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Legislative Duration in the European Union: A Policy Complexity Approach to the Analysis of Legislative Efficiency

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LEGISLATIVE DURATION IN THE EUROPEAN UNION: A Policy Complexity Approach to the Analysis of Legislative Efficiency

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Abstract

The European Union must be decisive, efficient, and responsive with its legislative decision-making, especially during crises, to avoid losing legitimacy, acknowledgement by its populace, and to fend off looming threats of disintegration endeavors by Eurosceptics. Previous research on the EU's policymaking efficiency has focused on the influence of qualified majority voting, the use of directives, political conflict in the Council and the impact of the eastern enlargement or the treaties on the legislative duration. Until very recently, the central subject of this research field, namely the policy proposals themselves, has been left unattended. Now, this thesis paper steps in to close the research gap of how efficiently differently complex policy proposals are processed in interaction with legal, institutional, and political variables. For the analysis, the Euplex dataset is employed and survival analytical methods, such as Cox Proportional Hazards models with time-varying covariates and post-estimation survival curves building on Cox regressions are applied. The thesis clearly shows that regulations, QMV and the special legislative procedure are better suited to process both simple and complex policy proposals than their counterparts and that political conflict in the Council heavily influences the EU's ability to process simple and complex legislation.

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List of Abbrevations

Abbreviation	Meaning
CELEX	An identifier assigned to most documents in the EUR-Lex
CMP	Comparative Manifesto Project
Commission	Commission of the European Union
Council	Council of the European Union
EP	European Parliament
EUR-Lex	Legal information system of the EU
EU	European Union
OLP	Ordinary legislative procedure
OLS	Ordinary Least Squares
ParlGov	Parliaments and Governments database
QMV	Qualified majority voting
RILE	Index of right-left positions of parties
SLP	Special legislative procedure
TVC	Time-varying covariate

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1 Introduction

Modern democracies face defining problems such as climate change, gun violence or economic recessions as well as crises like the Covid19 pandemic or the Russian attack on Ukraine. Their consequences have to be processed and dealt with by political systems all over the world. These political systems generally deal with current issues by passing legislation, thereby changing existing laws or more commonly creating new laws. Crises usually do not stop during extensive and necessary deliberations in parliaments and government agencies, they become increasingly dangerous as time passes when left unattended. States thus have the difficult task of passing laws quickly to deal with the issue, but also carefully draft it to not overlook certain complex aspects of the problem and simultaneously deliberate in society and in parliaments. This takes time, time that is often not available. On top of the already difficult process, policies have been becoming more complex over the past decades, prolonging decision-making processes considerably and making it harder to react to crises in a timely fashion (Hurka & Haag, 2020).

Complex policies bind more resources in government agencies, due to increased costs of implementation and are also more complicated to evaluate (Adam et al. 2019). Additionally, they lead to the situation that the public is less involved and interested in the policy-making process because aside from policy-specific experts most people do not understand the legislation (Adam et al., 2019; Katz & Bommarito, 2014; Toshkov, 2017a). If the public is out of the loop on important policies, it leads to compliance issues (Kaplow, 1996). In general, all political systems are faced with urgent problems and crises, and therefore suffer from this additional burden of increasingly complex policies. The European Union is no exception to this general trend and the problem of complexity also heightens transaction costs there (Schuck, 1992). As the EU has to stay functional in these crisis-stricken times, the prolongation of legislative processes has to be considered a serious problem and closer analyses to the problematic effect of policy complexity and of other factors on the legislative process have to be undertaken.

Previous research has shown that the choice of voting procedure in the Council of the European Union has a significant influence on the legislative duration of the policy proposal (Golub & Steunenberg, 2007). Political conflict in the Council tends to prolong the legislative process (König, 2007) and regulations and decisions have shorter time lags than directives (Schulz & König, 2000). Further, when EU institutions have larger ideological distances between each other, the lawmaking process also tends to take more time (Klüver & Sagarzazu, 2013). These research papers all entail analyses on legislative processes that are based on policy proposals issued by the Commission of the EU. Those proposals are, however, not all equal in their size, language or amounts of references to other legal texts. Far from it, those proposals are all differently complex, which also influences the legislative efficiency of the EU, mostly prolonging the process with increasingly complex proposals (Hurka & Haag, 2020). The mentioned studies, amongst others, have already shown that under general non-complexity-controlling analyses some circumstances in the legal, institutional, and political environments are better able to process proposals than their counterparts. These studies, however, completely neglect the subject of their analysis, namely the contents of the proposals, written documents that detail the legislative initiative, and treated them as a black box in most of the literature. The author of this thesis argues that the contents of the proposals do in fact matter, more specifically how complicated they are formulated, how big the proposals are in size and how many legal documents are referenced in the proposal. Higher levels of complexity also increase transaction costs, demand more attention to detail in the preparation phase of the legislative chambers and during the deliberation phase and require more consultation of issue specific experts. This leads to the following research question:

How efficiently does the European Union's Legislative process differently complex policy proposals in interaction with the legal, institutional, and political environments?

The corresponding causal mechanism entails the assumption that as complexity, seen as structural, linguistic, and relational complexities, increases, the political system of the European Union is challenged more intensely, and more resources are required for the proposal's successful passing and implementation. Different environments

consist of different inherent conditions, the need to include the European Parliament for example or the need to gain unanimous consent of all member states. These underlying conditions in combination with complex policy proposals entail different requirements for the EU to include in the policy process, more coordination between the institutions might be required under some circumstances, with more bureaucratic personnel consulted while under others publicly salient cleavages matter more. Consequently, this thesis seeks to research the relationship between policy complexity, the legal, institutional, and political environment, and the speed of policymaking in the European Union.

In particular, the interactions of complex policy proposals with their environments are analyzed. For the legal environment, the differences in efficient policymaking concerning the use of regulations, directives and decisions in interaction with more and less complex policy proposals are drawn to analysis. As the member states are differently addressed and bound by the instrument, the amount of complexity in the proposal should play a different role. The institutional environment is two-fold. Firstly, the difference between lawmaking under qualified majority voting will be compared to lawmaking under unanimous voting. Then the differences in legislative efficiency will be studied by a comparison of the special legislative procedure to the ordinary legislative procedure, with their respective predecessors. In the analysis it will be further evaluated how they deal with policy proposals with differing amounts of complexity. The different institutional rules have been shown to play a significant role in efficient policymaking, so complex proposals should be handled differently there as well (Golub, 1999; König, 2007; Schulz & König, 2000). Especially in legislative situations where the European Parliament is not involved and the Council is able to vote with a QMV system, complex policies should be handled faster, as less relevant actors need to be convinced. The third environment is the political environment, which deals with diverging preferences of relevant actors in the legislative process, based on their members party manifestos (Volkens, 2019). The political conflict in the Council, as well as in the European Parliament will be analyzed in conjunction with complexity, as contradicting ideologies are prone to more intense and longer debates combined with more infighting (König, 2008). Taken together with more complex policies that

leave more room for interpretation, more paragraphs to fight over and more complicated language that is susceptible for misunderstandings should lead to reinforcement of the effect. Additionally, complexity's interaction with inter institutional differences, i.e., the ideological distance between the Commission to the Parliament and to the Council will be researched. Area-specific experts are employed as high-level bureaucrats in the Commission and serve as guides to the legislative institutions. This is especially important with difficult policies and might be impeded by significant differences in opinion between the institutions, thereby influencing the policymaking process (Blom-Hansen & Senninger, 2021).

Through the examination of the legal, institutional, and political environments and their response to varying levels of complexity, this thesis seeks to uncover the interaction dynamics at play and contribute to the theoretical and practical understanding of EU policymaking. From a theoretical standpoint, shedding light on the multidimensional nature of the European legislative process in combination with an in-depth, sophisticated look into the policies and how their content influences the length of the process adds to the existing literature. As has been touched upon, previous studies have either neglected policy complexity (Klüver & Sagarzazu, 2013; Schulz & König, 2000; Sloot & Verschuren, 1990) or used a strongly simplified approach to it, where the number of recitals of the policy was counted and used as a proxy for complexity (Kaeding, 2006; Rasmussen & Toshkov, 2011; Toshkov, 2008). Hurka and Haag (2020) have furthered the research of the legislative duration of the EU by demonstrating the different impact of highly and lowly complex policy proposals on the legislative efficiency of the EU. This research now addresses the gap in the literature on how this sophisticated indicator of complexity interacts with different environments of the European Union, i.e., how efficiently different circumstances process differently complex policy proposals. The existing literature that used to treat proposals as a black box is now enriched with a more detailed and in-depth approach to EU policymaking. By analyzing the speed at which proposals of different complexities are processed under different circumstances, potential bottlenecks and inefficiencies in the system can be identified. The practical importance and relevance of this thesis lies in the identification of those shortcomings and the subsequent provision of evidence-based

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recommendations for improvements of the effectiveness and efficiency of the European Union's policy process, and their ability to deal with complex proposals.

For the analysis, the EUPLEX dataset will be employed, as it contains rich information on policy proposals in the European Union and their legal and institutional variables, as well as sophisticated measures for the complexity of the proposals (Hurka et al., 2022a). The information will be enriched with outside data mostly on ideological preferences and their deviations in and between the institutions, which will be explained more closely in the methods section of the thesis. An OLS Regression will be applied to control for the possibility that the Commission proposes more complex policies depending on endogenous circumstances. It will be shown that this anticipation effect can be rejected (see Table 4).

The analysis will be conducted as a survival analysis because the research interest is structured around this time-to-event format, where the duration of policy proposals is of utmost importance. Duration is seen as the time in days between the first introduction of the proposal by the Commission to the final passing of the proposal into law and can thus also be seen as a proxy for efficiency in policymaking. As it is standard with the method of survival analysis, the time-to-event variable duration is treated as the dependent variable of the analysis and the passing of the law is considered as the event or so-called failure variable (Cleves et al., 2008). Cox Proportional Hazards models, controlled for time-varying covariates, were employed to measure the impact of the covariates on the hazard rate of the failure event happening (Box-Steffensmeier & Zorn, 2001; Cox, 1972). Subsequently, post-estimation survival curves building on Cox Regressions with time-varying covariates were constructed to show how the different characteristics inside the mentioned environments deal with very complex and lowly complex policy proposals (Ruhe, 2016). Afterward, the differences between the survival curves were calculated and displayed to show the difference in survival between how efficiently one characteristic of the environment deals with highly complex proposals compared to how its counterpart processes it, the same was applied to lowly complex proposals.

The application of the Cox Proportional Hazards model shows the strong delaying influence of policy complexity, as well as of directives and of political conflict along the left-right cleavage both in the Council and the Parliament on the legislative duration. Conflict in the Council concerning European integration, QMV and the choice of the SLP all accelerate the decision-making process significantly. The time-varying effects of the variables are taken into consideration, leading to a reduction over time in the delaying effects of complexity, left-right conflict and the choice of directives. The accelerating effects of political conflict concerning integration and the number of policy areas involved also decline over time (see Table 5). The more detailed look into the processing of both complex and simple policy proposals through post-estimation survival curves yields important information on the differences in the respective environments and their efficiency. Especially the influence of political conflict in the Council on left-right issues impacts the processing duration of both simple and complex pieces of legislation significantly. Even highly complex policy proposals enjoy a higher probability of being passed into laws after a certain duration, as long as they are negotiated under low conflict levels, than their simple counterparts bargained under high levels of conflict (see Figure 9). The legislative procedure shows a similar, albeit later effect, where highly complex policy proposals processed under the SLP after a considerable duration are more likely to be passed than lowly complex proposals under the OLP (see Figure 6). The strong impact on the legislative efficiency concerning the choice of legal instruments was reinforced by the findings, as directives significantly prolong the duration for both simple and complex policies (see Figure 5).

The thesis paper continues with a literature review on the most important contributions to the research on the legislative duration in the EU and afterward embeds the thesis in a theoretical framework building upon institutionalism and transaction cost theory. The important variables and environments will also be demonstrated in-depth, their importance and contribution to this research will be highlighted, and hypotheses will be derived. Subsequently, the research design with the dataset, that was employed, its limitations, the operationalization of the variables and the methods will be explained. Then, the methods will be applied and the complete findings on the different environments and variables will be shown in chapter 5 and concluded in chapter 6.

2 The Study of the Legislative Duration of the European Union

Krislov et al. (1986) were one of the pioneers in the study of legislative decision-making in 1986. Their main contribution to the literature was the establishment and popularization of the „lourdeur" (engl: „heaviness") variables, which have remained staples ever since. Those entail the kind of proposal that is introduced, regulations, directives or decisions and the nature of a proposal, be it modifying or new. The voting requirement in the Council of the European Union has always been influential as well, same as the role of the European Parliament in the process and the amount of policy pressure, measured as the legislative backlog (Krislov et al., 1986). Sloot and Verschuren (1990) have shortly after applied these variables on legislative proposals reaching from 1975 to 1986 and analyzed their mean time lag between presentation and adoption, as well as their adoption rate and computed those with a linear multivariate regression analysis. Upon their research, they contributed that directives have longer implementation times than regulations, as well as demonstrated a general increase in organizational effectiveness in the EU concerning their decision-making speed during this time period (Sloot & Verschuren, 1990).

Golub (1999) argues that with his study, the first real quantitative analysis of the European Community (EC) decision-making procedure has been conducted, as previous works have been plagued with methodological shortcomings and analytical oversights. He argues that Krislov et al. (1986) used unreliable estimates of EC legislation and overlooked some decisive factors in their analysis, as they did not test for the use of QMV specifically before 1987, rendering their findings insignificant. Since Sloot and Verschuren (1990) only analyzed proposals adopted until October 1988, they were unable to show the effects of enhanced QMV and the stronger inclusion of the European Parliament in the legislative process, caused by the Single European Act. Methodologically, the use of linear regression introduces room for biases and wrong estimations (Golub, 1999). According to Golub (1999), Schulz and König (2000) fail to consider the time-dependence of their covariates and important variables, such as the legislative backlog, the enlargement, or the agenda expansion, which undermines the quality of their findings and their resulting conclusions. In his study on

legislative decision-making, Golub (1999) challenges the impact of the Luxembourg Compromise and the accompanying institutional reforms with increasing involvement of the European Parliament and the extension of areas that fall under qualified majority voting on legislative duration. He studied 1300 directives in the time period from 1974-1995, including the treaty changes of the Single European Act and the Maastricht Treaty by using the time lag between the proposal to the adoption of a policy, creating 3 subsets for each inter-treaty period and applying a survival analysis. Golub (1999) uncovered the significant acceleration of the decision-making process when the voting procedure in the Council was QMV, as well as that a growing legislative backlog of pending proposals also enhances the speed of legislation in the EU. Member state preferences exercise a clear impact on the legislative duration of proposals, as especially outliers such as the United Kingdom under Prime Minister Margaret Thatcher can considerably slow down the process (Golub, 1999). Coalition formation and ideological convictions play an important role while European enlargement and the expansion of the agenda of the European Community do not statistically influence the process (Golub, 1999).

Golub's (1999) strict focus on directives and the inherent disregard of other legal instruments was criticized by Schulz and König (2000), as directives made up less than 20% of the output of the EU at that time. Schulz and König (2000) also analyzed the impact of institutional reform on the EU's efficiency in dealing with an expanding legislative agenda, but additionally take time dependence and confounding variables such as issue areas into account. Methodologically, they apply a log-logistic model on the time lag for all binding EU legislative acts from 1984-1999 and discover that the participation of the European Parliament prolongs the decision-making process, while QMV in the Council decreases it, and policies in core areas of the EU have shorter time lags than others (Schulz & König, 2000). Regulations and decisions are also passed quicker than directives according to their research, showing the distortion of Golub's (1999) previous study (Schulz & König, 2000).

