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EVALUATING THE IMPACT OF THE LISBON TREATY ON THE EUROPEAN UNION'S LEGISLATIVE PRODUCTIVITY

ABSTRACT

The purpose of this article is to analyze whether the Treaty of Lisbon provisions have – as expected – increased the EU legislative productivity. To this end, the author tests the hypothesis that the TL has increased the number of legislative proposals submitted by the European Commission under the ordinary legislative procedure. This expectation is verified using a negative binomial regression on a dataset containing 1116 draft acts proposed by the Commission in 2004-2014. The analysis shows that, contrary to expectations, the Treaty of Lisbon has not led to a visible increase in EU legislative productivity. Despite the extension of treaty bases envisaging the OLP and QMV, the number of proposals submitted under this procedure after the entry into force of the TL remained more or less at the same level as before. In addition, the study reveals that adaptation, anticipation of future enlargement, closeness to the end of the EP term as well as annual schedule of legislative work are key predictors of the Commission's productivity.

Key words: Treaty of Lisbon, ordinary legislative procedure, European Union, legislative productivity, EU legislative process

Słowa kluczowe: traktat z Lizbony, zwykła procedura ustawodawcza, Unia Europejska, produktywność legislacyjna, proces legislacyjny UE

INTRODUCTION¹

On the 13 December 2017 the 10th anniversary of the signing of the Treaty of Lisbon (TL) occurred. This provides an excellent opportunity to assess the role of its provisions for the European Union. This article tackles this problem as it analyzes the TL effect on one of these areas, namely the EU legislative process. The purpose of the article is to answer the following research question: has the entry into force of the Lisbon Treaty increased – as expected – the number of legislative proposals drafted by the European Commission under the ordinary legislative procedure (OLP)? The article verifies the hypothesis that many innovations introduced by TL to the EU legislative process, in particular, the significant extension of the OLP application as well as linking this procedure with qualified majority voting in the Council, has led to an increase in the number of legislative proposals submitted by the Commission under OLP.

The article is structured as follows. The first part depicts the rationale for the above-mentioned hypothesis. The second part discusses the methodology, in particular the dataset construction, coding of the variables as well as the method of hypothesis testing – a negative binomial regression. In the third part, a statistical hypothesis testing is conducted in accordance with this methodology, supplemented by four variables controlling for the adaptation effect, EU enlargement, closeness to the end of the EP term and time. The article concludes by summarizing the obtained results.

THE IMPACT OF THE LISBON TREATY ON EU LEGISLATIVE PRODUCTION – A THEORETICAL FRAMEWORK

One of the most seminal theories in the EU legislative studies is the rational choice institutionalism (RCI).² It portrays the EU legislative process as a bargaining between rational actors equipped with exogenous preferences that takes place within formal treaty rules and results in a collective decision aggregating above preferences in the form of a legislative act. In the light of the RCI assumptions, legislative actors are utility-maximizers who seek to maximize their personal benefits and minimize costs. Their action is guided by the logic of expected consequences – they first identify possible actions' alternatives in a given situation, then calculate their future consequences and based on that they choose

¹ The research presented in this article was funded by the European Union's Jean Monnet Chair program (project title: *Jean Monnet Chair EUCRIS: European Union in Crisis: What is Wrong and How It Fix It?*). See at <<http://www.jmc.inp.uj.edu.pl/>>.

² M.D. Aspinwall, G. Schneider, "Same Menu, Separate Tables: The Institutional Turn in Political Science and the Study of European Integration", *European Journal of Political Research*, vol. 38, no. 1 (2000), pp. 1-36, at <<https://doi.org/10.1023/A:1007055330779>>; G. Garrett, G. Tsebelis, "An Institutional Critique of Intergovernmentalism", *International Organization*, vol. 50, no. 2 (1996), pp. 269-299, at <<https://doi.org/10.1017/S0020818300028563>>; M. Pollack, "Rational Choice and EU Policy", in K.E. Jørgensen, M.A. Pollack, B. Rosamond (eds.), *Handbook of European Union Politics*, London 2007, pp. 31-56.

