

CHAPTER 3

The European Policy Process in Comparative Perspective

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■ Summary

Policy-making in the European Union (EU) is particularly complex and is distinctive. Nonetheless, it can be fruitfully studied by drawing upon insights from the analysis of policy-making within states and cooperation among states. This chapter sets out the stages of the policy-making process—agenda-setting, policy formation, decision-making, implementation, and feedback—introduces the prevailing approaches to analysing each of these stages, and discusses how these apply to studying policy-making in the EU. It argues that theories rooted in comparative politics and international relations can explain different phases of the EU's policy process. This chapter also helps to explain why policy-making varies across issue areas within the EU.

Introduction¹

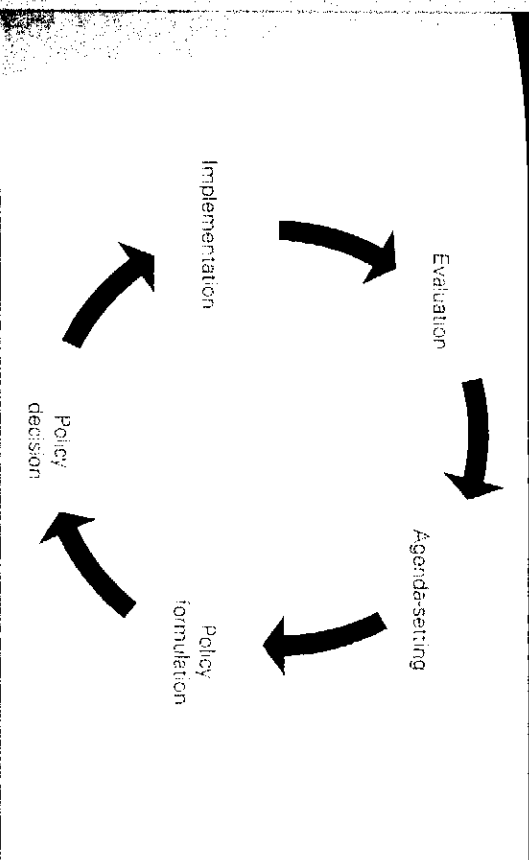
Policy-making is extremely complex even within traditional states (Hurrell and Menon 1996; Scharpf 1997: 29; John 1998; Sabatier 1999). It is even more so in the European Union where institutional structures are more in flux, the allocation of authority is more contested, and multiple levels of governance engage a multitude of actors (Hurrell and Menon 1996; McCormick 2006). Nonetheless, this chapter echoes the central theme of this volume by contending that EU policy-making can be fruitfully studied using general tools of political science (see also Shragia 1992a; Peterson and Bomberg 1999; Hix 2005). This chapter does not aim to provide an introduction to the wealth of literature on policy-making in all of its myriad forms; rather it aims to introduce those analytical approaches and debates drawn from comparative politics and international relations that are most commonly deployed, implicitly or explicitly, to explain policy-making in the EU. This chapter therefore situates EU policy-making in a broad comparative perspective, drawing on both policy-making within states and cooperation among them.²

This chapter is intended to serve as a stepping stone between the grand theories of European integration and the different approaches to studying the EU discussed in Chapter 2 and the patterns of policy-making and roles of the key institutions developed in Chapter 4. It begins by introducing the policy cycle. It then makes the case that there has been convergence between comparative politics and international relations with regard to the analysis of at least certain aspects of the policy process. The chapter then introduces the literatures on the different phases of the policy cycle—agenda-setting, policy formation, decision-making, and implementation—and relates them to the study of the EU before examining policy feedback. It concludes by drawing out the implications for explaining policy-making in the EU.

Policy-making and the policy cycle

The policy-making process is commonly depicted heuristically as a 'policy cycle' (also known as the 'stages heuristic') (see Figure 3.1): a self-conscious simplification of a complex phenomenon in order to facilitate our understanding (John 1998: 23–7, 36; Sabatier 1999: 6–7; McCormick 2006: 13–14; Richardson 2006: 7; Hague and Harrop 2007: 378). The policy cycle is usually depicted as commencing with an issue being put on the political agenda; that is, it becomes an issue of concern (agenda-setting). Once a decision has been taken to address a particular issue, it is necessary to formulate specific proposals for action (policy formulation) and decide what course of action to pursue, or not (policy decision). If a policy decision is taken, then the policy must be put into effect (implementation). The policy cycle emphasizes that the story does not stop with policy implementation, but that the intended, inadequate, and unintended effects of policies often feed back into the policy process.

FIGURE 3.1 The policy cycle



The policy cycle has been criticized for being misleading (see Sabatier 1999: 7). First, the stages of the policy process are not as discrete as the heuristic implies. For instance, policy formulation may well occur as officials seek to implement vague legislation. Second, Kingdon (2003: 205–6) contends that problem identification (agenda-setting) and solution specification (policy formulation) do not necessarily occur in the sequence depicted in the policy cycle: policies are sometimes developed in advance of there being a specific problem to solve and these alternatives are advocated prior to an opportunity to push them on to the agenda. Third, the cycle does not explicitly capture the interaction between multiple policies being pursued in a particular policy domain. This often comes up as the issue of policy coherence, namely whether different policies support or impede each other's objectives (see, e.g. Sireeck and Thelen 2005: 19–22; Carbone 2008: 325–7). Fourth, the heuristic can give the impression that there is a single policy cycle when in reality there are multiple, asynchronous policy cycles operating at different levels of governance. As a consequence, some have characterized the policy process as a 'garbage can', in which policies emerge in a manner much less predictable than that suggested by rational decision-making in response to an identified problem (Cohen et al. 1972; and, with specific reference to the EU, Richardson 2006: 24). While these criticisms do not necessarily condemn the policy cycle as a heuristic device, they should caution against being seduced by its simplicity.

A more fundamental critique of the policy cycle is that it does not provide the basis for a causal theory of policy-making that applies across the policy cycle (Sabatier 1999: 7). Rather, different analytical approaches have been applied to try to

explain each individual stage (see, e.g. Peterson and Bomberg 1999; Richardson 2006: 7). There is, however, no agreement on a 'grand theory' of policy-making (Scharpf 1997: 19; John 1998: 195; Peterson and Bomberg 1999: 272; Sabatier 1999: 261; Richardson 2006: 7). This chapter does not seek to develop an overarching explanation of the policy process, rather it highlights the analytical approaches that have been developed to explain the different stages of the policy process.

Convergence in the analysis of policy-making

Hurrell and Menon (1996) and Risse-Kappen (1996) have argued for drawing on insights from both comparative politics and international relations in order to explain policy-making in the EU. Both contributions highlight developments in the international-relations literature—notably with regard to the implications of complex interdependence for state behaviour, attention to the roles of non-state actors, and the consequences of increasing institutionalization of international cooperation—that depict relations at the international level in ways increasingly analogous to those found at the domestic level (more generally see Milner 1998). The literature on international cooperation in particular is concerned with the central questions of policy-making: whether there should be cooperation (which conflates whether there should be action and by whom) and what form it should take, including in terms of substance (see, e.g. Rosenau and Czernpiel 1992; O. R. Young 1999; Keohane and Nye 2001).

