

Control of the Commission's Executive Functions: Uncertainty, Conflict and Decision Rules*

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ABSTRACT

The literature on implementation committees predominantly emphasizes their informational role and relies on a *sui generis* characterization of the European Union. This article reasserts their control function and locates these committees within the core tenets of rational choice and agency theory. It takes McCubbins and Page's (1987) propositions about the determinants of legislators' control of executive functions and applies these to the Member States' control of the Commission's executive powers. The likelihood of establishing ex-post control procedures and the stringency of control are positively correlated with 1) the uncertainty facing legislators about the optimum policy actions, 2) the conflict among legislators and 3) the need of unanimous agreement in the Council of Ministers. Using logistic regressions and a cumulative logit model applied to a stratified sample of non-amending secondary legislation adopted between 1987 and 1998, the article concludes that unanimity, conflict and uncertainty relevantly increase the likelihood of procedural control of the Commission's activities. Conflict and uncertainty are also relevant factors affecting the stringency of control.

KEYWORDS: Agency theory • Comitology • Control • European Commission • Implementation

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Introduction

Executive politics in the European Union¹ is about delegation and control. The essence of the game is the delegation of policy-making functions to supranational institutions and the establishment of control mechanisms. The European Commission has been a main beneficiary of this delegation and, consequently, different mechanisms have been set up to control its activities. This article focuses on questions of Commission accountability and mechanisms of Member States control, with particular emphasis on committee control. This is a system of control, termed comitology, whereby representatives of the Member States directly oversee, following different procedures, the implementation of the responsibilities delegated to the Commission.

Although no scholar entirely subscribes to one view, the literature offers two broad reasons to explain the establishment of these committees. First, committees provide information to coordinate, detail and standardize implementation across the Member States. For Hayes-Renshaw and Wallace, comitology 'is a rather normal tool of the policy maker and policy implementer, namely the convening of groups through which the Commission discusses ... the progress of policy implementation' (Hayes-Renshaw and Wallace, 1997: 182). For Wessels, comitology allows close cooperation between the Member States and the Community institutions. It serves 'especially to ensure joint management' (Wessels, 1998: 217; see also Siedentopf and Ziller, 1988). For Joerges and Neyer, these committees are set up for 'the transposition of general normative commitments into concrete decisional practices' (Joerges and Neyer, 1997a: 295). The proposals discussed are 'the result of *extensive consultations* with individual national administrators and independent experts [and] the effectiveness of any measure adopted depends on member states transposing the measure adequately into their national legal systems *without leaving too many opportunities for evasion*' (Joerges and Neyer, 1997b: 618, emphasis added). These committees are fora that generate trust across the Member States and use scientific discourse to assess policy uncertainty (e.g. risk associated with food consumption) (Joerges and Neyer, 1997a: 295, 1997b: 619; Vos, 1997: 227, 1999: 136-8).

Operationally, the atmosphere is business like and centered on problem solving, there are few referrals and the agenda is dominated by the Commission. Therefore, comitology is a non-hierarchical form of governance (Institut für Europäische Politik, 1989; Joerges and Neyer, 1997a: 279; Wessels, 1998: 228). Some authors prospect also the possibility of national delegates being captured by the Commission for its own policy goals, therefore emphasizing processes of socialization, persuasion and preference formation (Joerges and Neyer, 1997b: 618-20; van Schendelen, 1996).

We can reinterpret this literature more analytically by relating it to the core tenets of rational choice. When they refer to "concrete decisional practices" or to the "progress of policy implementation", these contributions recognize that

Treaty provisions and secondary legislation are incomplete contracts that do not specify how states should behave under all possible circumstances. Similarly, when they refer to the generation of trust and to “joint management”, they acknowledge that cooperative ventures are riddled by problems of 1) incomplete information about defection and 2) multiple equilibria that cannot be distinguished in Paretian terms (Garrett and Weingast, 1993: 178-81). Hence, institutions (i.e. comitology) provide information that limits the adverse effects of these problems. They reduce uncertainty by 1) producing detailed rules, 2) signaling defection and 3) coordinating equilibrium selection. The second function, which is more a controlling one, is however greatly underrated in the literature (but see Vos, 1999).

Although this article will not negate the informational value of comitology, it will show that the likelihood of establishing some form of procedural control and the stringency of such control are also function of the conflict among Union legislators when they adopt the relevant secondary legislation. Their apparently innocuous operation cannot cover the fact that issue-specific tensions, that the Commission cannot disregard, have been at the source of their establishment. I will instead not take issue with the capture hypothesis because the article focuses on Union legislators’ decision to establish these committees rather than on the outcomes of their deliberations.

The second rationale for the establishment of these committees emphasizes the control function. For Docksey and Williams, ‘comitology constitutes an institutional compromise between the need of effective Community decision-making and Member States’ desire to preserve national influence’ (Docksey and Williams, 1994: 121). For Vos, comitology has been set up ‘in response to the dual need for flexible means effectively to carry out ever-increasing Community activities, and to ensure the continuing presence of the Member States within the Community decision-making process’ (Vos, 1997: 214-5). For Pollack (1997: 114), comitology is the most intrusive form of oversight of the Commission’s executive powers (see more in the section below). These works are less concerned with the operational aspects and focus primarily on the inter-institutional balance and conflict on comitology, especially between the Council and the Parliament (Bradley, 1992, 1997; Vos, 1997).

More analytically, these authors emphasize the committees’ control function over the implementation activity of the Commission. Comitology represents institutional arrangements that structurally induce equilibrium outcomes (Shepsle, 1979, 1989: 136) and limit the Commission’s freedom to implement its ideal policies. By assessing these constraints on the Commission’s executive discretion, formal works have evaluated the pattern of preferment of the Council, the Commission and the Parliament toward the different control procedures (Franchino, forthcoming; Steunenberg et al., 1996a, b).

This article will highlight that the general inter-institutional focus of these works captures only partially the issue of comitology. The establishment of control procedures is also the result of substantive issue-specific conflict among the Union institutions.

To sum up, the literature has three main weaknesses. First, it predominantly emphasizes the informational role of comitology (cf. Hayes-Renshaw and Wallace, 1997; Joerges and Neyer, 1997a, b; Wessels, 1998). Second, it does not test its control function (cf. Bradley, 1997; Franchino, forthcoming; Steunenberg et al., 1996b; Vos, 1997). The only exception being Vos (1999) who however limits her analysis to a case study of the foodstuffs sector. Thirdly, with few exceptions, the literature heavily relies on a *sui generis* characterization of the Union that is not amenable to comparative and cumulative research (see Joerges and Neyer's (1997a, b) deliberative supranationalism and Wessels' (1998) fusion theory). Instead, these works can be easily related, as shown above, to the core tenets of classical rational choice analysis.

