

The EU Policy Process

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Abstract This chapter applies the well-established heuristic of the policy cycle to the policymaking process of the European Union (EU). Notably, the EU polity differs from states, which has significant implications on its policy cycle. To set the scene, the first part of this chapter provides an overview of the central polity traits that determine the unique features of the EU policy cycle. The subsequent sections review the basic features of—and some of the main research contributions on—the individual stages of the EU policy cycle. This chapter concludes with an evaluation of the changing power balances within and across the EU policy stages that suggest significant adaptations in EU policymaking and the EU’s role as a regulatory polity.

42.1 THE POLITY AND POLICYMAKING CONTEXT OF THE EUROPEAN UNION

This chapter applies the well-established heuristic of the policy cycle to the policymaking process of the European Union (EU). The policy process is referred to, first, in order to offer a systematic overview on policymaking “beyond the nation state” (Knill and Tosun 2012, 225) and, second, to provide a condensed synopsis of the state-of-the-art in research on each single aspect of the EU policy process. To this end, this opening section introduces central features of multilevel governance in the EU to then discuss each step

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of the policy process, both to illustrate how they play out in the EU and what the most eminent research contributions for the respective foci are? The conclusions confront the illustration of the EU policy process with dynamics of change to pinpoint probable future developments in EU policymaking.

The EU is commonly described as a system of multilevel governance. **Multi-level** means that depending on the policy at stake, policymaking involves a varying group of multiple actors from the supranational, national, and subnational levels. The term governance captures the fact that EU policymaking rests on different modes of governance spanning from EU-wide binding lawmaking—most directly in passing binding regulations with direct effect—to voluntary cooperation—as for instance in the open method cooperation (OMC). Obviously, the multilevel and multiple modes of policymaking also circumscribe the EU’s policy cycle. Strictly speaking, we should not consider the EU to have one policy cycle but rather a large set of policy cycles because each coordination mode ascribes different profiles for the single stages. What exactly does that mean?

The **modes of governance in the EU** have been classified in different manners. Referring to “the extent and nature of involvement of institutions that are independent of member state governments” (Buonanno and Nugent 2013, 121; alternatively for many Wallace and Reh 2015), Buonanno and Nugent count four policymaking modes: the *community method* (since the Treaty of Lisbon known as *ordinary decision-making*), applicable by default if the Treaties do not prescribe otherwise; *intensive transgovernmentalism*, in which member states preserve their veto powers and applicable mainly to foreign policy and agreements with third states; *supranational centralisation*, in which powers have been fully delegated to agents such as the Commission, the Court of Justice of the European Union (CJEU) or the European Central Bank (ECB) that can take binding decisions within their limited mandates; *new modes of governance* which build on mechanisms such as peer-to-peer learning, discourse or competition as voluntary forms of coordination (on governance mechanisms see Benz 2009). The **first central lesson for the EU policy cycle** is hence: depending on the policy-specific rules defined in the Treaties, the EU’s presence in policymaking has varying “depth” (some policies are fully for some just limited aspects are coordinated), and “width” (for some policies competences have been fully moved to the EU, for some others just voluntary coordination applies) (adapted from Börzel 2005). Were integration a continuous process in which both depth and width increased, it would eventually become a centralised state. Empirically, however, since the Treaty of Maastricht has come into force, we observe an increase in less binding or “soft” governance modes, which means that the increase in width is not coupled with more depth. This means that whilst integration is proceeding, it does not necessarily lead to the formation of a state but rather a polity that rests on a multitude of coordination modes that exist alongside each other.