This chapter also points to changes in how policy-making within states is analysed, particularly the decreased emphasis on hierarchy; that increase the resonance with analyses of international cooperation. These analytical changes are in response to and in recognition of real-world changes. Beginning in the 1980s, privatization, administrative reforms inspired by the New Public Management, changes in territorial politics (such as devolution in the UK), increased economic interdependence, and the development of policy-making beyond the state (not least by the EU) contributed to governing within European states being understood as occurring less through hierarchical authority structures and more through negotiation and persuasion within more decentralized networks (R. Rhodes 1997; Peters 2001; Kahler 2002: 58; Goodin et al. 2006: 11–12; Goetz 2008). As a result of both of these shifts, approaches to analysing aspects of international cooperation and domestic policy-making have become more similar.

The players in the policy process

Before turning to ways of understanding the policy process, it is first necessary to identify the actors that engage in that process. Wherever policy-making occurs—within states, in the EU, or in the wider international arena—it involves the

interaction of multiple actors that want different things and bring different resources and capabilities to the policy process.

The main actors in the policy processes of liberal democracies are politicians, bureaucrats, and interest groups. Politicians, either as legislators or as members of government, are the key decision-makers. Bureaucrats advise politicians in government, take some policy decisions, and implement policies. Interest groups seek to promote policies and to influence politicians' and bureaucrats' decisions and often play a role in implementing policy.

While politicians in government always matter in the policy process, how important legislators are depends on the distribution of power amongst political institutions (see under decision-making below). Within political science there are intense debates about how politicians do and should act. Some (e.g. Dahl 1961; Beer 1982; Baumgartner and Leech 1998; Grossman and Helpman 2001) depict them as being highly responsive to societal pressures, constituency demands, and/or interest-group lobbying. More typically, authors assume that politicians have their own preferences, informed by their own experiences and political beliefs, as well as being influenced by societal pressures (Dentick and Quirk 1986; Putnam 1988; Alkinson and Coleman 1989; Evans 1993).

Bureaucrats also tend to be depicted as having specific interests, which may be purposive (concerned with achieving policy goals, including greater European integration) or reflexive (concerned with enhancing the power and prestige of their particular branch of the bureaucracy) (Niskanen 1971; Peters 1992: 115–16; also Dunleavy 1997). The tendency for bureaucracies to have functionally determined preferences is captured by the aphorism popularized by Graham Allison (1969: 711) that 'where you stand depends on where you sit.'

Interest groups are non-profit, non-violent associations of individuals or other organizations that are independent of governments that aggregate interests and inject them into the policy process (Keck and Sikkink 1997; Clark et al. 1998; Hallday 2001; Price 2003; Hawkins 2004). All interest groups must contend with the 'logic of collective action' (Olson 1965). That is, they must overcome the free-rider problem: that individuals or firms are able to enjoy the benefits of collective action (a policy) without incurring the costs of realizing it. The free-rider problem is more acute the more actors are involved (it is harder to identify free riders with larger numbers) and the more diffuse the benefits of action (the lower the individual incentive to act). This implies that it is easier for producers to organize than for consumers or people concerned about the environment (for a critical discussion, see G. Jordan 1998). There are, however, ways for consumers and environmentalists to overcome the collective action problem, not least because members are motivated by non-material considerations (G. Jordan and Maloney 1996; A. R. Young 1998), but such groups tend to be fewer and more poorly resourced than producer interests. Moreover, many firms have the resources individually to participate in the policy process. Politicians and bureaucrats generally welcome the input of interest groups and firms into the policy process because they provide information, which helps to inform

policy options and choices, and because many represent actors that are affected by the policies and compliance is likely to be better (and therefore policy effectiveness greater) if the affected actors have been part of the process (Lindblom 1977; Beer 1982). Producer interests tend to be particularly well equipped to provide these benefits to policy-makers, giving them a 'privileged position' in the policy process (Lindblom 1977).

These actors play roles in the EU process that are slightly different from those they perform at the national level. In the EU the bureaucrats in the Commission have a greater role in agenda-setting and policy formulation and a lesser one in policy implementation than their counterparts within states. Members of the European Parliament (MEPs) are directly elected, but their role tends to be more circumscribed than that of national parliamentarians (see Chapter 4). National ministers sit together in the Council of Ministers and play an important role in adopting legislation, albeit one in which they represent their own interests as well as those of their constituents (see Chapter 4). European interest groups tend to be associations of national associations, which can present problems for agreeing common positions, although there are a growing number of European groups that have direct memberships (Greenwood and Young 2005). Producer groups enjoy privileged access to EU policy-makers, particularly focusing on the Commission, which combined with their organizational and information resources have led many analysts to characterize the EU as an 'élite pluralist environment' (see Coen 2007: 335).

Moreover, informed by the debate in integration theory between neo-functionalism and (liberal) intergovernmentalism (see Chapter 2), there is also a vigorous strand of the EU policy-making literature that considers the extent to which the EU's supranational institutions—the Commission, European Court of Justice (ECJ), and European Parliament (EP)—influence the EU policy-making process. In this context they tend to be treated as distinctive, unitary actors, although each of these is a composite institution with complex internal politics (see Chapter 4).

Policy makes politics

Which interest groups, firms, and parts of the state engage in the policy process and how much autonomy the government has from societal actors vary with the type of policy at issue. In the EU the policy in question also influences at what level of governance authority lies and which decision rules apply at the EU level. Theodore Lowi (1964: 299) contended that 'policy determines politics', identifying three main types of policy—distributive, regulatory, and redistributive—each characterized by a different type of politics.³ Distributive policies, for which there are no visible losers within the polity because the individual costs are very small and are spread widely, such as 'pork-barrel' spending from the public purse, are characterized by supportive relations between interest groups and policy-makers and mutual non-interference among interest groups. Regulatory policy, including rules governing who can provide which services, which produces concentrated winners and losers,

by contrast, leads to interest-group competition. Redistributive policies, such as those associated with the welfare state, which involve the transfer of resources from one diffuse group to another, are characterized by politics divided along class lines. Despite its prominence and popularity, Lowi's scheme has been extensively criticized, particularly because the typology is difficult to apply to the messy reality of policy-making (Heidenheimer 1983: 455).

Wilson (1980) developed a more nuanced analysis grounded explicitly in the distribution of anticipated costs and benefits. Where the distribution of both costs and benefits is broad, majoritarian politics is likely to occur. Where benefits are diffuse and costs concentrated, such as in consumer and environmental protection (see Chapters 13 and 14), policy will be blocked by the vested interests that benefit from the status quo, unless a policy entrepreneur can mobilize latent public opinion in favour of policy change. Where anticipated costs and benefits are both concentrated, such as in economic regulation in which some firms gain at the expense of others, interest-group competition is expected (see Chapters 5 and 15). Policies that have narrow benefits and diffuse costs, such as economic regulations that shield producers from competition, are likely to be characterized by clientelistic politics (see Chapters 5 and 15). The crucial insight to take away from this discussion, however, is straightforward—different types of policy are characterized by different types of politics, even if the precise contours are difficult to pin down (John 1998: 7).