König (2007) expanded his study with the same data and time frame, but this time applied a survival analysis with a Cox proportional hazards model to account for right

censored observations and to avoid bias that would be introduced with other methods. He put a special focus on member state preferences measured by party manifesto data and their distances to account for increased conflict in the Council and its effect on the time lag between proposition and adoption. König reinforced his earlier findings, that QMV shortens the duration, and the involvement of the EP, albeit modestly prolongs it. The distances between member state governments positions exert significant influence on the duration, prolonging it considerably with heightened conflict levels in the Council and vice-versa, which is intensified in core policy domains of the EU and through enlargement if more countries with diverging preferences are admitted to the EU (König, 2007). This stands in conflict with Golub's (2007) findings that enlargement speeds up decision-making through dynamics of coalition formation as with more member states more possible winning coalitions under QMV would be possible. As for preference heterogeneity in the Council, larger differences can also lead to significantly reduced legislative output, measured as the amount of proposals (König, 2007). Crombez and Hix (2015) extend König's conceptualization of the gridlock interval from an intra institutional one to an inter institutional dimension. They demonstrate that the influence of the preferences of the Commission and the Parliament, and their respective distances to the Council, outweigh the influence of the aggregated preferences of the member states on the amount of legislative output.

Golub and Steunenberg (2007) made an important methodological contribution to the literature on legislative decision-making speed of the European Union by introducing the need to account for time varying variables. They conducted a survival analysis and fitted their Cox proportional hazards model with time-interaction terms to factor in variables that change over certain times of survival. Through this re-analysis of another paper which used the same data with policy proposals from 1984-1999 but overlooked this methodological importance they uncovered an even stronger influence of QMV on the legislative duration (Golub, 2007). The growing importance of the European Parliament's involvement in the legislature increased the time-lag while its emergence as a veto player did not have a significant influence (Golub & Steunenberg, 2007)

As previously shown, the effect of enlargement on decision-making speed has been quite disputed (Golub, 2007; König, 2007). Hertz and Leuffen (2011) shed light on this contested correlation by estimating a Cox regression model with time-varying covariates on all directives, regulations, and decisions from 1976-2006 with a special focus on the enlargement process. They reinforce König's findings by demonstrating that enlargement slows decision-making speed down, with differing amplitudes of effects of the multiple enlargement rounds. Notwithstanding, they also show the potential of qualified majority voting for integrating larger amounts of countries while still staying responsive to current events and crises through its shortening effect on legislative duration (Hertz & Leuffen, 2011). A special focus on the eastern enlargement, its impact on the legislative duration of policy proposals and on preference heterogeneity has been put by Toshkov (2017b). As for the duration, he constructs two Kaplan Meier Estimations, one before the enlargement and one afterwards and finds no relevant differences in the survival rates. This leads him to conclude that similar durations should exist, and the eastern enlargement had no discernible effect on legislative decision-making speed. Through the analysis of expert interviews on policy positions and the subsequent network analysis, Toshkov (2017b) has shown that a new cleavage arose with the introduction of the Central and Eastern European (CEE) countries which is only relevant in a few policy areas. This conflict line is, however, not only relevant for the CEE countries, but also for longer established member states. The perceived division is foremost in salient asylum policy and the treatment of Russia and was especially pronounced during the migration crisis in 2015 (Toshkov, 2017b).

In their study, Bolstad and Cross (2016) analyzed all regulations, decisions and directives from 1995-2012 in an interrupted time series approach to uncover the success of the treaties in creating a more efficient legislative decision-making process, measured by the time between the proposal and adoption of a policy. They concluded that the Treaty of Amsterdam had a large and significant effect on the efficiency, while the treaties of Nice and Lisbon did not have any clear effects on it. Especially in the latter case, this constitutes a surprising finding as the Treaty of Lisbon was considered a major reform to the European Union with its strengthening of the involvement of the

Parliament through the introduction of the ordinary legislative procedure and the expansion of QMV to more policy areas (Bolstad & Cross, 2016).

Rasmussen and Toshkov (2013) research the influence of stakeholder consultations on the duration and efficiency of the decision-making process. Stakeholders can be private individuals, interest groups, companies and public authorities involved in the consultation process. They apply a Cox semiparametric model and a log-logistic model on the time between proposition and adoption of all legislative proposals submitted to the European Parliament under the codecision procedure for the time period from 2004-2009. They compare observations that received the „treatment" of consultation to those that were not treated and Rasmussen and Toshkov (2013) find evidence that the inclusion of external actors, albeit democratically justified, prolongs the decision-making process. Contrary to previous assumptions, their inclusion does not lessen conflict and its impact on the Legislative but more so reinforces bargaining costs associated with it, as more actors with different diverging preferences are introduced to the process (Rasmussen & Toshkov, 2013). Stakeholder involvement and their consultative impact thus comes as a trade-off: Increased democratic participation of civil society against the efficiency of the legislative process, measured as the time from proposal to adoption (Rasmussen & Toshkov, 2013).

Decision-making in the European Union has increasingly become less formal, moving away from publicly visible places to more informal settings (Hillebrandt & Leino-Sandberg, 2021). Most political compromises are resolved on the fast track, as the involved legislators from the Parliament, the Council and the Commission meet behind closed doors in „trilogue meetings" during the codecision procedure (Greenwood & Roederer-Rynning, 2021). There, agreements are reached before the issue is even discussed in the appropriate chambers, leading to information asymmetries, lessened democratic oversight, and non-existent public discussions in committees and Council meetings as agreements were already reached (Brandsma et al., 2021). Those trilogues usually lead to early agreements, referring to informal agreements reached either in the first or the early second reading stage of negotiations, which allows the legislature to bypass procedural requirements in the different stages of codecision.

Contrary to previous beliefs, this informality of closed-door negotiations does not reward the most influential participants, the rapporteur from the EP and the Council president (Rasmussen & Reh, 2013). As has been shown by Rasmussen and Reh, the legislative outcomes are not located closer to the preferences held by the party group of the most important actors, as rapporteurs serve as loyal agents to the plenary and are usually located close to the median member of their group. The Council Presidency is also not able to make binding decisions of their own volition as they need the consensus of the entire Council (Rasmussen & Reh, 2013).

The European Union introduced so-called „trio presidencies" in 2007 in order to improve the legislation process and to counter discontinuities between consequent presidencies. These describe the process of the three countries that successively exercise the position of a Council president to work out a combined policy agenda for the following 18 months. They have thus already pre-negotiated certain legislative aspects and can bargain together with other undecided members of the Council. Van Gruisen (2019) analyzed the institutional reform's effect on the legislative decision-making speed by conducting a Cox proportional hazards regression, which he controlled for time codependence. In line with previous studies, he showed that increased political conflict measured on the left-right dimension leads to an increase in the legislative duration. However, when he interacted the political conflict with a combined legislative agenda it changed its effect from negative to positive. For the time period of 2000-2012, the introduction and application of the trio presidency indeed had a moderating effect on the conflict in the Council and thus an efficiency-increasing effect on the decision-making process (Van Gruisen, 2019).

3 Theoretical Framework

The European Union is an international organization (IO), which means it can be considered as „persistent and connected sets of rules (formal and informal) that prescribe behavioral roles, constrain activity, and shape expectations" (Keohane, 1989, p. 3). Or put more simply a „set of rules that stipulate the ways in which states should cooperate and compete with each other" (Mearsheimer, 1994, p. 6). Nation-states are incentivized to participate in international organizations from an efficiency standpoint, as agreements between different actors are easier to reach (Keohane, 1984). IOs additionally facilitate collaboration and collective action, as common problems such as information deficits and asymmetries, as well as transaction costs are significantly reduced (Keohane, 1984). For example, joining the European single market drastically reduces transaction costs of continual bargaining of member states, as they do not have to negotiate bilateral trade agreements with each other (Martin & Simmons, 2013).

States are considered rational actors, which means that their own rational action could impede beneficial cooperation. International organizations thus have to be effective enough and provide sufficient incentives for states to forego short-term actions and realize long-term mutual benefits through collective solutions (Keohane, 1984). As transactions between member states in IOs are repeated multiple times, absolute gains matter considerably to the actors, and states that defer from common practices and rules, or even betray their transaction partner, have to fear reputational risks which would impede future negotiations (Joachim et al., 2007). Legislatures, just as markets, strive to minimize transaction costs to make cooperation as fluent and burden-free as possible and promote gains from bargaining (North, 1990). Societal interests, political demands from representatives under pressure from localized interests, and the growing complexity of public policies however impede the efficiency of legislatures (Krehbiel, 2004).

From a transaction cost theory standpoint, growing policy complexity introduces many difficulties for the European Union (Schuck, 1992). As complex policies require an in-

depth understanding of the subject matter, the legislative actors have to gather and process vast amounts of information, consult with experts, and conduct analyses thereby requiring more time and resources to make informed decisions. As complex policies consist of more text, more paragraphs, more difficult language, and more legal issues to account for, they also introduce more grounds for discussions and for disagreements. Negotiations in the EU always include multiple stakeholders and involved parties with diverse interests and preferences. In combination with the policy-inherent challenges this poses a significant heightening of transaction costs, as bargaining, coordination and consensus-building are all significantly hampered. Member states and their administrations face difficulties implementing and applying complex policies to their societies, as growing amounts of expertise and personnel would be required for that (Tullock, 1995). This in in turn raises costs for them as well as the increased need to monitor and enforce compliance with the EU's policies (Kaplow, 1996). Additionally, for some legal instruments, the European Union has to account for national legislations, leading to increased coordination and integration costs with complex policies, as well as delays in transposition (Kaeding, 2006; Steunenberg & Rhinard, 2010; Steunenberg & Toshkov, 2009; Zhelyazkova & Torenvlied, 2009).

The problematic effect of these heightened levels of transaction costs introduced through complex policy proposals can be observed in a significant prolongation of the legislative duration of the proposals (Hurka & Haag, 2020). This can hinder the EU's ability to address urgent issues and seize opportunities quickly. This is especially worrisome as crises require timely responses to prevent further escalation. Thereby the image of an unresponsive, bureaucratic, and disconnected international institution could be created for its populace (Binder, 2002). Erosion of public trust in the EU and missed opportunities can have significant electoral, social, and economic consequences in Europe and lead to increased fragmentation and disunity. As mentioned before, an IO has to be effective and offer sufficient incentives for its member states to act in unison (Keohane, 1984). Should the efficiency of the EU's legislative be seriously endangered, member states could push for unilateral or

bilateral solutions for problems, undermining the EU and leading to disintegration steps.

This thesis argues, that while complex policy proposals are more time intensive to process than their simple counterparts, under certain circumstances both simple and complex policy proposals can be processed more efficiently than under others. Costs introduced through extensive information gathering and through uncertainty should be less significant under the special legislative procedure, as the Council serves as a unicameral legislative here, thereby mostly excluding uncertainty about the position of and the informational costs for the European Parliament. As for the choice of legal instruments, directives will specifically reinforce the effect of complexity, as the bargaining situation will be tougher, because the member states will want to amend and discuss most if not all paragraphs of the proposal. The number of paragraphs is significantly higher, the negotiating process more complicated with complex legislation, and simultaneously less compromise friendly as they have to pass this proposal through their national parliaments. Enforcement and monitoring costs will also be heightened as directives allow for considerable flexibility in their application. Negotiations are expected to be conducted more efficiently under QMV, as compromises should be easier to find when not every member state has to agree on the policy. Additionally, complexity is expected to interact with political conflict in and between the institutions and lead to a prolonged duration, as complex policies introduce more grounds for disagreement, and contain more complicated and longer texts. These are more likely to all be discussed at length when member state representatives and members of the Parliament have different ideological preferences and introduce more grounds for amendments.

3.1 Policy Complexity

The European Union embodies an intertwined bureaucratic structure with numerous agencies, extensive rules, and complex policies (Hurka & Haag, 2020; Wonka & Rittberger, 2010). Its origins can be traced to the desire and the necessity of creating an inclusive organization that incorporates the oftentimes conflicting interests of its member states while passing effective legislation (Toshkov, 2017a). Toshkov argues

that simplifying procedures often entails tradeoffs between the inclusivity, the diverse interests, or effective legislative output, which makes reforming the EU's legislative especially cumbersome. Changing the treaties to meaningfully alleviate some of the problems is extremely difficult, thus new compromises were made to lessen some of the most glaring inefficiencies and added upon the existing structures, which in turn resulted in more complexity (Toshkov, 2017a). Diverging interests of the member states and resulting conflict as well as the flexible nature of the EU, allowing its member states to transpose directives in their national legislations combined with a lack of a centralized enforcement and control agency adds additional complex elements to European legislation (Kaeding, 2006; Steunenberg & Rhinard, 2010; Zhelyazkova & Torenvlied 2009). Flexible integration has allowed the EU to progress even with differing preferences, however, as states had the option to opt-out of integration proceedings, a multitude of intertwined organizations and treaties with overlapping memberships has been created and substantially increased the complication of the European Union (Naurin & Lindahl, 2010; Toshkov, 2017a).

The European Union is itself aware that the growing complexity in policy proposals not only raises costs for the legislative but also for the implementing agencies, the affected businesses, and the European populace. To counteract growingly complex laws, the Commission adopted the Better Regulation Agenda on the 19th of May 2015 in the hopes of boosting openness and transparency in the decision-making process (Commission: Bertaud, 2015). The Commission states, that they set out to improve the quality of laws through impact assessments and by reviewing existing laws if they are still suited to deal with the issue in the most efficient way. Frans Timmermans, then Vice-President of the Commission, stressed the importance of passing understandable and applicable policies for concerned citizens and businesses - and that the EU is not always delivering on that promise (Commission: Bertaud, 2015). With Better Regulation, his goal was to restore confidence in European Union policymaking and to make sure that their ambitious policy goals would be reached in the most efficient way with understandable legislation (Commission: Bertaud, 2015).

Aside from digitalization procedures, policy impact assessments and the integration of the Sustainable Development Goals in the EU's policymaking, the European Institute of Public Administration assessed that the Better Regulation agenda mainly introduced changes that support efforts in simplifying EU law and in turn also reduce administrative burdens on the policy targets (Sarris, 2022). Additionally, they underline the Commission's goal for policy proposals to be comprehensive, participative, and fit for purpose while avoiding unnecessary burdens for businesses and citizens (Sarris, 2022). The Better Regulation tools are meant to support Commission staff drafting their proposals, to enable a decision-making process that is timely, better-informed, and allows for sound decisions (Commission, 2019). By achieving its goal of simplifying legislation, the Commission is also improving the implementation of policies and thus lowering enforcements costs and reducing compliance risks of member states and businesses. Especially small and medium-sized business are set to profit from the EU's simplification efforts, as the administrative tasks are bound to be lessened and access to information and funds is facilitated (Commission, 2019).

3.1.1 Development of Policy Complexity in the European Union over time

Complexity in legal documents has always been a tradeoff between on the one side creating sufficiently complex legislation to incorporate every plausible scenario (Senninger, 2020). And on the other side offering strict guidelines for the interpreter to minimize chances of misuse of the law, while not overcomplicating it to not overwhelm the person that is responsible to interpret it and the public (Senninger, 2020). The costs of overcomplicated policies burden the whole legal system with the misallocation of human capital, that would be needed elsewhere (Katz & Bommarito, 2014). It also leads to poor implementation, as ground-level bureaucrats face troubles applying the policy to the real world and poor compliance with the law because the public struggles to adhere to laws they do not comprehend (Adam et al. 2019; Honig, 2006). Underspecified laws in turn can lead to a complete failure of the policy as the desired goal might just not be achieved through it, resulting in social, economic or political costs (Katz & Bommarito, 2014).