the alternative that best suits their preferences.³ However, in this process actors encounter norms which determine the way a collective decision is made and constrain the maximization of interests. As a result, they must adapt their mode of operation to a given rule. This effect is vividly depicted by Jeffrey Checkel: *In this thin conception, institutions are a structure that actors run into, go 'ouch', and then recalculate how, in the presence of the structure, to achieve their interests [...]*⁴ RCI defines norms narrowly as primarily formal rules, in particular treaty provisions, voting rules or legislative procedures.⁵ Admittedly, some RCI advocates emphasize the role of informal norms as well,⁶ but the former are more vital, since they are written and their non-compliance is often sanctioned.

Looking through the prism of RCI on EU legislative productivity, one can assume that the European Commission drafts legislative proposals under OLP in accordance with its own preferences, but is constrained in this process by formal norms, mainly legal bases included in the treaties.⁷ It is them that determine which cases OLP can be used in and what scope of policy areas can be regulated through this procedure. Against this background, the hypothesis can be derived from RCI that the entry into force of the Treaty of Lisbon should significantly increase the number of draft acts submitted by the Commission under OLP. This expectation stems from the fact that TL has mitigated constraining effect of formal norms on the Commission's right to propose legislation in two ways. First, it doubled from 38 to 85 the Treaties legal bases envisaging the adoption of EU acts through OLP.⁸ At the same time, it must be noted that OLP is still foreseen in merely 46% of all TEU and TFEU bases giving legislative or non-legislative powers to the European Parliament.⁹ Notwithstanding this, in the light of the RCI assumptions, an increase in the number of provisions envisaging OLP should strengthen the Commission's ability to submit much more proposals under this procedure. While

³ J.G. March, J.P. Olsen, "The Institutional Dynamics of International Political Orders", *International Organization*, vol. 52, no. 4 (1998), pp. 949-951, at <<https://doi.org/10.1162/002081898550699>>.

⁴ J.T. Checkel, "Social Construction and Integration", *Journal of European Public Policy*, vol. 6, no. 4 (1999), p. 546, at <<https://doi.org/10.1080/135017699343469>>.

⁵ G. Garrett, G. Tsebelis, "Understanding Better the EU Legislative Process", *European Union Politics*, vol. 2, no. 3 (2001), p. 356; D. Heisenberg, "The Institution of 'Consensus' in the European Union: Formal versus Informal Decision-Making in the Council", *European Journal of Political Research*, vol. 44, no. 1 (2005), pp. 79-80, at <<https://doi.org/10.1111/j.1475-6765.2005.00219.x>>.

⁶ H. Farrell, A. Héritier, "Formal and Informal Institutions Under Codecision: Continuous Constitution-Building in Europe", *Governance*, vol. 16, no. 4 (2003), pp. 577-600, at <<https://doi.org/10.1111/1468-0491.00229>>; F.M. Häge, M. Kaeding, "Reconsidering the European Parliament's Legislative Influence: Formal vs. Informal Procedures", *Journal of European Integration*, vol. 29, no. 3 (2007), pp. 341-361, at <<https://doi.org/10.1080/07036330701442356>>.

⁷ A. Rasmussen, "Challenging the Commission's Right of Initiative? Conditions for Institutional Change and Stability", *West European Politics*, vol. 30, no. 2 (2007), pp. 244-264, at <<https://doi.org/10.1080/01402380701239707>>.

⁸ J.J. Węc, "Pozycja Parlamentu Europejskiego w reżimie traktatu lizbońskiego", in A. Kirpsza, P. Musiałek, D. Stoliczka (eds.), *Podsumowanie siódmej kadencji Parlamentu Europejskiego (2009-2014)*, Kraków 2015, p. 18.

⁹ A. Kirpsza, "Legislative Challenges for the European Union after the Treaty of Lisbon Entered into Force", *Przegląd Zachodni*, no. 1, special issue (2013), pp. 186-192.

the previous treaty rules significantly limited its preference for initiating such regulations, this constraining effect has been significantly mitigated by TL.