Foreign policy has tended to be treated as distinct from domestic policy-making. In particular, policies that concern the most basic concerns of the state (particularly security) are thought to be subject to 'high politics', in which heads of government are prominent and societal actors passive (see Chapter 18). Other policies, such as trade (see Chapter 16) and international environmental policies (see Chapter 13), however, have been depicted as subject to 'low politics', in which societal actors engage actively and which are addressed lower down the political hierarchy (Keohane and Nye 2001: 22–3; Hill 2003: 4), and thus look more similar to domestic politics. Governments are thus thought to have more autonomy from societal pressures when pursuing some types of foreign policy than others.

This high/low politics distinction is problematic, however. It assumes a hierarchy among issues that is not sustainable as non-military issues—including financial crises, pandemics, and environmental degradation (including climate change)—can have profound implications for states (Keohane and Nye 2001: 22–3; Hill 2003: 4). Moreover, foreign policy, even when its focus is security, often engages politicians, bureaucrats, and interest groups in ways similar to domestic politics (Allison 1971; Lowi 1972; Risse-Kappen 1991; Evans 1993; Hill 2003), and arguably is coming increasingly to resemble domestic politics (Hill 2003). Conversely, there are claims that issues, such as energy (see Chapter 15), traditionally thought of as domestic can be 'securitized', that is, it can be 'presented as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure' (Buzan et al. 1998: 24). It is, therefore, not easy and is probably unhelpful

to designate certain issues as high or low politics a priori. This discussion, however, does draw attention to variation in how much autonomy the government has from social actors when making policy choices.

Policy has particularly profound effects on politics in the EU (see Chapter 4). Whether competence (authority) resides with the member states or the EU or is shared between them varies across policy areas. Moreover, the roles of the institutions differ between policy areas at the EU level, as can the decision rule in the Council. Consequently, it is essential to understand the institutional context within which a policy decision is taken.

Agenda-setting: deciding what to decide

Deciding what to decide is a crucial part of the policy-making process and one that often takes place in a context where there is a great deal of uncertainty. Deciding what to decide actually involves two steps in the policy cycle: agenda-setting and policy formation. Whether an issue attracts political attention in part reflects the character of the issue—how serious the problem is, whether there has been a change in the severity of the problem, whether it stands for a more general problem, such as the threatened extinction of a specific animal as emblematic of diminishing biodiversity; and whether it has emotional appeal, as some issues, such as those involving children or bodily harm, are more likely to garner sympathy from publics and policy-makers (Keck and Sikkink 1998: 26; Page 2006: 216).

There is, however, a significant degree of agency in agenda-setting, with policy entrepreneurs, be they interest groups, politicians, or others, identifying and exploiting opportunities to push a policy and presenting ('framing') it in a way that resonates politically (Kingdon 2003: 204–5; Price 2003: 583; Page 2006: 215). Framing an issue is most likely to be successful if it can be linked with existing widely held norms or concerns (Price 2003: 597; Hawkins 2004: 780).

An 'epistemic community' is a distinctive type of political entrepreneur. It is a network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue-area (P. Haas 1992: 3). The members of an epistemic community share a set of normative and principled beliefs, causal beliefs, notions for weighing and evaluating knowledge, and a common set of problems to which they direct their expertise. The impact of epistemic communities tends to be particularly acute in highly technical areas, such as with respect to the environment (P. Haas 1992; Zito 2001; this volume, Chapter 13) and economic and monetary union (Verdun 1999; McNamara 2005). Epistemic communities affect the policy agenda by articulating cause-and-effect relationships and in doing so help to specify problems and propose solutions (P. Haas 1992: 14).

Events can also be crucial for creating opportunities for policy entrepreneurs to promote policies (Downs 1972: 39; Kingdon 2003: 197; Page 2006: 216). Crises can

contribute to converting conditions that can be ignored into problems that need to be addressed (Kingdon 2003). For example, a series of regulatory failures concerning food safety in Europe during the 1980s, most notably bovine spongiform encephalopathy (BSE), contributed to the adoption of a more precautionary approach to regulating food safety (Vogel 2003: 568; this volume, Chapter 14). The significance of events injects an important element of contingency into the policy-making process.

The agenda-setting literature, however, has been criticized for being too conditioned by the US political system in which it developed (Page 2006: 208–9). In particular, the US political system is relatively non-hierarchical: policy initiatives can come from many directions. In parliamentary democracies the fusing of legislative and executive branches of government through party control tends to produce executive dominance, which means that there is one key audience that must be convinced if an issue is to get on the agenda (Page 2006: 208–9).

The EU combines pluralism with executive dominance. Its vertical and horizontal divisions of power create a great many access points (Peters 1994; Richardson 2006: 5). In those policy areas in which the European Commission has the exclusive right of initiative, however, the Commission is the key audience that must be persuaded to put an issue forward (Majone 2005: 231; Daviter 2007: 655). As the Commission's structure is highly fragmented with overlapping internal responsibilities, however, alternatives are available for a policy advocate looking for bureaucratic allies to develop a policy proposal (Peters 1994: 14). In addition, the Commission can be asked by the European Council or the Parliament to advance a policy initiative, and it is common for EU legislation to have built-in deadlines for reforms. Nonetheless, the Commission is the pre-eminent policy entrepreneur in the EU and it actively frames policy proposals in order to construct political support (Garrett and Weingast 1993; Jabko 2006; Daviter 2007: 659). The Commission, however, is constrained in that it needs external support from other EU institutional actors—either from influential member states, the EP, or the ECJ—if the agenda it is promoting is to have a realistic chance of adoption (Tallberg 2007: 204–5).

Policy formulation: what are the alternatives?

Before policy decisions can be taken the range of alternatives must be narrowed. As discussed above, this process does not necessarily neatly follow agenda-setting. Whatever the sequencing, the formulation of policy is seen as involving a different set of actors from those who participate in agenda-setting and is most commonly depicted as the product of policy networks (Peterson 1995; Richardson 2006: 7).

Policy networks are 'sets of formal institutional and informal linkages between governmental and other actors structured around shared if endlessly negotiated beliefs and interests in public policy-making and implementation' (R. Rhodes

2006: 426).⁴ While most of the policy network literature focuses on domestic policy, it has been applied to explaining foreign policy (Risse-Kappen 1991; Hocking 2004) and international relations (Keck and Sikkink 1998; Reinicke 1999–2000). Policy networks are seen as influencing policy choices by shaping which groups participate in the policy process (R. Rhodes 1997: 9; Peterson 2004). The term ‘policy network’ captures a variety of different types of relationship between public and private actors from tightly integrated policy communities⁵ to loosely affiliated ‘issue networks’ (Peterson 2004: 120). Policy communities—which have stable memberships, exclude outsiders, and have members who depend heavily on each other for resources—are seen as having significant impacts on policy formulation and tend to promote policy continuity in the interests of the participating incumbents. Issue networks by contrast have open and unstable memberships, which tend to contain competing policy preferences (Peterson 2004: 120).