In addition, also the **multilevel element of EU governance** varies from policy to policy. Hooghe and Marks devised two types of multilevel governance (Hooghe and Marks 2003) that, simplifying crudely, describe joint policymaking across vertical units—as in a federal state—and horizontal

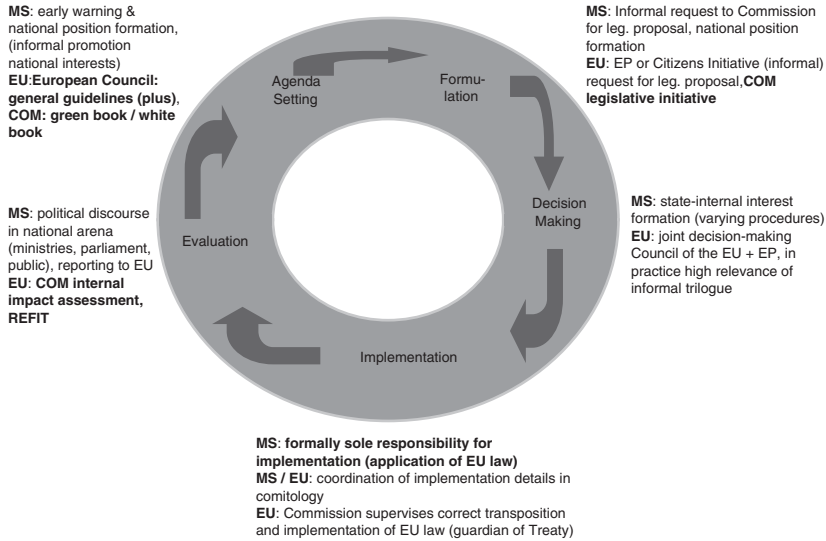


Fig. 42.1 The EU policy cycle. *Source* Own figure

units—between formally independent jurisdictions that cooperate across borders. For the EU both logics apply, as accurately depicted by the notion of differentiated integration (Leuffen et al. 2013, 9) that encompasses three defining dimensions: the level of centralisation, the territorial extension, and the functional scope. Unlike other polities, the EU varies along all three dimensions depending on the policy concerned. The **second central lesson** is therefore that the EU is a system of differentiated integration: it varies in the level of centralisation (e.g. between competition and foreign policy), in its functional scope, and territorial extension (e.g. the varying Schengen membership that includes some non-EU but excludes some EU member states) depending on policy-specific Treaty base. In sum, multilevel governance encompasses a multidimensional set of actors that come to bear in different constellations and apply different mechanisms of policymaking ranging from voluntary coordination to all binding harmonised law.

What does this imply for the EU's policy cycle? Figure 42.1 depicts the policy cycle for what is known as the **ordinary legislative procedure in EU policymaking**. This frame largely excludes constituent policymaking (e.g. decisions about major Treaty changes), the increasingly relevant hard inter-governmental bargaining, partly taking the shape of extra-treaty intergovernmental cooperation (e.g. the passing of the fiscal compact as inter-state agreement of only the Euro-states) and what features under *soft law* or *new modes of governance* (e.g. blaming and shaming by publishing data on school performances, prominently used by the OECD in its PISA surveys). The concentration on ordinary decision-making can be justified by the widely accepted notion that the EU is actually, by and large, a regulatory polity (Majone 1998), governing primarily by passing (framework) regulations.

However, one should bear in mind that in the EU the other forms of governance just mentioned are also central decision-making modes. Even more so, they have gained relevance in EU policymaking during the past decades. As will be discussed below, the standard view of the EU as regulatory polity must, therefore, be qualified in light of the policymaking dynamics after the Treaty of Maastricht (1992) as well as the combined effect of the global banking crisis since 2008 and the entering into force of the Lisbon Treaty in 2009.

Taking up the observation that since 1992 EU policymaking is actually stably diversifying, the central analytical claim of this chapter challenges the notion of the EU as a regulatory polity. EU policymaking is subject to elementary change manifest in the increase of policymaking modes with Maastricht, the increase of external problem pressures, and the adaptation to the EU's institutional architecture. These dynamics have been additionally mediated, rather than pre-determined by the impact of enlargements that widened the EU from the initially six member states. The ordinary legislative procedure offers insights that inform the other decision-making modes and is, therefore, a good baseline. The details of Fig. 42.1 are explained in the following sections, each devoted to one or two specific stages of the policy cycle, before returning to the central argument about the variety of policymaking modes in the EU in the conclusion.