Second, TL extended to 29 new cases the number of treaty bases envisaging the adoption of an OLP act by a qualified majority rule in the Council.¹⁰ As a result, currently 49 out of 85 articles of the EU treaties envisaging the use of this procedure are adopted in the Council by QMV. According to RCI, this innovation should make it easier for the Commission to submit more proposals under co-decision. In comparison to the unanimity rule, the QMV expedites the Commission's ability to propose more, even conflicting proposals under OLP due to the lack of veto and the possibility of building a winning coalition and exclusion of opponents. Thus: *H1: The Treaty of Lisbon has led to an increase in the number of legislative proposals submitted by the European Commission under the ordinary legislative procedure.*

METHODOLOGY

The hypothesis was verified based on the following methodology. In the first step, a dataset was created. It includes all legislative proposals which, first, were proposed by the European Commission, second, were draft regulations, directives, decisions and framework decisions enacted under OLP, third, were submitted between 1 December 2004 and 30 November 2014 (60 months before and after the entry into force of the Lisbon Treaty, i.e. 1 December 2009). In total, 1116 proposals were collected. They were divided according to the months in which they were drafted. As a result, the dataset includes 120 observations/months (10 years * 12 months).

Table 1. Variables used in the analysis

	N	mean	sd	min	max
<i>Dependent variable</i>					
Legislative productivity	120	9.3	7.18	0	40
<i>Independent variables</i>					
Lisbon Treaty	120	0.5	0.5	0	1
Adaptation	120	0.2	0.401	0	1
Enlargement	120	0.016	0.128	0	1
End of EP term	120	0.05	0.219	0	1
Months	120	6.5	3.46	1	12

After constructing the dataset, the variables were created. Table 1 presents their statistical description. The dependent variable in the study is *Legislative productivity*. It is

¹⁰ J.J. Węc, "Pozycja Parlamentu Europejskiego...", p. 19.

a discrete count variable and it measures the number of OLP proposals submitted by the Commission in a given month. The information on this variable was retrieved from the Eur-Lex database.

To test *H1*, the dichotomous *Lisbon Treaty* variable was constructed. Since the Lisbon Treaty entered into force on 1 December 2009, this variable is coded 1 for every month following this date, i.e. from December 2009 to November 2014, and 0 for all months preceding its entry into force, i.e. from December 2004 to November 2009.

The analysis was supplemented with four control variables controlling for other factors. The first captures the so-called adaptation effect resulting from the EP election cycle.¹¹ As is known, there is a specific acclimatization period in the first months after the European Parliament elections. At this time, the members of the Commission are appointed, the organizational structure of this institution is created or modified, the commissioners and civil servants learn how to operate in new conditions, familiarize themselves with the decision-making process, undergo training, et cetera. This adaptation process requires some time in which legislative productivity is not a priority. Only when this period is over, the Commission starts to fully prepare and submit EU legislation. To take into account this effect, the *Adaptation* variable was created. It equals 1 for each of the first twelve months following the 2004 and 2009 EP elections, i.e. from December 2004 to June 2005 and from June 2009 to May 2010, and 0 for all months outside this period.

The second control variable captures the so-called anticipation effect.¹² It results from the rationalist assumption that actors anticipate the negative consequences of future events and seek to adapt their actions in a way to avoid them. One of such events is the EU enlargement. On the one hand, it triggers the pressure on legislators to urgently enact a series of acts just before the accession of new member states in order to adapt EU law to new conditions. On the other hand, the enlargement is often intertwined with the introduction of far-reaching institutional reforms (e.g. the 2004 Eastern Enlargement led to modifications in the QMV definition), expansion of EU institutions to decision-makers who are not familiar with the *corps d'esprit*, or divergence of actors' preferences. These effects can generate negative consequences for the legislative process. For this reason, EU actors should strive for adopting as many legislative acts as possible before the date of accession in order to mitigate these ramifications.¹³ To control this effect, the dichotomous *Enlargement* variable was constructed. It is coded 1 for months directly preceding the accession of new member state, and 0 for all remaining months. Two enlargements took place in the examined period: on 1 January 2007

¹¹ L. Tholoniati, "The Temporal Constitution of the European Commission: A Timely Investigation", *Journal of European Public Policy*, vol. 16, no. 2 (2009), pp. 223-225, at <<https://doi.org/10.1080/13501760802589230>>.

