

**Legislative Policymaking in Parliamentary Systems:
Opportunities, Conflict and Institutional Constraints¹**

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Abstract

Scholars have recently started to pay more attention to the role of legislatures in managing the risk of ministerial drift in parliamentary governments. In this article, we present and empirically test the implications of a simple model of parliamentary involvement in policymaking. Our model shows that involvement depends on the interaction between, on the one hand, the preference divergence between the responsible minister and its coalition partner(s) and, on the other hand, 1) the formal scope for policy drift and 2) the institutional arrangements at the disposal of the executive for influencing legislative proceedings. These expectations are tested using original data on legislative involvement in the transposition of 821 directives into national law in fifteen European Union member states. We find strong support for our predictions. The risk of ministerial drift and the formal scope for policy drift powerfully interact to increase the likelihood of parliamentary involvement, but the extent of government's control of the legislative agenda, its advantage in scheduling amendments and the ease with which it can pass a motion of confidence dampen the likelihood of parliamentary activism at given levels of conflict.

Introduction

The study of the role of legislatures in parliamentary policymaking is experiencing a revival. The most defining feature of parliamentary systems has always been the fact that the government is answerable to an elected assembly. Indeed, in classical liberal political thought, the government is actually seen as a mere executor of the laws and policies decided by the legislature and, following the early British and Swedish examples, democratic development hinged upon the strengthening of parliamentary powers.

However, once democracy has consolidated, scholars observed, and some lamented, the dominance of the executives in parliamentary governments. Bryce's (1921) disapproval of the decline of legislatures in modern democracies may have been obfuscated by an improbably idyllic image of a golden age, but the growing complexity of modern societies, the expansion of public policies with their administrative apparatus and the development of modern mass media and disciplined party organizations have indeed shifted the focus of scholarly attention over the last four decades to the cabinet government (Newton and Van Deth, 2005: 102-6). In Europe, regional integration appears to have further eroded the lawmaking powers of national parliaments by transferring policy competences to the supranational arena where national executives enjoy extensive prerogatives (e.g. Goetz and Hix, 2000).

Notwithstanding the considerable progress in the comparative study of legislative organization in the past decades, Laver (2006:122) resolutely asserts in a recent review that 'the most important political job for the "legislature" in a parliamentary government is ... not legislating at all, but making and breaking governments'. Indeed, most of the advanced theoretical and empirical work has centered on the formation and dissolution of governments, the allocation of cabinet portfolios and cabinet duration (see, for instance, the reviews of Diermeier, 2006; Gallagher, et al., 2006; Gamm and Huber, 2002; Laver and Schonfield, 1998).

More recently, attention has shifted to the mechanisms maintaining a parliamentary government. The problem has been framed in conventional principal-agent terms. In a chain of delegation, members of the legislature confer political authority to the prime minister who, at least formally, distributes portfolio responsibilities among cabinet members (Strøm, 2000). The formation of parliamentary governments therefore involves the delegation of considerable discretion to ministers who are in charge of administering existing policies and drafting new legislation within their jurisdiction (Gallagher, et al., 2006: 43; Laver and Shepsle, 1996,1994). During the life of government, ministers may adopt measures and draft new initiatives to shift the policy towards their preferred direction, but this could be detrimental to colleagues and other political actors. This risk is exacerbated in coalition governments where intra-cabinet conflict is likely to be higher than in single-party governments. Government maintenance therefore relies on a set of conflict management institutions. For instance, coalition policy documents are used to set the likely boundaries of future conflicts (Mitchell, 1999: 274). At the cabinet level, junior ministers are employed to shadow ministers belonging to other coalition parties (Thies, 2001) and the doctrines of individual ministerial and collective cabinet responsibility facilitate the management of crises and disaccord within the cabinet (Gallagher, et al., 2006: 40-3; Rhodes, 2006).

The renewed attention to the role of legislatures in parliamentary policymaking rests on the centrality of *legislative* institutions in managing agency problems. Martin and Vanberg (2005) have recently modeled coalition policymaking as a process whereby a party decides whether to accept or amend (at a cost) a policy proposal made by a minister belonging to coalition partner. In making such a proposal, the minister will take into consideration the compromise policy that will emerge if

the proposal is challenged, the opportunity costs of drafting the proposal and the opportunity cost for the coalition partner for challenging it. The model's core expectation is that the coalition party will rely more heavily on legislative scrutiny the greater the risk of ministerial drift. In the empirical application of the model, Martin and Vanberg investigate the incidence of legislative amendments to 366 ministerial drafts introduced before the Dutch and German lower chambers between 1982 and 1994 and show that the (weighted) policy issue distance between the party controlling the ministry responsible for drafting the bill and the coalition partner party significantly increases the number of article changes made to the bill. In related works (Martin, 2004; Martin and Vanberg, 2004), they also demonstrate that government issue divisiveness lengthens the legislative process and delay the introduction of bills to the legislature. In essence, legislative review is a key resource for monitoring ministerial drift and maintaining government.

Our contribution to this literature is manifold. First, we will empirically test the core expectation of Martin and Vanberg's model on fifteen European parliamentary democracies. More interestingly, broadening the geographical coverage will allow us to examine how institutions *within* parliaments interact with the risk of ministerial drift in affecting legislative review.² We will show that, at high levels of conflict between a minister responsible for implementing a policy and her coalition partners, the likelihood of parliamentary involvement *decreases* the greater the governmental control of the legislative agenda, the stronger the prerogatives enjoyed by the executive in offering amendments towards the end of the legislative process and the easier it is to invoke and carry motions of confidence. Our point of departure is the fact that member states of the European Union (E.U.) have to implement the legislative measures that are adopted at the E.U. level. Some of these measures, the regulations, are directly applicable, while others, the directives, allow member states the choice of form and methods of national implementation, as long as the policy objectives are achieved. A directive can therefore be transposed using only executive measures in a member state, while it may involve the parliament in another state. We contend that parliamentary involvement in the transposition of E.U. directives is an indicator of legislative review and that it varies systematically as a function of the risk of ministerial drift and of the parliamentary institutions regulating the legislative process and legislative-executive relations.

Large-N studies of comparative legislative-executive politics are relatively rare because of the difficulty to control for a wide range of potentially disturbing factors. The use of E.U. directives is particularly appealing because these measures set the broad policy boundaries that are common to all member countries. Additionally, it allows us to test a supplementary hypothesis concerning the circumstances favoring legislative involvement. Directives vary in terms of the implementing discretion they grant to national administrations. Some are highly prescriptive and limit tightly the room of maneuver for national implementation, other measures confer considerable latitude. Highly prescriptive directives offer fewer opportunities to the minister responsible for national implementation for shifting the policy towards her preferred direction and weaker incentives for coalition partners to intervene in the transposition process.³ Ministers have instead more leeway

² We are aware of only the work of Döring (1995a; 1995b) that examines the impact of parliamentary institutions on legislative activity across several European countries. Döring shows that the greater control the government exercises on the legislative proceedings the lower the legislative output. This result holds for several controlling factors (Döring, 1995b), but the interaction between agenda control and ministerial drift is not investigated. Döring also speculates that only the most conflictual proposals are likely to go through parliament.

³ This is not to say that the minister may be tempted to comply only partially with the obligations set in E.U. law, at the risk of facing an infringement procedure and, eventually, a judgment of failure to comply of the European Court of

when they have to transpose measures that leave ample room of maneuver for national implementation. If the minister holds extreme views, this freedom to act cannot be seen favorably by coalition parties, which would prefer to rely on the legislative process to review the policy. In this article, we will provide empirical support for the proposition according to which, at high levels of risk of ministerial drift, the likelihood of parliamentary involvement *increases* the greater the implementing discretion granted to member states in the relevant directive.

We will proceed as follows. In the next section, we develop a simple model of policymaking in a European parliamentary system that has to comply with an E.U. directive and we derive two key expectations. Next, we illustrate the data we have collected and the operationalization of the dependent and independent variables. The last section presents the result of our analysis.