42.2 PROBLEM DEFINITION AND AGENDA SETTING

Whilst the study of agenda setting had been a central concern of policy research in the USA ever since the 1960/1970s, EU scholarship zoomed into it only around the turn of the millennium. The strongly interconnected phases in which problems are defined and the agenda is set take place in different venues. In consequence, they are marked by a high fluidity and ambiguity, which has been shown to privilege policy entrepreneurs and selected groups of actors over institutional actors (Zahariadis 2013 makes this point for the EU). Two actors formally dominate problem definition and agenda setting: the European Council and the European Commission.

First, the European Council defines the general guidelines for the political direction the EU is to take. Recalling the historical course of integration helps to understand the European Council's specific role. It grew out of informal meetings among the initially six founding heads of state and governments to exchange views about broad directions of the integration project. Due to successive enlargements and growing relevance of the EU, the European Council grew ever more formalised over the years, holding at least two summits a year. Only the Treaty of Lisbon formalised the European Council as an official EU institution, which is now a standing body that assembles all the member state leaders—with their respective staff and backed by the Council Secretariat as own bureaucratic apparatus. In addition, the permanent presidency of the European Council was created to provide more consistent leadership and effective coordination between the member states. The European Council has no official legislative functions. The European Council conclusions have, however, seminal impact on legislative proposals and decisions.

The second central actor, the European Commission (Commission), has the sole right to initiate legislation, a right shared between parliaments and executive governments in most European states. The rationale behind this is that the Commission, acting as unitary actor that speaks with one voice as College instead of independent Commissioners, represents the common EU interest and is, therefore, responsible for the legislative agenda (rather than this being in the hands of more “partisan” interests of the member state executives). The member states (represented in the Council of the EU) and the direct representative body of the people (the European Parliament—EP) have the sole decision-making power in the legislative process. For important legislative proposals, the Commission triggers agenda setting by publishing green and white papers to which public and private actors can respond. In addition, the Commission has established a comprehensive online consultation regime that pursues the same goal, namely, to informally gather information and positions and hence render agenda setting more transparent, inclusive and participatory (Quittkat 2011).

In EU research, the two agenda setting venues have been subject to extensive research. In the first decades of EU integration, the focus was almost exclusively on the Commission and its right to initiate legislation and thereby control the EU agenda. Even though the Commission is still the only institution that may launch a legislative process, and even though the Commission still does so as a unitary actor, two important caveats have been pointed out. Research on the **Commission’s right of initiative** has repeatedly shown that in contrast to the formal rules, the Commission not only react to demands by the member states or the EP to launch legislation but also depends heavily on external input to identify which legislation to launch (Ponzano et al. 2012). In the negotiations for the Lisbon Treaty, the EP achieved some form of formalisation of its informal right to initiative in an inter-institutional understanding with the Commission that stretches the Council’s and EP’s right to invite the Commission to initiate legislation (Brandsma 2013). In addition, the Treaty of Lisbon officially introduced the European Citizens’ Initiative which grants citizens the right to ask the Commission to launch a legislative proposal. Despite being the needle eye for legislative setting, the Commission is therefore by no means the only legislative agenda setter, let alone the central actor to define policy problems anymore. The other EU institutions and citizens have gained new instruments, even if in particular the actual the high expectations on increased citizens’ participation in EU policymaking have not been met (Kohler-Koch and Quittkat 2013; Heidbreder 2015a).

At the same time, the informal role of interest and expert groups on the Commission’s agenda should not be underestimated. Similarly, the myth of the Commission as a unitary actor has been challenged. Opening the black box of internal policy coordination between different Directorates General (the quasi-ministries of the Commission), Hartlapp et al. show that indeed inside the Commission agenda setting is a matter of competing interests and power games between sectors and Commissioner portfolios. In the light of these internal dynamics they conclude “that bureaucratic politics in the

Commission may account for systematic biases on the European Union’s legislative agenda” (Hartlapp et al. 2013, 425).