There are three particular actors within policy networks that warrant special attention: producers, epistemic communities, and advocacy coalitions. The resource dependencies at the heart of policy network analysis are usually seen as privileging producer interests because it is often their behaviour that has to be changed, which means that they have detailed information about the costs and likely success of policy alternatives and they can either drag their feet on implementation or can lend their support to the initiative (Olson 1965; Lindblom 1977; Beer 1982). Epistemic communities are not only important in agenda-setting, but also advance solutions to identified policy problems (Peterson 2004; R. Rhodes 2006: 425). Sabatier and Jenkins-Smith (1993; Sabatier 1998) contend that policy networks tend to contain between one and four ‘advocacy coalitions’, each composed of actors from various governmental and private organizations who both (a) share a set of normative and causal beliefs and (b) engage in a non-trivial degree of co-ordinated activity over time (Sabatier 1998: 103). Advocacy coalitions are thus networks within networks, which compete to advance their preferred policy solutions.

Policy network analysis is, however, seen by many as providing nothing more than a description of what is happening, rather than an explanation of how policy is made (John 1998: 86; Peterson 2004: 126–7). Dowding (1995: 137) contends that the metaphor of the network has no explanatory value, as the nature of the network and its impact on policy outcomes are both determined by the power relations among the actors involved. Further, Kingdon’s (2003) ‘policy streams’ approach implies that policy formulation does not necessarily follow an issue being put on the agenda, as is implied in the policy network approach.

There are also a number of criticisms of the policy network approach that are particular to the EU. One is that EU policy-making is too fluid—with different focuses of authority and different constellations of actors involved in individual policy decisions even within the same policy area—to be captured by the network concept (Kassim 1994: 20–2). Further, because implementation of most EU rules is carried out by the member states, the Commission has a limited direct role in policy delivery, reducing the intensity of its engagement with societal actors and its

dependence on them. Moreover, because there are public and private participants from twenty-seven member states as well as the EU-level participants, actors involved in the policy process have very different value systems and often have very different views of problems and possible solutions, which makes it difficult for groups to agree common positions that can be injected coherently into the policy process. Thus it is relatively rare to find policy communities at the EU level, with the most notable exception being in agriculture, but even that policy community is eroding as agriculture is reframed as a trade and budgetary and environmental issue (see Chapter 8). Policy formulation, therefore, is a relatively open process in the EU (Richardson 2000: 1013), but, as with agenda setting, the Commission is the pivotal actor in policy formation in those policy areas where it has sole right of initiative (Kassin 1994: 23). Crucially, its central role in agenda-setting and policy formulation give the Commission a significant say in many EU policies even if its role in decision-making is limited (Hix 2005: 74).

Decision-making: choosing what (not) to do

Although there is convergence between comparative politics and international-relations approaches regarding agenda-setting and policy formulation, there is much less common ground with regard to decision-making. This is due in large part to decision-making within domestic contexts taking place through highly institutionalized procedures, including voting, while decision-making in international relations—as in examples of international cooperation—usually takes place by consensus. Even in those international organizations in which binding decisions are taken by votes—such as the International Monetary Fund and the United Nations Security Council—decisions require super-majorities and powerful actors retain vetoes. Thus the two sub-disciplines generally seek to explain decision-making in very different contexts.

These differences, however, are a boon when it comes to explaining decision-making in the EU because the context of policy-making varies extensively across policy areas (see Chapter 4), from unanimous decision-making among the member states, for example in foreign and security policy (Chapter 18), to decisions taken on the basis of qualified majority voting (QMV) amongst the member states in conjunction with the EP on a proposal from the European Commission, for example with regard to the single market (Chapter 5) and the environment (Chapter 13), with many combinations in between. Thus some aspects of EU decision-making have features similar to the executive and legislative politics of domestic policy-making, while others are more similar to international negotiations.

The analysis of decision-making in the EU is rooted primarily in the 'new institutionalisms': historical institutionalism, rational-choice institutionalism, and sociological institutionalism (Hall and Taylor 1996; Aspinwall and Schneider

1999; Peters 1999; Pollack 2004; and see Chapter 2). The historical and rational choice variants have tended to be applied more frequently to studies of policy-making (Nugent 2006), particularly with regard to executive politics, primarily in the Commission, and legislative politics, focused on the EP. Both sociological and rational-choice institutionalist approaches, however, have been applied to analyses of decision-making in the Council of Ministers.

Executive politics: delegated decision-making

Executive politics is most often associated with providing political leadership, such as through agenda-setting and policy formation, and overseeing the implementation of legislation. Our focus here, however, is on the delegation of decision-making responsibility to executive bodies. Both comparative-politics and international-relations literatures consider the decision to delegate responsibilities, but it is the comparative politics literature, particularly that on delegation by the US Congress to independent regulatory agencies, that focuses on the delegation of decision-making, rather than of agenda-setting or monitoring compliance (for a review see Pollack 2003: 20–34; and see Chapter 2). This literature is rooted in rationalism, particularly principal-agent analysis. A key insight is that the principal(s) and agent have different preferences and that the act of delegation gives the agent scope to pursue its own preferences, rather than those of the principal(s).

The benefits of delegating decision-making are considered to be particularly pronounced under certain circumstances, such as a significant need for policy-relevant expertise due to the technical or scientific complexity of a policy area (see Chapter 2). In the EU the specialized agencies—such as the European Medicines Evaluation Agency and the European Food Safety Authority (see Chapter 14)—have been given the task of providing expert advice to the Commission, which formally takes decisions (at least under certain circumstances) (Kripohl 2004; Eberlein and Grande 2005). The delegation of decision-making is also more likely where doubts about politicians' commitment to a policy can undermine its effectiveness. The problem of commitments not being credible is likely to be pronounced when there is a conflict between short-run costs and long-run benefits (time inconsistency), such as in monetary policy (see Chapter 7), or a when policy delivers diffuse benefits, but imposes concentrated costs and therefore generates strong political pressure to abandon the policy, such as in competition policy (see Chapter 6). Decision-making may also be delegated in order to make it harder for successors to reverse the policy.

Alternatively, sociological institutionalists contend that delegation occurs not necessarily because it is efficient, but because it is perceived as a legitimate and appropriate institutional design. Thus, institutional designs are copied through processes of emulation and diffusion. In this view, the creation of a European Central Bank (ECB) was shaped by the acceptance of monetarist ideas and the view that independent central banks were appropriate (McNamara 2005).

Where decision-making is delegated, two different views of bureaucratic decision-making prevail. One view, rooted primarily in the analysis of independent regulatory agencies in the US, stresses the importance of technical expertise and legal mandates and sees value in insulating decision-makers from political pressures, so that decisions can be taken for the greater good rather than to benefit the powerful. Giandomenico Majone (1994: 94) has argued that the Commission, because it is pan-European and not democratically elected, is more insulated from political pressures and is therefore more likely to take difficult decisions and less likely to be captured than national regulators.

