

Cambridge University Press

978-0-521-68932-8 - The Powers of the Union: Delegation in the EU

Fabio Franchino

Frontmatter

[More information](#)

## The Powers of the Union

*The Powers of the Union* develops and tests a new theory of centralization and bureaucratization in the European Union. Using original data spanning five decades and a multi-method approach, Franchino argues that most EU laws rely extensively on national administrations for policy implementation and provide for ample national discretionary authority, while limiting tightly the involvement of the European Commission. However, when Council ministers do not share the same policy objectives, some have the incentive to limit national executive discretion and to rely more on the Commission. Majority voting facilitates this outcome, but the limited policy expertise of supranational bureaucrats and their biased views impede extensive supranational delegation. Finally, the European Parliament systematically attempts to limit national discretion, especially when its views differ from ministerial opinions, and tries to increase the Commission's policy autonomy. The book contributes to understanding political-bureaucratic relations and evaluates the implications for EU democracy and subsidiarity.

FABIO FRANCHINO is Lecturer in Political Science in the Department of Political Science at University College London and Director of the MSc in European Public Policy at the UCL School of Public Policy. He has published in the *British Journal of Political Science*, *European Union Politics*, the *Journal of European Public Policy*, the *Journal of Legislative Studies*, the *Journal of Theoretical Politics* and *West European Politics*.

Cambridge University Press

978-0-521-68932-8 - The Powers of the Union: Delegation in the EU

Fabio Franchino

Frontmatter

[More information](#)

# The Powers of the Union

## *Delegation in the EU*

---

Fabio Franchino

*Department of Political Science  
University College London*



**CAMBRIDGE**  
UNIVERSITY PRESS

Cambridge University Press

978-0-521-68932-8 - The Powers of the Union: Delegation in the EU

Fabio Franchino

Frontmatter

[More information](#)

CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo

Cambridge University Press

The Edinburgh Building, Cambridge CB2 2RU, UK

Published in the United States of America by Cambridge University Press, New York

[www.cambridge.org](http://www.cambridge.org)

Information on this title: [www.cambridge.org/9780521689328](http://www.cambridge.org/9780521689328)

© F. Franchino 2007

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2007

Printed in the United Kingdom at the University Press, Cambridge

*A catalog record for this publication is available from the British Library*

ISBN-13 978-0-521-86642-2 hardback

ISBN-10 0-521-86642-1 hardback

ISBN-13 978-0-521-68932-8 paperback

ISBN-10 0-521-68932-5 paperback

---

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication, and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

---

Cambridge University Press

978-0-521-68932-8 - The Powers of the Union: Delegation in the EU

Fabio Franchino

Frontmatter

[More information](#)

---

---

*To Eliana for making this book possible  
and  
to Mathias and Thomas for making it (almost) impossible*

Contents

<i>List of figures</i>	<i>page</i> viii
<i>List of tables</i>	x
<i>Preface</i>	xiii
1 Introduction	1
2 A formal model of delegation in the European Union	20
3 Data and longitudinal analysis	79
4 Decision rules, preferences and policy complexity	121
5 Delegation in the European Union: quantitative analysis	160
6 Delegation in the European Union: case studies	199
7 The delegation preferences of the European Parliament	238
8 Conclusion	292
<i>References</i>	313
<i>Index</i>	339

Figures

2.1	Moves of the games.	<i>page</i> 29
2.2	Delegation preferences of governments.	35
2.3	Delegation preferences of government M in the case of a new law.	39
2.4	Delegation equilibria with unanimity and a new law.	45
2.5	Equilibrium national discretion with unanimity and a new law.	47
2.6	Delegation equilibria with majority voting and a new law.	48
2.7	Equilibrium national discretion, a new law and supranational Commission.	50
2.8	Equilibrium discretion of the Commission, a new law, Council conflict and majority voting.	52
2.9	An example of equilibrium national and Commission discretion.	54
3.1	Major laws per issue area, 1958–93.	82
3.2	Major laws per year, 1958–97.	83
3.3	Histograms of delegation ratios.	89
3.4	Histograms of constraint ratios.	91
3.5	Scatter plot and box plots: national administrations.	99
3.6	Scatter plot and box plots: European Commission.	100
3.7	Histograms of discretion ratios.	104
3.8	Average yearly number of major provisions.	105
3.9	Trends in national delegation, constraint and discretion ratios.	106
3.10	Trends in Commission delegation, constraint and discretion ratios.	108
4.1	Integration and left–right range.	131
4.2	Composition of the college of commissioners, 1958–99.	137
4.3	Council and Commission integration preferences, 1958–93.	141
5.1	Discretion of the European Commission by conflict within the Council along the policy dimension.	181