Despite the persistently strong role of the Commission in legislative setting, in recent years research has focused increasingly on the European Council. Alexandrova identifies two interlinked reasons for this shift in attention in the years 2009–2014. “The first five years after [the enactment of the] Lisbon [treaty] were full of crises, which required involvement from the top political level in the EU. This made issue attention more uneven than usual, elevated the economy to the highest priority level, and reduced the space for strategic thinking. Overall, developments in this period emphasised the decisive role of the European Council in many policy areas, governed both intergovernmentally and by the Community method” (2015, 8). In addition, the Lisbon Treaty introduced a safeguard mechanism for national parliaments to call on the Commission to withdraw a proposal if a majority of member state legislators do not deem it in accordance with the principle of subsidiarity (the *yellow card procedure*) (Fabbrini and Granat 2013).

In sum, EU agenda setting has gained increasing attention in EU scholarship (especially Princen 2007, 2009), in particular, because EU research has been linked to and embedded in ambitious comparative projects, most relevantly the multi-country “comparative agendas project¹” under the lead of Bryan Jones and Frank Baumgartner. These efforts hence exploit the policy cycle heuristic by concentrating on the details of a specific stage, exploring their functioning logics, and using the EU as single or comparative case for various types of analysis.

42.3 POLICY FORMULATION AND DECISION-MAKING

As pointed out, unlike parliamentary democracies, the Commission has the exclusive right to propose legislative acts in the EU. Formulation hence starts with a Commission proposal. Strictly speaking, Commission green and white papers should be considered as agenda setting, while a proposal is already part of policy formulation. Practically, the stages are strongly interwoven and public and private interests are submitted to the Commission throughout. The notion that the Commission alone signs responsible for formulating legislative proposals must be tuned down considering the multiple external inputs on the Commission’s agenda. In addition, due to a lack of resources and expertise, the importance of expert groups has been widely confirmed (Gornitzka and Sverdrup 2008).

Impact assessments (IA) have become a standard procedure prior to a legislative initiative ever since the Commission introduced this tool in 2002. IAs “can be usefully described as a structured template guiding pre-political decision making with the aim of enhancing the amount and quality of information available on the impacts of various policy options” (Alemanno and Meuwese 2013, 76). An IA is to identify the pros and cons of various policy

options, in particular regarding the economic, environmental, and social impact of particular measures. Assessments are to be carried out for all proposed options for action, including legislative and non-legislative initiatives such as white and green books, action plans etc. *ex ante*, i.e. before passing regulations, and *ex post* to evaluate if goals have been achieved. The efficacy and efficiency of IAs have been studied from various angles, highlighting that especially the initial IA design did not meet expectations—or, even worse, “that the quality of Extended Impact Assessments performed by the Commission during the first years of implementation of the new IIA [Integrated Impact Assessments, EGH] model has been constantly and remarkably declining” (Renda 2006, 70). Even though studies on the revised IA system testify an improved performance, especially if a proposal is costly, and testify EU impact assessment to be of a similar quality as IAs in the USA (Cecot et al. 2008), not least the Commission’s own (commissioned) assessments of its IA output remain ambiguous, pointing out remaining weaknesses (Watson et al. 2007). Beyond the preoccupation with goal achievement, the focus on the EU’s better regulation programme has been situated “in the context of the academic debates on the New Public Management, the political control of bureaucracies, evidence-based policy, and the regulatory state in Europe” (Radaelli and Meuwese 2009, 639). Taking this perspective opens the view for a more subtle evaluation of IA as political instrument, highlighting that “[t]he politics of IA in Brussels is characterised by the choice for proceduralisation as an attempt to avoid hard questions of political control” (Radaelli and Meuwese 2010, 149).

