloguing EUCO summit conclusions.

To generate a dataset of all EP Own Initiative resolutions we utilized information from the EP's own website, which provides a searchable online database of all activities occurring during EP plenary sessions (http://www.europarl.europa.eu/plenary/en/texts-adopted.html). This database allows for searches by procedure and parliamentary term allowing for a straightforward process of data collection. The data set includes all EPOI from January 2000 through December 2014, for a total of 1,512 EPOI.[20] This data set includes the date of adoption, the EP identifying code and the topic of the resolution using Eur-lex search terms, as well as the full title and short description. For information on Council policy priorities we utilized the texts of the Council Presidency Work Programmes (CPWP) from 1997-2014.[21] There is a tremendous amount of variation in these documents as a result of the inconsistencies between various Council presidencies. Thus some CPWP are over 100 pages long, while others number just a dozen pages. Some are quite detailed, others very general and while most are limited to a single six-month presidency, there are some that were created by the 18-month presidency triumvirate. This variation made coding quite challenging, but the method adopted is the same as has been described for the Commission AWPs above.[22] The final data set we use provides a comprehensive breakdown of every policy issue included in the European Council (EUCO) Summit Conclusions since 1974, covering the EUCO policy objectives from 120 meetings (Alexandrova et al., 2014). These conclusion documents were "coded at the level of sentences and quasi-sentences" (Alexandrova, Carammia, & Timmerman, 2013), and the resulting database includes more than 43,000 statements with regards to the EUCO policy agenda. Since we have a more limited time frame we utilize information only from the years 1997-2014.

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[20] We are working to also include EPOI from 1997-1999 for the reasons described below. Unfortunately, the website, though listing the 1995-1999 parliamentary term in the database, does not currently have any information available for these years. We will be working to add these years through the use of available hard copies and microfiche of the OCJ from this period.

[21] Our collection of these Council Presidency documents is still partially incomplete, however, we owe a great debt of gratitude to Edoardo Bressanelli, Christine Reh and Petya Alexandrova for sharing with us their collections of Council Presidency documents.

[22] The complexity of this process has unfortunately meant that it could not be completed in time for this draft of our paper. As a result, as noted above, we do not include or analyze any data regarding the CPWP in this draft.

These three datasets represent the public policy priorities of the EP, the Council and EUCO. To determine the influence of these priorities on the content of the Commission's AWP priorities we followed the same method of keyword search with which we matched the Commission's priority proposals to legislative outcomes described above. Based on the general timeline of AWP development, which can last up to two years (Tholoniat, 2009), we matched the topic of Commission priority initiatives in the AWPs to the EPOI and EUCO Summit Conclusions produced during the three-year period prior to the publication of the said work programme.[23] In most cases we found exact or nearly exact wording and erred on the side of non-inclusion in questionable cases. This process of matching resulted in 332 cases of inclusion of EUCO Summit conclusions and 243 cases of EPOI inclusion.

The Impact of Policy Congruence

The description of the data provided above highlights some of the most notable preliminary results of our research, presented more formally in Table 1. First, as noted, the Commission's priority initiatives have a high rate of overall success, at just over 63%. Moreover, given that priority initiatives that incorporate EPOI make up just over 19.1% and EUCO Summit conclusions are included in just 26.2% it is apparent that at least some of the Commission's success is independent of the activities and public policy preferences of these other actors.[24] Table 1 also provides information on the other variable of interest for testing Hypothesis 2, providing information on the number/percentage of AWP priority initiatives addressing new policy areas each year and over all.