A Model of Policymaking in European Parliamentary Systems

Behind any process of modeling there is a trade-off between accuracy and tractability which requires a well-thought choice between those details that are included and those that are abstracted away. Our model incorporates the following core features: 1) E.U. directives are addressed to member states which have to adopt national measures to achieve their policy objectives within a time limit, 2) directives allow member states the choice of form and methods of implementation and grant different degrees of discretion to comply with their provisions (Franchino, 2004,2007), 3) cabinet ministers are in charged of overseeing this process of transposition (Dimitrova and Steunenberg, 2000; Keading, 2007; Mastenbroek, 2003), hence, as Gallagher, Laver and Mair (2006: 43) put it, they enjoy ‘a near monopoly on policy initiation’ in their area of departmental jurisdiction⁴, 4) lastly, executive-legislative relations in parliamentary systems must be seen through the lenses of the key actors, political parties.

In its most stylized form, transposition should therefore be modeled as a process whereby a partisan cabinet minister confronts a directive setting policy objectives with some discretionary boundaries and makes a policy proposal to a parliamentary support coalition for the government.⁵ Consider therefore a coalition of two parties. The moves of this game are illustrated in Figure 1. The E.U. measure $s(e,d)$ that needs national transposition is characterized by a specific policy content e , a point on the real line \mathfrak{R} , and by a degree of implementing discretion d granted by the E.U. legislators to national authorities, where $d \geq 0$. Without loss of generality, we assume that $e = 0$.

[FIGURE 1 HERE]

The directive falls under the jurisdiction of minister M, belonging to one coalition party, which, therefore, sets the agenda by proposing a transposition route, characterized by an indicator variable $T \in \{E,L\}$ that takes the letter E if the executive is solely involved in the implementation of the directive and L if also the legislature takes parts in the process. Its coalition partner P chooses either to accept M’s proposal or to propose the alternative route. Since, as it will be shown shortly, the

Justice and a penalty payment. However, the more detailed the legislation, the easier would be to build a case of non-compliance and the higher the likelihood of facing a negative Court ruling.

⁴ As Mastenbroek (2003) notes, the implementation of some directives require coordination across departments. Since our interest is on executive-legislative relations we will leave inter-departmental coordination to further research.

⁵ On government coalition and parliamentary support coalition see Laver (2006:128). Some features of this model are common in the literature (see, for instance, Baron, 1998; Heller, 2001b; Huber, 1996b; Martin and Vanberg, 2005; Tsebelis, 2002: 82-4, 91-105).

minister always prefers the executive to the legislative path, this means that the coalition partner has the power to revert the implementation from the executive to the legislative route, but it does so at a cost $c > 0$. The latter implementation path is costly as the party has to commit its own resources to the transposition process instead of delegating it to the executive. Along the lines suggested by Martin and Vanberg (2005:95) and Strøm (2000: 272), c captures resource and opportunity costs incurred in challenging the ministerial proposal in the legislature.

The minister's party and its coalition partner have single-peaked preferences represented by ideal points m and p on the real line \mathfrak{R} . Each player's utility from the final policy outcome x is the linear loss function, respectively $U(x) = -|x - i|$ for $i = m, p$. For simplicity, we assume $p \geq 0$, since results are symmetric for negative values.

At the implementation stage, the actor(s) in charge of transposition set(s) the national implementing measure(s) n^j subject to $|x - e| = |x| \leq d$ where $j = M, P$. The final policy outcome x cannot exceed the discretionary boundary established in the E.U. law.

If the executive route E is chosen, $T^* = E$, the minister is solely responsible for transposition. Her measure coincides with the final outcome, that is $n^M \equiv x$. These outcomes are as follows: $x = m$ if $|m| \leq d$, $x = d$ if $m > d$ and $x = -d$ if $m < -d$. If the coalition partner objects to the ministerial draft and transposition follows the legislative route L, the outcome is weighted on the optimum national transposition measures of M and P, that is $x = an^M + (1 - a)n^P$ where n^M takes the same values of those of the executive route, while $n^P = p$ if $p \leq d$, $x = d$ otherwise. In other words, following Martin and Vanberg (2005:95), the outcome of the legislative route is a 'coalition compromise' located in the Pareto set, which is defined by $[n^M, n^P]$. The exact location of this compromise is determined by a which is bounded between zero and one and measures the degree of governmental control of parliamentary proceedings. If $a = 1$, the government has complete control and the outcomes are those most preferred by the minister. As a diminishes, the minister gradually loses her ability to manipulate parliamentary proceedings, at $a = 0.5$ the two parties are equally influential in determining the coalition compromise. Finally, since we have assumed that the legislative route imposes resource and bargaining costs c on the coalition, the players' utility function takes the following formulation in this circumstance: $U^L(x) = -|x - p| - c$.

The coalition party P objects to the executive route if and only if the utility from the outcome of the legislative route exceeds that from the executive route, that is iff $U_P^L(x) > U_P^E(x)$. Table 1 illustrates the utility of this party under different preference configurations and implementation paths and the conditions under which it will prefer the legislative route.

[TABLE 1 HERE]

The minister will propose the transposition route T that maximizes its utility, given the policy outcomes x and the likelihood of an objection by party P. The minister prefers the executive to the legislative path since $U_M^E = -|x - m| \geq U_M^L = -|x - p| - c$ under all possible preference configurations. She is indifferent between the two paths only if there are no bargaining costs in the legislature ($c = 0$) and if she fully controls legislative proceedings ($a = 1$). The minister's subgame-perfect strategy consists of proposing the legislative route when the coalition partner objects to the executive route. In other words, we have the following proposition.

Proposition: The implementation of the E.U. directive involves the legislature, that is $T^* = L$, when $|m| < d$

$$\begin{aligned} &\text{if } p < d \text{ and } (1 - a) |m - p| > c \\ &\text{if } p > d \text{ and } (1 - a) (d - m) > c \end{aligned}$$

when $m > d$

$$\text{if } p < d \text{ and } (1 - a) (d - p) > c$$

when $m < -d$

$$\text{if } p < d \text{ and } (1 - a) (d + p) > c$$

$$\text{if } p > d \text{ and } 2d (1 - a) > c$$

Otherwise, transposition will follow the executive route, that is $T^* = E$.

[FIGURE 2 HERE]

Figure 2 provides an illustration of this proposition. There are three important considerations to derive.⁶ Firstly, legislative involvement is more likely as discretion increases. Formally, the conditions of this proposition are more likely to be satisfied as d increases because its value is more

likely to exceed one of the four thresholds $[m + \frac{c}{1-a}, \frac{c}{1-a} \pm p, \frac{c}{2(1-a)}]$. In Figure 2, it is possible

to imagine how the executive route area shrinks as discretion increases. In other words, enough latitude should be granted to member states in the relevant E.U. law for the coalition party P to be interested in being involved in implementation and shaping the final policy outcome. Greater discretion not only gives this party a greater chance of obtaining its ideal policy, but it also increases the risk of a distributive loss caused by the sole implementation of a biased minister, belonging to the other coalition party. Party P would therefore prefer to be involved.

Secondly, legislative involvement is more likely as conflict between the two coalition parties increases. Formally, this conflict is gauged by $|m - p|$ in the proposition and, as it increases, it is

likely to exceed the threshold $\frac{c}{1-a}$. It is intuitive to understand that, as conflict increases, the

minister becomes more biased and the distributive loss for its coalition partner increases. The latter would therefore be more inclined to opt for the legislative route to limit ministerial drift. In Figure 2, as we move away from the dotted line representing the identity of party preferences, legislative involvement is more likely.

Notice that discretion and conflict interact. A precondition for conflict to affect the choice of route is that the level of discretion is greater than zero. At the extreme case of $d = 0$, a directive is transposed using only the executive route, regardless of the level of conflict within the government. As d increases, the conflict term $|m - p|$ in the proposition is more likely to come into play because the two conditions, $|m| < d$ and $p < d$, are more likely to be fulfilled. More intuitively, directives allowing national authorities greater room of maneuver for implementation offer greater opportunities for national actors to shape the final policy output. The heterogeneity of the parliamentary support coalition plays therefore a greater role in determining the relative importance of the executive and the legislature in policy implementation. These considerations lead us to the first testable hypothesis.