Decision-making under the ordinary legislative procedure depends on agreement between the Council of the EU (formerly named Council of Ministers that assembles sectoral ministers from the member states), and the EP (for which the work of the respective committees and reporting of the so-called rapporteur are crucial) (Best 2016). The Economic and Social Committee and the Committee of Regions have a consultation right, i.e. they submit their non-binding opinions on proposals to the Council and EP. Article 294 of the Treaty on the Functioning of the European Union lays down the legislative procedure. Specific about it is that, after the Commission has submitted a proposal to the EP and the Council in parallel, the EP can have up to three readings of the proposal in case EP and Council do not reach agreement on the initial proposal or on changes either of the co-deciders suggest. Hence, if the EP proposes changes in its first reading, which the Council completes with further amendments, the EP holds a second reading on the Council’s adapted draft. Should the EP still not agree, a so-called conciliation procedure sets in. This means that an agreement is negotiated in a group of representatives from EP, Council and Commission. Should such an agreement be found, it is subject to a third reading in the EP and a final vote in the Council. Should these final votes fail to approve the conciliation proposal, the act is not adopted.

Notably, other rules apply for other modes of decision-making. To name just the most relevant ones: for general Treaty changes, a convention has to be invoked to draft a text which, after having been signed by the European Council, has to undergo the country-specific ratification procedures in each member state; for policy fields under unanimity, each national minister has a right to veto agreements while the EP has generally only consultation rights; for agreements under the Open Method of Coordination, the Council decides non-binding agreements that are supervised by the Commission.²

Research on EU decision-making abounds. On the one hand, research committed to rational positive theory-building is primarily concerned with formal modelling on voting behaviour and bargaining powers. On the other hand, studies focusing on deliberative practices and socialisation dynamics offer in part competing explanations. Both streams of the literature tackle inter-institutional processes as well as decision-making inside the main decision-making bodies, i.e. the Council, the EP, and the work of the Convention on the Future of Europe that drafted the so-called “Constitutional Treaty” (later transformed into the Treaty of Lisbon). The first body of the literature is concerned with the relative decision-making power of the institutional actors involved, as well as bargaining dynamics across and within the single institutions (Thomson et al. 2011; Thomson and Hosli 2006), as well as bargaining dynamics across and in single institutions (for many Arregui and Thomson 2009; Høyland and Wøien Hansen 2014; Hosli et al. 2011; Moravcsik 1997; for a critique and alternative theoretical take Garrett and Tsebelis 1996). The second stream challenges some basic assumptions arguing that “the informal norm of consensus renders implausible the fundamental assumption of the rational institutionalist literature, challenging the validity of its claims” (Heisenberg 2005, 65). Deliberation as a decision-making mode was studied most intensively in the Convention, but also applying critical discourse analysis as a method (Wodak and Meyer 2016) to investigate into negotiation processes. In a similar vein, Council decision-making has been branded as “deliberative intergovernmentalism” (Puetter 2012), yet not without challenging the conditions under which deliberation actually takes place (Naurin 2010).

Returning to this chapter’s leading claim that the nature of EU policy-making is ever less that of a regulatory polity alone, more recent research about the actual application of the ordinary decision-making offers crucial insights. First, the extension of co-decision to become the ordinary legislative procedure since the Treaty of Maastricht led, expectedly, to a reduction of Commission powers (Crombez et al. 2000 criticising explicitly; Tsebelis and Garrett 2000). We, therefore, observe some rebalancing of the basic representative functions between the three core legislative bodies. Second, informal procedures that arguably bypass vital transparency and democratic control mechanisms have gained massive relevance. Thus, trilogues between Commission, EP and Council do not only occur in the form of conciliation

procedures after the second reading in parliament. Trilogues have rather become the standard mode of informal coordination before the first reading, so that an increasing number of acts is actually passed in the first reading and “fast-track legislation” has increased dramatically, accounting for 72% of co-decision files in the Sixth European Parliament (Reh et al. 2013, 1112; Brandsma 2015a). This has been criticised because “informal inter-institutional negotiation practices seem to decrease the transparency of the decision making process and the accountability of the actors involved, but they may not have as adverse an effect on who gets what in terms of policy as previously thought” (Häge and Naurin 2013, 953). If decision-making is moved to these informal platforms, also the influence of non-legislative actors such as lobby groups or the EP’s and Council’s supporting administrations has to be re-evaluated.