Cambridge University Press  
978-0-521-68932-8 - The Powers of the Union: Delegation in the EU  
Fabio Franchino  
Frontmatter  
[More information](#)

List of figures	ix
6.1 By-catch, discards and overfishing.	220
7.1 The fate of 414 codecision proposals for directives or regulations after an EP vote, mid 2003.	247
7.2 Discretion of national administrations and Parliament–Council policy conflict.	266

Tables

2.1	The hypotheses.	<i>page</i> 64
3.1	Descriptive statistics: delegation and constraint measures.	86
3.2	Descriptive statistics: summary for national administrations.	86
3.3	Descriptive statistics: summary for the Commission.	87
3.4	Acts and delegation.	88
3.5	Factor analysis and Pearson correlation coefficients.	97
3.6	Acts and discretion.	103
4.1	Policy categories from the Manifestos Research Group and EU policy categories.	127
4.2	Differences between the integration preferences of the Council pivot and the Commission.	142
4.3	Programmes and committees in the sampled laws.	147
4.4	Independent variables: description and summary statistics.	148
4.A1	Policy categories from the Manifestos Research Group and EU policy categories – alternative matching 2.	155
4.A2	Variables: description and summary statistics of the alternative policy matchings.	157
5.1	Robust logistic regression of the effect of decision rules on delegation to national administrations.	163
5.2	Average discretion of national administrations.	165
5.3	The effect of decision rules and information intensity on the discretion of national administrations: robust OLS regressions.	166
5.4	The effect of conflict in the Council on the discretion of national administrations: robust OLS regressions. Qualified majority laws.	169
5.5	The effect of conflict in the Council on the discretion of national administrations: robust OLS regressions. Qualified majority laws, smaller data set.	170



List of tables	xi
5.6 Summary regression: the impact of decision rules, policy complexity and conflict in the Council on the discretion of national administrations.	172
5.7 Robust logistic regression of the effect of decision rules on delegation to the European Commission.	174
5.8 Average discretion of the European Commission.	176
5.9 The effect of policy complexity, decision rules and conflict on the discretion of the European Commission.	177
5.10 The effect of conflict within the Council on the discretion of the European Commission in laws adopted by qualified majority voting.	180
5.11 The impact of decision rules on relative discretion.	185
5.12 The impact of conflict within the Council on relative discretion in laws adopted by qualified majority voting.	186
5.13 The models for the J-tests.	191
5.14 J-tests for the <i>Commitment</i> and <i>Decision rule</i> models.	191
5.A1 The impact of decision rules, policy complexity and conflict in the Council on the discretion of national administrations. Alternative measures of policy preferences.	196
5.A2 The effect of conflict within the Council on the discretion of the European Commission in qualified majority voting laws. Alternative measures of policy preferences.	197
5.A3 The impact of conflict within the Council on relative discretion in qualified majority voting laws. Alternative measures of policy preferences.	198
6.1 Case studies and hypotheses.	201
7.1 Amendments in equal treatment legislation.	249
7.2 Amendments in internal market legislation.	252
7.3 Amendments in environmental legislation.	254
7.4 Descriptive statistics on second reading amendments.	256
7.5 Description and summary statistics of the variables.	262
7.6 Council–Parliament conflict and second reading amendments: robust OLS regressions.	263
7.7 The impact of European Parliament second reading amendments across policy areas: robust OLS regressions.	269
7.8 Components for the content analysis.	273
7.9 Content analysis: two-sample Z-tests on the equality of proportions.	277
7.A1 Keywords and sentences used for the content analysis.	287

Cambridge University Press

978-0-521-68932-8 - The Powers of the Union: Delegation in the EU

Fabio Franchino

Frontmatter

[More information](#)

## Preface

---

I care about the European Union (EU) and I care to understand it, possibly without too many preconceptions. The desire to comprehend, explain or, at least, minimally grasp its complexities is what motivates this work and probably also, as a European, my innate eagerness to be part of it.

Most of my adult life, first as a student and then as an academic, has been inexorably shaped by EU policies. I had the chance to study, work and travel abroad, opportunities that my parents would have not even dreamt of. As a result, my horizons broadened and my desire for critical understanding deepened.