Mean Standardized Complexity
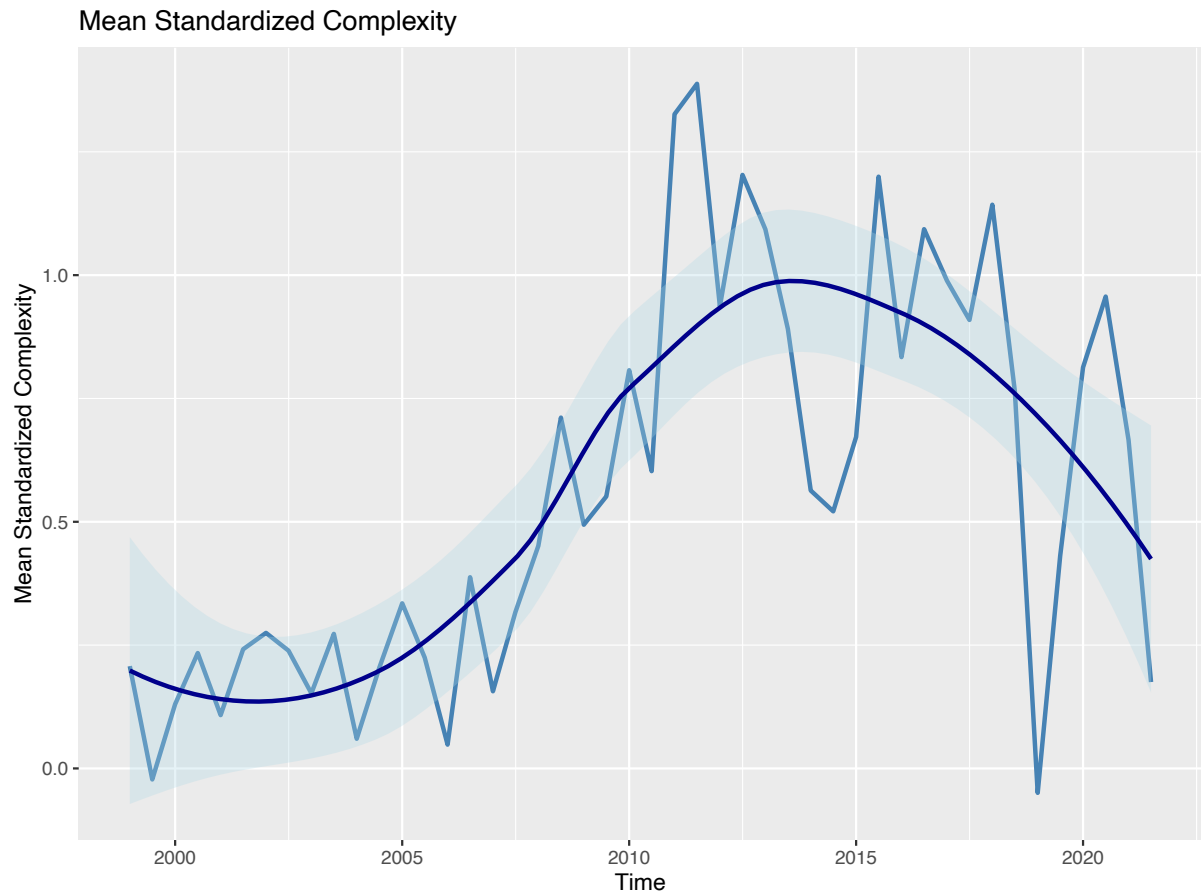
Figure 1. Development of complexity in European Union policy proposals over time

Source: own illustration

Generally speaking, societal and economic circumstances have been becoming more complex and so have policy proposals (Katz & Bommarito, 2014). Figure 1 shows policy complexity for the analyzed proposals had been steadily increasing until 2014 when it plateaued and has been decreasing since. However, it remains at a high level compared to the early 2000s.

3.1.2 Consequences of Policy Complexity

Complex laws generally raise transaction costs and are costly and work-intensive to formulate, to debate upon, and to implement. Once established, they are also more difficult to reform and raise uncertainty (Schuck, 1992). The European governance system is characterized by interdependence between the member states and the supranational level (Schmidt, 2019), so if the European Union fails or is too slow to appropriately respond to crises, the burden is passed on to national regulators who will

then have to bear the consequences (Dunin-Wasowicz, 2017). Democratic systems, such as the EU, with underlying overly complex legal systems, face considerable compliance issues and there is also a set amount of misallocation of human capital a society can endure, as there is finite human capital (Katz & Bommarito, 2014). This results in concerning developments for democratic systems, as growing legal complexity undermines and jeopardizes democratic cornerstones (Katz & Bommarito, 2014).

For political participation and active civil societal organization, both necessary for modern democracies, people need to be provided with understandable and digestible knowledge. This knowledge encompasses electoral platforms, the policy-making process, problems their country is facing, and the solutions that are deemed suitable for that (Strömbäck, 2005). Additionally, they also need to be able to understand the political messaging and the proposed policy goals by political elites to form opinions and participate (Tolochko et al., 2019). Those possible solutions for political problems are ingested into the system as policy proposals. With their growing complexity, the risk that more and more people stop understanding the propositions increases. Therefore, also the risk of lessened participation in democratic forms of opposition combined with generally less acceptance for democratic political systems increases. When the institutions and the policies become decreasingly comprehensible and in turn less transparent, the EU could lose the trust of its citizens and thereby its ability to push further integration, assure compliance with its laws and find majorities for legislative proposals (Scharpf, 1999). The EU has become very dependent on public opinion, especially with redistribution policies and thus needs to focus on simplifying its messages to the public, making its institutional setup more understandable, and creating legislation that is simple, inclusive, effective and consensual (Toshkov, 2017a; Schmidt, 2019).

In party political research, it has already been shown that messaging with simpler language tends to resonate with a broad public (Kayam, 2018; Rydgren, 2017). Populists have employed this tactic to gather support of ordinary people by distinguishing themselves from aloof political elites that use overly complicated rhetoric

(Kayam, 2018; Rydgren, 2017). The same trend can be observed in party manifestos, as populist parties write shorter sentences with shorter words, thereby promoting readability (Bischof & Senninger, 2018). This helps parties make their positions clearer to the voter, especially in several voter strata for whom the general political discourse is too complicated and the policies and strategies that are talked about too complex to grasp (Rdygren, 2017). Simpler messaging not only resonates better with the voter it is also easier to detect for the media who oftentimes is more inclined to pick up shorter and more concise messaging than longer terminologies (Hart, 2020). The appeal of simple and concise language to ordinary citizens has been shown in numerous populists' campaigns, such as the successful presidential race of Donald Trump or the BREXIT campaign in the United Kingdom (Bischof & Senninger, 2018; Kayam, 2018). Looking at the policy proposals in the European Union, with increasing complexity, policymaking in the EU risks appearing elitist and out of touch. Ordinary people that are struggling to understand the legislation anyways might thus be even more so pushed into the arms of parties and movements that provide simple and understandable answers to complicated questions, albeit not necessarily correct answers. Populists might instrumentalize the resulting unawareness of the general public and the perception of elitism around the overcomplicated legislation to push for radical policies and measures.

The growing complexity of policies in combination with continuous policy accumulation over the last decades lead to the existence of heavily complex policy mixes in almost all policy fields (Adam et al., 2019). That this is overwhelming for ordinary citizens comes as no surprise, however, Adam et al. (2019) show that also policy experts in their respective fields face tremendous difficulties in completely understanding the proposals and legal frameworks that are embedded in as well as those of their European neighboring countries. The researchers (2019) argue that the experts would have to be aware of thousands of legal texts and precedents, laws, regulations, and documents which are due to federally organized political systems all issued at different levels, which has to be considered an unrealistic expectation of them. New laws are usually layered on top of existing legislation as the replacement of existing laws is politically costly and burdensome, thus the amount of rules and legislation required to

properly evaluate issue-specific areas continuously grows (Capano & Lippi, 2017). In turn, the mentioned experts become less reliable sources of information and different experts have to combine their expertise to get a hold of problems that would formerly only require the guidance and recommendation of fewer people (Adam et al., 2019).

Complexity of policies and their fields significantly impedes their deliberation in political debates in talk shows or other mass media formats, while at the same time reducing satisfaction with the policies as less people can understand it, as has been shown for monetary policies in the UK (Jost, 2017). This risks a disconnect between the electorate and the policy makers and experts. Additionally, complex policy webs that are densely populated require special attention to detail when proposing legislation in their field, as every possible interaction between the proposal and the existing legal framework has to be taken into account (Adam et al., 2019). This results in a heightened burden on the policy-making process. The implementing agencies and bureaucrats then face additional workloads as more and more policies and regulations pile on their desks (Adam et al., 2019). Without adequate financial and staff resources, those ground-level bureaucrats face tough challenges in applying the legislation into every-day life, which leads to selective implementation of the policies and a growing administrative backlog of policies that are yet to be dealt with (Adam et al., 2019).

3.1.3 Conceptualizing Policy Complexity

Traditionally, the number of recitals had been used as an indicator of the complexity of a policy (Kaeding, 2006; Klüver & Sagarzazu, 2013; Steunenberg & Rhinard, 2010), as these are listed before a policy proposal and give the reasoning behind the provisions, principles, and assumptions the act is based on. The number of recitals has been seen as an indicator for the amount of information contained in a policy, encapsulating the size of the proposal and the amount of work someone has to go through to process it (Senninger, 2020). Following this, more recitals of a policy thus demand more resources and more time than a policy with less recitals. While this mode of measurement somewhat captures the dimension of size, it neglects the ties of policies to existing legal frameworks and the different complexities of language (Senninger, 2020). The number of references directly adds to the difficulty of

understanding the policy, since more information has to be processed as more policies and legal frameworks have to be considered (Mazzega et al., 2009). Combined with increasingly convoluted and complicated language, this either binds more personnel or increases the duration of the lawmaking process. If a proposal is written in an accessible way, reaching an understanding of it can be quite straightforward, and if it is highly interconnected with a very sophisticated text, the opposite is usually the case (Senninger, 2020). Senninger (2020) recommends for policies to be written with short words, short sentences, and to avoid unnecessary references to other policies to lessen the burden on legislators during the preparation, deliberation and decision phases.

Extending the language complexity research, researchers complemented existing measurements with the entropy values of a body of text (Bentz, et al., 2017). Those have to be considered, as the different distributions of words in a sentence or a paragraph significantly impact the difficulty of reading it (Bommarito II & Katz, 2010). Further, the Katz and Bommarito (2014) have extended their work on the United States Code to a three-fold complexity definition, consisting of structure, language and interdependence and applied them empirically through computational techniques. In more detail, they conceptualized the three parts as follows: For the structure, they analyzed the size and the element depth distribution. For the language they analyzed the number of tokens contained in text, the average word length and the word entropy. For the interdependence, they measure the interdependence within the title and then across titles (Katz & Bommarito, 2014). Hurka et al. (2022a) have built upon this measurement procedure and applied it to the policy proposals in the European Union and computationally assessed their complexity scores across similar dimensions like the mentioned legal scholars. Their measurement and its impact on the legislative process in the European Union will be explained in more detail in the chapter on variable operationalization as it is essential for the analysis.

Figure 2 shows the different indicators for policy complexity unstandardized, for the time span of 1999 to 2021 and applied to the 2413 policy proposals in the analysis dataset.
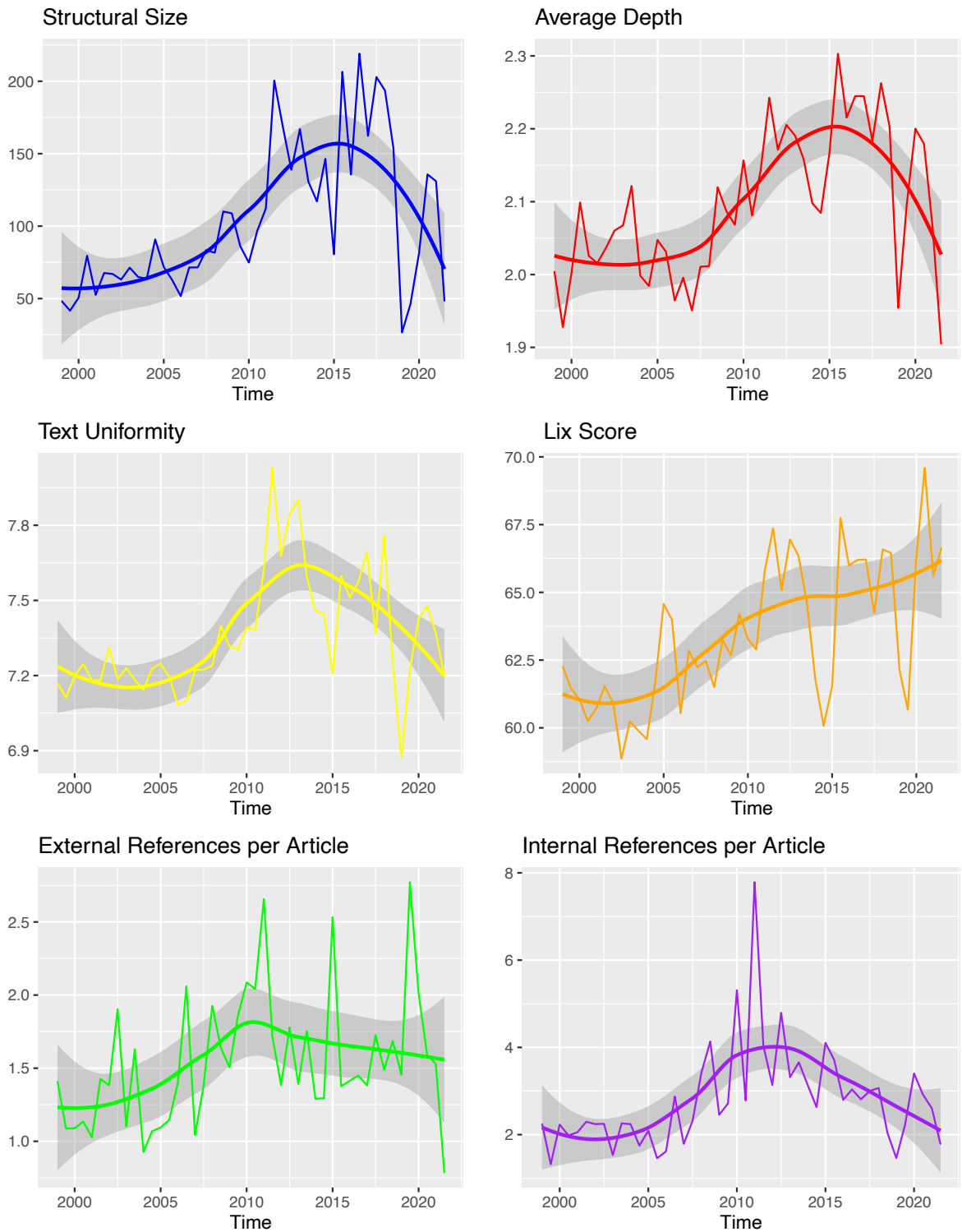
Figure 2. Complexity Indicators over time

Note: Graphing scheme adapted from Hurka et al. (2022a, p.13), applied to the analysis dataset, own illustration

The structural size of a policy proposal, an indicator for the structural complexity, had been steadily and strongly increasing until its height in 2015 and decreased since, however it is still on a higher level than at the beginning of the 2000s. The same trajectory applies to the average depth, the other half of structural policy complexity, which also had its absolute height in 2015 and has been decreasing until today. Text uniformity, an indicator of language complexity had been increasing until 2013 and has been decreasing since then down to its values from 2000. The Lix score, which is based on average sentence and word length has been steadily increasing since the early 2000s and is at a maximum at the end of the analysis period. As for the relational complexity based on the references, both the external and the internal references had been increasing until 2011 and 2012 and while the external references only marginally decreased, almost stayed constant, the internal references have decreased back to the same level they had in 2000 (see Figure 2).