⁶ A fourth and relatively straightforward result of the model is the negative impact of the opportunity costs of parliamentary activity c on the likelihood of opting for the legislative route. We will not take this issue further.

Hypothesis 1: *More intense conflict between the minister in charge of transposition and the coalition partners increases parliamentary involvement in the transposition of E.U. directives as the implementing discretion granted to member states increases.*

Thirdly, the more the minister can rely on governmental prerogatives to exercise control over the proceedings of the legislature, the less likely implementation will follow the legislative path. Formally, as a approaches one, it is harder to surpass the threshold c in the five conditions listed in the proposition. In the extreme case of complete control by the government ($a=1$) and positive bargaining costs in the legislature ($c>0$), transposition should take place following only the executive route. This special case is akin to Laver and Shepsle's (1996) model in which ministers enjoy complete autonomy in their policy jurisdictions. The other coalition party P has no incentive to pay the opportunity costs of the legislature route if the minister under which the policy jurisdiction falls can rely on strong institutional tools in the legislature to align the resulting coalition compromise with her views. Graphically, the executive funnel in Figure 2 enlarges as a approaches unity.

Conflict between coalition parties and the parameter a interact negatively, as it can be clearly seen from the first condition of the proposition. In other words, the impact of conflict on parliamentary involvement is conditional upon the tools that are available to the government to control legislative proceedings. The weaker these tools, the more likely conflict will increase the likelihood of parliamentary involvement. We have therefore a second testable hypothesis.

Hypothesis 2: *More intense conflict between the minister in charge of transposition and the coalition partners increases parliamentary involvement in the transposition of E.U. directives the weaker the government's control tools of legislative proceedings.*

In the remainder of the article, we subject these two hypotheses to a systematic empirical investigation.

Data and Operationalization

Parliamentary involvement

We have collected information on 20,824 implementing measures of 821 directives adopted in fifteen member states⁷ between December 1978 and February 2004 from the *CELEX* dataset of the European Union.⁸ The directives have been chosen randomly from the dataset and the implementing measures have been classified according to whether they have been adopted by national parliaments, by the cabinet or other executive institutions, such as ministries or national agencies, or by subnational authorities, such as the German and Austrian *Länder*, the regions in Italy and Belgium, or the autonomous province of the Åland Islands in Finland. We have disregarded instruments adopted by subnational authorities as their study is beyond the scope of this work. Additionally, it is not uncommon to see measures listed in the datasets which have been adopted before the date of adoption of the directive. Since our model starts with a directive that needs national transposition, we have excluded these acts. Finally, for a given member state, directives that have been adopted

⁷ These are the pre-2004 enlargement member states: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and United Kingdom.

⁸ *CELEX* is not accessible anymore. Its content has been migrated to the *EUR-Lex* dataset, available at eur-lex.europa.eu.

prior to the enlargement to this state or where the date of adoption of national measures is missing have been dropped. In conclusion, the final dataset consists of 8,643 executive and 1,064 legislative measures implementing between 142 (Finland) and 555 (Italy) directives, for a sum total of 6,089 observations at the directive-state level.

We have initially defined parliamentary involvement in transposition as the number of national implementation measures that involve the parliament divided by the total number of executive and legislative acts transposing a given directive, hence excluding subnational and uncoded measures. This measure, bounded between zero and one, is not distributed normally. The Jarque-Bera test statistic (16,857) rejects the null hypothesis that the data come from a normal distribution at the .01 level. Only 6.3 percent of the observations do not take the values of zero or one. The vast majority consists of transposition processes either with legislative acts only or without them. Therefore, we will not lose too much information and the estimation results will be more robust if we use an dichotomous dependent variable, *parliamentary involvement*, that takes the value of one if at least one national instrument of implementation has been adopted by the parliament in the process of transposition of a given directive in a given member state.

Implementing discretion granted to national authorities

We employ the legislative procedures used to adopt the directives as proxies of the degree of discretion granted to national authorities in transposition. Directives adopted by the Council in unanimity should be those allowing the greatest room of maneuver to implement a measure. To the extent that directives are designed to prescribe and proscribe specific policy practices of member states, the veto player in this circumstance is the Council minister wanting the greatest autonomy.

Excessive latitude in implementation could be problematic though, as it is likely to allow such wide variance in national regulatory standards which could question the purpose of an E.U. measure in the first place. This is why we should expect lower discretion when a directive is adopted by qualified majority voting in the Council. Here, the pivotal minister has a more moderate position and is more willing to trade its own policy autonomy for greater harmonization of policy practices across the E.U.. Crucially, this is done in collusion with the European Commission, who has the monopoly of proposal power. To the extent that this institution is in favor of the underlying policy shift, it prefers less to more national discretion and will make a proposal to elicit the support from this pivotal minister.⁹

This leads to the final observation. Directives adopted by the Commission should be those allowing the smallest room of maneuver. When it takes its own acts and, therefore, favors the policy shift, the Commission is likely to give more weight to policy harmonization than to national administrative autonomy. There are two reasons for this. Firstly, national policy autonomy is not as valued by the Commission as it is by ministers heading the relevant national departments. Secondly, more prescriptive legislation is likely to facilitate the Commission in overseeing compliance, as national authorities enjoy less discretion in interpreting E.U. laws.

Discretion is therefore an ordinal variable that takes the value of zero in case of a Commission directive, of one for a Council directive adopted by qualified majority and two for one adopted under unanimity voting. A Council directive adopted under unanimity voting should give national

⁹ Franchino (2007) formally proves these statements and provides supporting empirical evidence.

parliaments the greatest opportunity to shape policy outcomes, more so than directives adopted under majority voting and even more than the more prescriptive Commission directives.¹⁰

Conflict between minister and coalition partners

We have taken the following steps to measure the intensity of conflict between the minister and the coalition partners. First, each directive has been assigned to one (and only one) policy area following the classification headings of *EUR-Lex*. We have then allocated a responsible minister to each policy area, as illustrated in Table 2. This is the minister that is formally in charge of the transposition of the directive.¹¹

[TABLE 2 HERE]

We have then recorded the left-right positions of the parties in government and identified the party of the leading minister at the time of adoption of each national measure implementing a given directive. The absolute difference between the position of the leading minister and that of the farthest coalition party on the left-right scale measures the intensity of conflict underpinning the adoption on this measure. Where more than one implementing instrument has been adopted, *conflict intensity* is the mean value across all the (executive and legislative) national transposition measures of the directive.¹²

For the positions of the parties on the left-right scale, we have used Marks and Steenbergen's (1999) dataset which collates data from five expert surveys. Values are standardized between zero and one, where zero indicates that a party is at the extreme left of the ideological spectrum and one indicates that it is at the extreme right. For governments formed after January 2003, we have employed Benoit and Laver's (2006) estimates, standardized between zero and one. The positions of the parties from Luxembourg, which are missing in Marks and Steenbergen's dataset, have instead been determined following Gabel and Huber's (2000) method for extracting left-right estimates from the manifesto research project dataset. These values are also appropriately standardized.

Data on government coalitions and portfolio allocations are taken from Müller and Strøm (2000), complemented and updated with data from Woldendorp, Keman and Budge (2000) and the Political Data Yearbooks of the *European Journal of Political Research*. For minority governments, we have computed the level of conflict on the basis of the parliamentary support coalition for the government, as defined by Laver (2006: 128). These parties are either those which supported the

¹⁰ This operationalization leaves the European Parliament out. Franchino (2007) shows that, in most circumstances, the Parliament is likely to prefer lower national discretion than the pivotal Council minister, especially if the Council and the Parliament do not share the same policy views. Therefore, we could have coded those directives adopted under codecision, the procedure where the Parliament can shape the final EU measure the most, as granting less discretion than directives adopted by a qualified majority of the Council's members only (but more than Commission's directives). This alternative measurement does not change the results. Therefore, since the influence of the Parliament is likely to be only moderate and is conditional on factors that we do not consider here, we opted for the simpler three-factor measurement.