Thus, this article takes issue with the contributions emphasizing the informational role of comitology by reasserting the control function. It also limits the analysis to one theoretical framework, namely agency theory, therefore rejecting the *sui generis* paradigm. The article is divided in three main sections. In the first one, I review the political science literature on delegation and control and apply the control side of agency theory to the activities of the Commission. This part relies on Kiewiet and McCubbins' (1991) work on delegation in the US Congress and Pollack's (1997) application to the Union institutions. Then, after a description of the committee system and brief descriptive statistics in the second section, I test McCubbins and Page's (1987) propositions about the determinants of legislators' control of executive functions in the third part of the article. These two students assert that control procedures are more likely to be established in case of policy uncertainty (i.e. the informational role) and conflict among legislators (i.e. the control role). I apply these propositions to the institutions of the European Union and test them on a stratified sample of secondary legislation adopted between 1987 and 1998. The results show that unanimity, conflict among the Union institutions and uncertainty are key determinants for the establishment of ex-post procedural control of the Commission's implementation activities. Conflict and uncertainty are also important factors affecting the degree of stringency in control. The conclusion relates these results to the European integration literature in general and, more specifically, to the literature on political control of the bureaucracy.

Accountability and control of the Commission: theory and practice

Whatever the reason for delegating policy-making responsibilities,

'there is always some conflict between the interests of those who delegate authority (principals) and the agents to whom they delegate it. Agents behave opportunistically, pursuing their own interest subject only to the constraints imposed by the relationship with the principal. The opportunism that generates agency losses is a ubiquitous feature of the human experience'

(Kiewiet and McCubbins, 1991: 5).

The cost of this opportunism, alternatively termed shirking or bureaucratic drift, is coupled with a second process, known as slippage, when the agency

design itself is an incentive for the agent to behave in ways that are costly for the principals (McCubbins and Page, 1987: 411). In the institutional framework of the Union, agency losses can be generated not only when the Commission's preferences differ from the Member States' or the Parliament's (shirking) but also because the Commission has the monopoly of legislative initiation that can be used to pursue its interest (slippage). Crombez points out how this design gives the Commission *negative power*, that is the ability 'to maintain the status quo even though a qualified majority in the Council prefers to change it' (Crombez, 1996: 213).

Kiewiet and McCubbins (1991) list four classes of measures that principals can adopt to contain these potential losses.

First, principals determine the *ex-ante design of the agency* (i.e. scope and domain of regulatory targets, legal instruments and administrative procedures). In case of the Union, the scope of functions delegated to the Commission by the Treaty has been relatively broad. The Commission has to ensure the proper functioning of the common market and the application of Treaty provisions (art. 211 [ex 155] EC). The Council is under an obligation to delegate most of the executive functions to the Commission (art. 202.3 [ex 145] EC), which enjoys also a relatively broad range of instruments, including the power to initiate legislation and infringements proceedings, to take decisions and deliver opinions. Only in the Maastricht Treaty the Commission's powers have been heavily curtailed in the new fields of foreign and security policy and justice and home affairs and the situation is practically unaltered with the Treaty of Amsterdam (for details see Moravcsik and Nicolaïdis, 1998).

Second, principals can control the agent using *screening and selection mechanisms*. This concerns with the appointment procedures and the signaling process to avoid adverse selection and to eliminate information asymmetries about abilities and preferences that exist between potential principals and agents. According to article 214 (ex 158) EC, the possibility of selecting their preferred agents varies across the Member States and the Parliament. The latter is more likely to affect the nomination of the President rather than that of a single Commissioner. Commission members must comply with general requirements of competence and independence (art. 213 [ex 157] EC), but these barely control their preferences. The Commission is effectively in office for five years because censure and dismissal are costly and scarcely credible sanctioning mechanisms.² Each Member State can only use, at the end of the term, their reappointment power of one or two commissioners and (shared with the Parliament) of the President.

Third, principals can monitor and influence agent's behavior *ex-post* by establishing *monitoring and reporting requirements*. Union legislators have inserted similar requirements and provisions for the assessment of policy development in the majority of primary and secondary legislation. In the legislation analyzed for this article, about 60 percent of the sampled acts require some sort of exchange of information between the Commission and other actors. The problem with reporting is that the agent is tempted to strategically reveal information so that his or her activity is seen under a

favorable light by the principals. McCubbins and Schwartz (1984) point out that principals might want to offset this problem by supplementing reporting requirements with three *oversight mechanisms*. These are 'fire-alarms', institutional checks and 'police patrols'. 'Fire-alarms' operate via the establishment of rules and procedures that enable third party to monitor and redress administrative decisions. Institutional checks rely on third parties that are explicitly established by the principals (Kiewiet and McCubbins, 1991: 34). Pollack observes that 'almost every EC institution besides the Commission plays a role in monitoring and checking the Commission's behavior' (Pollack, 1997: 116). These include the Court of Justice (arts. 230-2 [ex 173-5] EC), the Court of Auditors (art. 248 [ex 188c] EC) and the Ombudsman (EP decision, 9 March 1994). Fire-alarm oversight can be enacted by natural and legal persons via both the Court (arts. 230,241 [ex 173,184] EC) and the Ombudsman.

However, the majority of the Commission's acts are likely to be administratively sound. The great bulk of the Commission's legitimate areas of intervention has a regulatory character and financial considerations play a considerably lesser role. Decentralized control is likely to be biased in favor of resourceful groups; furthermore the Court has radically restricted the circumstances under which individuals can proceed against Union actions (Burley and Mattli, 1993: 62).

Faced with an agency with a broad mandate and limited or ineffective control mechanisms, the Member States have to resort to a much more intrusive and costly oversight that directly focuses on the regulatory activity of the Commission. The next sections of the article focus on the more direct 'police patrol' oversight that takes the form of comitology in the Union (Pollack, 1997: 114-6).

Control procedures in the European Union

Origin and operation of comitology

The control of the Commission's delegated activities by committees has been essentially carried out since the establishment of the European Economic Community. Initially, though, it was on a rather *ad-hoc* basis and generally predominant in the Common Agricultural Policy. The first price support policies and legislation of Union preference in agriculture established also the first oversight committees in the form of a management committee procedure. As the areas of intervention of Union legislation expanded, so did the variety of control procedures (Bradley, 1992; Demmke et al., 1996; Vos, 1997). On the first of July 1968 the customs duties amongst the Member States were lifted and, in the same year, the regulatory committee procedure was established in the field of customs law. Also in 1968, the Legal Affairs Committee of the European Parliament designed the threefold classification of implementation committees that, albeit modified, is still present today (European Parliament, 1968-69). It was however the Single Market initiative, with its considerable legislative burden, that gave the impetus to the Council to reorganize the procedures, only twelve days after the entry into force of the Single Act which

included an obligation to delegate executive functions to the Commission (art. 202.3 [ex 145.3] EC).

Council Decision 87/373/EEC rationalized this system of control and specified four main types of committee procedures: advisory, management, regulatory and safeguard. The total number of distinct procedures amounts to seven since the latter three have two variants each. With two exceptions that we will see below, the control of the Commission's implementing legislation is two-tiered: the relevant committee oversees the act in question first, then it might refer it to the Council of Ministers. Committees are composed of permanent representatives of the Member States, normally officials from national technical ministries (Docksey and Williams, 1994: 121-5). They are chaired by a senior Commission official who controls the agenda, submits the implementing measures for consideration and set deadlines. The chairperson has no vote in the deliberation of the committee.

< TABLE 1 APPROX. HERE >

The procedures can be arrayed along three dimensions with respect to the role that the Council plays in controlling the Commission's activities (see Table 1). These are 1) the decision rule in the committee to refer measures to the Council, 2) the timing of Council control and 3) the default condition if the Council does not act. This classification will be used in the following sections to develop an index of stringency of implementation control.