A much messier view of bureaucratic politics comes primarily from the analysis of US foreign policy, not least Graham Allison's study of the Cuban Missile Crisis (Allison 1969, 1971; Allison and Zelikow 1999), which depicts bureaucratic politics as bargaining among different sections of the executive with different preferences (for a rare application to the EU, see Rosenthal 1975). In this view decisions reflect compromise and consensus among the participants (Rosati 1981). While much of the European integration literature has treated the Commission as if it is a unitary actor and focused on its influence relative to the member states, the policy-making literature has pointed out vigorous differences within the Commission (see, e.g. Chapter 13).

An important implication of the principal-agent approach, however, is that the bureaucratic agent is not completely free to take decisions, but is constrained by the principals' preferences. How constraining the principals' preferences are depends how able they are to monitor the agent's behaviour and whether they are able to sanction behaviour they dislike, which in turn depends on whether some of the principals approve of what the agent is doing and are able to shield it (Pollack 2003). In this view, any analysis of Commission decision-making must consider what authority has been delegated to it and how its preferences relate to those of the member states on the issue in question.

Legislative politics or international negotiation?

Because of the separation of executive and legislative authority, the legislative politics of the EU, especially in the EP, is arguably more closely analogous to that of the US than to those of most EU member states (Hix 2005; McElroy 2007). Consequently, authors seeking to understand EU legislative politics have drawn extensively on theories developed to explain decision-making in the US Congress, particularly the House of Representatives. Care, however, is required when drawing such comparisons, not least because the connection between voters and representatives is much weaker in the EP than in the House of Representatives, because the powers of the Council and EP are not as equal as are those of the Senate and the House, and because the executive-legislative division of powers is much less strict in the EU than in the US (McElroy 2007: 176). Moreover, despite its legislative role, the Council appears to operate in many respects like an international negotiation.

'Pure' legislative politics in the European Parliament

The theory of 'minimum-winning coalitions' (Riker 1962) is particularly commonly applied to EU decision-making. A minimum-winning coalition, by involving the minimum number of votes needed to secure victory, means that there are fewer interests to accommodate and gives the members of the coalition, particularly those decisive in creating a winning majority, greater influence over the policy. It is more precise, however, to think in terms of 'minimum-connected-winning' coalitions among legislators or parties that have policy preferences that are relatively closely related (Axelrod 1970). In parliamentary systems such coalition-building is less likely on a policy-by-policy basis, but similar dynamics are evident in the creation of coalition governments (Swann 1973; Felsenthal and Machover 2004). Contrary to these expectations, however, the EP has had a tendency to form oversized voting coalitions, ostensibly to increase the EP's influence relative to the Council. Recent studies, however, have pointed to a tentative retreat from oversized coalitions toward more 'normal' patterns of minimum-winning coalitions on the left or the right (Kreppel and Hix 2003; Hix and Noury 2009).

Given that the EP is a supranational legislature, in which electoral connections are notably weak, much attention has been paid to what motivates parliamentarians' voting behaviour (McElroy 2007: 177–8). Strikingly, the best predictor of MEP voting behaviour is not nationality, but an MEP's party group³, with the centre-left Party of European Socialists, the centre-right European People's Party, and other smaller party groups demonstrating extraordinarily high measures of cohesion in empirical studies of roll-call votes (Kreppel 2001). MEPs, moreover, contest elections and cast their votes in a two-dimensional 'issue space,' including not only the familiar nationalism/supranationalism dimension, but also a more traditional, 'domestic' dimension of left–right contestation (Hix 2001; Hix et al. 2007; McElroy 2007).⁵

Legislating, bargaining, or arguing? Decision-making in the Council

There is greater debate about how the Council takes decisions. Theories of coalition formation have also been extensively applied to the Council of Ministers, at least when QMV applies.⁶ A number of scholars have used increasingly elaborate formal models of Council voting to establish the relative bargaining power of various member states (Bueno de Mesquita and Stockman 1994; Hosli 1994; Felsenthal and Machover 1997). One implication of this analysis is that the relative preferences of member governments are relevant; governments with preferences close to the centre of the range of preferences on a given issue are more likely to be in a winning majority independent of their formal voting weight, while other governments may be 'preference outliers', and therefore more likely to be isolated in EU decision-making. There is also evidence that the member state holding the Council presidency has extra influence, through its capacity to shape the agenda (Tallberg 2006) and by exploiting its superior information about the positions of the other member states when the final decision is taken (Schalk et al. 2007; R. Thomson 2008) in order to shape outcomes to reflect more closely its own preferences.

It is worth noting, however, that only a minority of legislative decisions are taken by ministers in the Council, with most reached by consensus among officials (Häge 2008; and see Chapter 4). Moreover, even when QMV applies, the Council tends to seek consensus whenever possible (see Chapter 4), so that models of procedures, such as minimum-winning coalitions, appear to provide a poor guide to understanding day-to-day practice in the Council even in those policies in which voting occurs (Hayes-Renshaw and Wallace 2006; Schneider et al. 2006).

Bargaining models, which have been extensively developed and applied to international negotiations, appear to perform better at predicting decisions (Schneider et al. 2006). In bargaining, policy is agreed through a process of identifying an outcome that makes none worse off—producing ‘lowest common denominator’ outcomes—that through the use of issue linkage, inducements, or threats (Putnam 1988). Bargaining outcomes, whether among states, among coalition partners, or in industrial relations, are expected to reflect the relative power of the actors, which, in turn, is shaped, by their best alternatives to negotiated agreement’ (BATNA) (Fisher and Ury 1982; Garret and Teedels 1996). The best alternative can involve being content with the status quo or having the capacity to realize objectives unilaterally or through cooperation with an alternative set of actors (Moravcsik 1998; Keohane and Nye 2001). The implication is that the actor that has the best alternative to an agreement will have the greatest say in the outcome.

A particular variant of bargaining analysis is Fritz Scharpf’s (1988: 239; 2006) ‘joint-decision trap’ in which there is no solution that all veto players prefer to the status quo. Scharpf (2006: 847) has stressed that the ‘joint-decision trap’ is not a general condition of EU policy-making, but applies when institutions create an ‘extreme variant of a multiple-veto player system’ and where transaction costs are high, notably where the Commission does not have the right of initiative. Scharpf (2006: 851) argues, however, that agenda-setting by the Commission does not imply much softening of the pessimistic implications of the joint-decision trap because the diversity of the member states’ preferences may still mean there is no solution acceptable to all (or a qualified majority of) member states. The implication is that the ‘logic of the joint decision trap’ is strong in an EU of twenty-seven member states (Scharpf 2006: 851).

Arguably, side-payments or package deals (‘log rolling’) are ways of overcoming the joint-decision trap (Peters 1997), although Scharpf (2006) is sceptical about the availability of such bargaining techniques within the EU’s fragmented policy-making process. In international negotiations in highly institutionalized settings, of which the EU is a prime example, however, cooperation is facilitated because the participants are aware that they will be interacting repeatedly in the future and as their experience of successful cooperation accumulates (Axelrod 1984; Peters 1997). This can generate ‘diffuse reciprocity’, in which governments acquiesce in the short run in the expectation of favourable consideration of their concerns at some point in the future (Keohane 1986: 4). Being able to accommodate diffuse reciprocity may be one of the key reasons why bargaining models are better at predicting policy-making in the EU than procedural models, which are blind to iteration (Schneider et al. 2006: 304–5).