3.2 Legal Environment

The institutions of the European Union can adopt five different types of legal acts. There are regulations, directives, decisions, recommendations, and opinions. The first three are legally binding and the relevant ones for the following analysis, as the latter two will be neglected due to their non-mandatory nature. Regulations are directly and generally applicable, as well as entirely binding (Bux, 2022). The affected entity, be they individuals, member states or institutions, are bound to comply with them immediately after their passage and are not transposed into national law. Their goal is to standardize and unify member states' laws and when conflicts arise between national legislation and EU regulations, the regulations supersede (Bux, 2022).

Directives describe binding but general goals for the member states to achieve, which are themselves authorized to find suitable policy instruments to reach them (Bux, 2022). This legal act has to be transposed into national law and national laws have to be adjusted to be in line with the common objective. Member states are thus given the chance to account for specific domestic and geographical circumstances but must guarantee the effectiveness of the legislative act of the EU. The third instrument,

decisions are only binding to the addressed entity, be it member states or natural or legal persons and address specific situations (Bux, 2022).

The choice of legal instrument which is employed by the Commission depends on a few factors. Hurka and Steinebach (2021) show, that the Commission tends to choose the same instrument when it replaces a policy as it chose for the original policy. Additionally, directives are much more likely to be chosen in policy areas that the European Parliament is heavily involved in (Hurka & Steinebach, 2021). Thirdly, in times of high Euroscepticism in national governments, the Commission is much more likely to use regulations in order to stay in control of the adoption and enforcement of EU law in the member states (Hurka & Steinebach, 2021). Furthermore, regulations and decisions generally have a shorter legislative duration than directives, even though directives usually set more general policy goals in comparison to very specific and detailed other legal instruments (Rasmussen & Toshkov, 2013; Schulz & König, 2000). This is mostly attributable to the necessity of directives to be transposed into national law, for which national governments have to find majorities in their domestic parliaments and pass legislation (Schulz & König, 2000). So, they are more inclined to be less flexible during the negotiation phase and focus more on their ideal position during deliberations in the Council, which prolongs the decision-making process.

Following this argumentation, highly complex policies offer the most space for debates, as their size, difficulty of language, and cross-references all must be processed and then debated. The sheer complexity of the policy proposals thus offers plenty of room for proposed amendments by the member states as well as the increased need to check for compatibilities with the member states domestic constitutions and legal frameworks and incorporate those different challenges into the proposed law. In contrast, regulations and decisions are directly applicable and provide immediate and uniform rules across the member states or targeted entities, thereby guaranteeing consistency in their implementation. Thus, the author hypothesizes, that:

H1: Complex Policies that are introduced to the legislative process as regulations or decisions are faster processed and published as final laws than equally complex directives.

3.3 Institutional Environment

In the following chapter, the institutional environment of the EU will be introduced. Especially the type of legislative procedure and the voting format in the Council of the European Union will be drawn to analysis in interaction with policy complexity.

3.3.1 Legislative Procedures

For the passage of legal acts, i.e., regulations, directives, and decisions, which are proposed by the Commission, in the European Union there are mainly two relevant procedures: the ordinary legislative procedure (OLP), formerly codecision, and the special legislative procedure (SLP) (European Parliament, 2023). The former enables the European Parliament to act as an equal to the Council in the legislative process and thus creates a bicameral legislation (European Parliament, 2023). The procedure starts with the formal introduction of the proposal by the Commission to the European Parliament and induces a legislative process that creates considerable opportunities for both the Council and the EP to introduce amendments (European Parliament, 2023).

Generally, the growing emergence and prevalence of the codecision procedure has led to an increase in the number of accepted amendments and an increase in the power of the European Parliament in the legislative process (Tsebelis et al., 2001). Further, the greater involvement of the European Parliament in the decision-making process under the OLP has been shown to significantly prolong the legislative duration of the policy proposal (König, 2007). Specifically, the codecision procedure has been proven to significantly reduce the legislative efficiency of the EU (Hertz & Leuffen, 2011). Most likely, this is due to the drastically increased possibilities for the MEPs to incorporate amendments into the proposals which then have to be processed and discussed in the Council. The reasoning is most likely not due to a change in the veto

player dynamic, as under the special legislative procedures, the EP also enjoys either a right to veto legislation or to significantly delay it.

This procedure is often accelerated through trilogues, which are institutionalized but informal negotiations between representatives of the three involved institutions at an early stage in the legislative process with an exclusion of the public, following the goal to reach a provisional agreement (Greenwood & Roederer-Rynning, 2021; Brandsma et al. 2021). This agreement is then shown to both chambers of the legislative where it has to be adopted (Cabral, 2020). As the process of the trilogues happens without the oversight of the public and without observable deliberations, this tends to hurt transparency and democratic responsibility (Cabral, 2020). The Commission also has a seat at the table in the deliberation phase and acts not as a neutral mediator but more so as a committed broker that tries to ensure its strong position (Panning, 2021). During this pre-negotiation phase, Eurosceptic extremist parties can successfully be excluded, however, Eurosceptic voices from the inside of mainstream parties were influential in the deliberation phase (Ripoll Servent & Panning, 2021).

In the special legislative procedure, to which both the Consent and Consultation procedures belong to, the European Parliament enjoys no such powers (European Parliament, 2023). The right to propose policies again lies with the Commission of the European Union, which then refers it to the Council. In the Consent procedure, the Parliament has the power to veto the proposal but cannot suggest amendments or influence the legislation further. In the Consultation procedure, the European Parliament gives its opinion on the proposal, which is however non-binding and just acts as a suggestion (European Parliament, 2023). It can however withhold its opinion to force the Council into informal negotiations, as the process would be unable to move on further else wise. There the Parliament can advocate for amendments that have to be included for it to give its agreement to the proposal (Cabral, 2020).

Even though the process of the ordinary legislative procedure has been sped up in recent years due to the emergence of trilogues, involving the European Parliament as an equal legislative chamber to the Council, raises additional informational and

deliberation costs when introducing complex legislation. Complex policy proposals due to their size and complicated nature incentivize the introduction of a plethora of amendments as they simply offer more content open to discussion. Additionally, a second highly occupied supranational institution has to examine the complicated proposed legislative act and has to find a majority position on it as well, then thereafter deliberate with the Council to find common ground. In the following, the author hypothesizes that:

H2: Complex policies are more efficiently processed in the European legislative system under the special legislative procedure compared to the ordinary legislative procedure.

3.3.2 Voting Format in the Council

The Treaty of Nice significantly pushed the European Union towards more democratization and increased the European Parliament's influence significantly by extending the codecision area to new areas (Tsebelis & Yataganas, 2002). Since then, the codecision procedure applies to all matters where the Council is entitled to decide by qualified majority voting (QMV) (Schonard, 2023). Generally, the legislative procedures include qualified majority voting in the Council with its proposals, albeit with exceptions (Schonard, 2023). QMV requires a so-called double majority, where during ordinary circumstances when the proposal comes from the Commission or the EU's High Representative of Foreign Affairs and Security Policy, the qualified majority is reached if 55% of the countries representing 65% of the total population of the EU vote in favor of the proposal in the Council (Eur-Lex, 2023b). When the proposal is not introduced by either of those parties but by other actors, 72% of the countries have to agree with the proposal, still representing 65% of the populace (EUR-Lex, 2023b). QMV is considered the standard voting procedure and about 80% of European legislation is passed with this voting format in the Council (European Parliament, 2023). The emergence of QMV has also expedited the decision-making process and made it more efficient since compromises are easier to be found under this format as not every member state has to be convinced (Golub, 1999; Hertz & Leuffen, 2011; König, 2007).

However, not all proposals of the ordinary legislative procedure or the special legislative procedures are voted under QMV in the Council, as some policy areas that are not sufficiently integrated into the EU demand unanimity in the Council (Schonard, 2023). Generally, the Council is bound to unanimous voting on all matters that the member states consider sensitive. These include the common foreign and security policy (CFSP), citizenship, EU membership, harmonization of national legislation on indirect taxation, EU finances, certain aspects in the field of justice and home affairs (JHA), and the harmonization of national legislation in the field of social security and social protection (Council, 2023). Representatives of the member states are allowed to opt out of the decision-making process, as abstentions do not prevent or stop the process (Council, 2023).

With increasingly complex policy proposals, the legislative process becomes more difficult and it can be assumed that it requires more expert consultations and more time to deliberate over the introduced pieces of legislation. Convincing the entirety of the Council of the European Union, consisting of representatives of the whole Union is arguably and demonstrably a more challenging and lengthier task to accomplish than convincing 55% of the members that would make out 65% of the population. With QMV, potential deadlocks that would arise with unanimous voting could be avoided as the Council is more flexible to adapt to diverse interests of its members. Compromises and balanced solutions are easier to be found and worked into the ongoing legislation with a majority of the important actors in comparison to incorporating the ideological preferences of every member of the Council. The author argues that complex policies through their sheer size, complicated language, and many legal difficulties make the process of gathering a unanimous majority significantly harder than it already was. Following this argumentation, the author contends that:

H3: When the Council of the European Union votes with a qualified majority format, complex policies are more efficiently processed through the legislative process as under unanimous voting.

3.4 Political Environment

In the following chapter, the political conflict contained in the European Union will be analyzed. Two popular bargaining theories will be explained, the growing polarization in the EU will be displayed and thereafter the political conflict in the legislative institutions and between the Commission and the Legislative will be drawn to analysis.

3.4.1 Bargaining

Every EU decision is preceded by a bargaining situation, as a consensus between a multitude of actors has to be reached. Stakeholders go into those negotiations with prearranged expectations and winsets and have to find common ground (Arregui et al., 2004). The bargaining process is thus driven by actors that try to convince other influential actors to build coalitions with them and around their ideal position and is characterized by the shifts of actors from their initially most favored positions to their final positions (Arregui et al., 2004). According to Nash's axioms, the bargainers aim to maximize their expected utility in a thoroughly efficient bargain process, to which players fully allocate their available resources (McCarty & Meirowitz, 2007).

The Bueno de Mesquita (1985; 1994) bargaining model and the Stokman and Van Oosten (1994) cooperative exchange model offer contrasting perspectives on bargaining situations. The Bueno de Mesquita (1985; 1994) model, known as the non-cooperative expected utility model, emphasizes actors' shifts in positions based on their perceptions, expectations, risk aversion, and constraints during negotiation. De Mesquita argues (1994) that stakeholders compete by proposing and countering proposals, aiming to attract agreement and advance their preferred outcomes to the final legislation. The closer the preferred outcomes and the ordered alternatives of two or more actors converge, the more value they put on each other's success. However, agreements during negotiation are non-binding, and binding decisions are only made during the final vote (De Mesquita & Stokman, 1994). In contrast, the Stokman and Van Oosten (1994) model focuses on bilateral ties and interconnected issues. Actors in this cooperative exchange model deviate from their preferred positions on one issue, their supply issue, to gain support on another issue, their demand issue, from another

actor (Stokman & Van Oosten, 1994). Stokman & Van Oosten (1994) argue that negotiation is seen as a multi-round process where actors evaluate and realize exchanges that bring the most gains. Preferences and ideal positions can change through vote trading, leading to a new round of bargaining and the shifts in policy positions are considered binding within each round (Stokman & Van Oosten, 1994). Concludingly, the Bueno de Mesquita model highlights shifts in positions based on self-interest and the Stokman model emphasizes the exchange and interconnectedness of issues (Arregui et al., 2004; De Mesquita & Stokman, 1994; Stokman & Van Oosten, 1994).

Member states who engage in those negotiations typically bargain to represent and pursue their domestic interest, as an externalization of national interests consisting of citizens' and key interest groups' preferences, opposed to other states (Golub, 2012). States have to weigh the cost and benefits of challenging or exchanging votes during the proposal stage, as their domestic constituents could sanction them in the next election (Golub, 2012). MEPs, that are elected nationally face similar challenges, as they have to be responsive to their domestic electorate in the supranational Parliament.

3.4.2 Polarization of the European Union

The early days of European integration had little implications for most people with barely any transparency and salience attached to it (Hooghe & Marks, 2009). Public opinion thus neglected the topic and focused on domestic issues, while elites, consisting of non-elected professionals responsible for handling core state powers, i.e., diplomats, civil-servants, military officers, central bankers, and policy experts, furthered European Integration with little to no pushback from the public (Genschel & Jachtenfuchs, 2016). The European Union at that time was characterized by a permissive consensus and the need for a European legal system driven by the demand to issue settlements for economic disputes between European companies (Börzel & Risse, 2020; Hooghe & Marks, 2009).

The last three decades have to be seen increasingly in contrast to these early days of uncontested supranationalization of core state powers, as since then the European

Union has become gradually politicized and in turn also polarized (Börzel & Risse, 2020). The public has become very aware of issues of European integration and the transfer of sovereignty rights has become a very salient and controversial issue (Genschel & Jachtenfuchs, 2016). State and party leaders must pay close attention to the public debate while negotiating European issues, as this also affects national voting, resulting in a so-called constraining dissensus (Börzel & Risse, 2020;).

Constructed social identities, composed of the special characteristics of the group and the strict separation of borders between the in-group and the out-group, play an important part as well for European Integration (Börzel & Risse, 2018). Large parts of the permissive consensus were able to be sustained as many of the leading forces of integration considered Europe as their secondary identity, inclusive to their national identity (Hooghe & Marks, 2009). The European social identity has been invoked frequently to justify steps of integration and in the past resonated well with mass publics across the member states, that also considered themselves European (Börzel & Risse, 2018).

Identity politics were thus an important vehicle for an ever-closer union, however, this turned with the emergence of Eurosceptic parties. When European integration became more salient, contestation of it also rose (Börzel & Risse, 2018). Eurosceptics have emphasized national identities and constructed those in exclusion of and in contrast to the European identity and thus promoted nationalist and counter-integrationist tendencies (Vachudova, 2019). Those have been especially vocal in redistributive areas, such as burden sharing in the Euro crisis or the allocation of refugees in the migration crisis (Börzel & Risse, 2018). These populist and often right-wing streams have been successful in mobilizing the national publics in favor of anti-immigration and nationalist values against the European identity (Börzel & Risse, 2020). This has hindered further European integration due to the increasingly strong effect of the constraining dissensus and the strong and heavily polarized mobilization of the mass public along this issue (Börzel & Risse, 2020).

The consequences for the research of party politics are foremost, that the left-right cleavage became insufficient for analyzing party positions on European integration (Hooghe et al., 2002). This has been replaced by non-economic and cultural dimensions: the Gal/Tan perspective, showing the side of greens, alternatives, and libertarians in contrast to traditionalists, authoritarians, and nationalists (Hooghe et al., 2002). The new choices and constraints introduced by the membership of the EU prove as important sources of internal and inter party conflicts. Gal parties generally support European integration, while Tan parties usually reject integration as they assert that it weakens national sovereignty, introduces foreign ideas, and most importantly undermines the national community, their social identity (Marks et al., 2006).