¹¹ Since some measures may cut across policy areas, one or two other ministers may play a coordinating role (see Mastenbroek, 2003). However, any measure has objectives that predominantly fall under one of the policy areas listed in Table 1. This allows us to assign the directive to one (and only one) leading minister.

¹² The measurement of *conflict intensity* is similar to that of *government issue divisiveness* employed by Martin and Vanberg (2004; 2005). We will not use the variable *opposition issue divisiveness*, measuring the policy distance between the minister and opposition parties. Our model is based on a parliamentary support coalition of parties M and P, hence it does not produce any expectation with regard to opposition parties. Moreover, the coefficient of *opposition issue divisiveness* is insignificant in both Martin and Vanberg's studies.

formal government investiture, those which offered external support or, as a last resort, those closest to the government parties on the left-right scale. Information on parliamentary seats, external support and vote of investiture is also taken from the Political Data Yearbooks.

According to hypothesis 1, parties in a heterogeneous coalition prefer greater parliamentary involvement in the policy process, while directives granting ample implementing discretion to member states offer these parties the opportunity to intervene. *Discretion* and *conflict intensity* should therefore interact positively and increase the likelihood of parliamentary involvement.

Parliamentary institutions

We will consider four sets of parliamentary institutions, mirroring the decision-making process taking place inside parliamentary systems. These are the tools employed to control the legislative agenda, the amendment prerogatives of the government, the vote of confidence procedure and the bicameral nature of legislatures.

Control of the legislative agenda: The extent to which the government controls the legislative agenda varies considerably across European democracies. For instance, at one extreme, we have the relatively weak British Parliament. Its plenary agenda is set by the government, its committees play a secondary role and their amendments are attached to the original government bill without rewriting. The committee agenda and the debate are controlled by the government and, if not adopted, the bill dies at the end of session. Hence, a bill's lifespan does not exceed one year. At the other extreme, the Dutch Parliament has far more institutional means at its disposal. The plenary and the committees determine their own agenda. There is neither advance limitation nor possibility of closure of debate and a bill never dies. *Agenda control* measures the set of institutional features at the disposal of the government to control the legislative agenda. According to Döring (1995c), there are seven core parliamentary institutions that measure the relative importance of the parliament and the government in controlling this agenda: the rules to determine the agenda of the plenary, the degree of restrictions imposed on the legislature to propose money bills, the timing of committee versus plenary involvement in the decision-making process, the power of committees to rewrite government bills, the rules governing the timetable of committee proceedings, the rules curtailing the debate before the final vote in the plenary and the maximum lifespan of a bill pending approval. Döring has produced, for each variable, a score for eighteen west European democracies and this data can be used to produce an encompassing index of agenda control.

For our purposes, we have excluded the rules on money bills because the vast majority of E.U. legislation is regulatory in nature, we have then performed a factor analysis of Döring's dataset, weighted each variable with the first factor loadings and normalized the weighted sum.¹³ *Agenda control* is an index of the relative institutional power of the parliament and the government in controlling the policy agenda or, alternatively, the degree of executive dominance in the legislative proceedings. It ranges from zero to one, with higher values measuring greater government control.

According to hypothesis 2, greater governmental control of the parliamentary agenda should dampen the incentives of a partner party to intervene in the policy process. *Agenda control* and *conflict intensity* should therefore interact negatively and reduce parliamentary involvement.

¹³ The data can be described by a single underlying dimension. The first factor explains 80 percent of the variance and the eigenvalue of the second factor is lower than one. The normalized value is produced in two steps. First, we have subtracted from the weighted sum the minimum weighted sum value and divided the resulting figure by the difference between the maximum and the minimum. The results are then subtracted from one so that higher values measure greater government control. A similar procedure has been employed by Tsebelis (2002: 104).

Amendment prerogatives of the government: Heller (2001b) has recently analyzed how the prerogatives enjoyed by the executive in offering amendments towards the end of the legislative process is advantageous to the minister in whose jurisdiction a bill falls and may be used to punish recalcitrant coalition partners. We have therefore used the institutional details collected by Heller (2001b: 783) for E.U. member states and developed a index of *amendment prerogatives* that measures the extent of government amendment authority. *Amendment prerogatives* takes the value of one if there is no formal government advantage on amendments (Austria, Belgium, Finland, Luxembourg and Britain), two if there are some government prerogatives on amendments (Germany, Ireland, and Portugal), and three if the government has last offer authority or gatekeeping power on amendments (for the remaining seven countries). Greater government powers at the end of the legislative process are likely to dissuade refractory coalition partners to press for legislative policymaking. *Amendment prerogatives* and *conflict intensity* should therefore interact negatively and reduce the likelihood of parliamentary involvement.

Vote of confidence: The vote of confidence is the most fundamental ‘procedural peak’ of parliamentary government (Laver, 2006: 122) and it has been subject to theoretical (Baron, 1998; Diermeier and Feddersen, 1998; Huber, 1996b) and empirical scrutiny (Huber, 1996a; Huber and McCarty, 2001). We consider here the vote of confidence procedure that is used after government formation, where a motion is attached to specific policy issues in the context of legislative debates. We have used the information available from Huber (1996b:271), complemented with our analysis for Austria and Greece, and ranked countries according to the easiness to win a motion of confidence. *Confidence vote* ranges from one to seven. Member states with less demanding voting rules to carry the motion and without prerequisites to invoke the procedure are ranked higher.¹⁴ Formal models investigate how this procedure allows the executive to exercise control over policy outcomes and increases intra-coalition cohesiveness (Baron, 1998; Diermeier and Feddersen, 1998; Huber, 1996b). It is therefore plausible that confidence motions that are easier to invoke and carry confer upon the executive greater governmental control on parliamentary proceedings. Following this logic, *confidence vote* and *conflict intensity* should therefore interact negatively and reduce parliamentary involvement.

Upper Houses: Lastly, to the extent that upper houses are present and can influence the legislative process, we should expect that their involvement represents an additional impediment to the government’s ability to control legislative outcomes. The policy effects of bicameralism has been well documented (e.g. Bräuninger and König, 1999; Heller, 1997,2001c; Tsebelis and Money, 1995,1997), but the question as to whether a more powerful upper chamber increases the likelihood of legislative involvement has not been addressed systematically.¹⁵

We employ Lijphart’s (1999:212) index of *bicameralism* which ranks democracies according to the degree of symmetry and congruency (i.e. similarity of composition). Countries with symmetrical and incongruent upper chambers top the ranking, while those with unicameral parliaments are at the

¹⁴ The ranking is as follows: 1 if there is no procedure (Austria), 2 if there are prerequisites to invoke the procedure and an absolute majority is necessary to approve the motion, hence abstentions are nays votes (Spain), 3 in case of absolute majority and no prerequisites (Germany), 4 if there are prerequisites to invoke the procedure and a simple majority is sufficient to approve the motion (Finland, Greece, Italy, Luxembourg, Netherlands and Sweden), 5 in case of no prerequisites and simple majority (Denmark, Ireland, Portugal and Britain), 6 if there are prerequisites and an absolute majority is necessary to reject the motion, hence abstentions are ayes votes (France), 7 for no prerequisites and an absolute majority to reject (Belgium).

¹⁵ Theoretically, bicameralism should reduce legislative productivity (e.g. Tsebelis and Money, 1997), but Cutrone and McCarty (2006: 184) conclude in a recent review that the empirical evidence is mixed.

bottom. Since governments in parliamentary systems with strong bicameral features have weaker control over legislative proceedings, *bicameralism* and *conflict intensity* should interact positively and increase the likelihood parliamentary involvement.

Table 3 provides descriptive statistics of our dependent and independent variables.