¹² D. Leuffen, R. Hertz, "If Things Can Only Get Worse: Anticipation of Enlargement in the European Union", *European Journal of Political Research*, vol. 49, no. 1 (2010), pp. 53-74, at <<https://doi.org/10.1111/j.1475-6765.2009.01887.x>>; C. Reh et al., "The Informal Politics of Legislation: Explaining Secluded Decision Making in the European Union", *Comparative Political Studies*, vol. 46, no. 9 (2013), pp. 1112-1142, at <<https://doi.org/10.1177/0010414011426415>>.

¹³ D. Leuffen, R. Hertz, "If Things...", p. 57.

Romania and Bulgaria entered the EU, while Croatia did the same on 1 July 2013. As a corollary, the discussed variable is equal to 1 for December 2006 and June 2013, while 0 for other months. According to the anticipatory effect, in these months the Commission should submit significantly more proposals to allow the Council and Parliament to adopt them just before the accession.

The proximity of the end of the EP term may also be a relevant predictor of legislative productivity. According to statistics, a bulk of EU legislative acts is adopted under OLP in the last year of the European Parliament term.¹⁴ Since the average time of act enactment under the OLP is about 19-21 months,¹⁵ this means that the Commission submits its proposals well in advance, i.e. in the middle of the term, to equip the Council and the EP with sufficient time to negotiate and pass them before the EP elections. Thus, it is expected that the Commission would be much less active in initiating legislation in the last months before the EP elections. To capture this effect, the control variable *End of EP term* was designed. It equals 1 for each of the three months preceding the month with the last EP plenary sitting of the 6th and 7th EP terms, i.e. from March to May 2009¹⁶ and from February to April 2014,¹⁷ and 0 for all other months. The three-month period was chosen as it was the shortest time in the considered period in which a legal act was adopted.

Legislative productivity may also fluctuate within a year according to months. Some months are more labor-intensive, while others are less. Due to summer holidays, the smallest volume of proposals should be submitted in August. On the other hand, the last months of the year, in particular December, should be the most busy. In this period, the Commission seeks to finalize previously postponed tasks and submit outstanding proposals foreseen for a given year in the Annual Work Programme.¹⁸ To account for this effect, a categorical *Months* variable was constructed. It includes 12 values corresponding to each month. The value of 6 (June) was selected as a reference category, since the average number of proposals submitted in this month (9.5) is the closest to the average for all months (9.3).

Since the dependent variable is discrete counts (number of proposals), a count model should be used to test the hypothesis. A negative binomial regression model (NBRM) seems to be the most relevant for this analysis.¹⁹ It is considered as a generali-

¹⁴ G. Pittella, A. Vidal-Quadras, G. Papastamkos, *Activity report on Codecision and Conciliation, 14 July 2009 – 30 June 2014 (7th parliamentary term)*, European Parliament 2009-2014, DV\1031024EN.doc, Strasbourg 2014, pp. 4-5.

¹⁵ *Ibid.*, p. 10.

¹⁶ The last EP plenary sitting of the 6th EP term was held on 4-7 May 2009.

¹⁷ The last EP plenary sitting of the 6th EP term was held on 14-17 April 2014.

¹⁸ M. Osnabrügge, "The European Commission and the Implementation of Its Legislative Programme", *European Union Politics*, vol. 16, no. 2 (2015), pp. 241-261, at <<https://doi.org/10.1177/1465116515573844>>; A. Kreppel, B. Oztas, "Leading the Band or Just Playing the Tune? Reassessing the Agenda-Setting Powers of the European Commission", *Comparative Political Studies*, vol. 50, no. 8 (2017), pp. 1118-1150, at <<https://doi.org/10.1177/0010414016666839>>.