In contrast to rationalist bargaining, constructivists contend that deliberation, argument, and persuasion—the ‘logic of arguing’—can produce a reasoned consensus that is superior to a lowest-common-denominator outcome even in international negotiations (Risse 2000; and see Chapter 2). The policy-making literature in general now recognizes that reason-giving is important at all stages of the policy process (Goodin et al. 2006: 7). A key question is whether actors are simply trying to persuade others to change their positions by appeals to principle (‘rhetorical action’) or if they are genuinely open to being persuaded to change their own positions (‘argumentative rationality’) (Risse 2000: 7). Argumentative rationality is thought to be most likely to occur under particular conditions (Risse 2000: 10–11; and see Chapter 2), which are particularly intense in the EU. The likelihood that argumentative rationality will apply also depends on the issue under consideration. It is most likely to occur—actors are most likely to be open to persuasion—under situations of uncertainty; where actors are not sure about their preferences and/or those of the other actors or are uncertain about the appropriate norm or how to resolve tensions among rules (Joerges and Neyer 1997b; Risse 2002: 601).

Rationalists also accept that persuasion, albeit of a more limited kind, can occur through exposure to new causal ideas (Goldstein and Keohane 1993; Sabatier and Jenkins-Smith 1993). New causal ideas can help to clarify the nature of problems confronted and/or introduce actors to new ways of realizing their objectives, including through presenting new policy alternatives (‘policy learning’).

Uncertainty is most likely to occur when issues are first identified, that is during agenda-setting and policy formulation. Once the parameters of the problem have been agreed and responses formulated, the distributional implications of the alternatives become clearer, and even advocates of constructivism concede that bargaining may replace arguing (Joerges and Neyer 1997b; Risse 2000: 20, 2002: 607). Theories of international negotiation, therefore, appear to capture decision-making in the Council better, even when QMV is permitted, than do theories developed to explain legislative behaviour.

Inter-institutional power dynamics

Although there are a few policy areas, such as foreign and security policy (Chapter 18) and aspects of justice and home affairs (Chapter 19), in which the Council is essentially the sole decision-maker, in most areas of EU policy the Commission and EP have roles in decision-making. Most of the existing literature on interaction of the EU’s institutions in decision-making, which is rooted in rationalist modelling, finds that the EP’s influence is much greater under the co-decision procedure than under the cooperation procedure, arguably to the extent that it is a co-legislator with the Council (Schneider et al. 2006: 303; McElroy 2007: 186). The Commission, by contrast, is widely considered to have lost influence as the EP’s has increased (Thomson and Hostli 2006: 414; see Chapter 4).

The existing literature on inter-institutional politics, however, tends to treat the institutions as unitary actors, neglecting the competing preferences behind the

common, institutional positions (McElroy 2007: 186). Analyses of specific decisions, however, illustrate how actors within particular institutions, notably the Council, have been able to use the positions of the other institutions to shift legislation towards their preferences (Tschelbis 1994; A. R. Young and Wallace 2000).

The formal powers of the EU's institutions and the decision rules in the Council matter because the more actors there are that can block a decision—'veto players—the harder it is to reach an agreement (Tschelbis 1995). If there is to be an agreement it must be acceptable to all veto players, which means that it must accommodate the concerns of the actor that is least enthusiastic about change. In the EU there are a great many veto players: the Commission may choose not to advance a proposal; under co-decision either the EP or the Council can block legislation; under unanimity each member state is a veto player; and under QMV a minority of states can block decisions. The need to accommodate so many veto players in order to adopt a policy led Simon Hix (2008a: 589) to characterize the EU as 'a hyper-consensus system of government'.

In such a highly consensual policy process, securing agreement requires a potent coalition across the key decision-makers. This often requires a coalition across two levels of governance: among the EU's institutions and within the member states. Constructing such coalitions is difficult and demanding. Policy networks, which link officials and interest groups across the EU's member states and to the Commission, and epistemic communities, through persuading key actors in different institutions, can play vital roles in constructing such coalitions (Peters 1997; Zito 2001). Thus cooperation among policy actors without formal roles in the policy process can be decisive to the adoption of policy.

Implementation: national legislative and executive politics

Once a decision has been taken, further steps are usually required in order to put it into effect. The difficulty of reaching agreement in the EU makes implementation particularly important because decisions often contain messy compromises and/or vague language, which leave significant room for discretion in how the policies are put into practice (Treib 2008). In addition, many, but far from all, EU decisions—in the form of directives—must be incorporated ('transposed' in EU parlance) into national law before they are translated into practice by national bureaucracies (see Chapter 4). Thus there is a very significant component of decision-making in the implementation phase of EU policy-making.

The analysis of implementation in the EU context, as within states, is concerned primarily with the EU's internal policies, which occur within a legal hierarchy.⁷ The literature on implementation includes discussions of how particular policies

are carried out, most notably with regard to competition policy (see Chapter 6), cohesion and structural funds (see Chapter 10), and the novel modes of implementation adopted in employment policy (see Chapter 12), as well as with respect to the common fisheries policy (Lequesne 2005). The more systematic academic literature on implementation in the EU, however, has been narrow and partial, focusing overwhelmingly on the implementation of directives and in only a few policy areas, most notably the environment and social policy (Treib 2008).

Different internal policies, however, target the behaviour of different types of actor and in different ways. For some policies, whether national or EU—such as setting interest rates (Chapter 7), approving/blocking mergers or imposing fines for anti-competitive behaviour (Chapter 6)—taking the decision and implementing it are essentially the same thing: no steps beyond taking the EU-level decision are required. There are other EU policies—such as budgetary policy (Chapter 9), aspects of justice and home affairs (Chapter 19), and the fiscal disciplines of the Stability and Growth Pact (Chapter 7)—in which the targets of policy are governments. Most EU policies, however, seek to influence the behaviour of individuals and firms within the member states. Although some such policies are implemented via regulations, which apply directly within the member states, the implementation literature focuses primarily on directives.

Because directives, except under limited circumstances, must be transposed into national law in order to have effect they share some of the characteristics of international agreements. Consequently there is a significant degree of overlap between explanations of 'implementation' in the EU and international-relations explanations of 'compliance'. In both the EU-implementation (Treib 2008) and IR-compliance (Young 2009) literatures there is increasing attention to the impact of domestic politics on whether and how international obligations are translated into policy change.