[TABLE 3 HERE]

Analysis of the Findings

Directives are adopted at the supranational level and then transposed by the member states. The structure of our dataset appears therefore hierarchical. We have two levels of analysis, countries and directives, with the first one nested into the second. Many of the directives are implemented in most countries. The implementation route choice on each individual directive varies across countries as a function of the level of conflict within the government in the policy area of the particular piece of legislation, as well as the institutional rules guiding the legislative–executive relationship. The latter set of effects varies by country, rather than by piece of legislation. However, the interesting aspect of this relationship is how the probability of involving the parliament depends on the combination of implementation discretion determined by the directive, the level of policy conflict within the government and the institutional arrangements of the particular state.

In order to assess whether there is significant variation in the probability of parliamentary involvement at the directive level, we have estimated a two-level random effects ANOVA model.¹⁶ The coefficient of the directive-level variance component is 1.054, with a standard error of 0.100 (decision-level N= 6,089, directive-level N = 724). This value is different from zero at a level of significance above 0.01 (Wald test statistic is 110.2), meaning that a significant proportion of the variance in the probability of parliamentary involvement is attributable to differences between directives, therefore supporting the expectation that our dataset is structured in several levels. Ignoring the multilevel structure of a dataset could lead to downwardly biased standard errors and incorrect rejection the null hypotheses (Steenbergen and Jones, 2002: 219-20). Unsurprisingly, the probabilities of parliamentary involvement in the transposition of a given directive are positively correlated across member states. Cluster correlation violates the assumption of independence of observations required by a standard probit regression model, we will therefore estimate a multilevel model. The country level is modeled by the institutional variables as well as by clustering of the standard errors for correlation within each country. We also employ robust standard errors.

Our first hypothesis stipulates that the effect of the intensity of conflict on the probability of parliamentary involvement varies as a function of the degree of implementing discretion embedded into a directive. The causal effect of the lower-level *conflict intensity* variable is conditioned by the higher-level *discretion* variable. This is a classic case of *causal heterogeneity* or cross-level interaction. Multilevel models with a random intercept and a random coefficient for the lower-level interacting variable are better suited at examining cross-level interactions than so-called interactive models¹⁷ because they do not assume that the error components at the higher levels of analysis are

¹⁶ This analysis of cross-level variation follows Steenbergen and Jones (2002:224,231). We opted for binomial model with a probit link function because *parliamentary involvement* reflects an underlying interval variable. Hence its cumulative distribution is normal.

¹⁷ Interactive models include in the regression higher-level variables and the interactions of these variables with lower-level predictors (Steenbergen and Jones, 2002:220-1).

equal to zero (Steenbergen and Jones, 2002:221). Our second hypothesis requires us to investigate the interaction between *conflict intensity* and the country-level institutional factors. Here, the effect of conflict on the likelihood of parliamentary involvement is moderated by the procedural tools available to the government for influencing legislative proceedings. Finally, we included eight directive-level dummy variables to control for policy-specific influences, using agriculture as the baseline category.¹⁸

[TABLE 4 HERE]

In Table 4, we present the coefficients and robust standard errors of the regression. The model to the left include a random slope in order to let the effect of conflict vary across directives. The model on the right presents country cluster adjusted robust standard errors. The results are very similar. The significance of our results is hence not sensitive to within country clustering. The substantive interpretation of the coefficients of a probit model, especially if it contains interaction terms, is not straightforward. For instance, the marginal effect of *conflict intensity* on the probability of parliamentary involvement depends on the values of the conditioning variables (i.e. *discretion* and the four institutional variables) and of the policy dummies. Even if we use a directive on agriculture policy as the baseline comparison, that is we set the policy dummies equal to zero, the interpretation of the coefficient of *conflict intensity* in Table 4 is meaningless because three conditioning variables, *amendment prerogatives*, *confidence vote* and *bicameralism*, do not have zero values.

We first analyze the impact of *discretion* on the likelihood of parliamentary involvement. Table 4 indicates that parliaments are significantly more likely to intervene if E.U. acts that provide for more implementing discretion are being transposed and *conflict intensity* is zero,¹⁹ that is when the implementing measures are adopted by single party majority governments which, according to our measurement, display no divergence between the minister in charge transposition and the supporting parliamentary party. Approximately 20 percent of our sample falls into this category. For instance, a Spanish parliament, supporting a single party majority government, is 5.3 percent more likely to intervene in the transposition of a (unanimously-adopted) Council agricultural directive than in the transposition of a Commission directive. In similar circumstances, a Greek parliament is 3.7 percent more likely to be involved. Undoubtedly even single party majority governments display their fair degree of intra-party disagreement which can explain the greater propensity of parliamentary involvement when high-discretion E.U. laws are implemented.

[FIGURE 3 HERE]

Figure 3 illustrates that this result holds for other types of parliamentary governments. The figure maps the marginal effect and the 95 percent confidence intervals of implementing a unanimously-adopted Council directive compared to a Commission directive on the probability of parliamentary

¹⁸ We have also estimated a model with fourteen country dummy variables (with and without policy dummies) but none of the optimization procedures used by the most popular multilevel statistical packages has converged because of serious collinearity problems. This should not come as a surprise as the institutional variables measure primarily intra-country differences. A model with country and policy dummies can be estimated if we exclude the four institutional variables and the related interactive terms. In this circumstance, the marginal effect of discretion is as expected.

¹⁹ An arbitrary rescaling of the variables may change both the size and the significance of the coefficients of the constitutive terms of an interaction. Caution is therefore in order when interpreting these effects because none of the variables are measured with a natural zero (Brambor, et al., 2005; Braumoeller, 2004).

involvement across the observed range of values that *conflict intensity* takes in our sample.²⁰ As expected, the impact remains positive and significant. *Discretion* and *conflict intensity* also interact rather powerfully. The upward sloping solid curve means that the substantive effect of discretion on the likelihood of involvement increases as the divergence between the minister in charge of transposition and her coalition partners intensifies. Heterogeneous multi-party coalitions, like those we had in Belgium and Finland in past ten years, are almost three times more likely to involve the legislature than single party majority governments, when transposing a Council directive compared to a Commission directive.

[FIGURE 4 HERE]

The institutional variables interact with *conflict intensity* as expected. Figure 4 plots the marginal effects and the confidence intervals of moving from one to the opposite end of the institutional design on the probability of legislative participation in policymaking, across the observed range of values of *conflict intensity*. When the executive has significant control over the legislative agenda, members of parliament are significantly less likely to intervene in the policy process. The effect is substantively stronger in more homogeneous coalitions. This result provides further supporting evidence on the negative relation between agenda control and legislative activity discovered by Döring (1995b). For instance, the French executive has considerable more control over legislative proceedings than the Danish one (while the scores for amendment prerogatives and easiness to carry motions of confidence are above the median in both countries). The French parliament is more than 5 percent less likely to be involved in transposition than the Danish *Folketinget* (admittedly, Danish governments have also generally relied on more heterogeneous parliamentary support coalitions than the French ones).

The variable *amendment prerogatives* behaves only partially as expected. The possibility for the executive of enjoying a last offer authority on amendments, compared to no formal advantage, dampens legislative involvement in coalitions exhibiting above average levels of internal disagreement between the minister and coalition parties (i.e. when *conflict intensity* exceeds 0.2, approximately 40 percent of our sample). This effect increases with the heterogeneity of parliamentary support coalitions. Finland and Italy, for instance, have similar confidence vote procedures and, in the whole, similar executive tools for controlling the legislative agenda, but the Italian government enjoys stronger amendment prerogatives. The Finnish *Eduskunta* is more than twice as likely to intervene in policymaking compared to the Italian parliament.²¹ At the opposite end of the spectrum however, in case of homogeneous coalitions or single party majority governments, stronger amendment prerogatives *increase* the likelihood of parliamentary involvement. This result is driven by the British, Irish and Portuguese cases which exhibit below average levels of parliamentary involvement and limited government amendment prerogatives. Our findings flesh out the rationale behind the correlation between last-offer authority and the incidence of minority governments discovered by Heller (2001a: 791-2). This procedural privilege is

²⁰ The marginal effects and confidence intervals have been produced following the code developed by Brambor, Clark and Golder (2005). We took 10,000 draws from the estimated coefficients and the variance-covariance matrix. In Figures 3 and 4, variables are set at either their mode or mean values (i.e. *discretion*=0, *agenda control* = 0.468, *amendment prerogatives* = 3, *confidence vote* = 4, *bicameralism* = 3), while policy dummies are set equal to zero.