In the advisory committee procedure I, national experts issue an opinion before the Commission implements the measure. The Commission is requested to take the utmost account of such opinion but, if it chooses to disregard it, there is no referral to the Council. There are ways the Member States use to influence the Commission's activity such as forcing a vote by simple majority in the committee, requesting to have their minority position recorded in the minutes or insisting that the Commission report how it has taken account of committee's opinion. However, this procedure provides the Commission with the greatest autonomy and the Member States' influence over its decision-making powers is relatively limited. For this procedure only, the dimensions in Table 1 are with reference to the role of the committee.

In the following four procedures, national experts act as gatekeepers. In the management committee procedures IIa and IIb, the committee decides by qualified majority whether to submit the draft measure to the Council. In case of inaction or favorable opinion, the Commission may adopt the measure with immediate effect. If the committee decides to refer the measure to the Council, there are two procedural variants that differ on the timing of Council control. In variant a, the Council deliberates after the measure is applied, although the Commission may decide to defer implementation for a maximum period of one month. In variant b, Council control takes place before adoption because the Commission must defer implementation for a

maximum of three months. In both variants, if the Council does not act the default is the measure proposed by the Commission.

In the regulatory committee procedures IIIa and IIIb, the committee decides by qualified majority whether *not* to submit the implementing act to the Council. If such majority is not reached or the committee does not deliver an opinion, the measure is deferred and submitted the Council. The two variants that follow differ with regard to the default condition. In variant a, if the Council does not act the proposed measure shall be adopted by the Commission. In variant b, inaction leads to a similar outcome only if a simple majority in the Council does not object. In such case, the status quo ante prevails.

Finally, the safeguard committee procedures IVa and IVb do not require the establishment of a committee of national experts. The Commission must notify directly the Council prior to the adoption of a safeguard measure and any Member State may refer the Commission's decision to the Council, which can revoke, modify or confirm the measure within a set time limit. Similarly to the regulatory procedures, the two variants differ with regard to the default condition. In variant a, if the Council does not act the proposed measure is adopted by the Commission. In variant b, inaction revokes the measure. Secondary legislation may amend these procedural requirements especially with respect to variant a. It is frequent that enabling legislation provide for Council control to take place after the Commission adopts the implementing measure.

Comitology and common policies: descriptive statistics

As mentioned in the introduction, there are not many studies on the incidence of comitology in the Union policies. To my knowledge, the report by the Institut für Europäische Politik (1989), the book edited by Pedler and Schaefer (1996) and an article by Dogan (1997) are the first quantitative works that has been carried out in this field. In this section I compare Dogan's results with those that emerge from my data set. This comparison is partial because the criteria of data selection differ, nonetheless it provides interesting confirming and disconfirming evidence, at least on a descriptive basis. More rigorous inferential analysis will follow.

Dogan observes that comitology procedures have been used in about 20 percent of all Council legislation enacted since 1987 and points out a consistent longitudinal trend towards more control. He found out high incidence in company law, financial services, justice and home affairs, veterinary control, followed by customs, transport, health, food and development aid, while lower incidence in welfare, regional and competition policy, industrial adjustment, education and employment, taxation and procurement.

Figure 1 shows the incidence of comitology procedures in the different common policies in non-amending secondary legislation adopted since 1987.

<FIGURE 1, APPROX. HERE>

More than 30 percent of this set of legislation has some sort of procedural control lending some credit to the thesis of increasing use of comitology. In some policy areas (i.e. competition, tax provisions, economic policy, euro networks, cohesion and development) there are too few new legislative acts, thus making interpretation inadvisable. By contrast, in four areas more than 50 percent of new legislation has comitology procedures, these are social policy, environment, approximation of laws and transport. Further, these areas show also a higher incidence of more restrictive procedures, 100, 60, 57 and 79 percent respectively of all procedures are of the most restrictive types (i.e. regulatory and safeguard). At least for non-amending legislation, this seems to disconfirm Dogan's (1997: 41) conclusion that high level of comitology is associated with low levels of restrictive comitology. In effect, in areas where the incidence of control is medium (agriculture and free movement) or low (commercial policy and customs unions), the percentage of restrictive procedures are also relatively low (28, 50, 33 and 30 percent respectively). The fact that Dogan focuses on longitudinal trends probably explains this discrepancy. However, the sectoral patterns that he has identified are confirmed, with the only exception of social policy and customs union probably due to the different classifications used. Environment, approximation of laws, transport, agriculture and free movement are the areas where committee control is used more extensively.

Procedural control of the Commission: hypotheses and results

The determinants of control

McCubbins and Page (1987) formulate two general factors that explain the establishment of control procedures, namely uncertainty and conflict. Uncertainty affects the distribution of information at the expenses of legislators who find it difficult to discern the optimum policy actions and, probably, also their ultimate interests. Uncertainty increases the need for information but also the cost to retrieve and process it, legislators would then prefer to delegate regulatory choices and instruments to the agent, with the attached information costs, and 'sit back in an oversight role awaiting clarification of the issue' (McCubbins and Page, 1987: 417). The procedural requirements become more restrictive for two reasons. First, the need for legislative control increases as the domain of scope and instruments delegated to the agent broadens. Second, the political risks attached to different regulatory alternatives increase with uncertainty. It is less clear which policy strategy is the most appropriate and the preservation of the status quo becomes relatively more important. Thus, legislators establish more stringent procedures to make this choice more difficult.

Increased conflict among legislators leads also to more confining procedures. McCubbins and Page's line of reasoning is as follows. Conflict makes harder for a decisive coalition of legislators to narrow down the range of policy making functions to be delegated to the agent because the exclusion of some issues may lead to the break down of the coalition. Controversial aspects

about implementation are hence deferred after the writing of the legislation and the agent's mandate remains rather large. There is then incentive to control agent's behavior ex-post. Further, political risks of taking alternatives decisions increase with conflict and therefore there is more need to direct the agent through procedural requirements.

To sum up, McCubbins and Page emphasize how implementation procedures 1) provide information to legislators in case of policy uncertainty and 2) control agent's behavior when conflict among legislators produces a large mandate.

Operationalization

The operationalization of general concepts such as uncertainty and conflict can be less than ideal. Some limits are self-imposed if the researcher does not want to forgo quantitative analysis; others arise from data availability.

Below I list three variables that operationalize uncertainty and conflict and illustrate the line of reasoning that I have used to justify this choice. A set of other variables has also been used (contact the author for details), however those selected seem to have the strongest theoretical justification, allow some degree of analytical separation between conflict and uncertainty and minimize, albeit not sufficiently, the problem of collinearity.

Uncertainty. A legislator is uncertain about an optimum policy action especially when she deals with a very complex issue. Or, the other way around, complexity increases legislators' uncertainty about the policy actions that best serve their interests. In commercial policy for instance, it is relatively easier for a Member State to discern the costs and benefits accruing to it when it has to set the import duties of the common customs tariff, as compared to when it has to approve an anti-dumping regime or a legislation against illicit commercial practices. The latter decisions require broader delegation of executive functions and, hence, greater uncertainty about future policy developments. In agriculture, the fixing of intervention prices for some products generate less uncertainty to legislators than the establishment of guidance funds and support systems for farmers. Thus, legislators' uncertainty is related to regulatory complexity which, in turn, is related to specific issues rather than to the whole policy area. This means that we need to focus the operationalization to the characteristics of the specific act of secondary legislation. To my knowledge, the literature does not provide a helpful guide, so I have based my selection on the observation of the acts of the sample. These range from relatively simple legislation such as setting duties, prices and import quotas to more complex acts on import surveillance or technical directives on environmental policies. It seems that the length of the legislative act is positively related to the complexity of (hence to the uncertainty arising from) the policy issue. The word count of the legislation setting duties and quotas amounts to less than one hundred words, while acts on import surveillance and other technical directives may require from five hundred to over a thousand words. Hence, I contend that an acceptable way to quantitatively operationalize uncertainty is to use the word count of the

specific legislation,³ also because it assures objective cross-policy and cross-issue comparability.