¹⁹ J.M. Hilbe, *Negative Binomial Regression*, 2nd ed., Cambridge 2011.

zation of Poisson regression which is particularly used when the data is overdispersed, i.e., when the conditional variance of the dependent variable is greater than the conditional mean. These conditions are met in the analysis, because y has a Poisson distribution and its conditional variance (51.6) significantly exceeds the conditional mean (9.3). NBRM can be described by the following equation:

$$\mu_i = \exp(\beta_0 + \beta_1 X_{1i} + \beta_2 X_{2i} + \beta_k X_{ki}) \exp(\varepsilon_i)$$

where: μ_i – mean expected number of y (counts) for each observation i ; i – observation; β_0 – intercept; $\beta_1, \beta_2, \dots, \beta_k$ – regression coefficients for 1, 2, ..., k variables; X_1, X_2, \dots, X_k – independent variables; ε_i error term.

Three models were estimated using a NBRM. Model 1 contains only one variable – *Lisbon Treaty*, and its purpose is to merely verify *H1* without controlling for other factors. Model 2 adds to Model 1 three control variables: adaptation effect (variable *Adaptation*), anticipation of EU enlargement (*Enlargement*) and proximity to EP elections (*End of EP term*). Model 3 controls the effect of time on the number of legislative proposals. It complements Model 2 with the *Months* variable.

RESULTS OF THE HYPOTHESIS TESTING

Table 2 presents the results of hypothesis testing using NBRM. *H1* expected the Lisbon Treaty provisions to increase the number of EU legislative proposals submitted by the European Commission under OLP. The analysis did not confirm this hypothesis. This conclusion can be drawn from the β coefficient of the *Lisbon Treaty* variable. Admittedly, it has expected positive direction in every model, but is not statistically significant. Moreover, in Model 1, TL explains only 0.1% of the legislative productivity's variation which indicates a small impact of this predictor. NBRM allows calculating the expected number of legislative proposals submitted before and after the entry into force of the TL by exponentiating the β coefficients of the *Lisbon Treaty* variable. According to Model 3, TL increased the expected number of proposals dealt with under OLP by merely 3%, which translates into an increase of about 0.3 draft acts per month. This result is below expectations when taking into account that TL doubled the number of treaty bases that foresee the OLP. In sum, once there was a slight increase in the proposals drafted under OLP after the entry into force of TL, this effect is not statistically significant, which means that *H1* has to be rejected.

It should be noted, however, that the obtained result does not necessarily mean that the Treaty of Lisbon provisions turned out to be ineffective in terms of legislative productivity. The lack of significant increase may stem from other factors not considered in the analysis. First, it may result from the fact that the Commission changed its legislative policy from a quantitative to qualitative approach. In 2012, that is 3 years after the entry into force of the TL, the Commission established a REFIT program (Regulatory Fitness and Performance Program). Its purpose was to simplify and update EU

legislation, reduce the volume of acts, improve the quality of law as well as concentrate legislative drafting on priority issues.²⁰ As a result, instead of proposing more, but qualitatively less developed proposals, the Commission focused on drafting fewer acts, but longer and better designed and more relevant to the citizens' needs. The continuation of this policy took place in 2015, when the Commission adopted new Communication on Better Regulation.²¹ It includes a commitment to further reduce the *excessive amount of badly written regulation and meddling in the lives of citizens or businesses with too many and too detailed rules*.²²

Second, the lack of visible increase in legislative productivity may be an effect of the so-called post-Lisbon shock. The Treaty of Lisbon introduced many revolutionary innovations in the EU legislative process which implementation and understanding by actors could require time, learning and customization. As a result, the actors were not immediately prepared to negotiate and adopt more proposals according to new rules.