²¹ Finnish governments are also slightly more heterogeneous.

particularly valuable for minority governments, which, by their very nature, need to rely on multifarious coalitions, because it limits parliamentary activism.

Lastly, Table 4 and Figure 4 indicate that legislative participation in policymaking diminishes if the procedural hurdles to invoke and carry a motion of confidence become less demanding. This effect tapers off as *conflict intensity* increases but it is significantly negative in 75 percent of our sample. The lower activism of the Belgian parliament compared to the Finnish one could be partially explained by the easier-to-carry motion of confidence in Belgium, since these two countries provide for broadly similar government prerogatives on legislative agenda setting and amendment introduction. Figure 4 also indicates how different procedural features appear to be of value for different types of government. If a government wants to keep legislative interference at bay, the confidence procedure is more valuable than enjoying amendment prerogatives in case of homogeneous coalitions. However, as the support coalition becomes more diverse, using the confidence procedure could be risky for government survival²² and relying on amendment prerogatives becomes a more effective strategy.

[TABLE 5 HERE]

The analysis of the impact of an increase in *conflict intensity* on parliamentary involvement is not straightforward. Recall that our two hypotheses predict that more conflict increases the likelihood of legislative participation with higher implementing discretion and weaker government's control tools of legislative proceedings. The marginal effect of this predictor depends on the values of five conditioning variable, that is *discretion* and the four institutional variables.²³ In Table 5, we list the marginal effects of *conflict intensity* at low and high levels of discretion and for each member state, which represents a unique combination of institutional variables. Countries are ranked according to the degree of significance of the coefficient in case of high discretion. We have also calculated the percentage change in the probability of parliamentary involvement as a result of a state-specific standard deviation increase in *conflict intensity*.²⁴

In support of our first expectation, we can observe a positive, substantively large and, in many cases, statistically significant impact that an increase in conflict has on the legislative participation when high-discretion directives are been transposed. In case of low-discretion measures, the impact of this predictor is negligible. This is further proof of the strong positive interaction between conflict and discretion that we have observed in Figure 3. Deeper disagreement between the responsible minister

²² Heller (2001a: 782-3) describes the disadvantages of the confidence procedure.

²³ Let C_{ij} be the mean level of *conflict intensity* across the national transposition measures of directive j in country i . Its marginal effect on the probability of *parliamentary involvement*

$\Pr[P_{ij}=1]=\Phi(\cdot)$ is calculated as $\frac{\partial \Phi(\cdot)}{\partial C_{ij}} = (\beta_1 + \sum_{k=2}^6 \beta_k Y_{ijk}) \Phi'(\cdot)$ where β_1 is the coefficient of C_{ij} , β_k

($k=2, \dots, 6$) are the five coefficients of the interaction terms, and Y_{ijk} the five independent variables interacting with C_{ij} (policy dummies are set equal to zero). The standard error of this quantity is

$\hat{\sigma} = \sqrt{\text{var}(\hat{\beta}_1) + \sum_{k=2}^6 Y_{ijk}^2 \text{var}(\hat{\beta}_k) + \sum_{k=2}^6 2Y_{ijk} \text{cov}(\hat{\beta}_1, \hat{\beta}_k)}$. The term under squared root could take negative values

since covariances can be negative. In these circumstances, standard errors cannot be calculated.

²⁴ With the exception of the United Kingdom and Greece, interpreting the marginal effects of conflict intensity in these two countries is not particularly meaningful because they have experienced only single party majority governments.

and her coalition parties is likely to increase legislative participation in policymaking if the E.U. measure being implemented confers enough latitude to national political actors for manipulating the final policy outcome.

The ranking of countries provides support for the second expectation. Austria, Finland, Germany and, with one exception, Luxembourg have values for the three significant institutional variables (*agenda control*, *amendment prerogatives* and *confidence vote*) at or below the median.²⁵ In these countries, the institutional environment protects the legislature from interference from the executive, we can see therefore greater parliamentary involvement in policymaking under the right combination of opportunities and risks.

The institutional environment of the countries in the middle of the table provides instead for some tools of executive control of legislative proceedings.²⁶ Hence, if increased divergence from the views of the responsible minister represents a risk for coalition parties, especially in case of high-discretion laws, the possibilities of executive control of parliamentary activity dampens the incentives to participate in policymaking. Lastly, the executives of the countries at the bottom of Table 5 enjoy a wide array of institutional tools to control legislative activity,²⁷ with the result of considerably discouraging parliamentary involvement.

We conclude with an examination of the policy effects. Legislatures are significantly more likely to intervene in policymaking, compared to the agricultural policy baseline, in all but one policy areas. Home affairs, public administration, taxation, social policy and public health reveal much higher levels of parliamentary involvement. If we keep the other variables at either their mean or mode values, the probability of involvement increases by 23.6 percent in case of directives on home affairs, 17.1 percent for public administration measures, 15.3 percent for taxation directives, 12.9 and 9.1 percent for social policy and public health measures respectively. The effect is smaller but still significantly greater than zero in the remaining two policy areas (3.1 and 2.2 percent for industrial and environmental policy directives respectively). As it becomes apparent when looking at Table 2, the discriminant factor between the groups of policies with low parliamentary involvement (agricultural, transport, environmental and industrial policy) and the other areas is the volume of policy output produced at the supranational level. Even controlling for implementing discretion, it seems that areas that are intensively europeanized dampen the incentives for parliamentary participation in the policy process, maybe because members of parliament see fewer opportunities for shifting the outcome towards their preferred direction.

Conclusion

For decades, it has been acknowledged that institutions matter. The interesting question is however how they matter. Taking the lead from Martin and Vanberg (2005), we have presented and empirically tested a model of policy-making in European parliamentary systems where a coalition partner uses the legislative process to counteract the risk of ministerial drift in the implementation of E.U. directives. The model shows that formal opportunities for implementation drift, designed into

²⁵ The value of *agenda control* for Luxembourg is only slightly above the median. Belgium could also be associated with this group were it not for the fact that it tops the ranking of the *confidence vote* scores.

²⁶ The Netherlands, Italy and Sweden rank low in *agenda control*, high in *amendment prerogatives* and middle in *confidence vote*. Spain has similar institutional features, but it ranks higher in *agenda control*. Portugal ranks at or just slightly above the median for these three variables.

²⁷ France and Ireland display at or above median values for the three institutional variables. Denmark ranks lower than the median only for *agenda control*.

E.U. law, in combination with policy conflict within the governing coalition increases the probability of legislative involvement. Furthermore, institutional features that strengthen the hand of the government vis-à-vis the parliament decrease the chance of legislative involvement for a given level of disagreement within the government. These expectations were empirically supported when tested on a large dataset of implementing measures of E.U. directives in fifteen European countries. These results have far-reaching implications for the literature on legislative–executive relations which has been dominated by cabinet-centered studies. First, they confirm the findings of Martin and Vanberg (2005) about the central role of the legislative process in managing intra-coalitional disagreement on a much larger dataset and group of countries. Second, in the spirit of Döring’s (1995d) seminal work, they highlight the crucial intervening role of *parliamentary institutions*. Government’s control of the legislative agenda, its advantage in scheduling parliamentary amendments and the ease with which it can pass a motion of confidence decrease the involvement of parliament in policy-making. Only bicameralism does not seem to matter, reinforcing Cutrone and McCarty’s (2006) conclusions. The first two findings suggest that researchers interested in legislative politics should pay particular attention to the ordering of proposals when analyzing voting behavior in parliaments (see Clinton, 2007). The third result adds empirical evidence to the theoretical importance of the confidence vote procedure highlighted by, for instance, Diermeier and Feddersen (1998) and Huber (1996b).