In these accounts, whether and how implementation (compliance) occurs depends on the preferences of key societal actors and the government regarding the new obligation relative to the status quo, and crucially whether any of those opposed to implementation are 'veto players' (for surveys see Treib 2008; A. R. Young 2009). Arguably, such a politicized approach to implementation is found only in some EU member states, with implementation being apolitical in some or accepted as appropriate, despite the costs, in yet others (Falkner et al. 2007). Moreover, whether implementation is politicized varies with the type of measure required—with legislation being more likely to produce contestation than administrative change (Steunenberg 2007)—and the political salience of the issue (Treib 2008; A. R. Young 2009). This broad level of agreement masks a degree of disagreement about the relative importance of rationalist or constructivist considerations (Börzel and Risse 2007; A. R. Young 2009). Moreover, these considerations address the will to implement EU rules, but there is also the issue of whether the member state has the administrative capacity to do so effectively.

Although most academic interest has focused on explaining transposition (Treib 2008), some scholars have begun to consider how national bureaucracies have changed in order to carry out EU policies and how variance among member states' administrative responses can be explained (Kassin et al. 2000; Knill 2001; Jordan 2003; Falkner et al.

2005; Toshkov 2007; Falkner and Treib 2008). A particular strand of this research examines the proliferation of (quasi-)independent agencies within the member states (Majone 2000b; Thatcher and Stone Sweet 2002; Kelemen 2002, 2004; Coen and Thatcher 2005) and how they are integrated into European networks (Ederlein and Grande 2005; Egeberg 2008). This literature, therefore, has been more concerned with the EU's impact on national institutions than with how national institutions actually implement and enforce EU policies (see Trondal 2007: 966–8 for a review).

The EU implementation literature, therefore, has largely neglected enforcement and implementation within the member states, how policy translates into action on the ground (Falkner et al. 2005: 17; Treib 2008: 14; an exception is Vershus 2007). In part this reflects the general neglect of implementation by political science (Goodin et al. 2006: 17; Hague and Harrop 2007: 382). A compounding cause is the difficulty of establishing systematically whether an EU law has been properly applied (see Falkner et al. 2005: 33–5 for a discussion), let alone what explains that outcome. There is, however, extensive variation among member states and across policy areas concerning which and how many branches of the bureaucracy are involved, whether central, regional, or even local government is responsible, and whether enforcement is carried out by the state or private actors (Falkner et al. 2005: 35–6).

Despite the disagreements and limited answers, three crucial implications emerge from the analysis of policy implementation in the EU. First, the impact of EU decisions, in terms of both costs and associated political and administrative challenges, varies among member states (Héritier et al. 2001: 9; Börzel and Risse 2007). Second, member states—due to differences in both legislative and executive politics, as well as local circumstances—adopt very different national policies in order to implement 'common' EU policies. Third, member states, whether intentionally or not, do not always comply with EU rules.

Judicial politics: adjudicating disputes

It is with respect to how the EU deals with non-compliance that the EU differs most sharply from member international organizations. In the EU the domestic political process of implementation is supervised by the Commission, aided and abetted by societal actors and member governments, and may be subject to adjudication before national or European courts (Tallberg 2003). Both rationalist and constructivist accounts recognize that the Commission by threatening legal action can create pressure for policy adaptation, although the outcomes may be less than intended (Börzel and Risse 2007: 492; for an analysis of how it performs this role, see Hartlapp 2007).

As much of the oversight of implementation occurs through (or with the threat of) legal action, how the EU's legal order functions is essential to understanding the implementation of many, but by no means all, EU policies. The European legal order is much more highly developed than those commonly found among states, and consequently has become the subject of debate between intergovernmentalists and neo-functionalists (see Chapter 2).

Beyond the integration-centric question of the independence of the ECJ (see Chapter 2), there are a number of aspects of judicial politics that are more common to comparative politics than international relations (Conant 2007a). One concerns which actors are most able to take advantage of the opportunities to challenge national (and European) policies under EU law. Although even relatively disenfranchised actors have made use of the European legal system, more politically powerful actors have tended to make more and better use of litigation to challenge (predominantly national) policies that they dislike (Conant 2007a).

The direct implications of court rulings tend to be quite narrow, requiring member state governments to accommodate only the specific requirements of the judgment (Conant 2007a), although governments may extend the implications to other similar circumstances. The implications of court judgments, however, may be developed and exploited by policy entrepreneurs, as the European Commission famously did in developing the concept of 'mutual recognition' on the basis of the ECJ's *Cassis de Dijon* ruling (Alter and Meunier-Aitsahalia 1994; and see Chapter 5). Even the narrow implications of the ECJ's rulings, however, can be significant, at least with respect to specific policies. On several occasions, such as on the EU's agreement with the US about providing the names of transatlantic airline passengers (see Chapter 19), the ECJ has ruled, usually at the request of the European Parliament, that an EU rule was adopted using an improper procedure and that a different decision-rule should apply. The ECJ's ruling against the Council for failing to adopt a common transport policy raised the spectre of court-imposed deregulation of road haulage, which raised the cost-of-no-agreement for those opposed to liberalization and strengthened the hands of those that wanted more far-reaching liberalization (A. R. Young 1995). ECJ rulings have also had significant implications for member states' social and employment policies (see Chapters 11 and 12). Conversely, the ECJ has had an important impact on EU regulatory politics as a result of upholding the legitimacy of national environmental and consumer regulations (Vogel 1995; Joerges and Neyer 1997b; A. R. Young and Wallace 2000; and see Chapter 5). Thus even though the EU's legal system formally only adjudicates on how the EU's treaties and rules are applied (implemented), its rulings can have significant implications for other phases of the policy cycle by pushing issues up the agenda, generating new concepts, or changing bargaining dynamics by foreclosing options, particularly that of not acting.

Policy feedback: completing and shaping the policy cycle

The process of implementing policies, therefore, generates outcomes that feed back into the policy process, 'completing' the policy cycle. There are three distinct, but not unrelated, ways through which policy implementation feeds back into the policy cycle: evaluations of effectiveness, political feedback loops, and spill-over.

The most basic feedback loop involves evaluation of a policy's effectiveness. If the implemented policy does not address the problem that it was intended to, there might well be pressure to take additional action. It is worth noting that a policy's effectiveness is not directly related to the quality of its implementation (Raustalia and Slaughter 2002): a perfectly implemented policy may be ineffective if it was insufficiently ambitious or if an inappropriate approach was chosen. Conversely, the aims of the policy may be realized in the absence of implementation as the result of other, unrelated changes.

Evaluation of policy effectiveness is arguably particularly problematic within the EU. Because the EU is a multi-level polity in which policy initiation resides primarily with the Commission and policy implementation resides primarily with the bureaucracies of the member states, there is significant 'distance' between those who put policy into practice and those responsible for initiating it, which stretches the feedback loop (Falkner et al. 2005: 33–5; Hartlapp 2007). A key aim of the Commission's initiatives to build transnational networks of regulators (discussed above under implementation) is to shrink this distance. Policy feedback within the EU, however, is also complicated by the weakness of the mechanisms, which are embedded in national polities, for linking society and government—political participation, political parties, and interest groups—which is commonly known as the EU's 'democratic deficit' (see Chapter 2). This means that the Commission does not have access to the same sources of feedback on what is wanted and what is working that democratic national governments do.