The overall trends for Success, New, EPOI and EUCO are presented graphically in Figure 1, which underscores that Commission priority initiative success does not at first glance appear to be closely linked to the extent to which they incorporate EPOI or EUCO summit conclusions. Interestingly the frequency of inclusion of these two do appear to correlate with each other, and at least initially with the frequency of new versus amending priority legislative initiatives. Moreover, the general negative trend in success, as predicted by hypothesis 1, is apparent - particularly since 2009.[25]

Although interesting, these descriptive statistics and graphic visualizations of overall trends do not provide substantive analytical information about the underlying relationships between these variables. To gain further insight into the underlying relationships and evaluate hypotheses 1-4 statistically we employed logistic analysis to test a series of six models.[26] Model 1 is our base model and it includes just the four key variables: Year, New, EPOI and EUCO. This basic model

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[23] As noted above, that we do not yet have EPOI from 1997, 1998 and 1999, thus the inclusion of EPOI in to AWPs from 2000-2003 is artificially low. The three-year window may be overly generous as the process of AWP creation is generally 18 months to two years. However, we believe policy initiatives in the year prior to the actual drafting of the AWP may also be influential.

[24] This includes 103 cases of EPOI and EUCO overlap (both had a public policy preference on the same topic as an AWP priority initiative). Note that we do not include data on Council Presidency documents here or for the remainder of this section for the reasons noted above.

[25] Interestingly there also seems to be a strong inverse relationship between 'success' and 'new' during this period.

[26] Given that the dependent variable in this analysis is the dichotomous variable 'adopted/not adopted (listed as 'outcome' in our models), standard linear regression approaches are not suitable. In our analysis we provide both odds ratios and logit coefficients.

provides a simple test for hypotheses 1-3 on the overall decline in Commission success, the impact of type of initiative and the influence of policy preference congruence with the EP or EUCO. Models 2 and 3 include interactive terms for EUCO and New (model 2) and EPOI and New (model 3) to investigate the potentially mitigating effects of EPOI and EUCO support for new initiatives on their likelihood of success. Models 4 and 5 include interactive terms for Year and EUCO (Model 4) and EPOI (model 5) as a direct test of the expectation of Hypothesis 4 that the influence of policy preference congruence increases over time. Finally Model 6 tests Hypothesis 3a by including an interactive term for EPOI and EUCO to determine the effect of both institutions having publically supported a policy included as an AWP priority initiative. The results of all six models are presented in Table 2.[27] We discuss each model and the related hypothesis individually below.

Hypothesis 1 merely confirms insights from a number of scholars suggesting that the autonomous political agenda setting power of the Commission is in decline. In terms of this analysis this would result in a decreasing rate of success of Commission Priority initiatives over time. The general trend visible in Figure 1 is confirmed in our statistical analysis. Because of concerns regarding the delay in publication of adopted legislation potentially resulting in artificially low levels of success for the most recent years, the statistical analysis presented in Table 2 is for 2000-2012 only.[28] Indeed, across all of our models 'year' is highly significant and negative, with the likelihood of adoption of an AWP priority initiative declining by roughly 11.5% per year.[29] Thus, our research supports the general assertion that the Commission's ability to obtain its preferred policy outcomes is in decline.

Linked to this reduction in autonomous political influence is the expectation presented in Hypothesis 2, that the Commission will, *ceteris paribus*, also be less successful when its priority initiatives include the creation of new EU policies rather than efforts to amend existing policies. Once again the statistical analysis supports the impression provided by the summary statistics and Figure 1. Across all six models 'new' initiatives are statistically significant and negative. In substantive terms priority initiatives that introduce 'New' policies are nearly 32% less likely to be adopted than those that amend existing policies (Model 1).[30]

 The influence of Commission policy congruence with both the EP and the European Council support the predictions of Hypothesis 3. The inclusion of priority initiatives that reflect the public policy priorities of the European Council (EUCO summit conclusions) and the EP (EP own initiatives) increases the likelihood of success. Priority initiatives that reflect EUCO preferences are 1.44 times as likely to be successful as those that do not while those that include EP policy preference are more than 1.6 times as likely to be successful (Model 1). As will be discussed below, there are important differences between the relative policy influence of policy congruence with EUCO and the EP when the interactive effects of the other variables are also

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[27] We did additionally create a model interacting New*Year, to discover if the negative impact of year varied over time, however we do not report it here as the interactive term was not significant and there were no other relevant impacts.