3.4.3 Political Conflict in the legislative Institutions

The Council of the European Union consists of members of national governments that usually belong to a party and follow certain goals and ideologies. Thus, the Council acts as another playing field for domestic political preferences to clash. However, this is not limited to regional and federal topics as it would be in national negotiations, this contains a plethora of cleavages and geographically different issues and topics of interest since 27 member states representatives collide and try to reach the best bargaining outcome. The Council presidency is especially predisposed to be used as a platform to further their own national interests, sometimes at the expense of the EU and contrary to established treaty goals (Tallberg, 2006).

Parties are very aware of the importance of the left-right cleavage, as it carries a considerable level of salience (Van der Burg et al., 2008). They engage in systematic planning to position themselves reliably and stably along this conflict line to attain votes from certain groups and also to not scare off other groups (Wratil 2018). When topics along this cleavage become salient, parties emphasize their position and act accordingly to this in parliaments (Wratil, 2018). As divisive and impactful EU policies tend to reach high amounts of saliency well beyond national borders, parties are incentivized to act according to their domestic positions on the supranational level and address salient issues, in order to avoid electoral sanctions (Wratil, 2018). This so-called "rational anticipation" describes the phenomenon, that parties in the European

Parliament and representatives of the governments in the Council systematically consider their accountability for the next national election and in turn act responsive to salient issues (Wratil, 2018). Unpopular and unresponsive behavior patterns will thus be punished regionally and nationally, even though the policies and negotiations happen at the supranational level (Wratil, 2018). Additionally, the European polity is considered an "upside-down polity" as offices at the national level are more desirable for career politicians and parties than those in the EU (Hix, 2008). Consequently, domestic issues and policy goals take precedence over negotiations and policies in the European Parliament. Members of the European Parliament are thus brought back into line should their EP party's goals clash with their national parties' objectives (Hix, 2008).

Similar to Wratil's (2018) findings, Hagemann et al. (2017) showed that national governments in international organizations do not disregard domestic pressures stemming from public opinion. They act according to the prevailing strands of the public debate to signal their responsiveness to the domestic electorate, which in turn resonates with voters (Hagemann et al., 2017). Additionally, Hagemann et al. (2017) provide evidence that government responsiveness is very much shaped by domestic party competition. The researchers show that this effect is especially dominant when the national public debate is about European integration, and the parties are forced to position themselves along the pro/anti integration dimension. When the public is then against further integration, governments are often forced to oppose proposals that would extend the powers of the EU further, thus showing an electoral connection between government ministers and national public opinion on European issues (Hagemann et al., 2017).

European policymaking and integration have been increasingly becoming more contested, more polarized, and more politicized, with the eurozone crises and the migration crises have furthered these trends (Hobolot & Wratil, 2020). Additionally, the EU itself has increasingly become a topic of political contestation in many member states, with Eurosceptics rallying extensive vote counts behind them (Hagemann & De Vries, 2016). Consequently, there have to be comprehensive efforts in the pre-

negotiation and negotiation stages to reach the final result of consensus among the many diverging interests of the member states (Hobolt & Wratil, 2020).

Traditionally, the Commission worked against Eurosceptic streams by creating and strengthening coalitions of progressive member states, but through the Eurosceptics' increase in vote shares and general influence on the debate, this has become more difficult and represents an obstacle to policymaking in the EU (Häge, 2013; Kaeding, 2006). Council negotiations are extensively characterized by the split between integration advocates and Eurosceptics and show that coalition-building in the Council revolves heavily around a pro-Euro core, in order for them to be able to pass proposals and further EU legislation (Wratil et al., 2022). As Hagemann and Hoyland (2008) have shown, for coalition building in the Council of the European Union ideological affiliation is the deciding factor. Governments do not follow the paths of their predecessors and are also not guided by state affiliation, but choose allies based on similarities in their programmatic convictions and goals (Hageman & Hoyland, 2008).

The members of the European Parliament are also responsive to their national publics and salient cleavages, as they are elected domestically and politicians from the same party group are likely to cooperate while still exchanging views with other party groups (Aldrich, 2018; Jensen & Winzen, 2012). The growing specialization of its members in the committees is important for the efficient dealing with policy proposals in the EP. Once a policy is proposed, a rapporteur who is responsible for the committee's negotiation is decided and then receives support from additional staff and additional budgetary resources, writes amendments, and presents the proposal in plenary discussions (Bowler & Farrell, 1995). The rapporteur thus has additional support for specializing in the exact issue at hand and is also expected to reflect and defend the consensus of the majority of the EP, even if it would go against their own convictions (Bowler & Farrell, 1995). The committees in the European Parliament prefer experience over party loyalty when choosing a rapporteur, especially when dealing with highly complex legislation (Hurka et al., 2022b).

As has been previously shown, for coalition building in the Council of the European Union ideological affiliation is the key factor (Hagemann & Hoyland, 2008). Parties follow domestic cleavages, consider the importance of the left-right dimension (Wratil, 2018) and position themselves either pro or anti-European integration (Wratil et al., 2022). With growing political conflict in the afflicted legislative chambers of the European Union, as the European Parliament is also affected by partisan competition and ideological contestations, policies in general are expected to become increasingly harder to pass (Börzel & Risse, 2018; Vachudova, 2019). The effect should be strongly reinforced with complex policies, as they offer more room for misunderstandings, misinterpretations, and for discussion. Negotiation tactics would possibly have to be adapted to break down the complex policy into smaller parts to be able to discuss it more easily. Additionally, coalition building which is essential for passing any policy becomes increasingly harder as the preferences for the members of the Council or the EP diverge and as policies become more complex, due to added difficulties to find a common solution. This trend is expected to be prevalent but less impactful in the European Parliament due to the increased possibilities of specialization and consensus-building through the rapporteur system (Bowler & Farrell, 1995). This leads to the hypothesis:

H4: Political conflict impedes the ability of the legislative institutions to efficiently process complex policy proposals, leading to a prolonged legislative duration.

3.4.4 Distances between the Commission and the Legislative

The Commission functions as the Executive of the European Union and enjoys the right to propose legislation, equipping it with agenda-setting powers. Since the body of the bureaucratic institution is not bound by term periods, it has broadly established stakeholder networks and can also boast considerable sectoral expertise, which is a beneficial informal advantage vis-á-vis other institutions of the EU (Rauh, 2020). It also influences which policies fall under its competence and anticipates appropriate policy positions for negotiations with the European Legislative (Rauh, 2020). Throughout multiple treaty reforms, the powers and influence of the European Parliament have been continuously strengthened, which has introduced a procedural constraint on the

Commission, restricting its output and policy influence (Rasmussen, 2012). Additionally, the growing politicization of EU integration and reforms of the lawmaking procedures combined with added difficulties through European enlargement have constrained it politically (Hooghe & Marks, 2009; Zimmer et al., 2005). A higher number of member state governments in the Council results in more complex conflicts due to the increased amount of conflict dimensions and also the differences in importance and saliences attached to the issues in different countries, creating difficulties for the Commission to correctly anticipate preference constellations (Rauh, 2020).

Klüver and Sagarzazu (2013) have uncovered that the ideological differences between the European institutions have a significant impact on the duration of legislative decision-making. They show that even though the agreement of the European Parliament is only needed in codecision/OLP, it still exercises considerable power as it can delay legislation even without veto powers through the reading stages. Thus, the relevant institutions in all procedures are the EP, the Council, and the Commission. If the institutions have similar ideological views, proposals by the Commission tend to be less often opposed, and less amendments are introduced (Klüver & Sagarzazu, 2013). However, if ideological distances between the most extreme institutional bodies increase, the legislative duration is significantly prolonged (Klüver & Sagarzazu, 2013).

For the determination of the inter institutional winset, not only do the positions and preferences of the different institutions matter, but also the position of the status quo has to be considered (Tsebelis, 2002). Following Tsebelis' (2002) argument, the winset contains all the points preferable over the status quo to all or a sufficient majority of decision makers. He argues, the smaller the winset, the less likely reforms become, meanwhile when the ideal points of the decision-makers are far removed from the status quo, the more likely they are to induce change. Policy makers then tend to induce policy change as they want to move the status quo closer to their preferred position and maximize their utility (Tsebelis, 2002). The issue-specific ideological differences between the institutions and their respective distances to the status quo determine the size of the winset, in turn influencing the reform capacity, the efficiency, and duration of legislative decision-making of the European Union (Drüner et al.,

2018). Heavily diverging ideological preferences in the European legislature can lead to gridlock (Drüner et al., 2018). According to spatial veto player theory, there exists an interval where no policy is preferred to the status quo by the relevant actors (Tsebelis, 2002). This gridlock interval is larger the more heterogenous the preferences of the actors are and the more relevant participants, i.e., veto players exist (Tsebelis, 2002).

During those times with a risk of a divided Legislative, the bureaucracy tends to become more active and take over more responsibilities concerning policymaking (Junge et al., 2015). Typically, the Legislative delegates notable powers to the bureaucracy and keeps over them, allowing themselves to overrule any decisions made in this process (Junge, et al., 2015). However, when the EP and the Council cannot come to agreements, the usability of the ex-post oversight is heavily constrained since the Legislative struggles to find compromises to overrule the bureaucratic decisions (Tsebelis & Yataganas, 2002). The bureaucracy in the Commission thus tends to use this to expand their activities to maintain legislative productivity. When the risk of gridlock increases to an ever-growing number of policy areas and subsequently the probability of policy change decreases, the bureaucracy can expect to gain larger amounts of discretion in reinterpreting the status quo (Tsebelis & Yataganas, 2002). A high risk of legislative gridlock caused through diverging preferences does not necessarily lead to a stop or even a decrease in legislative productivity, but more so shifts power to the Commission, which engages in bureaucratic policymaking (Junge et al, 2015). This type of policymaking is characterized by the shift of secondary legislation to tertiary, which does not require formal adoption of either chamber of the EU and favors the status quo (Junge et al., 2015).

The Commission has to reflect on member state preferences to create transnational coalitions in support of their proposal and guarantee its success, thereby anticipating actor and preference constellations during the policy formulation phase (Pollack, 1997; Rauh, 2020). While taking these preferences into account, in some cases the Commission abstains from proposing legislation when the ideological differences

between itself and the legislative institutions are too pronounced (Häge & Toshkov, 2011). Commissioners are most often members of national, predominantly governing parties, mostly former national career politicians and are appointed through party political considerations of their member state governments, thus also have clearly defined ideological preferences (Hix, 2008). Commissioners working in this type of coalition government have to anticipate the preferences of their colleagues when formulating proposals as they take the "shadow of a vote" into account, which is the threat of taking the proposal to the College of Commissioners and voting on it, effectively restricting most of the leeway the responsible Commissioner has on the proposal (Wonka, 2008). Young Commission fonctionnaires are especially incentivized to anticipate the preferences of the Council while writing their policy proposals, as they have to fear career roadblocks if their policy proposal is not agreed upon in the Committee and delayed through a referral to the Council (Pollack, 1997). Correctly anticipating the preferences of the legislative institutions becomes increasingly harder, as the distances between the Commission and the Council and EP grows, as consultations and exchanges are expected to decrease.

As the Commission has its own political agenda (Hix, 2008), the distance between its ideal ideological preference point compared to those of the legislative chambers becomes increasingly important during the policy formulation and deliberation process (Klüver & Sagarzazu, 2013). When preferences between the institutions diverge, this might lead to different obstacles impeding the legislative process (Pollack, 1997; Rauh, 2020). First of all, communication and coordination between the institutions would be hindered due to political conflict between them, which is especially problematic when dealing with complex policies as those demand more civil deliberation and the communication of potentially complicated ideas and solutions. The transmission of information might become delayed, as well as the sharing of information and the general availability of knowledge and access to experts for the Legislative might become obstructed. This results in the following hypothesis:

H5: The processing of complex policy proposals becomes impeded with increases in the ideological distances between the Legislative and the Commission.

3.5 Anticipation of Complexity

The Treaty on the Functioning of the European Union (TFEU) defines the principles, the competences, and the functioning of the institutions. As such, in some instances, the TFEU defines the use of certain legal instruments for the Commission to issue, while in other instances the Commission is able to decide but is constrained by the principles of subsidiarity and proportionality (EUR-Lex, 2012). These tenets are rather vague and leave quite some room for interpretation, and in turn room for maneuvers for the Commission to make autonomous decisions on which legal instrument to issue for its proposal. Consequently, in a considerable amount of policy areas, the Commission has notable capabilities over the choice of using regulations, directives, or decisions and by that also control over how much inclusion it grants the member states in reaching a certain policy goal (Hurka & Steinebach, 2021).

In the situations where the Commission is left to choose, their preferred pick of legal instrument depends on three main factors. Hurka and Steinebach (2021) show the importance of the legacy of prior decisions, the policy area, and anti-EU influences in the Council. The Commission tends to revise existing laws to accommodate them to changing circumstances, to improve their effectiveness or to address shortcomings (Hurka & Steinebach, 2021). During those revisions, the legal instrument hardly ever changes even when a law is repealed and replaced, the original choice of instrument dominates (Hurka & Steinebach, 2021). While in some areas, the Commission leaves the member states more discretion through the passage of directives, thereby enabling them the choice of implementation strategy, in others it rarely does so and decides for the passage of regulations (Hurka & Steinebach, 2021). During the Juncker Commission presidency and the increase in Euroscepticism in the Council (Börzel & Risse, 2018; Vachudova, 2019), the number of directives decreased considerably (Hurka & Steinebach, 2021). This was done as an effort by the Commission President to protect the legitimacy of the EU by outputting legislation as regulations, in order for them to be directly binding and applicable in the member states (Hurka & Steinebach, 2021). Following this approach, he reduced the leeway for Eurosceptics in national governments of the member states and simultaneously relieved the EU of the pressure

to control the compliance of transposition there (Zhelyazkova & Torenvlied, 2009). Governments, such as Poland, Hungary, the Czech Republic, the UK, and Austria, which were most critical about migration issues and the freedom of movement in the Schengen area (Vachudova, 2019), were thus tried to be reined into a streamlined version of the European agenda. However, this effort was only so pronounced due to the ideological differences between the two institutions (Hurka & Steinebach, 2021). Ideological orientation is thus not the primary reason here, but more so the ideological distance from the Commission to members of the Council (Hurka & Steinebach, 2021).

The Commission anticipates policy positions of the Legislative, adjusts its legislation towards it and sometimes even abstains from proposing laws in general when the differences become unfeasible (Häge & Toshkov, 2011). They also anticipate gridlock and act accordingly (Junge et al., 2015), and when Eurosceptic governments are prevalent in the Council, they change legislative instruments (Zhelyazkova et al., 2023), most often from directives to regulations (Hurka & Steinebach, 2021). This raises the question if the European Commission's anticipation also affects the complexity of the introduced policy which would result in an endogenous complication of the policies. The influence of the distance between the Commission and the Legislative, political conflict in the legislative institutions, and the legal and procedural variables on the complexity of the policy will be tested in this thesis to control for endogenous effects.

3.6 Influence of Policy Areas

From the Maastricht treaty onwards to the Lisbon treaty, the EU was structured by a three-pillar model, consisting of the European Community, the Common Foreign and Security Policy (CFSP), and cooperation in the fields of Justice and Home Affairs (JHA), which varied in its level of integration and reliance on member states' agreement (Sokolska, 2023b). With its implementation on December 1st of 2009, the Treaty of Lisbon integrated the pillars into a common legal framework and introduced more supranational elements to the decision-making process. For core state powers, that member states refuse to transfer to the EU, special rules continue to apply (Genschel & Jachtenfuchs, 2016). While most policy areas are governed by qualified majority

voting, foreign and defense policy is still subject to purely intergovernmental decision-making based on unanimity. JHA and the Economic and Monetary Union (EMU) also partly rely on intergovernmental, unanimous decisions by the member states, but not for every subset of their areas. Any subsequent treaty amendments and institutional changes are also completely in the hands of the member states, requiring unanimous decisions (Novak, 2017).