An objection could be that word count is more a proxy for the substantive involvement in a policy. However, there is no contradiction. The more a politician wants to intervene in a policy issue, the more she is likely to regulate all the different aspects of the issue, the more complex becomes the management of the policy, the stronger the need of delegation and ex-post control. To conclude, we should expect an increase in the length of the legal text to increase the likelihood of having some sort of ex-post procedural control as well as to increase the stringency of control.

Conflict. There are three institutions involved in the legislative process of the Union: the Council, the Commission and the Parliament. Ideally, we would like to measure conflict within the most powerful one, the Council. An appropriate operationalization could have been the number of amendments proposed and rejected by the Member States. Rejection is a sign of a conflict (originating from heterogeneous preferences) that cannot be accommodated within the Council. Unfortunately, the secrecy surrounding the activity of this institution severely limits data availability. Press releases or insider views provide more information than the Official Journal, but it not systematic and adequate for quantitative analysis. Instead, it is possible to quantify conflict among institutions.

I have used the number of amendments that the Council approves over the Commission's proposals as a measure of conflict between the Council and the Commission.⁴ In formulating their hypotheses, McCubbins and Page disregard the role and the preferences of the agent because of the flexibility with which American legislators can establish and dismantle agencies and because the latter have no legislative role. Since the EC pillar of the European Union confers to the agent (i.e. the Commission) the monopoly of initiation power, this inter-institutional dimension of conflict has to be considered. Further, recent works have shown that conflict between the legislative and the executive branch of government increases the political control of the agency (Epstein and O'Halloran, 1996; Huber et al., 1998; Lohmann and O'Halloran, 1994).

The operationalization is based on the assumption that the Commission correctly anticipates states' preferences but it will not include in the act provisions that it disapproves of. It will be the Council's turn either to directly insert amendments or to demand amendments to be inserted in a revised proposal. The more conflictual the policy preferences between the pivotal Member State and the Commission, the larger the number of amendments the state will insert in the Commission's proposal. An increase of this number, as a measure of increased conflict, should increase the likelihood and stringency of control. There are on average two Council amendments per act in the sampled legislation, but the variance (twelve) is relatively large. This is because the Council has introduced more than ten amendments in few cases.

The intensity of conflict between the Parliament on the one side and the Commission and the Council on the other is measured by the number of

rejected parliamentary amendments. There is no need to assume the Parliament's perfect anticipation of other institutions' preferences for this variable. However, even in case of perfect information, failed amendments might be made for purposes of position taking and to signal disagreement (Tsebelis and Kalandrakis, 1999). The relevance of this variable has been tested on a subset of cases where the Treaty provides for either a parliamentary opinion or a vote. About 45 percent of the sampled legislation fall under this category. The more conflictual the policy preferences between the Parliament, the Commission and the Council, the larger the number of parliamentary amendments that the Commission and the Council will reject, the more likely the legislation will contain ex-post control procedures. Notice that this implies that the Parliament should also be interested in some form of ex-post control especially if controversial aspects of the legislation have been deferred and remain at the Commission's discretion. This however does not mean that legislators have the same preferences on the type of ex-post control. Empirical studies emphasize the strong opposition of the Parliament to restrictive control procedures (Bradley, 1997; Dogan, 1997), especially because it is not involved in such committees. Thus, it is not appropriate to predict a specific direction of effect for high level of stringency of control.⁵ On average, less than two parliamentary amendments per act have been rejected in the sampled legislation, but the variance (fourteen) is even larger than that of Council amendments.

Legislative procedures. A third categorical variable, namely legislative procedures, has also been used in the analysis. This is coded as a dummy variable using qualified majority as the reference category and unanimity and the procedures where there is a parliamentary vote (i.e. co-operation and co-decision) as the comparing categories. Although Dogan (1997) observes that there is a positive correlation between control procedures and qualified majority, my contention is that we should expect unanimity to be positively related to control and control stringency. This is because, following McCubbins and Page's argument, unanimity is more related to conflict than qualified majority, for two reasons. First, the permanence of unanimity in the Treaty is a sign of conflict among the Member States about the substantive content of common policies. In the Single European Act for example, the Member States switched from unanimity to qualified majority in those less controversial policy areas where they expected to benefit from future substantive decisions. Examples include articles 16.3 and 16.4 SEA amending articles 49 (ex 59) and 70.1 (now repealed) EC. These articles introduced qualified majority for the free provision of services and of establishment of third country nationals and for the liberalization of capital movements. Conversely, unanimity still remains in contentious areas such as social security (art. 42 [ex 51] EC), harmonization of tax provisions (art. 93 [ex 99] EC) and the general rules of the Structural Funds (art. 161 [ex 130d] EC). Second, the preferences of the pivotal Member State under unanimity are, *on average*, more distant from the preferences of the Commission and other legislators than in case of qualified majority (cf. Crombez, 1996: 221). This

means that, *on average*, we should expect more conflict from an act adopted under unanimity than from one adopted under qualified majority. Coalitions formed under qualified majority are generally more cohesive and the adopted legislation shows lower levels of conflict. Even in contentious areas such as agriculture, regulations setting guidance prices are on average less controversial than those reforming the Structural Funds. To conclude, the amendment variables described above measure conflict at the level of the specific policy instrument, while this procedural variable measures conflict at the level of the policy area and as result of decision rules.

When the Parliament is involved in a legislative procedure, we cannot predict, in principle, a clear direction of its impact on control because it depends on its preferences vis-à-vis the other Union institutions and on whether the resources provided by the procedures allow it to affect the policy outcome. The issue will be dealt in greater details below.

Analysis of results

These hypotheses have been tested on a stratified sample of non-amending secondary legislation passed between the first of July 1987 (when the Single European Act came into effect and the Council's decision reorganizing committee procedures was approved) and the first of October 1998 (see Appendix for more details). The legislation is non-amending because we need to control for the position of the status quo ante. The impact of conflict and uncertainty on the odds of procedural control should be measured for a given level of control ex-ante. I would contend that an appropriate and efficient control strategy is selecting only the first legislative act in a policy issue. In this case, there is no control ex-ante.

I employ two complementary strategies to test McCubbins and Page's propositions. The first consists of running a series of binomial logistic regressions that compute the odds that a specific procedure is introduced in an act using as baseline the cases where there are no control procedures. The second develops an index of stringency of implementation control from the committee procedures and employs cumulative logits to estimate a general model of ex-post control of the Commission.