This book is therefore the result of a long journey of research. It would have not seen the light of day without the support and encouragement of many institutions, colleagues and friends. Early on, in 1994, the Brighton Business School provided me with much needed financial backing, and its staff with much appreciated encouragement, even before I commenced my academic career. They were my springboard and I thank them dearly. The foundations of this work were laid down between 1995 and 2000 during my Ph.D. at the London School of Economics where I encountered a challenging and stimulating research environment. I am profoundly indebted to Cheryl Schonhardt-Bailey, a tough – and thus excellent – supervisor, and to Simon Hix, a friend and an inspiring colleague with contagious enthusiasm about Europe and our discipline. When I was lecturing at the LSE, Alessandro Volcic provided invaluable research assistance to my project.

Over the past few years, parts of the book have been presented at many workshops, seminars and conferences. There are too many to mention, though I would like to thank the organizers, especially Christophe Crombez (Stanford University), Daniela Giannetti (University of Bologna), Sara Hagemann and Bjørn Høyland (EURATE discussion group), Joseph Jupille (Florida International University), Hussein Kassim (London EU group and ESRC workshops), and Paolo Martelli and Francesco Zucchini (University of Milan). Participants have supplied much valued comments which have considerably improved the

Cambridge University Press

978-0-521-68932-8 - The Powers of the Union: Delegation in the EU

Fabio Franchino

Frontmatter

[More information](#)

## xiv Preface

manuscript. I thank especially Giacomo Benedetto, Clifford Carrubba, Patrick Dunleavy, Hae-Won Jun, Mathias Koenig-Archibugi, Amie Kreppel, Jeffrey Lewis, David Marshall, Berthold Rittberger, Andreas Warntjen and, for his extraordinarily thorough analysis of Chapter 7, Marco Giuliani.

At various stages of the work, I have received informative and challenging comments from many colleagues. I am grateful to Dietmar Braun, Fabrizio Gilardi, Jonathan Golub, Daniel Kelemen, Mark Pollack, Claudio Radaelli, Mark Thatcher, Eiko Thielemann, George Tsebelis, Diego Varela and Craig Volden. Sections of the book that have been published in article format have benefited greatly from reviews and editorial comments. I thank the anonymous reviewers and the editors: Keith Dowding, Klaus Goetz, Nicholas Miller, Jeremy Richardson, Gerald Schneider and Albert Weale.

Since 2002, I have had the privilege of working at the Department of Political Science (School of Public Policy) of the University College London with colleagues whose professionalism and collegiality I admire. Their appreciation of academic work has eased the burden of the final writing stages. I would like to thank David Coen, Tony Draper and Wolf Hassdorf for advice on parts of the manuscript. I am especially grateful to Jennifer Van Heerde who has read most of it and has incessantly (and, for me, frustratingly) demanded amelioration. This book would have not been as good without her remarks. I also would like to thank the people whose behind-the-scenes work makes our life much easier and our job possible but which is, unjustly, rarely acknowledged. Hence my gratitude goes to the administrative staff of the department: Sally Welham, Michelle Bishop and Helen Holt.

Finally, I am grateful to John Haslam, the political science editor of Cambridge University Press, who has guided me through the process of publishing my first book with great professionalism. I was impressed by the rigorousness and punctiliousness of the two reviewers of the manuscript. Their comments have radically improved my work.

I am writing these last few comments peering through my office window that overlooks Tavistock Square. It is hard to avoid thinking of the suicide attack that took place two weeks ago on the street opposite the department. This message of death, hatred and intolerance is at the opposite pole of what, if anything, the European project stands for: peace, integration and tolerance. The sadness and, perhaps, disillusionment that we feel in these circumstances should not overshadow our successes. Even in the face of setbacks, past achievements should comfort us into realizing that integration and tolerance permeate most of today's societies and, when challenged, these values have prevailed over time.

Cambridge University Press

978-0-521-68932-8 - The Powers of the Union: Delegation in the EU

Fabio Franchino

Frontmatter

[More information](#)

## Preface

xv

The final, and most important, acknowledgment goes to the love and support of my family. The encouragement and assistance I have received from my parents, Paolina Lazzarini and Sergio Franchino, are of inestimable proportions. My sons, Mathias and Thomas, have made the journey full of joy and laughter, while my wife, Eliana Colla, deserves an equal share of any credit that this work may receive, for her strength, tenacity and tolerance of the idiosyncrasies of academic life. I dedicate this book to them.

*London, July 2005*