Thus, policy areas play important roles for the legislative decision-making process as different rules exist for the involvement of the member states. Policy areas also have different amounts of importance attached to them, the voting rules change and integration levels of the member states differ. In the European Union, certain elements of territorial differentiation exist, referring to the possibility of member states opting-out of EU policies (Genschel & Jachtenfuchs, 2016). This was implemented, so cautious member states could opt-out of the integration of core state powers but the integration process to the EU could continue for integration advocates (Genschel & Jachtenfuchs, 2016). While in market-related policy areas, this practice is basically absent, in areas touching on the core state powers, such as the EMU, the JHA, and defense cooperation, it is fairly common.

Another conflict line lies in redistributive conflicts as some member states have higher budgetary contributions than subsidiaries in return, while others receive more than they contribute. This creates tensions between net-contributors and net-receivers, which are most pronounced in redistributive policy areas, such as for example agriculture or regional development plans, as in those the allocation of redistributive funds is discussed (Zimmer et al., 2005). These conflicts intensify with growing European integration as politicized, nationally segmented publics are pitted against each other (Börzel & Risse, 2020). With the creation of new joint capacities and projects, the question of who benefits and who has to pay continuously arises. Resource allocations are decided on an intergovernmental level, so the impact of nation-states and their preferences are furthermore reinforced (Genschel & Jachtenfuchs, 2016).

4 Research Design

In the following, the research design for a quantitative approach to the research of policy complexity and its interaction with the legal, institutional, and political environments of the EU will be displayed. The dataset that was employed will be shown and the operationalization of the variables will be explained thereafter with an overview provided by a summary table for the coefficients. Subsequently, the methodology, consisting of an OLS Regression and a survival analysis with Cox Proportional Hazards models and post-estimation survival curves and their application to this research question will be shown.

4.1 Data

The Euplex dataset, specifically the version from 01-15-23 with the euplexCy version 0.0.1, was used as the main object of analysis in this thesis, as it provides a large amount of policy proposals over the period from 1993 to 2022 with encompassing information on their legal and procedural variables as well as their EUROVOC domain indicators (Hurka et al., 2022a). What distinguishes this dataset from others in the study of European legislative politics is the inclusion of sophisticated policy complexity indicators, which were generated through rule-based parsing of the proposals' texts with automated natural language processing models (Hurka et al., 2022a). The general information on the proposals and the proposals themselves were extracted from the EUR-Lex database, which is a commonly used approach for the analysis of legislative politics in the EU (Blom-Hansen, 2019; Toshkov, 2017b). The observations are structured by their procedure IDs and CELEX identifiers, which enables researchers the possibility to merge the dataset with other sources of information dealing with policy proposals issued by the European Union (Hurka et al., 2022a). The online accessible version of the dataset was thereafter extended with end dates for the proposals provided by researchers from the Euplex project, thus allowing the analysis of the legislative duration and enabling survival analytical endeavors. These end dates, however, were only accessible for proposals that reached their official adoption date. Thus, this creates a limitation on the analysis, as policy proposals that did not reach adoption, i.e., failed or were rejected are not considered. Thereby, the influence of

complexity and of legal, institutional, and political variables on the legislative process of these failed proposals cannot be analyzed.

The dataset was thereafter cleaned of non-complete complexity observations which exist due to badly formatted proposals. It was then restricted to only include binding legislative acts and acts that are adopted under the ordinary or the special legislative procedure and their respective predecessors. This is considered a standard practice (Golub & Steunenberg, 2007; Hurka & Haag, 2020; König, 2007) as many documents include supplementary procedures, such as non-legislative procedures, which are oftentimes delegated acts where the Commission or the Council pass legal acts that supplement or amend non-essential parts of legislative acts (EUR-Lex, 2023a). Subsequently, the years 1993 to 1998 were omitted from the dataset due to very low amounts of yearly observations and the following high variations in the outcomes. The analysis dataset thus includes 2413 complete observations on policy proposals from 1999 to 2021, with a mean of 105 observations per year (see Table 1).

Table 1. Frequency Table

Source: own illustration

Statistic	Years	Mean	Std. Dev.	Min	Max
Frequency	23	105	47	19	202

Figure 3 displays that the observations are not displayed evenly over the years. The maximum of observations is reached in the year 2003 with 202 policy proposals and while the years 2000, 2001, and 2006 also have high amounts of cases, the years 2015, 2019, and 2021 have comparatively low numbers of cases. In 2019 only 19 policy proposals are a part of the dataset. However, this low number is overshadowed as its adjacent years have close to and above 100 observations. The few low amounts of yearly observations are usually accompanied by years with higher amounts of cases, so a non-biased and non-skewed estimation can be expected from the underlying distribution of cases (see Figure 3).

Number of Observations per Year

Figure 3. Frequency of observations
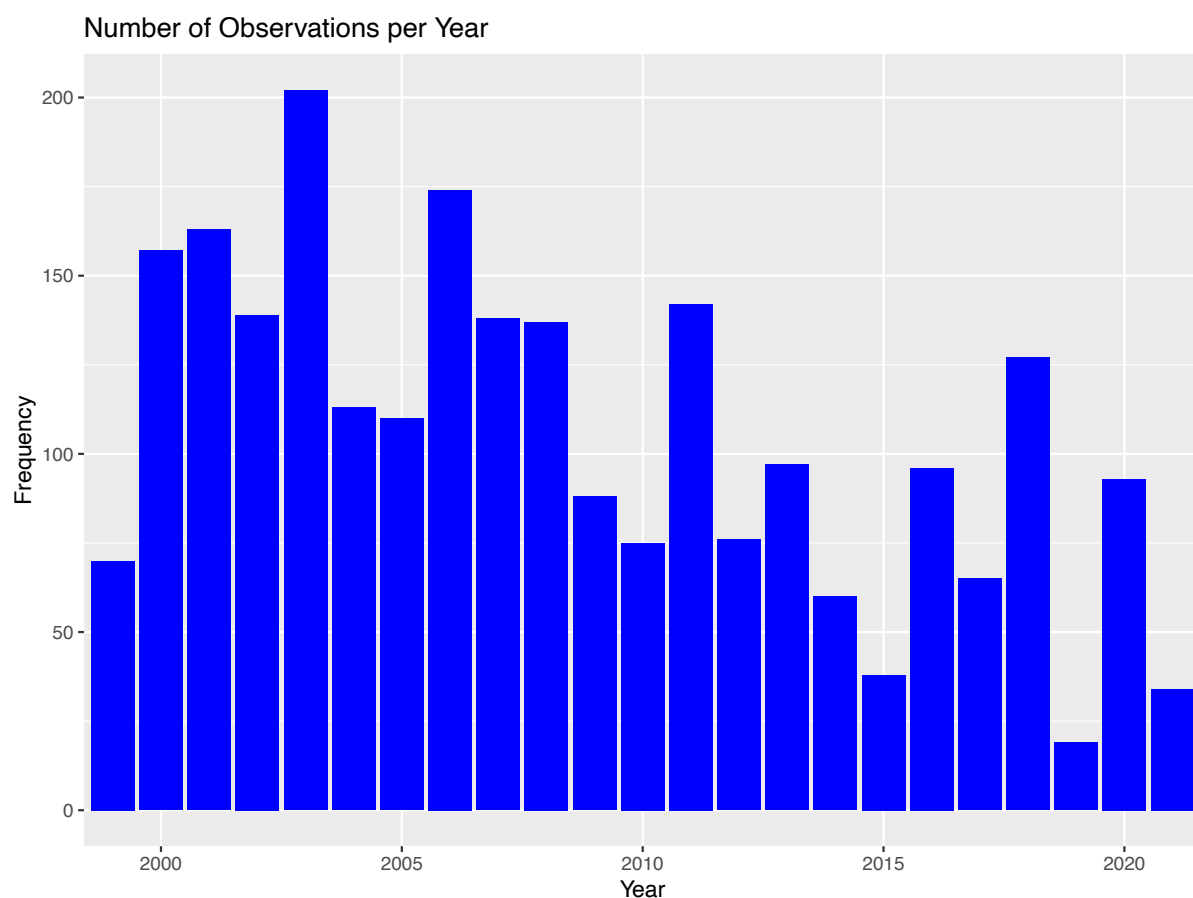
Source: own illustration

4.2 Operationalization of Variables

In the following sub-chapter, the operationalization, coding, and data sources of the relevant variables will be presented. Additionally, the means, the minimum and maximum values, and the ranges between them will be taken into account and subsequently referenced in the summary statistics table presented below.

Table 2. Summary statistics

Source: own illustration

Variable	N	Mean	Std. Dev.	Min	Max	Range	Std. Error
Duration	2413	499.341	389.149	1	4150	4149	7.922
Policy Complexity	2413	0.534	1.08	-1.81	11.703	13.513	0.022
Left-Right Council	2413	12.181	2.045	9.19	18.505	9.314	0.042
Integration Council	2413	1.881	0.411	1.281	2.815	1.534	0.008
Left- Right EP	2413	18.449	1.677	16.441	22.186	5.745	0.034
Distance COM-EP	2413	3.787	2.936	0.001	11.054	11.053	0.060
Distance COM-COU	2413	3.697	3.477	0.001	10.858	10.857	0.071
Legislative Backlog	2413	205.960	51.834	41	356	315	1.055
Presidency Change	2413	82.660	53.833	0	183	183	1.096
Regulation	2413	0.565	0.496	0	1	1	0.010
Directive	2413	0.252	0.434	0	1	1	0.009
Decision	2413	0.182	0.386	0	1	1	0.008
QMV	2413	0.683	0.465	0	1	1	0.009
Unanimity	2413	0.317	0.465	0	1	1	0.009
Codification	2413	0.059	0.236	0	1	1	0.005
Amsterdam	2413	0.224	0.417	0	1	1	0.008
Lisbon	2413	0.382	0.486	0	1	1	0.010
Nice	2413	0.394	0.489	0	1	1	0.010
Codecision	2413	0.304	0.46	0	1	1	0.009
OLP	2413	0.367	0.482	0	1	1	0.010
Consultation	2413	0.329	0.47	0	1	1	0.010

4.2.1 Legislative Duration as the dependent variable

The goal of the thesis is to provide insights into how efficiently the European Union can process policy proposals with differing amounts of complexity in different environments under certain conditions. This efficiency is measured as the number of calendar days between the publication of the Commission proposal and the publication of the final legal act, i.e., its adoption into law. The dependent variable is thus the legislative duration measured in days, created by subtracting the start date from the end date. The mean for the legislative duration of the proposals in the analysis period lies at 499 days, with a minimum of 1 day and a maximum of 4150 days (see Table 2). In the analysis dataset, 60 percent of the proposals are adopted in the first 500 days, and before 1000 days after proposal publication, 91 percent are passed (see Appendix 2).

4.2.2 Policy Complexity

The central explanatory variable for the analysis of decision-making speed in the European Union will be policy complexity and its interactions with other environments. Drawing on extensive previous research, the complexity variable will be threefold, consisting of linguistic, structural, and relational policy complexity (Hurka et al., 2022a; Katz & Bommarito, 2014). The mentioned types are all relevant for analysis as they all constitute an increase in transaction cost burden for implementing agents, the decision-makers themselves, and for the European public (Schuck, 1992).

The sheer size of a policy proposal has a burdening impact on the legislator, which is why the structural size of a policy proposal, counted as the number of recitals, paragraphs, points, and indents, is a part of the structural complexity measure (Hurka et al., 2022). The hierarchical level of a policy text is however also decisive, as there can be single paragraph articles, numbered paragraphs in an article, and also points within a paragraph (Hurka et al., 2022a).

Aside from the size of a policy text, the applied language with different sentence structures and complicated terminologies also play an important role for the understanding of the text. To measure both the impact of long, convoluted sentences and that of long and unreadable words, word entropy scores are employed to measure the text's uniformity, and the Lix score is used as a measure for readability (Bentz et al., 2017; Hurka et al., 2022). The word entropy increases as the amount of storage space (i.e., bits) a text requires increases and the Lix score increases when the average number of words per sentence and the relative share of long words in sentences increase (Hurka et al., 2022a; Shannon, 1948).

The rooting or integration of a policy proposal in the existing legal frameworks, short: embeddedness, and the mutual reliance of each specific legal stipulation within the proposal, short: interdependence, will be drawn to analysis (Mazzega et al, 2009). Some laws are more central and integrated as others, which will be measured as external relational complexity by analyzing the average number of external cross-

references per article (Hurka et al., 2022a). Legal provisions also tend to reference each other, thereby raising the complexity of the proposal because even more texts have to be studied to comprehend the proposals (Mazzega et al., 2009). This is measured by the average amount of internal cross-references per article in the policy test (Hurka et al., 2022a).

The mentioned types of complexity are standardized to create comparability between their measurement scales, then the mean of the standardized indicators is created, followed by standardizing this variable again to obtain the general comparable policy complexity variable, as has been recommended by the creators of the Euplex dataset (Hurka et al., 2022a). The generated complexity variable thus contains broad information on the structural, the relational, and the linguistic complexity of the policy proposals.

4.2.3 Political Conflict

To reliably control for the amount of conflict in the Council, preference heterogeneity in the Council of the European Union data is constructed by using ideological government positions from the „Comparative Manifesto Project (CMP)" (Volkens, 2019) and cabinet positions from the „Parliaments and Governments Database (ParlGov)" (Döring & Manow, 2019) and consequently merging them through the script provided by Wratil (2022). The estimates are provided for the period of analysis and are based on party manifestos. The measures are created by seat-weighting the domestic governing parties' CMP positions from their party manifestos issued at the previous election. Only government parties' positions are used because those are the only ones able to contribute to the Council of Ministers. In order to account for the left-right cleavage, the CMP's RILE measure which shows the difference between the percentages of „rightist" and „leftist" quasi-sentences, is used (Volkens, 2019). For the integration cleavage, the government position on EU integration measurement is considered, which shows the difference between the percentages of positive (per108) and negative (per110) quasi-sentences regarding European integration (Volkens, 2019). Both measurements are seat-weighted for all the cabinet parties in the European Union at every point in time in the analysis, which in turn allows the creation

of the standard deviation of the respective measures to show the diverging interests in the Council regarding the left-right and the integration cleavage (Wratil, 2022). Following, as the standard deviation increases, so does the preference heterogeneity and vice-versa.

Admittedly, CMP data comes with well-known limitations, such as that policy preferences proclaimed in party manifestos do not necessarily always reflect the political endeavors undertaken by a party and are bound to papers issued pre-election, allowing no observations for the preference variation of a party during the legislative period. Consequently, they also do not describe the political preferences of the actors' case by case, or policy proposal by proposal, but still deliver a good and important approximation to the ideal points of the actors. They are also available for a long time period and are less influenced by potential biases in comparison to expert survey data.

The political conflict for the Council of the European Union on the left-right dimension range from a score of 9.19 to one of 18.505 with a mean of 12.181 and reaches its maximum in late 2014 and stays at similarly high levels until 2016. The political conflict concerning the European integration cleavage has a far smaller range of 1.53, with a minimum of 1.281, a maximum of 2.815 in 2017, and a mean of 1.881 (see Table 2 & Appendix 1).