Although I consider the selected measures of conflict and uncertainty the most appropriate to test the hypotheses, problems of collinearity are unfortunately still present. There seems to be a positive association between uncertainty and conflict among legislators.⁶ A way to deal with this problem is to estimate models that include different independent variables. Table 2 shows the coefficients in a series of binomial regressions in two models. The first focuses mainly on conflict, operationalized with legislative procedures and number of Council amendments. The second retains the procedural variable and substitutes Council amendments with uncertainty.

< TABLE 2 APPROX. HERE >

The interpretation of the models with the advisory procedure is inadvisable. The improvement over the model fit with only the constant term is not significant. Caution should also be exercised with the models with the safeguard procedure where the introduction of the procedural variable does not significantly increase the fit.⁷ These results are due to the small number of cases in the sample and, for advisory, to the fact that, being a very permissive procedure, independent variables have less explanatory power. The models perform instead better for the management and regulatory procedures. The variables significantly increase the model fit and more than 90 percent of cases are correctly predicted.

Conflict, operationalized as number of Council amendments, is consistently the most significant determinant in affecting the probability of some kind of procedural control. When the number of Council amendments increases from zero to two, the odds of procedural control increases, on average, by a factor of two (*ceteris paribus*). That is, the probability of ex-post control increases by more than two percent (more than four in case of the regulatory procedure). If we move along the whole spectrum of values that this variable takes, it is almost certain that we will have some sort of ex-post control. With an increase from zero to 16, we have an increase of a hefty 93 percent in the probability of having a regulatory committee, 84 percent a safeguard and 66 percent a management committee.⁸

Also the model incorporating uncertainty performs well, although somewhat less convincingly, at least in term of statistical significance. When the length of the act increases by five hundred words (say, from an act setting a customs tariff to one administrating a quota), the odds of procedural control increases by a factor of three (*ceteris paribus*). The probability that there will be some sort of procedural control increases by more than three percent (almost five in case of the regulatory procedure). If there is a need to adopt complex environmental legislation (say, with an increase of two thousand words), the probability of having control to no control increases by 22 percent for the management committee, 66 for regulatory and 75 for safeguard.⁹

Finally, at least for the management procedure and, partially, for the regulatory one, the proposition that unanimity leads to more control seems validated. *Ceteris paribus*, the use of unanimity compared to qualified majority increases by more than 40 percent the chance of ex-post control in the form of a management committee (more than twenty percent for regulatory).¹⁰ More difficult to interpret is the result from the second variable of legislative procedures. Although only for the regulatory committee, the presence of a parliamentary vote increases the probability of this type of control by more than 35 compared to qualified majority (*ceteris paribus*). This result seems to be at odd with the empirical evidence on the control preferences of the Parliament (Bradley, 1992, 1997; Dogan, 1997). However, it does not have to be the case. There is in fact evidence that the relation between control and parliamentary vote is spurious because this institution votes in legislation where the average word count and number of Council amendments are more

than double the respective averages, in the subset of cases used for this regression.¹¹

In effect, McCubbins and Page's propositions are confirmed if we look at the subset of cases where the Treaty provides for a parliamentary opinion or vote. Table 3 shows the coefficients of the binomial regressions for the management and regulatory committees. Here, the number of rejected parliamentary amendments substitutes, as a measure of conflict, Council amendments. While the procedural variable is a dummy taking 1 for unanimity and 0 for qualified majority.¹²

<TABLE 3 APPROX. HERE>

Models perform relatively well also in this test. The log-likelihood and the goodness-of-fit ratios show significant improvement of the model fit. Further, almost 80 and more than 90 percent of the cases are correctly predicted.

At least for the management committee, unanimity still remains a relevant determinant of control. *Ceteris paribus*, it increases the chance of the establishment of a management committee, compared to qualified majority, by more than 45 percent. The variable measuring conflict between the Parliament and the other Union institutions performs well, especially in case of the regulatory committee. *Ceteris paribus*, an increase of two rejected parliamentary amendments increases by 2 percent the probability of management control and by 14 percent the probability of regulatory control. An increase across the whole range of values that this variable takes (i.e. from zero to 20) augments by 77 and 85 percent the chance of management and regulatory control, respectively.

To conclude, McCubbins and Page's proposition on the impact of conflict on control is confirmed. Any type of operationalization we have used (procedural, Council and Parliament amendments) substantially increases the chance of some sort of ex-post procedural control in the majority of models studied. Also uncertainty has a relevant impact on control, although somewhat less convincingly. As a matter of fact, if we substitute uncertainty for Parliament conflict in Table 3, this variable is statistically relevant only for the management committee. Thus, the constraining function of comitology is at least as important as the informational one.

So far we used the cases where there is no control as the baseline category and formulated statements in comparison with this category. We cannot say, for instance, that an increase of conflict and uncertainty leads to an increase in the stringency of control. However, since the dependent variable can be operationalized as an ordinal index it is possible to test whether there is a monotonically positive relation between control stringency on the one side and conflict and uncertainty on the other.

Stringency of ex-post control: operationalization

An index of stringency of implementation control has been created according to two criteria of diminishing importance: 1) rank of political actors exercising

control and 2) decision rule for referral to the Council. First, the higher rank the political actor exercising control the more constrained the Commission. An implementation measure that has to be approved by the Council without the intercession of a committee of national experts becomes politically more visible. It is more likely to be put under scrutiny by the actors involved and consequently the Commission is more careful in exercising its delegated powers. In a sense, I assume that visibility decreases the Commission's autonomy in implementation. It is for this reason that I assign to the advisory committee procedure a higher value than in case of no control and to the safeguard committee procedure the highest value. For the latter case, this can also be justified by the different nature of the game. The traditional gatekeeping role played by the national experts is absent in safeguard procedures. Steunenberg (1996) has shown that the discretion enjoyed by the agent is largest when a gatekeeper is involved in the game as opposed to when only veto players are present.

The second criterion to generate the stringency index is the decision rule used in the committee to refer the measure to the Council (see second column in Table 1). The more demanding this rule, the less likely a measure is referred to the Council, and the less likely it becomes visible and is put under strict scrutiny by ministers. For this reason, control by the management committee is less stringent than control by the regulatory committee because in the former a qualified majority is needed for referral to the Council while, in the latter, a blocking minority suffices. Similarly, there is no possibility of referral in the advisory committee, so very limited ex-post control is granted to other actors. The advisory committee procedure is the least strict.

Following these criteria, the index takes the value of one if a legislative act contains no implementation procedures, two if there is an advisory committee procedure, three, four and five for the management, regulatory and safeguard procedures respectively. The degree of autonomy enjoyed by the Commission is inversely related to this index.

Methodology and results

As suggested by Agresti (1990), I have employed a cumulative logit model that uses ordered dependent variables (control stringency) and forms logits of cumulative probabilities (see Appendix for more details). Table 4 illustrates the results for the three models including a) conflict with the Council, b) uncertainty and c) conflict with the Parliament (in the subset of cases where there is a parliamentary vote or opinion). As above, the models have been separated for problems of collinearity. The coefficients determine the cumulative probability of increasing stringency of ex-post control in the $J - 1$ categories of the index (J is number of ordered categories).