Finally, as already pointed out for the agenda setting stage, there is a vivid debate if also in decision-making the Council has gained relevance vis-à-vis the other legislative institutions. It remains a matter of dispute whether the fiscal crisis has weakened the EP in policymaking (Rittberger 2014), and whether enlargement has lowered decision-making capacities or has rather “served to help improve the EU’s decision making capacities, by promoting treaty and other changes that have made decision making processes more efficient” (Nugent 2016, 424). However, “legislative outputs of the decision making processes have declined in recent years, but this is for reasons other than enlargement” (ibid.)—as will become evident when turning to the increasing relevance of policy evaluation in the EU’s policy cycle below.

42.4 POLICY IMPLEMENTATION

For the purpose of this chapter, scholarship on EU policy implementation will be summarised according to three areas (in more detail Heidbreder, forthcoming). First, a large body of research is concerned with compliance (for overviews see Toshkov 2011; Treib 2014), attempting to explain why member states rightfully implement EU law or fail to do so. Formally, the member states of the EU sign responsible for implementing EU law. At the same time, member states have obliged themselves to comply with EU law and treat it as superior to their national policies, so that in practice the guiding “principles of direct effect and primacy of EU law thus erode the principle of full administrative autonomy” (Heidbreder 2011). Depending on the type of legal act and the precise legal provisions, member states have varying degrees of discretion in policy implementation: *regulations* are directly applicable, *directives* have to be transposed into national legal acts, *decisions* affect only the targeted actors they are directed at (which *can* be “the general public”), and *recommendations* and *opinions* have non-binding effect and serve EU institutions to suggest actions or issue their views on a particular matter.

It follows from the above that the exact meaning of “compliance” depends on the policy and precise legal act at stake. For most EU policymaking, the Commission is delegated the responsibility to oversee policy implementation and, together with the Court of Justice of the European Union (CJEU), to ensure compliance by the member states. The Commission and CJEU may, therefore, issue fines for non-compliant transposition or mal-execution of EU law. Compliance research has brought forth different explanations for performance differences between member states. Applying most prominently a case study approach, key variables that enhance compliance have been identified. Given the large variance between EU states and the principle of administrative autonomy in implementation, compliance scholars keep struggling with the difficulty to really measure policy enforcement on the ground instead of the much easier task of observing transposition of EU law (Mastenbroek 2005).

A second important research stream is concerned with administrative rule-making by the Commission. Whilst the member states are ultimately responsible for implementing EU law, EU legislation often delegates the power to adopt supplementary rules to the Commission. Before adopting such executive rules, the Commission in most cases needs to consult member state experts through a **comitology committee** or a **delegated act expert group** (Vos 2009, Brandsma 2015b, Siderius and Brandsma 2016), of which roughly 250 exist. The Commission has specific implementing powers conferred when comitology is foreseen in the basic legal act. Comitology was strongly reformed in the Lisbon Treaty in order to simplify its workings and improve parliamentary oversight and legitimacy. Also, in an increasing number of areas executive policies are informed, prepared or even administered by **EU-level agencies** (Busuioc 2013). In both areas, crucial questions dealt with are discretion, deliberation, negotiation, accountability, control and the balance of powers between EU institutions and member states.