The other variables for political conflict, such as political conflict in the European Parliament, distance between the Commission and the Council, and distance between the Commission and the Parliament were collected from the replication data of the paper „The institutional and political roots of complex policies: Evidence from the European Union" (Hurka, 2022). The variable for preference heterogeneity in the European Parliament there was also constructed in the same manner as the aforementioned political conflict in the Council, by using the Comparative Manifesto Project's seat-weighted RILE measure and deriving the standard deviation from it (Volkens, 2019). Both distances were generated by measuring the distance between the medians of the Commission and respectively the Council and the Parliament according to their preferences on the Left-Right cleavage based on Comparative

Manifesto Project data (Hurka, 2022). Following Hurka's (2022) approach, the European Integration perspective of the supranational organizations will be neglected, as they will naturally be inclined towards more integration as it lies in their self-interest and disintegration would lead them to reduce their own competences and capabilities.

Compared to the value distribution on the left-right dimension in the Council, the same cleavage in the European Parliament has a significantly lower range of 5.74. With a mean of 18.449, its standard deviation of preferences in the EP is however much higher than in the Council, pointing towards a generally more heterogeneous distribution of ideological preferences and thus the expected higher levels of political conflict, which was especially pronounced in the early 2000s and has decreased since then (see Appendix 1). As for the distances, the ideological gap on the left-right dimension between the Commission and the Council and the gap between the Commission and the EP are very similar, both with a mean of around 3.7. The minimum distance of both is at 0.001, so almost indistinguishable from no ideological conflict between the institutions for certain points in time. The distance to the Parliament has a 2% higher maximum at 11.054 compared to 10.858, so those are also almost identical as well (see Table 2).

4.2.4 Procedural Variables

The dataset was further extended with voting procedure observations from the replication data of „An agenda-setter in decline? Legislative activity of the European Commission 1985-2016" (Rauh, 2020). The information on whether QMV or Unanimity was chosen during votes in the Council was merged upon the dataset with the CELEX identifier. Later observations for the variable were added through rule-based attribution of values relating to the concerned policy area and legislative procedure type. Furthermore, the variables were coded as binaries, and in total about two thirds of the observations were conducted under QMV while about one third was voted under Unanimity (see Table 2). Information on the legal instruments applied for the policy proposal was also included in the original dataset and consists of three binary variables, namely: regulations, directives, and decisions (Hurka et al., 2022a).

4.2.5 Control Variables

The analysis period includes three treaty revisions, namely Amsterdam, Nizza, and Lisbon. These were included as binary dummy variables as they have been shown to exercise a significant influence on the legislative duration (Bølstad & Cross, 2016; Golub & Steunenberg, 2007; Schulz & König, 2000). Additionally, as the Council presidency changes every 180 days, the time until the change has also been introduced as a control as it has been shown to create legislative pressure onto the Council president (Hurka & Haag, 2020). The legislative backlog has been coded as a function that stores pending proposals and shows the proverbial „stack of work" on the desks of the Council and the EP, to control for organizational pressures for the involved institutions (Golub, 2007). On average, there are 206 policy proposals in the backlog waiting to be completed, exercising pressure on the decision-making process reaching to a maximum of 356 law documents (see Table 2). The procedure subtype was also included so as to control for variance created, should a proposal be of a codifying nature. Furthermore, the number of policy areas, as assigned by the Publications Office of the European Union through the EUROVOC descriptors, that are referred to a policy proposal is important to measure the policy's scope and to determine its connectedness between different fields (Van Ballaert, 2017) and has been included as a control. Additionally, the most common EUROVOC descriptors, such as the European institutions and bodies, economy and monetary affairs, environment, trade politics, and energy have been included.

4.3 Methodology

The following sub-chapter explains the methodological approach of the paper. It displays the use of an Ordinary Least Squares (OLS) regression and the need to create a survival-time dataset to conduct a survival analysis. A Cox Proportional Hazards Model that controls for time-varying covariates was calculated and subsequently, post-estimation survival curves based on those models were created and their differences were generated (Cox, 1972; Ruhe, 2016). For the statistical programming of the methodological approach Stata was used and for the plotting of the created survival graphs, the plotplain graphic scheme was employed (Bischof, 2017).

4.3.1 OLS-Regression

In this thesis paper, the OLS regression is employed to examine the relationship between the dependent variable complexity and a set of independent variables, to control for possible anticipation effects of the Commission. The OLS model aims to minimize the sum of squared residuals and is used to explain the impact of an independent variable y on a dependent variable x and allows the estimation of the effect sizes of the coefficients and their statistical significances (Wagschal, 2016). For this model, the independent variables were chosen based on prior research and their general involvement with the policymaking process in the European Union, a process in which the dependent variable policy complexity is heavily involved in.

The selection of the independent variables relies on theoretical considerations and prior research, as it is important to include the relevant coefficients and especially to not overlook impactful independent variables. That is considered an omitted variable bias and would lead to biased estimations (Wagschal, 2016). For the parameters it is important that they are unbiased, meaning that the estimated value is close to the population value, efficient with a small standard error, and consistent in its findings, as an increased sample size would lead to decreasing deviations between parameters and population value (Kellstedt & Whitten, 2018). The overall model quality of the OLS Regression can be controlled by determining the R-Squared value, as this offers information on the share of the explained variance of the dependent variable in the model in the total variance of the dependent variable (Gelman et al, 2020). The R-squared value is then multiplied by 100 and displays the percentage of explained variance. A low R-squared value shows that the model is unable to accurately predict the dependent variable based on the independent variables contained in the model (Gelman et al., 2020). The F-Test delivers a test, which is based on the null hypothesis that R-squared equals 0 and the Root Mean-Squared Error test is based on the residuals contained in the model divided by the number of estimated parameters (Gelman et al., 2020).

4.3.2 Survival Time Data

Afterward, the dataset was defined as time-to-event data which is necessary for conducting survival analysis and Cox regressions (Cleves et al., 2008). This included the definition of the event time, as the date of the proposal adoption minus the date of the introduction of the proposal, and the failure event, which in this case is the adoption of the policy proposal. The „stset" command was applied here to ensure appropriate time scales and thereby allowed the researcher to analyze the time-to-event outcomes and derive meaningful results (Crowley & Hu, 1977; Kalbfleisch & Prentice, 2011; Stata, 2023c). Censored and failed observations were not included, as the dataset only provides information about proposals that reached their final stage, as only observations with the event variable set to 1 were included. Censored observations would have originally been marked by an event variable of 0.

4.3.3 Cox Proportional Hazards Model

For the analysis, a Cox Proportional Hazards model was applied. This semiparametric method draws no assumption on the baseline hazard $h0(t)$ of its covariates, has no intercept on the y-axis, but has assumptions regarding the functional form of the influence of the covariates on $hi(t)$ (Moore, 2016). This regression model allows for multivariate analyses and for the controlling of time varying effects of covariates (Moore, 2016). Its output shows the coefficients of the different covariates, which are typically exponentiated to hazard ratios to show their multiplicative influence on the hazard rate, the instantaneous rate at which an event happens at a given time conditional on the proposal having survived until that time if the independent variable changes by a 1 (Cleves et al., 2008). A hazard ratio bigger than 1 equals an increase in the hazard rate, a hazard ratio smaller than 1 leads to a decrease, and a hazard ratio of 1 means no change in the hazard ratio, should the independent variable increase by one unit, c.p. (Cleves et al., 2008; Cox, 1972).

The Cox Proportional Hazards Model has an underlying proportional hazards assumption stating that the hazard functions of all observations differ only by a factor of proportionality, so if the hazard rate of an observation is 10 times higher than the

hazard rate of another observation at time A, this will also hold at time B and time C (Licht, 2011). The baseline hazard does not vary over individual observations but generally varies with time, however, the ratio of hazards for the individuals over time is constant (Box-Steffensmeier & Zorn, 2001). If this assumption is violated through time varying effects, estimates are likely to be biased, standard errors to be incorrect and the impact of the analyzed variables cannot be correctly inferred (Box-Steffensmeier & Zorn, 2001; Licht, 2011). In order to gather information on possible proportionality violations, a Cox Regression was fitted with all the relevant variables for the subsequent analyses. The „estat phtest" command was run as a post estimation command and set to „detail" to gather information on the global and detailed test for the proportional hazards assumption based on the scaled Schoenfeld residuals (Grambsch & Therneau, 1994; Stata, 2023b). The test consists of a chi-squared statistic and a corresponding p-value, which suggests evidence of a proportional hazards assumption violation should its value be below 0.05 (Park & Hendry, 2015; Therneau et al., 2017). The violations due to their time-varying nature were observed for the variables: Policy Complexity, Political Conflict - European Integration, Political Conflict - Left-Right, number of EUROVOC areas, Regulation, Decision, Codification, Treaty of Amsterdam, and EUROVOC energy (see Appendix 3).

The dataset was subsequently extended with the „stsplit" command to provide the Cox model the ability to fully capture the continuously changing nature of the time-varying covariates inherent to the analysis (Stata, 2023d). This command creates new records for the observations and fills in the time and failure variables for them, thus creating multiple records for every proposal in the dataset at different points of time, allowing the display of the correct time variance of the effect of the covariates (Cleves et al., 2008; Stata, 2023d). The newly created Cox Regression was then constructed by using the „tvc" option controlling for and displaying the time-varying effects of the aforementioned violating variables (Stata, 2023a). The specified variables were thus included as interactions with the analysis time, in this case as interactions with the natural logarithm of the analysis time (Stata, 2023a). This interaction of the covariates with the „ln" of the analysis time has been shown to be a useful and methodologically sound way to account for the disproportional influence of covariates on the hazard rate,

as well as of those with nonlinear variances (Golub & Steunenberg, 2007; Hertz & Leuffen, 2011; Hurka & Haag, 2020; Klüver & Sagarzazu, 2013).

4.3.4 Post-Estimation Survival Curves with Time Varying Covariates

When variable effects are constant with time, fitting survival curves is fairly straightforward using the Kaplan Meier estimations (Rich et al., 2010). However, to control for and incorporate the time-varying nature of many variables that are essential to this analysis, the „scurve_tvc" command is used in this thesis to fit survival curves (Ruhe, 2016). The command enables the fitting of a Cox model with the inclusion of time-varying coefficients and the manual specification of the interaction with the natural logarithm, just as described before, but also allows for the creation of survival curves based on specified values for the variables (Ruhe, 2016). The „scurve_tvc" creates the interaction terms and automatically splits the survival dataset at failure times to additionally account for time variance and saves the survival curves as newly generated variables (Ruhe, 2016).

Methodologically, this technique was applied by setting the complexity value to its 95th percentile value to gather information on the influence of „High Complexity" and afterward setting it to its 5th percentile value to gain insight into the effect of „Low Complexity" on the survival curves, while setting all other variables to their mean and keeping them constant to show the varying effect of complexity (for the distribution of the complexity variable see Appendix 4). This procedure was applied to varying conditions, such as voting format in the Council, different legal instruments, different procedure types, varying levels of political conflict in and between the institutions. The levels of political conflict were, due to their nature as continuous variables, created with the 95th percentile values and the 5th percentile values to show how high and low amounts of political conflict in interaction with varying amounts of complexity influence the hazard rate. This procedure was used to gather insights on the interaction of characteristics of different environments with both high and low complexity.

Building upon this postestimation modeling procedure, the differences in survival probabilities were put into focus. The question this research thesis aims to answer is

nonetheless the ability of different environments to answer complexity, which consequently entails, if in an environment, one format, procedure, legal instrument, or conflict level is better able to process complexity, both high and low, than its counterpart(s). To model this relationship statistically, the differences between the post estimation survival curves of highly complex proposals under one condition and of highly complex proposals under the contrary condition, as well as the differences for less complex proposals under opposing conditions were calculated and then plotted. The x-axis displays the time after the proposals publication and the y-axis displays the difference in survival probability. Looking at the example of the voting procedure, the difference between the post-estimation survival curve of „High Complexity under QMV" and „High Complexity under Unanimity", as well as the difference between „Low Complexity under QMV" and „Low Complexity under Unanimity" were calculated and subsequently modeled as a graph. This difference procedure is employed to show in the environment, which type is better suited to deal with high and low complexity, measured by their survival probability. This was done as described for all the binary variables, as well as for the continuous variables of political conflict with their high and low expressions. For legal instruments, which entail three differing characteristics, the differences for both expressions of complexity were constructed for the relationship of every legal instrument included in the analysis to each other.

5 Results

In the following chapter, the results obtained through the explained methodology with an OLS Regression and a survival analysis with a Cox Regression, and post-estimation survival curves applied to the dataset with the mentioned hypotheses, as summarized below, will be shown (see Table 3).

Table 3. Hypotheses

Source: own illustration

Environment	Variable	Hypothesis
Legal	Legal Instrument	Complex Policies that are introduced to the legislative process as regulations or decisions are faster processed and published as final laws than equally complex directives.
Institutional	Procedure Type	Complex policies are more efficiently processed in the European legislative system under the special legislative procedure compared to the ordinary legislative procedure.
	Voting Format	When the Council of the European Union votes with a qualified majority format, complex policies are more efficiently processed through the legislative process as under unanimous voting.
Political	Intra-Institutional Conflict	Political conflict impedes the ability of the legislative institutions to efficiently process complex policy proposals, leading to a prolonged legislative duration.
	Inter-Institutional Distance	The processing of complex policy proposals becomes impeded with increases in the ideological distances between the Legislative and the Commission.

First, the possible anticipation effect of the Commission on policy complexity will be analyzed and afterward, the Cox Proportional Hazards model with the influences of the hazard ratios of the covariates on the hazard rate explained. Subsequently, the results for the interaction of policy complexity with the legal, institutional, and political environments with their survival and difference curves will be displayed.

5.1 Anticipation Effect of the Commission

The linear regression specified in Table 4 shows significant signs of an inadequate model fit as its R-squared value is very low at 0.16 which indicates only 16% of the variance in the dependent variable is explained by the independent variables included in the model. Additionally, the F-Test with the null hypothesis that the R-squared value equals 0 can also not be rejected. The chosen predictors do not capture the main drivers and factors influencing complexity adequately, which leads to the conclusion that the relevant variables that could explain the origin of complexity are not included in the model. This so-called omitted variable bias leads to biased and unreliable estimates of the coefficients and leads the model to be unable to explain the variance in the dependent variable properly. Both the distance of the Commission to the Council and to the European Parliament do not have a statistically significant effect on the variation in the dependent variable. Political conflict in the Council and in the Parliament along the left-right cleavage are also insignificant, however political conflict along the European Integration dimension has a small negative but statistically significant influence on the complexity of the proposal. The choice of a decision as a legal instrument, the choice of procedure type in general, and the policy area of trade politics also have statistically significant influences on the variance in the dependent variable policy complexity.

Even though some variables in the model are statistically significant on their own, this correlation has to be enjoyed with great caution as the general model has a very low explanatory power over the dependent variable. Thus, the assumption that distances between the institutions or political conflict inside of the legislative institutions are used as an anticipatory device for the Commission to introduce simpler or more complex policy proposals depending on the situation can be rejected.

The endogenous variables to this model are also the key endogenous predictors of the legislative system of the EU, i.e., the legal instrument, the applied procedure, the voting format in the Council, the policy areas, and the preference heterogeneity in and between the institutions.