Third, low legislative productivity may also stem from an increase in heterogeneity of member states' preferences in 2009-2014. During this period, the European Union was struggling with financial and immigration crises as well as with the rise of Euro-scepticism. As a corollary, member states' interests became more divergent. This is confirmed by research, according to which the number of contested acts in the Council has significantly increased since 2009.²³ As a result, the Commission had more difficulties in shaping and proposing a greater number of proposals that would have been supported by the majority of Council's members required for the adoption of a legal act.

The analysis also revealed other factors that affect the EU legislative productivity. As expected, the Commission usually submits fewer proposals under OLP in the first months after the EP elections. This is evidenced by the effect of the *Adaptation* variable which is strong, negative and statistically significant in Models 2 and 3. According to Model 3, in the first twelve months after the EP elections, the legislative productivity reduces by about 43% which means that in this period the Commission proposes 4 proposals less than in other months. The obtained result confirms the existence of the adaptation effect in the EU legislative process. It predicts that there is a specific adjustment period in the first months after the EP elections in which the newly elected Commissioners and officials are more involved in understanding the institutional and procedural functioning of the EU than in the preparation of legislation. Once this adaptation period ends, initiating proposals gains momentum.

²⁰ European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'EU Regulatory Fitness'*, Strasbourg, 12 December 2012, COM(2012) 746 final.

²¹ European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Better regulation for better results – An EU agenda'*, Strasbourg, 19 May 2015, COM(2015) 215 final.

²² *Ibid.*, p. 2.

²³ S. Hix, S. Hagemann, D. Fratescu, *Would Brexit Matter? The UK's Voting Record in the Council and the European Parliament*, VoteWatch Europe special report, 2016, p. 4, at <http://eprints.lse.ac.uk/66261/1/Hix_Brexit%20matter_2016.pdf>, 20 March 2018.

Table 2. Results of negative binomial regression models

	Model 1 β (S.E.)	Model 2 β (S.E.)	Model 3 β (S.E.)
Lisbon Treaty	0.050 (0.148)	0.029 (0.093)	0.033 (0.092)
Adaptation	–	-0.560*** (0.097)	-0.553*** (0.139)
Enlargement	–	1.042*** (0.222)	0.851*** (0.118)
End of EP term	–	-0.638*** (0.064)	-0.493*** (0.152)
January	–	–	-0.361 (0.226)
February	–	–	-0.145 (0.221)
March	–	–	0.091 (0.232)
April	–	–	-0.184 (0.290)
May	–	–	0.165 (0.249)
July	–	–	0.296* (0.153)
August	–	–	-0.884*** (0.281)
September	–	–	0.250 (0.221)
October	–	–	0.423* (0.224)
November	–	–	0.342 (0.236)
December	–	–	0.525** (0.204)
Constant	2.205*** (0.092)	2.297*** (0.037)	2.185*** (0.094)
pseudo R^2	0.001	0.028	0.075
AIC	768.4	753.0	725.1
BIC	776.7	769.7	753.0
LL	-381.2	-370.5	-352.6
alpha	0.438	0.345	0.222
N	120	120	120

Notes: standard errors in parentheses. Significance levels: * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$. NBRM models estimated with robust standard errors clustered at the year level.

As expected, the anticipation of the EU enlargement is an important predictor of the legislative productivity. The analysis showed that in the months preceding the accession of new member states, the Commission drafts considerably more proposals under OLP. This is indicated by the β coefficient of the *Enlargement* variable, which is strong, positive and statistically significant in Models 2 and 3. *Ceteris paribus*, in December 2006 and June 2013, that is in the months directly preceding the accession of Romania, Bulgaria and Croatia, EU legislative production increased by almost 134%. This means that in this period the average expected number of drafted proposals was over 12-13 higher than in other months. In sum, the anticipatory effect is existent not

only when both institutions conclude early agreements,²⁴ adopt legislation²⁵ or negotiate EU acts,²⁶ but also when the Commission submits its proposals under OLP.