Third, the concern with the multilevel administrative system on which EU policy implementation eventually depends has made some interesting advances on the research agenda (see especially Bauer and Trondal 2015; also Ongaro 2015). This scholarship is concerned with questions about conditions for effective policy execution in a compound administrative setting (Heidbreder 2015b), including issues such as administrative capacities (Heidbreder 2014), but also theorising multilevel administration at large (Grande and McCowan 2015). A particularly strong subset of the literature deals with the role of national agencies in the EU (Boin et al. 2014; Hobolth and Sindbjerg Martinsen 2013; Yesilkagit 2011).

In sum, EU policy implementation remains a highly complex and hard to fully capture issue due to its multiple vertical and horizontally interlinked procedures and mixed authorities and responsibilities—varying additionally in a rather unstructured manner from policy to policy. However, despite supranational control functions, at the end of the day implementation in the EU

depends on member states' political will, and we have to "pragmatically" recognise that "if member states refuse to comply, there is little the EU can do" (Börzel and Heidbreder, in print).

42.5 POLICY EVALUATION AND TERMINATION

Policy evaluation has gained relevance especially inside the Commission. Evaluation has been standardised not only *ex post*, but in particular *ex ante* in the form of the aforementioned impact assessments in the policy formulation stage. To boost the EU's market competitiveness, the prime objective of the Lisbon and subsequent Europe 2020 Agendas (passed in 2001 and 2010), "better regulation" has become the buzzword and programmatic core (Renda 2006).

After taking office in 2014, Commission President Juncker reinforced the better regulation agenda launching the Regulatory Fitness and Performance Programme, REFIT (European Commission 2015a, b). Beyond the impact assessments that seek to evaluate the costs and benefits of regulation before initiating it, REFIT is to scan through existing regulation to reduce administrative burden and cut red tape (Renda 2015), which contributes to the EU's self-set goal of easing its alleged policy formulation activism and to roll back EU lawmaking instead. This is also reflected in the Commission's Work Programme for 2016, which outlines "23 key initiatives across our 10 political priorities, 20 intended withdrawals or modifications of pending proposals and 40 REFIT actions to review the quality of existing EU legislation" (European Commission 2015c)—in other words, 60 actions of policy evaluation and termination versus 23 actions for active new policy formulation. In the literature, policy termination has arguably attained least attention of all policy-making stages. Yet, some authors have drawn attention to the "dismantling" of policies (Bauer et al. 2012).

Similarly to impact assessments, research remains sceptical about the actual impact of *ex post* evaluations despite increased political emphasis on both policy evaluation and termination. In a meta-analysis of Commission *ex post* evaluations Mastenbroek et al. show not only that the quality and inclusiveness of *ex post* evaluations (EPL) do not meet self-set standards but also that in fact many relevant legislation is not even evaluated. They hence deem it "fair to conclude that the European Commission indeed has not yet lived up to its promise to close the regulatory cycle through EPL evaluation" (Mastenbroek et al. 2016, 14–15). These findings highlight therefore that political programming and rhetoric, especially in the evaluation and termination phase, do not necessarily meet political action and policy outputs.

Summing up, evaluations have gained increasing relevance in EU policy-making ever since 2002. The focus on the EU's better regulation programme can be situated "in the context of the academic debates on the New Public Management, the political control of bureaucracies, evidence-based policy,

and the regulatory state in Europe” (Radaelli and Meuwese 2009, 639). In this sense, evaluation also tells us more about the policymaking principles that drive the EU. On top of the filtering effect of impact assessments on which proposals make it to the legislative floor, the REFIT programme further seeks to limit the EU’s regulatory efforts by stressing the relevance of policy termination as an alternative to the adaptation or initiation of EU legislation.

42.6 CONCLUSIONS: THE STAGES OF EU POLICYMAKING IN FLUX

To flesh out the key features of the EU policy cycle, this chapter spelled out the main features of each stage in EU policymaking. Besides the heuristic that allows to examine different steps in EU policymaking in detail, the stages approach offers the opportunity to compare the EU in a particular stage with other polities to further the knowledge about selected dimensions, for instances in policy agenda setting. Yet, the EU is a moving target because the very volume of policies and the modes of governance applied remain in flux and are subject to periodic formal reform and very hands-on informal practical changes. Beyond the mere description of the single stages, this chapter put forward the analytical claim that EU policymaking is currently undergoing relevant changes. We can distil a number of general findings with respect to the set of actors involved, the institutional constraints, and the political dynamics that shape the EU policy process that help to understand the specificities and the relevance of current dynamics.