[28] This decision is supported by the very steep decrease in success rates for 2013 and 2014 reported in Table 1. The statistical results we discuss here are consistent with the full dataset, with 'year' having an increased effect.

[29] To facilitate the use of the year variable as an interact term in Models 4 and 5 we set the year 2000 equal to zero, thus this variable runs from 0 to 14 in the full dataset and 0 to 12 in the reduced dataset analyzed here.

[30] Interestingly new initiatives that align with the policy preferences of the other actors do not follow a consistent trend (discussed below).

considered (Models 2-5). Contrary to the expectations of Hypothesis 3a, however, there does not appear to be any cumulative effect of combined preference congruence (Model 6). Having been included in an EPOI *and* a EUCO summit conclusion does not have a statistically significant effect on success, and in fact the coefficient is negative, suggesting that such policies may be of higher salience and thus less likely to be adopted in general. Note that this potential effect does not mitigate their independent effects, which remain positive and highly significant.

As noted above, models 3 and 4 include an interactive term to examine the effect of EUCO summit conclusions (model 2) and EPOI (model 3) that call for new policy initiatives and subsequently incorporated into the AWPs as priority initiatives. Interestingly the two appear to have opposite effects. To interpret the meaning of these results remember that the interacted term represents those initiatives that are both new and included in EUCO summit conclusions/EPOI, while the un-interacted terms represent new initiatives not included in a EUCO summit/EPOI (New) and policies included in EUCO summit conclusions (EUCO) and EPOI that are not new (EPOI). In model 2 neither the interacted term new*EUCO, nor EUCO are significant, though 'New' remains significant and negative. Thus, the impact of policy preference congruence with EUCO is unaffected by the character of the policy initiative (new or amending). This is in contrast to the results of Model 3. While once again 'New' remains significant and negative (though at a reduced level), there is a decided effect on the influence of policy congruence with EPOI. While policy congruence with the EP on amending initiatives results in a proposal that is more than three times as likely to be adopted as priority initiatives overall, those that require a new policy initiative are actually 58% less likely to be adopted. This suggests that policy preference congruence with the EP on new policy initiatives actually reduces the likelihood of adoption relative to a proposal for a new initiative that lacks public EP support.[31]

Finally, Models 4 and 5 test Hypothesis 4 by examining the effect of policy preference congruence over time through the inclusion of interactive terms for Year*EUCO and Year*EPOI. In this case, the non-interacted terms EUCO (Model 4) and EPOI (Model 5) represents the impact of policy preference congruence in the base year (2000), while the interacted terms measure the year-on-year impact. The variable Year simply measures the influence of time when the value of the interacted term (EUCO/EPOI) equals 0. i.e. the priority initiative does not reflect the public preference of the relative actor. Once again, the results differ between EUCO and the EP.

As with Model 2, the results of Model 4 suggest that the influence of policy congruence with the EUCO do not vary significantly. In this case it is primarily the interacted term that is meaningful and for EUCO it is positive, but not significant, thus the impact of Commission policy preference congruence with the European Council appears to be increasing the likelihood of Priority initiative success over time, but not in a statistically significant way. In contrast, the interactive term for EPOI and year is both positive and significant (though only at the 90% level). This result suggests that the probability of priority initiative success when there is policy congruence with the EP increases by approximately 9% per year. The fact that the positive influence of the EP on success has increased over time is likely reflective of its increasing role in the legislative process due treaty revisions. This suggests that Hypothesis 4 is only partially correct in that the

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[31] Possibly these are cases where the EP and Commission are joining together in an attempt to substantially increase EU integration as both have commonly been modeled as the supranational and pro-integrationist EU institutions forming alliances against the Council and EUCO.

increased influence of policy preference congruence may be more a function of the EP's relative increase in legislative power rather than the Commission's steady decline (Hypothesis 1), as we would expect the Commission's decline to affect the impact of policy congruence with all institutions.