< TABLE 4 APPROX. HERE >

The models perform well in terms of goodness-of-fit, likelihood ratio and percentage of cases correctly predicted (between 84 and 90 percent). Only the

last step of the models, which measure the cumulative probability of safeguard control over the other types of control procedure, does not significantly improve the model fit. This is due to the limited number of cases in the sample and to the fact that safeguard procedures are predominantly used in specific circumstances, such as market disruptions and health and safety risks, that may make them independent from conflict and uncertainty. Step 1 of the models predicts the formation of any control committee, disregarding the kind of control. I will interpret this step conjointly with the others because there is not much difference. The most important discrepancy between these models and the previous ones is that unanimity loses a certain degree of statistical significance for the benefit of conflict and uncertainty, which are significant at 1 percent confidence level in almost all steps of the model. Substantively, unanimity still tends to increase, *ceteris paribus*, by more than 40 percent the chance of increasing control but this is limited to lower degrees of control stringency. At step 3 of the model, this value is insignificant.

Conflict, as Council amendments, and uncertainty perform statistically and substantively better than in Table 2, especially for medium to low variations. *Ceteris paribus*, an increase of two Council amendments increases by more than 7 percent (more than 4 in step 3) and an increase of five hundred words augments by 8 percent (more than 6 in step 3) the chance of more confining control. Two rejected parliamentary amendments lead to an almost 15 percent increased probability of stricter control (more than 6 in step 3). Given the Parliament's aversion to very restrictive procedures, the lower significance of the coefficient at step 3 can be a sign that the acceptance of parliamentary amendments is traded for stricter control.

A way to interpret these results more generally could be as follows. Unanimity increases the chance of some sort of procedural control. Thus, it more likely determines *whether* there will be control. Conflict and uncertainty are more important determinants of *how much* control there should be, since they show a clearer monotonically positive relation with stringency of control. Taken separately, McCubbins and Page's hypotheses are confirmed. The likelihood that a restrictive committee is preferred to a permissive one increases as either uncertainty or conflict among Union legislators deepens. To the extent that unanimity measures conflict, the stringency of ex-post control is positively correlated to conflict *and* uncertainty. Again, this conclusion reinforces the control function of comitology vis-à-vis the mere informational one.

Conclusion

This article partially confirms the thesis that comitology committees are established to reduce the uncertainty facing Union legislators. They provide information with the production of detailed rules and the coordination of equilibrium selection. They essentially perform an efficiency-enhancing role by reducing the many information asymmetries that legislators encounter when drafting legislation.

However, in some cases this seems to be a prevailing view. In its report on the comitology system, the Institut für Europäische Politik observes that 'Commission officials generally do not think that their committee significantly reduced the Commission's freedom, and even less that it has been set up to assure the member states' control' (quoted from Majone, 1996: 73). Joerges and Neyer add that 'the agenda of committees is dominated by the Commission. Its room for maneuver is by no means substantially constrained by the shadow of majority voting which the Council included in its legislative acts' (Joerges and Neyer, 1997a: 279). If committees are operationally innocuous, why is it that more conflictual policy issues are invariably linked to their establishment? Although we cannot incorporate in the same model conflict based on amendments and uncertainty, to the extent that unanimity measures conflict we have certainly to reject the hypothesis that they perform only an informational role. Moreover, conflict seems to have a clearer impact than uncertainty on the likelihood of establishing some sort of procedural control. Thus, these committees are also established to structurally induce specific policy outcomes and, as a result, to constrain the Commission's executive discretion. The few referrals are probably a sign of the Commission's ability to anticipate the Member States' preferences. Further, the preferment of the Union institutions towards these procedures is not only the result of the general inter-institutional balance, but also of the substantive issue-specific conflict among legislators.

These results have other two broader implications. First, the general factors that affect the control of bureaucrats by legislators do not differ across political systems. The conflict of interest between the Council and the Commission (i.e. Council amendments) increases the likelihood of establishing ex-post control procedures in the Union. Similarly, Epstein and O'Halloran (1996; see also Lohmann and O'Halloran, 1994) show how the US Congress increases administrative control of the executive branch during times of divided government. An interesting area of future research is to study how the institutional framework of the Union affects the choice of instruments for controlling the bureaucracy (e.g. ex-ante statutory control vs. ex-post oversight, see Bawn, 1997; Franchino, forthcoming; Huber et al., 1998) and the trade-off between political control and informational gains of delegation (Bawn, 1995).

Second, for European integration scholars, this study suggests that, if the Member States are disadvantaged by informational asymmetries or bureaucratic shirking, they show significant inventiveness in devising institutions that provide information and control the Commission. Although this article does not address the effectiveness of these committees, states seem well equipped to deal with uncertainty and unforeseen circumstances and exercise a considerable amount of control on the execution of Union policies, that is if national representatives are perfect agents of their governments.

Appendix

Population characteristics and sampling strategy

The population includes all non-amending secondary legislation adopted between July 1987 and September 1998 and with a Treaty base (1372 regulations and directives). Those acts that are based on a prior directive or regulation are not included because it is unclear whether they are amending. Directives and regulations amending decisions, protocols and conventions have been included if they have a Treaty base. I have disregarded decisions because of their administrative and addressee-related nature, and opinions and recommendations because they are not legally binding. The CELEX database and the Official Journal have been the main sources used. Unfortunately, both are slightly deficient. CELEX has some regulations whose reference cannot be found in the Official Journal. Given the legal requirements of publication, this seems to be a flaw of the database. Conversely, there is not a requirement of publication of directives in the Official Journal, which is then incomplete in this respect.

The population shows highly skewed frequency distributions across two key variables of policy area and legislative procedure. A simple random sample could easily under-represent a policy area or a legislative procedure. In order to decrease such sampling error without increasing the sample size, I have instead drawn a stratified random sample of 100 cases. The sample includes 1 case with the advisory procedure, 7 with management, 18 with regulatory and 3 with safeguard (a Z-test rejects the hypothesis of a significant difference between sample and population proportions). Each stratum is characterized by a different Treaty base and legislative procedure to ensure internal homogeneity and external heterogeneity. The sample size of each stratum is proportional to the stratum population. This procedure is termed stratified random sampling with proportional allocation or constant sampling fraction. In this way, first and second order probabilities of inclusion of a case in a stratum equal simple random sampling probabilities and variance and total formulae are similar. There is no need to modify values of observations (Frosini et al., 1994: 87-8). Although only simple random sampling generates samples with independently and identically distributed cases, this proportionate stratified sampling improves representation without complicating too much the analysis (Frosini et al., 1994: 41-5). Contact the author for further details.

The cumulative logit model

The cumulative logit model is a special case of the multinomial logit model. It has been used because stringency of control is an ordinal variable. The model allows us to incorporate the ordering of this variable in the construction of the logits, which are formed by cumulative probabilities. From Agresti (1990: 321), the cumulative logits are defined as

$$L_j = \log \left(\frac{\pi_1(\mathbf{x}) + \dots + \pi_j(\mathbf{x})}{\pi_{j+1}(\mathbf{x}) + \dots + \pi_J(\mathbf{x})} \right) \quad \text{for } j = 1, \dots, J-1,$$

where J is the number of categories of the ordinal variable (5 in our case) and π_j is the probability at value \mathbf{x} of the independent variables that a case is from the j th category. Logits of conditional probabilities are generated computing $J-1$ ordinary binomial regressions, recoding cases for increasing values of the ordinal index. The likelihood-ratio and goodness-of-fit of the model has been computed by summing up the ratios of each binomial regression. This separate fitting of the model can be less efficient than simultaneous fitting, however Begg and Gray (1984) observe that inefficiency is reduced if there is a natural baseline category or if the number of cases in such category is large. The cumulative logit starts with no control as the baseline category, which fits both conditions. Thus the inefficiency of the estimators is limited.