First, relating back to the notion of the EU as multilevel governance polity, the central actors and their interdependent roles inside and across the stages can be identified. The central actors in policymaking on the EU level are the Commission, the Council, and the EP. As asserted by the governance literature more generally (Rhodes 1996; Kjær 2004), we see also in the EU an opening up of policymaking to private actors with the expressed objective to realise more active citizen participation in some parts. In addition, we can observe a shift of influence across the policy stages. Formally, the EP has gained substantive powers due to the expansion of ordinary decision-making. However, the formal power gains of the EP do not necessarily lead to more power in practice. In particular, the increased emphasis on evaluation and pre-assessment before even initiating policymaking in the Commission has led to “a growing air of dissatisfaction among members of the European Parliament, whose patience is being tried by the Commission’s slow legislative agenda” (Barbière 2015). In addition, the formally delimited role of the European Council has been very much stretched since 2008/09. In particular, the pressure exerted by the so-called “Euro” and “refugee” crises have led policy issues to be pushed up from the operational policymaking level (Commission/Parliament/Council of the EU) to the heads of state and government (see the chapter by Ladi and Leontitis, this volume). This has strengthened not only the agenda setting role of the European Council

and the member states, but also—beyond the strict rules of the EU’s ordinary legislative procedure—their decision-making role.

Second, institutional constraints are crucial for the day-to-day selection of policymaking modes. The costly and lengthy ordinary legislative procedure is almost by default being sidelined. In standard legislation this is evident in the extensive use of trilogues, leading to ever more legislation being passed in the EP’s first reading. Besides, especially under the high pressure of the banking and fiscal crisis, decision-making happened outside the ordinary EU procedures, either by intergovernmental decisions in the European Council or autonomous decisions of the European Central Bank. While some important policies have been institutionalised inside the EU framework by establishing the Banking Union, it remains an open question whether informal and extra-Treaty decision-making will be really rolled back, which leads to the third and final concluding remark.

Ultimately, political dynamics are central to explain the further direction of EU policymaking. Ever since the foundation of the EU in the Treaty of Maastricht, intergovernmental and non-binding modes of governance have proliferated. Even though co-decision involving the EP and the Council of the EU has been strengthened and has become the ordinary legislative procedure, alternative modes have gained relevance alongside. This happened not only to allow for more policy coordination in areas for which no agreement on harmonisation could be found, but also to pre-empt more binding supranational policymaking. The massively increased pressure on the EU policy agenda through the series of “crises” happened against this background. It has led to power reallocations within and across the stages of the EU policy cycle. In sum, EU policymaking appears less consistent and solid as the notion of the EU as “regulatory polity” (cf. Majone 1998) once suggested. As the set of actors involved increases and as the institutional rules and procedures multiply, also the modes flourish in which decisions and agreements are reached *besides* ordinary legislation. Finally, as policy challenges shift and become more salient for ever more citizens—as it happened in the series of perceived crises—also the EU policy cycle becomes more politicised, which challenges the classification of the EU as a regulatory polity in its very core.

NOTES

1. See the project outline at <http://www.comparativeagendas.info> (accessed March 2016).
2. For an interactive overview on the various procedures, see for instance also the website of European Parliament (<http://www.europarl.europa.eu/aboutparliament/en/20150201PVL00004/Legislative-powers> last accessed 29 February 2016), or the Council (<http://www.consilium.europa.eu/en/council-eu/decision-making/> last accessed 29 February 2016). Basically all handbooks on the EU feature chapters on EU decision making (besides the ones already cited, see also Warleigh-Lack and Drachenberg 2013).

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