Overall our statistical analysis has provided significant support for all but one of our hypotheses (Hypothesis 3a). It is abundantly clear that the ability of the Commission to get its priority initiatives adopted is declining steadily as predicted by Hypothesis 1, with a notable decrease in 2009.[32] Similarly, the expectation of Hypothesis 2, that 'New' initiatives would be less successful than amending initiatives is accurate and statistically quite robust. Moreover, the bump in likelihood of success achieved through policy preference congruence with the other institutions is unable to overcome this hurdle and appears to actually reduce the chances of policy success in the case of the EP (Model 3). Hypothesis 3 is also confirmed, although Hypothesis 3a is not. Thus, while priority initiatives that align with *either* the EP or EUCO are significantly more likely to be adopted, those that address policies that both institutions have signaled as priorities are not (Model 6). Finally, the expectations of Hypothesis 4 are partially supported. The positive influence of policy preference congruence with the EP has increased over time, while the results for EUCO, though positive, fall short of statistical significance.

Conclusions

The formal monopoly of the Commission over the initiation of EU legislation remains one of the largest institutional anomalies of the EU political system. Despite its bureaucratic and unelected character, this formal power has led many to view the Commission as a kind of EU government in the making (Hix, 2008, Wille, 2013). The introduction of the "*Spitzenkandidaten*" procedure for the selection of the Commission President in 2014 lent support to this interpretation of the Commission, potentially raising expectations for a new kind of EU governance and the emergence of a parliamentary style executive (Christiansen, 2016; Goldoni, 2016). However, the actual political agenda setting powers of the Commission would seem to undercut this interpretation of its role within the EU policy making process. Instead of consolidating itself as the *political* 'engine of Europe', the Commission appears to have experienced a steady decline in its autonomous political influence over policy outcomes.

Without detracting from the critical bureaucratic role of the Commission, which is in itself powerful and worthy of study, this research further highlights its decreasing capacity to independently shape the political agenda of Europe. If the Commission under Delors was a critical policy entrepreneur for the EU, since his leadership the Commission appears to have increasingly been relegated to the role of administrative assistant. The legislative priorities highlighted by the Commission in its Annual Work Programmes are more and more frequently failing to be translated into EU polices by the other legislative actors, especially when these priorities do not directly reflect their public policy preferences (EPOI, EUCO summit conclusions and CPWP). Moreover, the Commission has endured an even steeper decline in its ability to successfully introduce priority initiatives aimed at introducing new policy arenas into the EU legal sphere.

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[32] We also ran an analysis with post 2009 as a dummy variable and this was highly significant, but its inclusion in the model did not add any significant new insights and made the broader use of Year problematic.

Together these trends suggest that interpretations of the EU political system that ascribe the role of political executive to the Commission fundamentally misunderstand its current role. While it may true that at various times in the past the Commission, and its President were critical in shaping the future of the EU integration project through innovative and path breaking initiatives (such as the push for own resource financing by Hallstein and monetary union by Delors), today its role is more circumscribed. The combination of an increasingly powerful and independent EP with the formalization of the European Council with its own 'permanent' President have combined to reduce the need for the unelected, often technocratic Commission to serve this function. While those who hope for a clear parliamentary style EU with the Commission at its head may find this result dispiriting, others hoping for a more democratically linked political executive may be reassured. Despite the Spitzenkandidaten process the Commission remains an appointed body, and as a result one poorly structured to help reduce the EU's perceived democratic deficit. If it is most successful in pursuing its policy objectives when these reflect the public preferences of the democratically elected EU institutions, perhaps this is a reassuring result.