Notes

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¹ Although the focus of the article is the European Community pillar, I consistently use the term European Union. However, I retain the reference to its law as EC law.

² The Court will dismiss a Commissioner only if he or she no longer fulfills the conditions required for holding the post and in case of serious misconduct (art. 216 [ex 160] EC). The Parliament has to approve a motion to censure the whole Commission (art. 201 [ex 144] EC). The collective resignation of Commissioners in March 1999 shows that 1) the Council is unlikely to use article 216 to refer Commissioners to the Court for misconduct, 2) the threat of parliamentary censure is credible only if the Commission (mis)behaves in such a way that the cost of lost credibility exceeds other costs for the Parliament and 3) the procedure has a very limited scope, it is similar to the presidential impeachment in the US Congress rather than to a parliamentary vote of no confidence or, even less, to the *konstruktives Mißtrauensvotum* of the German Bundestag.

³ The part of the legislative act, which is counted for the number of words, covers the text from the first article to the name of the President of the Council of Ministers included. Annexes, tables and recitals are excluded.

⁴ The number of adopted amendments has been computed by comparing the final act published in the Official Journal with the Commission's initial or, if it is the case, revised proposal. Parliamentary amendments that have been adopted by the Council have not been included; the role of the Parliament will be discussed in more details below. Council amendments that have been adopted in revised proposals have been included. Amendments can be classified into four categories: 1) spelling or grammar, 2) substantive, 3) related to policy-making functions, and 4) related to procedural requirements. Substantive amendments concern the change of technical details such as the number of tons in a tariff quota or the selection criteria for the structural funds. The third type of amendments concerns the delegation of policy-making functions to the Commission (e.g. provision of information or regulation), while the last is about the establishment of, for example, control procedures. I have disregarded the first type of amendments to compute this variable. As for the other types, they are qualitatively different but relevant to measure conflict.

⁵ The Parliament might want control if a rejected substantive amendment gives too much discretion to the Commission but a rejected control amendment is certainly a sign that the Parliament want less control. However, this is less of a problem in our sample since only 1 percent of the rejected parliamentary amendments is about control procedures.

⁶ Pearson's correlation coefficient between uncertainty and Council amendments is 0.67 (significant at 5 percent). It drops to 0.45, but it is still significant, if we eliminate five extreme cases. A similar result applies to the other models below. Conversely, plots and casewise listing of residuals have shown no evidence of heteroscedaticity.

⁷ I have computed the Goodness-of-Fit Hosmer-Lemeshow statistic and the results are similar. Contact the author for the log-likelihood ratios of the model fit with only the constant term for all the models in the article.

⁸ These are estimated probabilities using as baseline no control, that is they reflect the odds as the ratio of probability of the existence of the specific type of committee control to the probability that there will be no control. Moving from zero to 16, the odds are 61 for management, 665 for regulatory and 290 for safeguard.

⁹ With an increase of two thousand words, the odds are 11 for management, 81 for regulatory and 330 for safeguard.

¹⁰ This result is confirmed also if we use a dichotomous variable for qualified majority and unanimity, leaving aside the role of the Parliament. For the management committee, the coefficients for unanimity are 2.9491 and 3.0428 for models 1 and 2 respectively. Both are significant at 5 percent level.

¹¹ The correlation coefficients between Parliament and conflict and between Parliament and uncertainty are 0.35 and 0.30, both significant at 1 percent. To confirm this spurious relation, Dogan (1997) observes that 50 percent of all legislation enacted under co-operation and co-decision have committee control but the Parliament still objects to it. Same considerations apply for the analysis of the models in Table 4.

¹² The dummy variable for parliamentary vote has been left out since it is collinear with the amendment variable. The number of rejected amendments in the selected subset of cases increases by 35 percent when the Parliament has to vote compare to when it only has to give an opinion. As Scully (1997) suggests, parliamentary activism is linked to the probability of influencing final outcomes. Note however that the parliamentary vote variable is never significant even in regressions where it is the only independent variable, while the rejected amendment variable is.

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Table 1. Dimensions of Council control in the comitology procedures

<i>Dimensions Procedures</i>	<i>Referral rule</i>	<i>Timing of control</i>	<i>Default condition</i>
<i>Advisory</i>	No referral, committee opinion only	Before Commission's measure †	Commission's measure †
<i>Management variant a</i>	Qualified majority	After Commission's measure †	Commission's measure
<i>Management variant b</i>		Before Commission's measure	
<i>Regulatory variant a</i>	Blocking minority	Before Commission's measure	Commission's measure
<i>Regulatory variant b</i>			Commission's measure, status quo ante if approved by simple majority
<i>Safeguard variant a</i>	No committee, always referral	Before Commission's measure °	Commission's measure
<i>Safeguard variant b</i>			Status quo ante

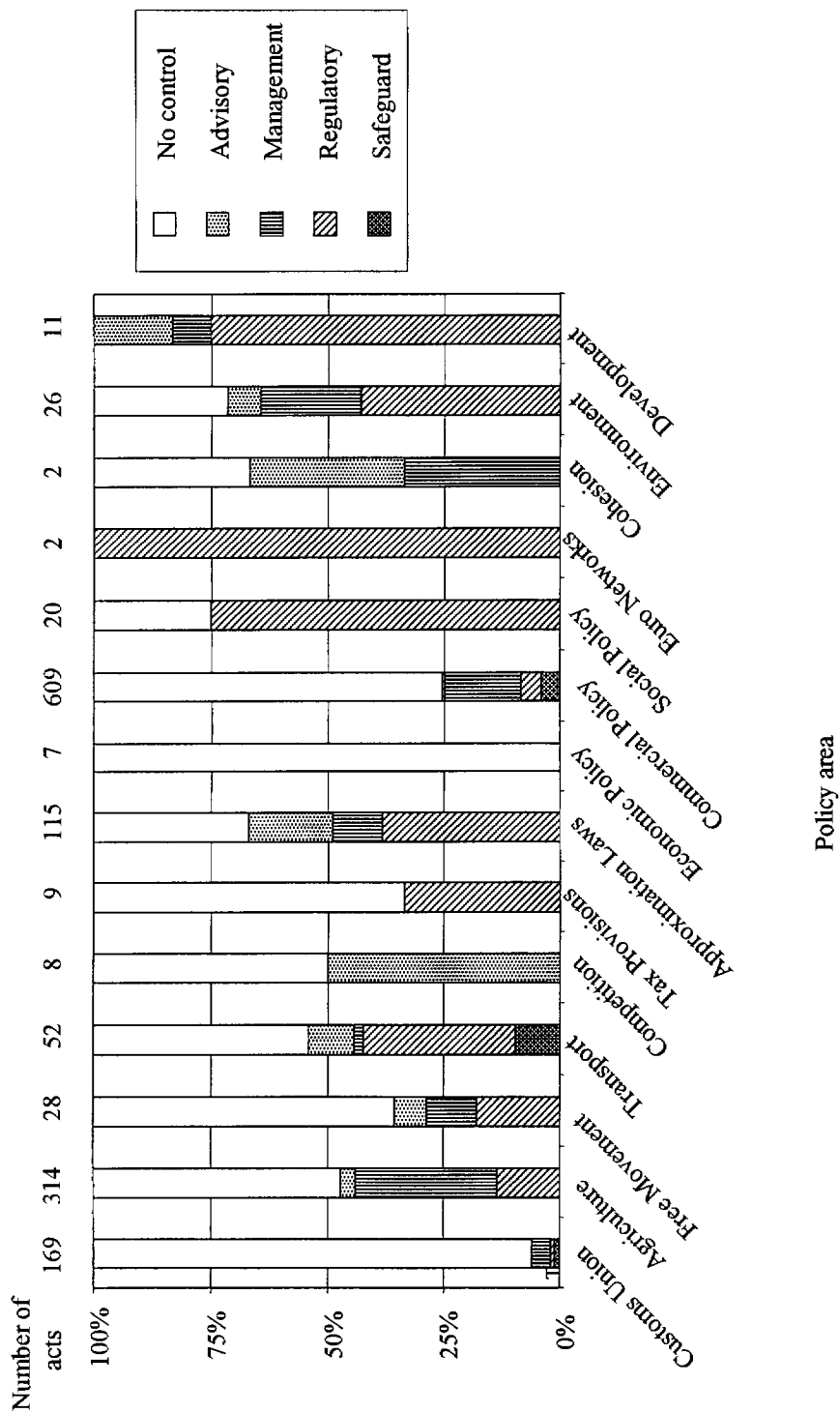
Notes: The decision rule in the Council to adopt Commission's measures is qualified majority.