Beyond the effectiveness of a policy there are also more political feedback loops that can be either 'positive', reinforcing the policy, or 'negative', undermining it. 'Positive feedback' occurs because actors that have adjusted their expectations and behaviours to a policy or that benefit from it will mobilize to defend it (Pierson 1993: 596; 2000: 251). These actors enjoy a political advantage in that, unless the policy has a built-in expiration date, the policy represents the default position (Pierson 2000: 262). The significant number of veto players in the EU, therefore, reinforces the resilience of a policy. Such 'path-dependence' makes policies difficult to change.

Path-dependence, therefore, has several important implications for the analysis of policy-making (Pierson 2000: 263). First, it stresses the significance of the timing and sequencing of decisions. Decisions taken earlier will constrain those taken later. Second, even apparently small events, if they occur at a crucial moment ('critical junctures'), can have significant, enduring effects (Pierson 2000: 251). Third, over time policies may become sub-optimal: they may perform a function that is no longer valued or at a cost that is no longer acceptable (Pierson 2000: 264; Streeck and Thelen 2005: 28). Fourth, path-dependence may be sufficiently strong as to lead to there being non-decisions, in which previously viable alternatives are not considered (Pierson 1993: 609). Path-dependence suggests that policy change occurs as the product of 'punctuated equilibrium': long periods of policy stability disrupted by abrupt change when the mismatch between the policy and its objectives becomes unsustainable or when there is an external shock.

The 'stickiness' of policies should not, however, be overstated (Sireeck and Thelen 2005; Hall and Thelen 2009).⁸ As noted in the discussion of implementation, there is significant scope for policies to change during their translation into practice. Moreover, policies are continuously being contested by those that did not get their way when the policy was adopted, by new actors or by established actors whose interests the policy no longer serves (Sireeck and Thelen 2005; Hall and Thelen 2009). As a consequence of these dynamics, policies may gradually atrophy, be re-directed to new purposes, or even collapse (Sireeck and Thelen 2005). Thus, while there is positive feedback supporting policy stability, there is also negative feedback creating pressure for change. The result, as is arguably the case with respect to the common agricultural policy (see Chapter 8), is a 'politics of institutional stability' (Hall and Thelen 2009: 6), in which the suitability of existing policies is continuously assessed against existing or plausible alternatives.

The third feedback process in the EU involves 'functional spill-over', which is central to the neo-functional account of integration (see Chapter 2). Spill-over does not involve feedback into the same policy process, but creates incentives for additional policy development. For example, a successful policy might cause a new set of problems, either unintended or unanticipated, such as the elimination of border controls within the EU creating incentives for enhanced cooperation with respect to immigration and policing (see Chapter 19). Alternatively, further policy development might be seen as enhancing the results of an existing policy, such as the development of a single currency augmenting the creation of the single European market (see Chapter 7). Crucially, actors must make the connection between these policy problems or opportunities and push them onto the policy agenda. Functional spill-over, therefore, is not automatic and requires agency.

Conclusions

This chapter has used the heuristic of the policy cycle to structure the discussion of how theories of policy-making drawn from both comparative politics and international relations can be fruitfully applied to the analysis of policy-making in the EU. The implication is that theories rooted in the different sub-disciplines explain different phases of the policy cycle better than others. The convergence in comparative-politics and international-relations approaches to explaining agenda-setting and policy formation means that there is a common set of debates, if not a single analytical approach. Comparative-politics approaches are better suited to explaining EU-level executive decision-making and the politics of the European Parliament, but insights from international relations, albeit accommodating the highly institutionalized nature of the EU, are more useful when trying to understand decision-making in the Council. The first stage of policy implementation within the EU (transposition) is illuminated better by international-relations approaches,

although how the policies are actually translated into practice is the purview of comparative politics, even if the existing literature is rather underdeveloped, with the notable exception of judicial politics. Comparative politics also provides the most extensive discussion of the dynamics of policy feedback. Thus, which sub-discipline is more appropriate depends on what one is trying to explain. Crucially, moreover, there are lively debates within each sub-discipline—primarily between rationalism and constructivism—about how policies are made.

Despite the need to tailor analytical tools to subjects of enquiry, several general implications can be drawn from the preceding discussion. First, every aspect of policy-making is contestable, from whether a condition is a problem that needs to be addressed to how it might be addressed to how it will be addressed to how that decision will be carried out to whether that choice should be revisited. Second, therefore, attention to actors is essential: agency is central to policy-making. Third, ideas matter. What actors want is shaped by ideas, at the very least in the sense of ends—means understandings, and actors use ideas to pursue their objectives by trying to persuade others. Fourth, institutional settings at the very least have implications for which actors are most likely to prevail and arguably shape what those actors want. Consequently, this chapter helps to explain why policy-making in the EU varies across issue areas.

Notes

- 1 I would like to thank Maurizio Carbone, Kelly Kollman, John Peterson, Mark Pollack, Anke Schmidt-Felzmann, Myrto Tsakatika, Steve Woolcock, and Hellen Wallace for comments on earlier versions of this chapter. This chapter draws upon and contributes to research funded by the Economic and Social Research Council (RE5-062-23-1369).
- 2 Drawing on both comparative politics and international relations approaches to explain policy-making is a strong, if largely implicit, theme of Moran et al. (2006).
- 3 In his 1972 article Lowi includes a fourth type of policy 'constituent', which includes setting up new agencies, propaganda, but this is less commonly used.
- 4 Sabatier and Jenkins Smith (1993: 17) use the term 'policy subsystem' to capture the same political phenomenon.
- 5 This inference, however, is based on the analysis of only roll-call votes, which are used only about a third of the time, and on inferring MEP's ideological preferences from specific votes, which might be strategic or contingent (McElroy 2007: 180).
- 6 For a fuller discussion of the literature see Hayes-Renshaw and Wallace (2006: 314–17).
- 7 In the context of external politics, implementation often means getting others to accept the EU's preferences (as in multilateral trade or environmental agreements) or change their behaviour in line with the EU's preferences (as with regard to human rights). The EU's ability to influence others, which Laatikainen and Smith (2006) have dubbed its 'external effectiveness,' has received relatively little scholarly attention (Jørgensen 2007), except with regard to its 'near abroad' (see Chapter 17).
- 8 Although these authors are formally discussing 'institutions', their definitions cover most policies save one-off decisions (Streeck and Thelen 2003: 10; Hall and Thelen 2009: 3).



FURTHER READING

- Moran et al. (2006) provide an extensive overview of the analysis of public policy-making in general. With respect to agenda-setting in the EU see Peters (1994). For a sympathetic discussion of the policy network literature in the EU see Peterson (2004). Zito (2001) provides a nice case study of an epistemic community's impact on EU policy-making. For an overview of lobbying in the EU, see Coen and Richardson (2009). On voting behaviour in the European Parliament see Hix et al. (2007) and McElroy (2007), and on decision-making in the Council see Hayes-Renshaw and Wallace (2006) and Schneider et al. (2006). For a review of the literature on implementation in the EU see Treib (2008). On judicial politics in the EU see Conant (2007a). On political feedback loops in general see Hall and Thelen (2009) and Streeck and Thelen (2005).
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