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Figure 1: Overall Trends in Commission AWP Priority Initiatives (2000-2014)
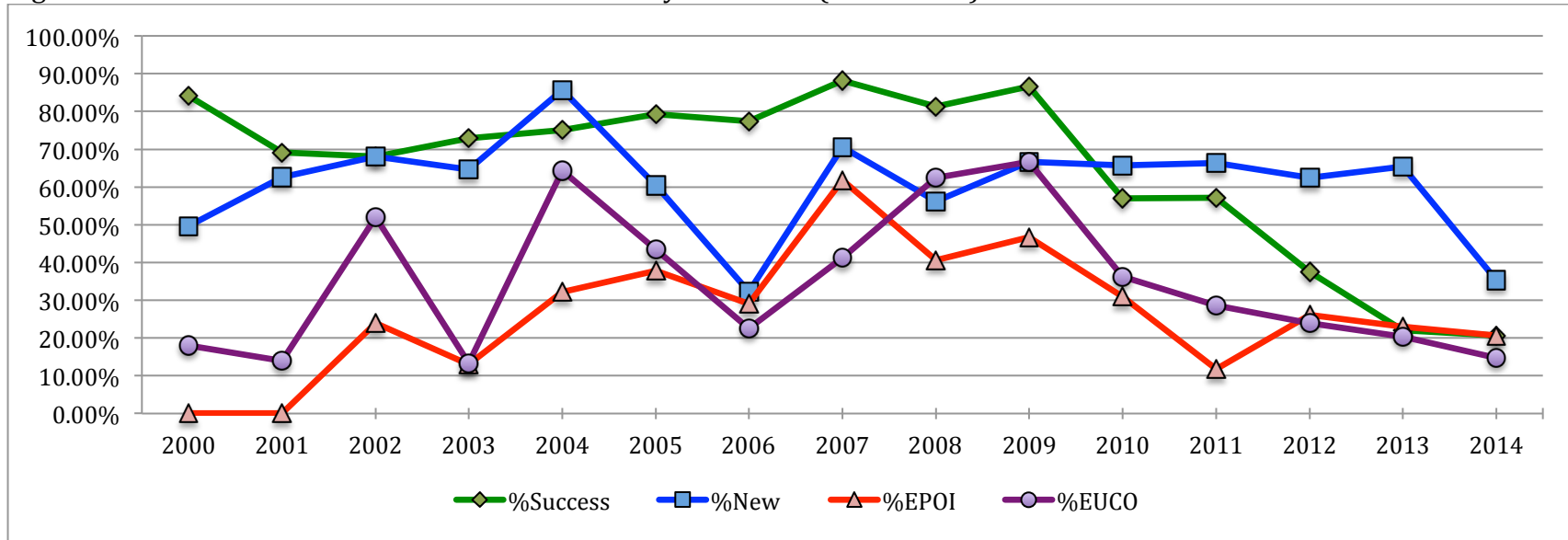
Table 1: Overall Trends in Commission AWP Priority Initiatives (2000-2014)

Year	Out-come = 0	Out-come = 1	% Success	New = 0	New = 1	%New	EPOI = 0	EPOI = 1	% EPOI	EUCO = 0	EUCO = 1	% EUCO	Total
2000	22	117	84.17%	70	69	49.64%	139	0	0.00%	114	25	17.99%	139
2001	33	74	69.16%	40	67	62.62%	107	0	0.00%	92	15	14.02%	107
2002	16	34	68.00%	16	34	68.00%	38	12	24.00%	24	26	52.00%	50
2003	75	202	72.92%	98	179	64.62%	241	36	13.00%	240	37	13.36%	277
2004	7	21	75.00%	4	24	85.71%	19	9	32.14%	10	18	64.29%	28
2005	11	42	79.25%	21	32	60.38%	33	20	37.74%	30	23	43.40%	53
2006	7	24	77.42%	21	10	32.26%	22	9	29.03%	24	7	22.58%	31
2007	4	30	88.24%	10	24	70.59%	13	21	61.76%	20	14	41.18%	34
2008	6	26	81.25%	14	18	56.25%	19	13	40.63%	12	20	62.50%	32
2009	2	13	86.67%	5	10	66.67%	8	7	46.67%	5	10	66.67%	15
2010	64	85	57.05%	51	98	65.77%	103	46	30.87%	95	54	36.24%	149
2011	51	68	57.14%	40	79	66.39%	105	14	11.76%	85	34	28.57%	119
2012	55	33	37.50%	33	55	62.50%	65	23	26.14%	67	21	23.86%	88
2013	*88*	*25*	*22.12%*	*39*	*74*	*65.49%*	*87*	*26*	*23.01%*	*90*	*23*	*20.35%*	*113*
2014	*27*	*7*	*20.59%*	*22*	*12*	*35.29%*	*27*	*7*	*20.59%*	*29*	*5*	*14.71%*	*34*
Total	*468*	*801*	63.12%	*484*	*785*	61.86%	*1026*	*243*	19.15%	*937*	*332*	26.16%	*1269*