† Timing of committee control and default in case of committee inaction

‡ The Commission may defer the application of a measure until the Council decides.

° For safeguard variant a, secondary legislation may specify control to take place after adoption

Figure 1. Incidence of comitology procedures in non-amending legislation, 1987-98



Notes: The total number of acts is 1372. Less than 3 percent (i.e. 41 acts) has two types of procedural control.

Both have been accounted for, so this figure slightly overestimates the incidence of control.

Source: CELEX database and Official Journal of the European Communities.

Table 2. Binomial logistic regressions for the comitology procedures and for the two hypotheses

Variables	Advisory		Management		Regulatory		Safeguard	
	Model 1	Model 2	Model 1	Model 2	Model 1	Model 2	Model 1	Model 2
Constant	-4.5196	-4.4456	-3.3018	-3.4850	-3.2814	-3.6423	-3.8209	-4.6373
Legislative procedure								
Unanimity	-5.2997 (-0.09)	-4.3037 (-0.07)	3.1572 ^b (2.32)	3.2458 ^b (2.35)	2.0530 (1.50)	2.5105 ^c (1.87)	-6.4447 (-0.06)	-6.7317 (-0.07)
Parliament	-†	-†	1.7192 (1.25)	1.7084 (1.25)	2.8988 ^a (2.98)	3.2239 ^a (3.34)	-6.9879 (0.10)	-7.8351 (-0.12)
Conflict	0.5389 (0.70)	-	0.2566 ^b (2.11)	-	0.4062 ^a (3.48)	-	0.3543 ^b (2.32)	-
Uncertainty	-	0.0007 (0.21)	-	0.0012 ^c (2.00)	-	0.0022 ^a (3.14)	-	0.0029 ^c (1.93)
Number of cases:	72	72	78	78	89	89	74	74
Degrees of freedom	69	69	75	75	86	86	71	71
Log-likelihood ratio	10.27	10.32	34.26	34.88	44.56	47.18	20.01	21.18
Goodness-of-fit	54.56	64.45	72.62	82.28	91.71	98.06	71.51	73.66
% Correctly predicted	98.51	98.51	93.53	93.59	92.13	92.13	97.30	95.95

Notes:

t-ratios in brackets

^a $p \leq 0.01$, two-tailed test

^b $p \leq 0.05$, two-tailed test

^c $p \leq 0.10$, two-tailed test

† There are no cases in the sample where the Parliament is involved

‡ This value sums up the number of cases without control and of those with the relevant control procedure (see Appendix)

Table 3. Binomial logistic regressions with parliamentary conflict for the management and regulatory procedures

Variables	Management	Regulatory
Constant	-3.3622	-1.7500
Legislative procedure Unanimity	3.3757 ^b (2.02)	1.6290 (1.12)
Conflict with Parliament	0.2393 ^c (1.86)	0.4113 ^a (2.69)
Number of cases	27	38
Degrees of freedom	24	35
Log-likelihood ratio	12.69	35.34
Goodness-of-fit	32.65	39.16
% Correctly predicted	92.59	78.95

Notes:

Subset of 44 cases where parliamentary opinion or vote is requested (6 with management, 17 with regulatory control)

t-ratios in brackets

^a p ≤ 0.01, two-tailed test

^b p ≤ 0.05, two-tailed test

^c p ≤ 0.10, two-tailed test

Table 4. Cumulative logit model of ex-post control stringency

Variables	Increasing stringency of ex post control [†]				
	(1)	(2)	(3)	(4)	
<i>Model a</i>					
Constant	-2.2048	-2.3392	-2.7920	-3.7132	
Legislative procedure					
Unanimity	2.2512 ^c (1.87)	2.3481 ^c (1.95)	1.1600 (1.18)	-7.4547 (-0.11)	Number of cases 100
Parliament	2.3866 ^a (2.68)	2.4891 ^a (2.78)	2.5090 ^a (2.09)	-7.2683 (-0.15)	Degrees of freedom 388
Conflict	0.3315 ^a (3.47)	0.3407 ^a (3.54)	0.3030 ^a (3.67)	0.1596 (1.49)	Log-likelihood ratio 237.72
					Goodness-of-fit 372.51
					% Correctly predicted 90.25
<i>Model b</i>					
Constant	-2.4580	-2.5940	-2.7998	-3.5785	
Legislative procedure					
Unanimity	2.5552 ^b (2.13)	2.6517 ^b (2.20)	1.3203 (1.33)	-7.3407 (-0.11)	Number of cases 100
Parliament	2.5758 ^a (2.94)	2.6733 ^a (3.04)	2.6301 ^a (3.31)	-7.1879 (-0.15)	Degrees of freedom 388
Uncertainty	0.0017 ^a (2.83)	0.0017 ^a (2.83)	0.0013 ^a (3.25)	0.0005 (0.71)	Log-likelihood ratio 253.63
					Goodness-of-fit 378.33
					% Correctly predicted 89.25
<i>Model c</i>					
Constant	-1.3247	-1.5319	-1.2228	-3.8621	
Legislative procedure					
Unanimity	1.9558 (1.53)	2.1459 ^e (1.66)	0.2441 (0.24)	-6.7763 (-0.10)	Number of cases 44
Conflict with Parliament	0.3709 ^a (2.58)	0.3947 ^a (2.68)	0.1687 ^b (2.19)	0.0629 (0.38)	Degrees of freedom 164
					Log-likelihood ratio 145.67
					Goodness-of-fit 171.02
					% Correctly predicted 83.52

Notes:

t-ratios in brackets

^a p ≤ 0.01, two-tailed test

^b p ≤ 0.05, two-tailed test

^c p ≤ 0.10, two-tailed test

[†] Single digits in brackets stand for the J-1 cumulative logits measuring increasing stringency (see Appendix)

[‡] Subset of cases where parliamentary opinion or vote is requested