Likewise, the proximity of the end of the EP term has a strong and negative impact on the legislative productivity. As predicted, the Commission submits considerably fewer proposals in the pre-election period than in other months. The β coefficient of the *End of EP term* variable has the expected, negative direction and is statistically significant in Model 2. Holding all other factors constant, in the three months before the 2009 and 2014 EP elections the expected number of proposals was lower by 39%, which translates into 3-4 proposals less compared to other months.

The annual work schedule is also a key predictor of the legislative productivity. According to the analysis, the Commission proposes considerably less proposals under OLP in August as shown by negative, large and statistically significant effect of the *August* variable. *Ceteris paribus*, the expected legislative productivity in this month is almost 59% lower compared to June (reference category). This result is not surprising, since August is the summer month, during which there are no parliamentary sessions and trilogues, and the Commission and Council officials go on vacation. Lower Commission's activity is also visible in the first months of the year as indicated by negative and high, albeit statistically insignificant, values of the *January* and *February* variables. This effect can be explained by the fact that both months serve as a cooling-off period after a busy December and long Christmas and New Year holidays. By contrast, the largest legislative productivity may be observed in July, October and December. The variables devoted to these months are positive and statistically significant in Model 3. Compared to June, the Commission submits in July, October and December 34% (3 proposals), 52% (5) and 69% (6) more proposals, respectively. These results can be explained as follows. July is the last month before holiday August; therefore, in this month the Commission's officials seek to finalize work on as many planned proposals as possible in order to be able to go on holidays without arrears. December, however, is the last month of the year, thus it usually serves as the final deadline for proposals envisaged in the Annual Work Programme. As a result, in this month the Commission's officials have to work in the sweat of their brow to fully implement this plan and avoid moving proposals to next year.

CONCLUSIONS

The analysis showed that, contrary to expectations, the Treaty of Lisbon provisions did not lead to a visible increase in EU legislative productivity. Despite the increase of

²⁴ C. Reh et al., "The Informal Politics...", pp. 1112-1142.

²⁵ D. Leuffen, R. Hertz, "If Things...", p. 53-74.

²⁶ A. Kirpsza, "Skuteczność poprawek Parlamentu Europejskiego w procedurze konsultacji (specjalnej procedurze ustawodawczej)", *Politeja*, no. 35 (2015), pp. 419-444, at <<http://dx.doi.org/10.12797/Politeja.12.2015.35.27>>; idem, "Warunki sukcesu poprawek Parlamentu Europejskiego w zwykłej procedurze ustawodawczej", *Przegląd Europejski*, no. 40 (2016), pp. 48-69.

treaty bases envisaging the OLP and the extension of QMV in the Council, the number of proposals submitted by the Commission under this procedure after the entry into force of the TL remained more or less at the same level as before. Admittedly, according to the study, the introduction of TL provisions resulted in a slight increase in legislative productivity by 3%, but this effect turned out to be statistically insignificant. Thus, the hypothesis was disconfirmed.

This does not mean, however, that the Treaty of Lisbon provisions were ineffective in terms of legislative productivity. Only slight increase in the number of proposals under OLP may stem from other factors not included in this analysis, inter alia, better regulation policy, post-Lisbon shock or the rise of heterogeneity of member states' preferences triggered by EU financial and immigration crises. The above explanations should be verified in prospective studies.

At the same time, the study revealed other factors affecting the legislative production under OLP. First, the Commission submits significantly fewer proposals just after the EP elections, which is the result of the so-called adaptation effect. Second, the analysis identified the presence of the anticipatory effect in the process of initiating EU legislation. Third, the proximity of the end of the EP term has a significant impact on the legislative productivity. The analysis showed that in the months preceding the EP elections the Commission submits considerably fewer proposals than in other period. Four, the key predictor of the Commission's productivity is its annual schedule of legislative work. Due to the summer holidays in August, the Commission submits fewer proposals in this month. Low activity is also visible in the first months of the year. On the other hand, the Commission drafts more proposals in July, October and December.

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