Table 2: Impact of "Paternity," Time and Type on Work Programme Initiative Success (2000-2012)[33]

	Model 1 Basic		Model 2 New*EUCO		Model 3 New*EPOI		Model 4 Year*EUCO		Model 5 Year*EPOI		Model 6 EUCO*EPOI	
	Logit Coefficient	Odds ratio	Logit Coefficient	Odds ratio	Logit Coefficient	Odds ratio	Logit Coefficient	Odds ratio	Logit Coefficient	Odds ratio	Logit Coefficient	Odds ratio
Year	-0.121*** (0.0162)	0.886*** (0.0143)	-0.121*** (0.0162)	0.886*** (0.0144)	-0.122*** (0.0162)	0.886*** (0.0143)	-0.129*** (0.0183)	0.879*** (0.0161)	-0.131*** (0.0172)	0.878*** (0.0151)	0.122*** (0.0162)	0.885*** (0.0144)
New	-0.384*** (0.140)	0.681*** (0.0956)	-0.390** (0.160)	0.677** (0.108)	-0.264* (0.151)	0.768* (0.116)	-0.380*** (0.140)	0.684*** (0.0961)	-0.381*** (0.141)	0.683*** (0.0960)	0.387*** (0.140)	0.679*** (0.0954)
EUCO	0.365** (0.156)	1.441** (0.224)	0.346 (0.277)	1.413 (0.392)	0.364** (0.156)	1.439** (0.225)	0.138 (0.296)	1.148 (0.340)	0.373** (0.156)	1.451** (0.226)	0.626*** (0.229)	1.870*** (0.428)
EPOI	0.491*** (0.180)	1.634*** (0.294)	0.491*** (0.180)	1.634*** (0.294)	1.138*** (0.386)	3.120*** (1.203)	0.490*** (0.180)	1.632*** (0.293)	-0.153 (0.408)	0.858 (0.350)	0.450** (0.179)	1.569** (0.281)
EUCO*New			0.0282 (0.331)	1.029 (0.340)								
EPOI*New					-0.862** (0.433)	0.422** (0.183)						
EUCO*Year							0.0339 (0.0381)	1.035 (0.0394)				
EPOI*Year									0.0864* (0.0505)	1.090* (0.0551)		
EUCO*EPOI											-0.361 (0.366)	0.697 (0.255)
Constant	1.534*** (0.148)	4.638*** (0.687)	1.538*** (0.155)	4.656*** (0.723)	1.462*** (0.151)	4.315*** (0.650)	1.575*** (0.156)	4.829*** (0.752)	1.586*** (0.152)	4.884*** (0.744)	1.522*** (0.149)	4.584*** (0.681)
Observations	1,122	1,122	1,122	1,122	1,122	1,122	1,122	1,122	1,122	1,122	1,122	1,122

Standard errors in parentheses, *** p<0.01, ** p<0.05, * p<0.1

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[33] These results are for data through 2012 only. Results are consistent, but stronger when 2013 and 2014 are included. However, because of the possibility that some adopted WP initiatives have not yet made it in to the official record we use this more conservative estimate to avoid over estimating the decline in Commission success and increased influence of EP action on WP initiative success.