In conclusion, the legislative process provides an important mechanism for managing intracoalitional conflicts in European parliamentary systems but this function is mediated by the institutional rules governing legislative–executive relations and the formal opportunities for implementation drift.

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Table 1 Party P's Preferences for Implementation Paths

		Minister M: policy preferences		
		$ m < d$	$m > d$	$m < -d$
Coalition party P: policy preferences	$p < d$	$U^E = - m-p $	$U^E = p - d$	$U^E = -d - p$
		$U^L = -a m-p - c$	$U^L = a(p - d) - c$	$U^L = -a(d + p) - c$
		Legislative route iff $(1 - a) m - p > c$	Legislative route iff $(1 - a)(d - p) > c$	Legislative route iff $(1 - a)(d + p) > c$
	$p > d$	$U^E = m - p$	$U^E = d - p$	$U^E = -d - p$
		$U^L = d - p - a(d - m) - c$	$U^L = d - p - c$	$U^L = (1-2a)d - p - c$
		Legislative route iff $(1 - a)(d - m) > c$	Legislative route iff $c < 0$ (never)	Legislative route iff $2d(1-a) > c$

Table 2 Policy Areas and Responsible Ministers

Policy area	Types of issues	Responsible minister	Number of directives
Agriculture	Agriculture, fisheries	Minister of Agriculture	1,898
Environment	Environment, renewable energy, approximation of environmentally-related laws, consumer information on environment	Minister of Environment	607
Interior / Home Affairs	Security and justice, people's Europe, free movement of persons, European citizenship	Minister of Interior / Home Affairs	54
Industry / Trade	Customs union, free movement of goods, right of establishment, freedom to provide services, competition, commercial policy, energy, industrial policy, internal market, consumer protection, law relating to undertakings	Minister of Industry / Trade / Economy	2,147
Public Administration	Public contracts, application of competition rules to public undertakings	Minister of Public Administration / Public Works	45
Public Health	Health protection	Minister of Public Health	31
Social Affairs / Employment	Social policy	Minister of Social Affairs / Employment	175
Finance / Treasury	Taxation, mutual tax assistance, transport taxation, free movement of capital	Minister of Finance	186
Transport	Transport policy, right of establishment and freedom to provide transport services, summer-time arrangements, approximation of motor vehicles laws	Minister of Transport	946

Note: Grouping broadly follows *EUR-Lex* classification headings. N = 6,089

Table 3 Descriptive Statistics

Variable	Description	Minimum	Mean	Maximum	St.Dev.
Dependent Variable					
<i>Parliamentary involvement</i>	1 if there is a legislative national implementation measure	0	0.136	1	
Independent Variables					
<i>Discretion</i>	Implementing discretion granted to national authorities in a directive	0	0.730	2	0.725
<i>Conflict intensity</i>	Left-right distance between responsible minister and coalition parties when adopting national measures	0	0.159	0.56	0.129
<i>Agenda control</i>	Extent of government control of legislative agenda	0	0.468	1	0.280
<i>Amendment prerogatives</i>	Extent of government amendment authority towards the end of the legislative process	1	2.216	3	0.856
<i>Confidence vote</i>	Easiness to invoke and carry motions of confidence	1	4.396	7	1.335
<i>Bicameralism</i>	Degree of symmetry and incongruence of upper houses	1	2.184	4	0.996

Table 4 Discretion, Conflict, Institutions and Parliamentary InvolvementDependent variable: *Parliamentary involvement*

Parameters	Coefficients (robust s.e.)	Coefficients (robust s.e. clustered on country level)
<i>Fixed Effects</i>		
Intercept	-1.914** (0.242)	-1.995** (0.125)
Discretion	0.153* (0.068)	0.176 (0.103)
Conflict intensity	4.638** (1.189)	4.773** (0.656)
Agenda control	-0.493** (0.175)	-0.523 (0.314)
Amendment prerogatives	0.286** (0.048)	0.294** (0.043)
Confidence vote	-0.069 (0.038)	-0.088** (0.027)
Bicameralism	-0.07 (0.042)	-0.089** (0.033)
Conflict Intensity × Discretion	1.786** (0.326)	1.469** (0.203)
× Agenda control	-1.468 (0.786)	-1.042 (1.137)
× Amendment prerogatives	-1.784** (0.273)	-1.711** (0.216)
× Confidence vote	-0.669** (0.185)	-0.534** (0.127)
× Bicameralism	0.215 (0.229)	0.310 (0.209)
Environment	0.467** (0.155)	0.514** (0.149)
Interior	1.633** (0.386)	1.642** (0.220)
Industry	0.588** (0.111)	0.664** (0.074)
Public administration	1.408** (0.291)	1.461** (0.057)
Public health	1.046** (0.264)	1.064** (0.338)
Social affairs	1.238** (0.254)	1.254** (0.236)
Finance	1.336** (0.229)	1.344** (0.185)
Transport	0.220 (0.122)	0.230** (0.075)
<i>Random Effects</i>		
Variance, intercept	0.395 (0.080)	0.837 (0.042)
Slope variance, Conflict intensity	2.098 (1.028)	
Log-likelihood	-1834.187	-1842.779

Note: Probit regression with random-intercept and random-coefficient for conflict intensity. N= 6,089 (directive-level N= 724). Maximum likelihood estimates. ** = p < .01, * = p < .05.

Table 5 The Marginal Effects of Conflict Intensity

Country	Low <i>discretion</i>	Percentage Change Pr[<i>Parliamentary</i> <i>involvement</i>]	High <i>discretion</i>	Percentage Change Pr[<i>Parliamentary</i> <i>involvement</i>]	N
Austria	2.019 (0.808)*	0.3	5.590 (0.993)**	2.6	155
Finland	0.011 (0.407)	0.0	3.582 (0.705)**	14.0	142
Luxembourg	-0.205 (0.424)	0.0	3.366 (0.716)**	1.2	539
Germany	-0.532 (0.624)	-0.1	3.039 (0.849)**	3.6	370
United Kingdom	-1.421 (0.742) [†]	◦	2.150 (0.940)*	◦	394
Belgium	-1.583 (0.672)*	-0.1	1.988 (0.885)*	3.1	484
Spain	-2.100 (0.524)**	-1.4	1.472 (0.779) [†]	3.3	486
Portugal	-2.713 (n/a)	-0.6	0.858 (0.532)	1.0	471
Netherlands	-2.745 (0.217)**	-0.5	0.826 (0.616)	1.4	416
Italy	-3.053 (0.091)**	-0.4	0.518 (0.584)	1.0	555
Sweden	-3.213 (n/a)	-0.1	0.358 (0.489)	0.0	159
Ireland	-3.257 (0.501)**	-0.1	0.314 (0.764)	0.2	504
Greece	-4.176 (n/a)	◦	-0.604 (0.565)	◦	498
Denmark	-4.431 (n/a)	-0.2	-0.860 (0.450) [†]	-0.6	432
France	-5.091 (0.395)**	-0.2	-1.519 (0.699)*	-0.5	484

Note: Low and high *discretion* take the values of zero and two respectively, policy dummies are set equal to zero. Standard errors in parenthesis. ** = $p < .01$, * = $p < .05$, [†] = $p < .1$. n/a= standard error is the squared root of a negative number. Percentage change in the probability of *parliamentary involvement* resulting from a state-specific standard deviation increase in *conflict intensity*. ◦ Only single party majority governments, standard deviation is zero

Figure 1 Moves of the Games

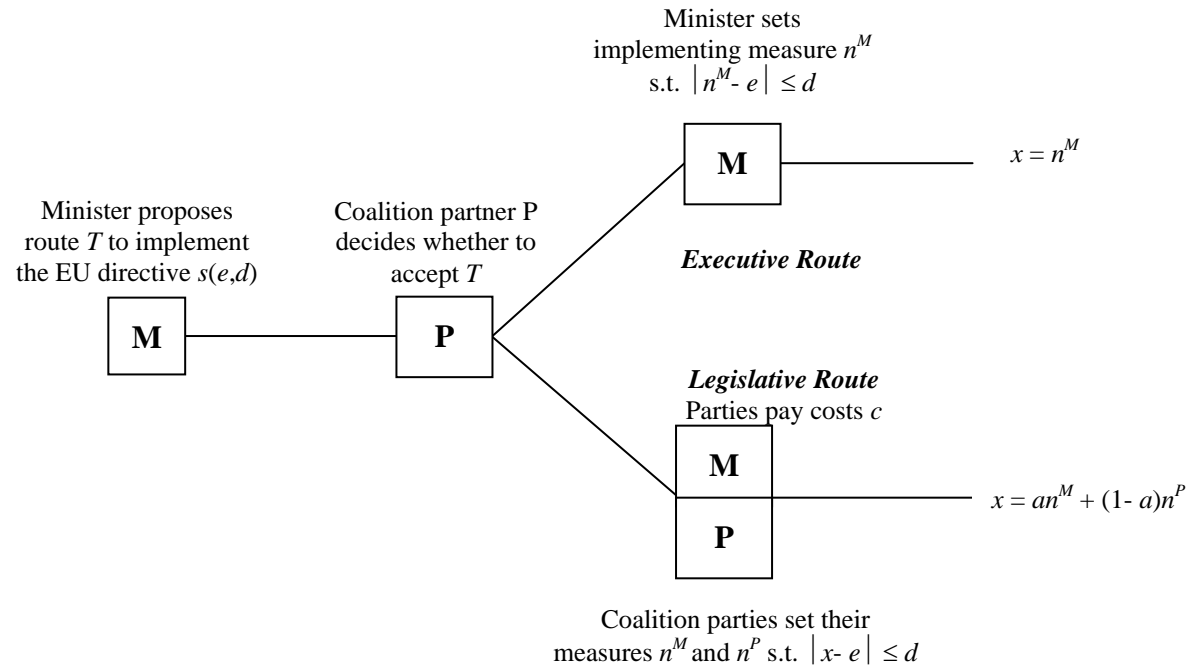


Figure 2 Implementation Paths Equilibria

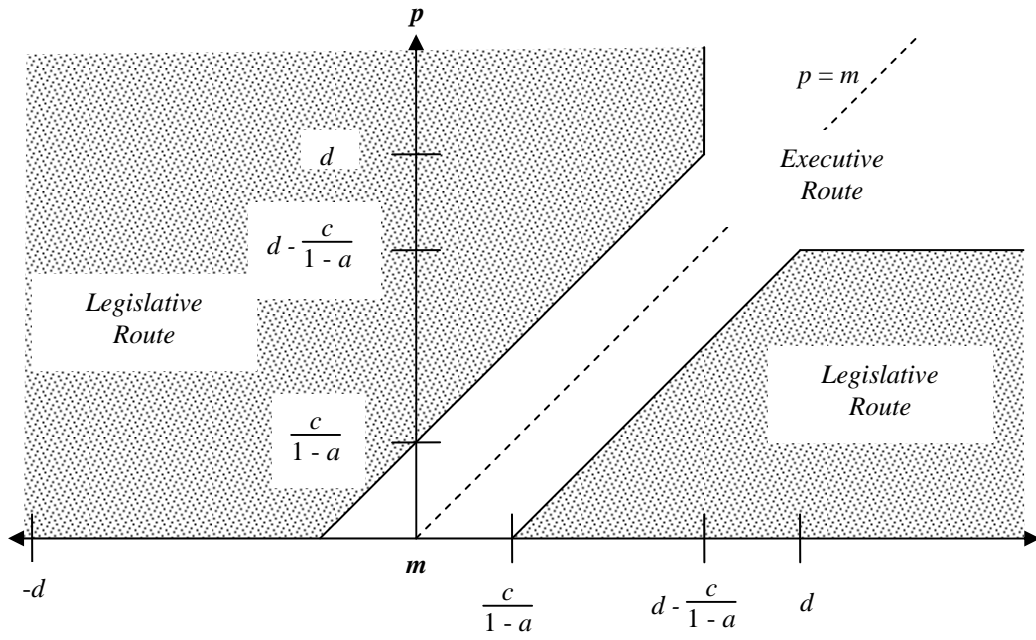


Figure 3

Marginal Effect of Discretion for Levels of Conflict

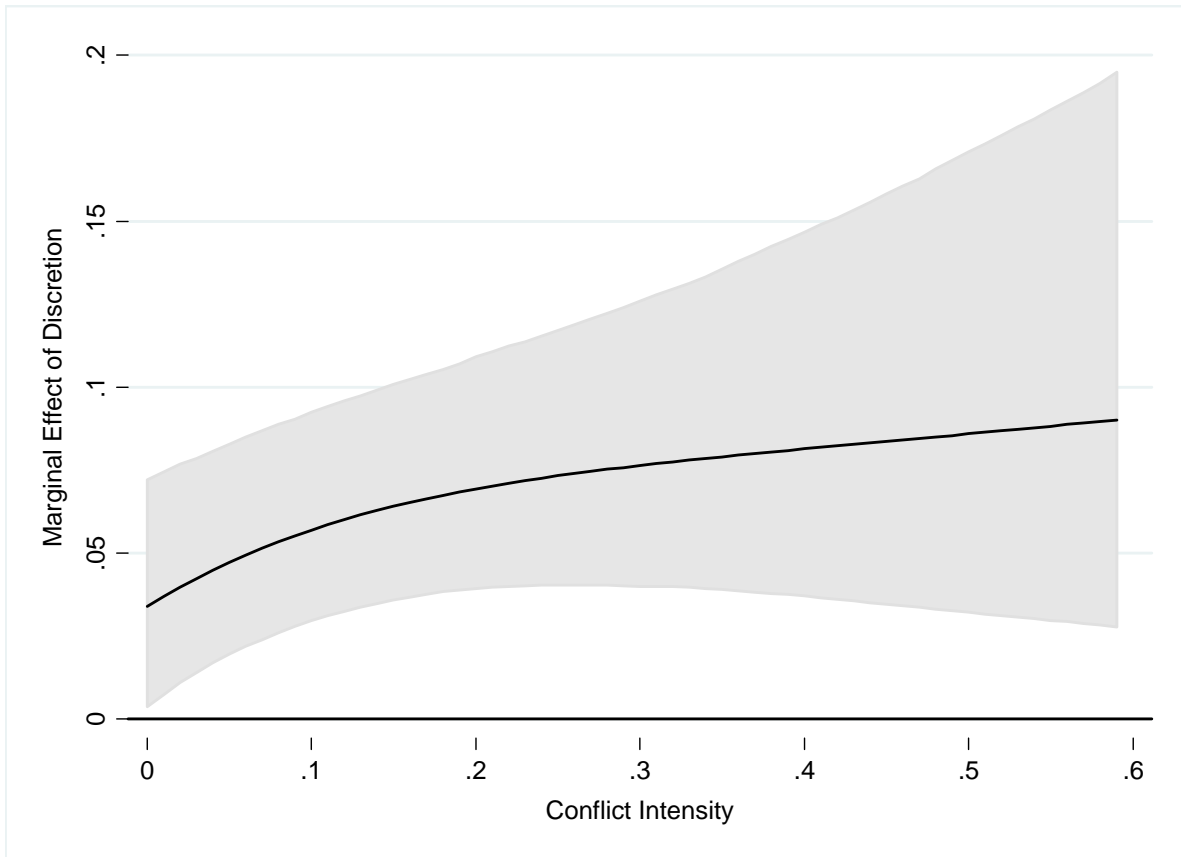


Figure 4

Marginal Effects of Institutional Variables for Levels of Conflict