Table 4. OLS-Regression

Source: own illustration

Variable	Policy Complexity
Distance Com-EP	-0.000167
	(0.00988)
Distance Com-Council	0.00241
	(0.00764)
Pol. Conflict Council Left-Right	0.0192
	(0.0191)
Pol. Conflict Council Integration	-0.229***
	(0.0746)
Pol. Conflict EP Left-Right	0.0245
	(0.0183)
Legal Instrument: Regulation	-0.0491
	(0.0521)
Legal Instrument: Decision	-0.461***
	(0.0670)
QMV	0.0136
	(0.0446)
OLP	0.566***
	(0.0667)
Consultation	-0.262***
	(0.0539)
EUROVOC European	-0.0287
	(0.0426)
EUROVOC Economics	-0.0639
	(0.0530)
EUROVOC Trade	0.107**
	(0.0474)
EUROVOC Environment	-0.0226
	(0.0577)
EUROVOC Energy	0.0376
	(0.0963)
Constant	0.252
	(0.451)
Observations	2,413
Prob > F	0.000
R-squared	0.160

Standard errors in parentheses
*** $p<0.01$, ** $p<0.05$, * $p<0.1$

This leads to the conclusion that even though policy complexity is a vital part of the legislative system of the EU, it does not have its origin there, as its explanation and accurate predictors lay outside of the political system and are exogeneous to policy formulation in the Commission. This exogeneity, i.e., the origin of policy complexity can be attributed to steadily complicating societal and economic circumstances for which the political system must find answers for.

5.2 Influences on the legislative duration of the European Union

Table 5 displays a Cox Proportional Hazards model with time varying covariates, in whose column 1 the Hazard Ratios of the variables can be seen. The coefficients with time varying effects were interacted with the natural logarithm of time and that effect is displayed in column 2 (see Table 5).

The key explanatory variable in this analysis, the complexity of the policy proposal has a Hazard Ratio of 0.08, which means that a one unit increase in the mean standardized complexity variable leads to a decrease in the hazard rate of the failure event happening, i.e. the passage of the proposal, by a factor of 0.08, c.p.. So, when complexity increases by one unit, the hazard rate of the proposal adoption decreases by 92%, which is statistically significant on the 1% level. The time varying effect is also statistically significant on the 1% level, which leads to the interpretation that for each one unit increase in the natural logarithm of time, the hazard ratio of policy complexity increases by a factor of 1.44, assuming all other variables in the model are held constant.

This increase in the hazard ratio over time leads to a weakening of policy complexity's delaying effect on legislation and shows that the Legislative of the EU becomes better at processing complexity with an increasing amount of time. Even though the delaying effect is weakened over time, its impact on the hazard rate is still severe.

Table 5. Cox Proportional Hazards Model with time-varying covariates

Source: own illustration

Variables	(1) Hazard Ratio	(2) TVC
Policy Complexity	0.0831***	1.433***
	(0.0146)	(0.0405)
Pol. Conflict Council – Left-Right	0.698***	1.044*
	(0.0956)	(0.0237)
Pol. Conflict Council – Integration	6.382**	0.759**
	(4.697)	(0.0924)
Political Conflict EP – Left-Right	0.965*	
	(0.0198)	
Time to Presidency Change	1.000	
	(0.000394)	
Legislative Backlog	0.997***	
	(0.000487)	
Number of Policy Areas	1.386***	0.951**
	(0.164)	(0.0189)
Distance Com-EP	1.006	
	(0.0110)	
Distance Com-Council	1.020**	
	(0.00809)	
Legal Instrument: Regulation	0.854	1.049
	(0.305)	(0.0660)
Legal Instrument: Directive	0.0551***	1.539***
	(0.0285)	(0.132)
QMV	1.085*	
	(0.0495)	
Consultation	1.630***	
	(0.287)	
Codecision	0.790	
	(0.145)	
Codification	0.0752***	1.472***
	(0.0585)	(0.185)
Amsterdam	0.163***	1.323***
	(0.0990)	(0.134)
Lisbon	1.011	
	(0.187)	
EUROVOC European	0.955	
	(0.0446)	
EUROVOC Economics	1.245***	
	(0.0692)	
EUROVOC Trade	1.043	
	(0.0537)	
EUROVOC Environment	1.020	
	(0.0601)	
EUROVOC Energy	0.0347***	1.784***

	(0.0341)	(0.287)
tvc		
Log likelihood	-15912.016	
LR chi2(31)	956.08	
Prob > chi2	0.0000	
Observations	12,722	12,722

<div align="center">seEform in parentheses
*** p<0.01, ** p<0.05, * p<0.1</div>

The powerful and significant influence of policy complexity on the legislative duration reinforces earlier assumptions on the negative consequences of growing complication of policies, such as the increased necessity of additional expert consultations, increased preparation, deliberation times, and the possibility of additional delays through growing amounts of proposed amendments.

Looking at the political variables, preference heterogeneity in the Council along the dimension of European integration seems to run counter-intuitive to the aforementioned expectations and exercises a statistically significant, large positive effect on the hazard rate of the adoption of the proposal. For a one unit increase in the variable, the hazard rate increases by a factor of 6.382, c.p., which thereby significantly accelerates the legislative duration of the proposal. The statistically significant time varying effect however shows that this effect loses strength over time. For longer deliberation times, the positive effect of conflict surrounding European integration thus becomes less impactful on the acceleration of the decision-making process. The accelerating effect of this conflict dimension can be explained by the growing amount of coalition-building in the Council around a pro-EU core, which is able to pass legislation and further integration against growing shares of Eurosceptic parties if the voting procedure permits so (Wratil et al., 2022). As long as this core has sufficient vote shares in the Council, this effect can be expected to persist further.

Conflict on the left-right dimension in the Council of the EU has quite the opposite effect, as its hazard ratio influences statistically significant the hazard rate of the adoption by a factor of 0.7, c.p., and thus prolongs the legislative duration. This effect becomes weakened over time due to its time varying nature, however only by a factor

of 1.044 for every one unit increase in the natural logarithm of time, c.p., equaling a close to negligible variance over time. The coalition-building around an EU core does not apply to this cleavage, as opinions and preferences on the left-right cleavage are more split and are also more domestically salient in the respective member states (Wratil, 2018). In order to avoid sanctioning in national elections and push their own domestic agendas, the representatives in the Council are less likely to compromise and accept policy proposals that go against their ideal points without proposing sufficient amendments (Golub, 2012). Thereby and in combination with increased deliberation times they prolong the legislative duration. The same effect applies to preference heterogeneity in the European Parliament, as the MEPs are elected nationally and belong to national parties that also propose the party list for the election (Aldrich, 2018). Consequently, the left-right conflict dimension in the European Parliament also tends to prolong the legislative decision-making process, but only by a factor of 0.966, c.p., equaling a statistically significant 3.4% decrease in the hazard rate per one unit change. The effect here is less pronounced as finding a majority in the European Parliament is easier due to its voting format with an absolute majority, as well as due to the parliamentary practice of finding majorities across party lines (Rose & Borz, 2013). The distance from the Commission to the European Parliament is not statistically significant, and the distance from the Commission to the Council has a small, but positive effect on the legislative duration. For a unit increase in the distance, the hazard rate increases statistically significant by 2%, c.p..

Analyzing the effects of the choice of legal instruments on the hazard rate of the policy proposal's adoption, it is demonstrated that the choice of regulations exercises no statistically significant effect on the hazard rate. Proposals that are published as directives have a lower hazard ratio compared to regulations. When choosing a directive, the hazard rate is multiplied by a factor of 0.0551, adjusting for other covariates, which is statistically significant on the 1% level and changes over time by a factor of 1.539. Directives thus prolong the decision-making process extensively, which is however lessened over time. This is in line with earlier findings and can be attributed to increased deliberations and amendments in the Council, as member states have to transpose directives into national law, in comparison to regulations and

decisions, where this is not the case (EUR-Lex, 2023d; Kaeding, 2006; Zhelyazkova & Torenvlied, 2009).

For institutional variables, the use of QMV is only significant on the 10% level and exercises a small influence on the hazard rate of 1.084, c.p., thereby accelerating the legislative process in a small way, due to its facilitating effect in Council negotiations. As for procedure types, the consultation procedure has a hazard ratio of 1.619, which is statistically significant on the 1% level, and thus when chosen increases the hazard rate by a factor of 61.9%, c.p., thereby decreasing the legislative duration of the policy proposal. This can be explained by the focus on the Council in this procedure and the weakened position of the European Parliament in comparison to the OLP, which makes decision-making faster as compromises are easier to find with less important actors, albeit it also reduces democratic representation in the process. The influence of the codecision procedure is not statistically significant and can thus be disregarded.

Looking at the control variables, the effect of the legislative backlog is statistically significant on the 1% level, however it only influences the hazard rate by a factor of 0.997, c.p., which prolongs the legislative duration but with an almost negligible effect. The codification process significantly slows down legislation, as its hazard ratio is at 0.0740, the lengthening effect on the legislative duration of which is however reduced over time. Both of these values are statistically significant on the 1% level and the extensive influence can be attributed to the nature of codifications. These acts bring together existing legislative acts and their amendments into a new act and replace the existing policies. This new act then goes through the whole legislative process, as previous acts have also done. The Legislative, which does most likely not consist of the same people that passed the original acts, is thus presented with a vast act that has to be processed and discussed. The bureaucracy faces troubles due to the multilingual nature of EU legislation, where many old legislative acts have to be translated to be passed on further (Commission, 2023).

The Treaty of Amsterdam has a statically significant effect on the 1% level of 0.167 on the hazard rate, c.p., and increases by 1.475 for every unit change in the natural

logarithm of time, holding everything else constant. That means that the treaty has significantly slowed down EU legislation, due to its extensive strengthening of the European Parliament both through the expansion of the codecision procedure and the enhancement of its powers in additional legislative and budgetary matters (Sokolska, 2023b).

The policy areas of Economics and of Energy both exercise significant influences on the hazard rate. A policy that is sent to the Committee of Economics is expected to be adopted faster than in other areas in general, while a policy in the Energy Committee has a longer legislative duration. However, the strong effect of the Energy Committee on the proposal's duration is weakened over time. For every one unit increase in the number of policy areas, a proposal is attributed to, the hazard rate is increased by a factor of 1.388, which decreases over time, c.p.. As the number of Committees, the policy touches upon increases, so do the experts that are able to become involved. The days left in the Council presidency, the effect of the treaty of Lisbon, as well as the EUROVOC areas European, trade and environment have no statistically significant influence on the hazard rate.

5.3 Legal Environment

For the analysis of the interaction between the legal environment and policy complexity, post-estimation survival curves were plotted for each binding legal instrument, i.e., directives, regulations, and decisions for both simple and complex policy proposals. Afterward, conclusions about the efficiency of the legal instruments in dealing with lowly and highly complex proposals were drawn by creating difference curves and studying the difference in survival probability between the pairwise comparisons.

5.3.1 Findings for the Legal Environment

In figure 4, the interaction between the legal instruments and policy complexity is plotted in a survival graph for each binding legal instrument of the Legislative for both simple and complex proposals. For most of the duration, highly complex policy

proposals that enter the legislative system as directives have the highest survival probability, boasting a median survival time, where half of its proposals are passed, of 752 days. However, after 1283 days highly complex decisions become the curve with the highest survival probability. Before that, the survival curve continuously had the second biggest survival probability, while high complexity regulations had the highest chance of being passed into laws for the entire analysis period compared to the other highly complex policy proposals. Simple policy proposals published as regulations had continuously the highest probability of being passed into laws, reaching a median survival time at 210 days.
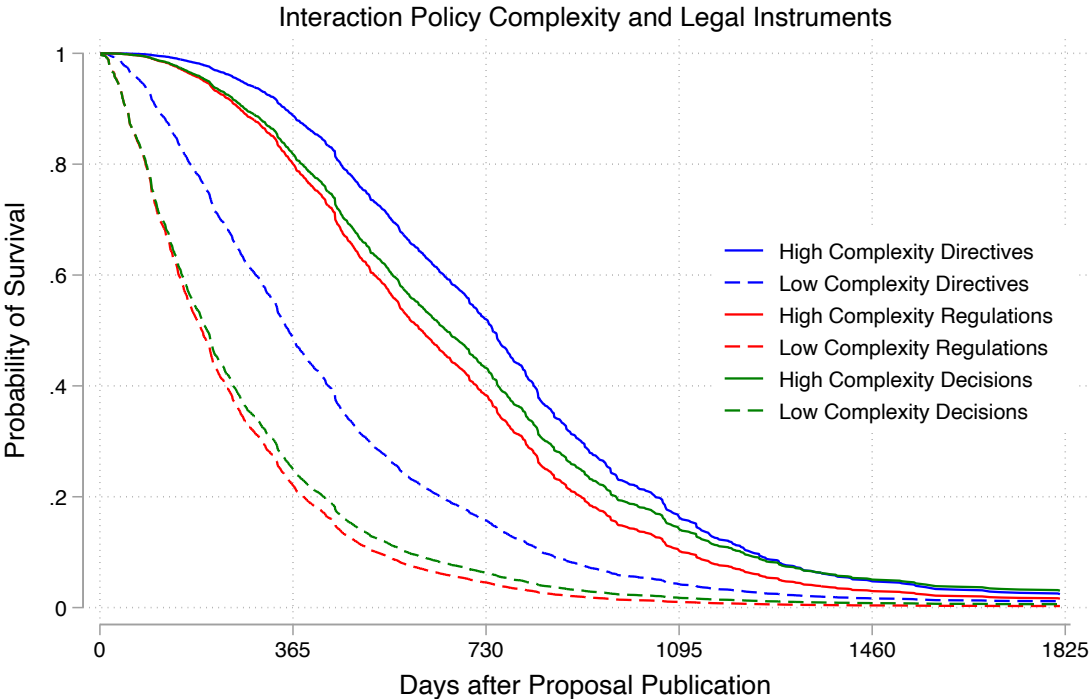

Figure 4. Interaction Policy Complexity and Legal Instruments

Source: own illustration

The survival curve for lowly complex decisions shares a minimally higher survival probability over the duration, the low complexity directives however need considerably more time in the legislative process and have a median survival time of 360 days. The trend that can be observed is that for high complexity proposals, regulations are passed the fastest, while for simple proposals the same holds true, however, decisions share a similar effect.

Regulations tend to be most well-suited in dealing with complexity as they are usually highly specific and legally clear concerning their application, and their detailed rules leave less room for interpretation (Bux, 2022). The direct applicability of regulations does not necessitate the policies to be transposed into domestic laws, thereby reducing the necessity of member states to debate every provision stated in the proposal, which would significantly slow down the decision-making speed. Especially when looking at highly complex policy proposals which tend to leave a lot of room for interpretation and discussion, this fact in combination with the added precision leads to a shorter legislative duration.

Member states are obligated to transpose directives into national law, for which they must pass legislation in their domestic parliaments, which puts additional pressures on the negotiating parties (Kaeding, 2006). As complex policies introduce more grounds for disagreement and debates, this effect is amplified due to the member states' heightened attention put onto the proposals as well as their reluctance to compromise. Directives are more flexible than regulations, which adds additional problems when dealing with complex policy proposals, as member states usually need more time to align their national agenda and legislation with complex policy proposals. Decisions are binding only for the addressed individuals or legal entities, such as companies or member states. As it is very clear who is addressed by it and also how to enforce them, complexity is handled better by this legal instrument than by directives for most of the duration due to less stakeholder involvement and less public salience due to its reduced area of influence. When cases are clear as for simple policy proposals, the decisions tend to have a short legislative duration. Especially complex decisions however introduce the problem of specifically directing the policy proposal at the target, for which plenty of information has to be gathered and applied to the given individual, company, or state. National legal frameworks must be consulted and the necessity of the direction of the decision has to be clearly shown so as to not incentivize allegations of biased treatment.

5.3.2 Differences in Legislative Efficiency – Legal Instruments

In figure 5, the survival differences of policy proposals are plotted, as the survival curves for both highly and lowly complex policy proposals were compared pairwise between different legal instruments. For example, to examine if directives are able to more efficiently process proposals, in regard to their legislative duration, than regulations, the survival curve of highly complex proposals formulated as directives was subtracted from the survival curve of equally complex proposals that were introduced as a regulation. The same procedure was applied for simple policy proposals.
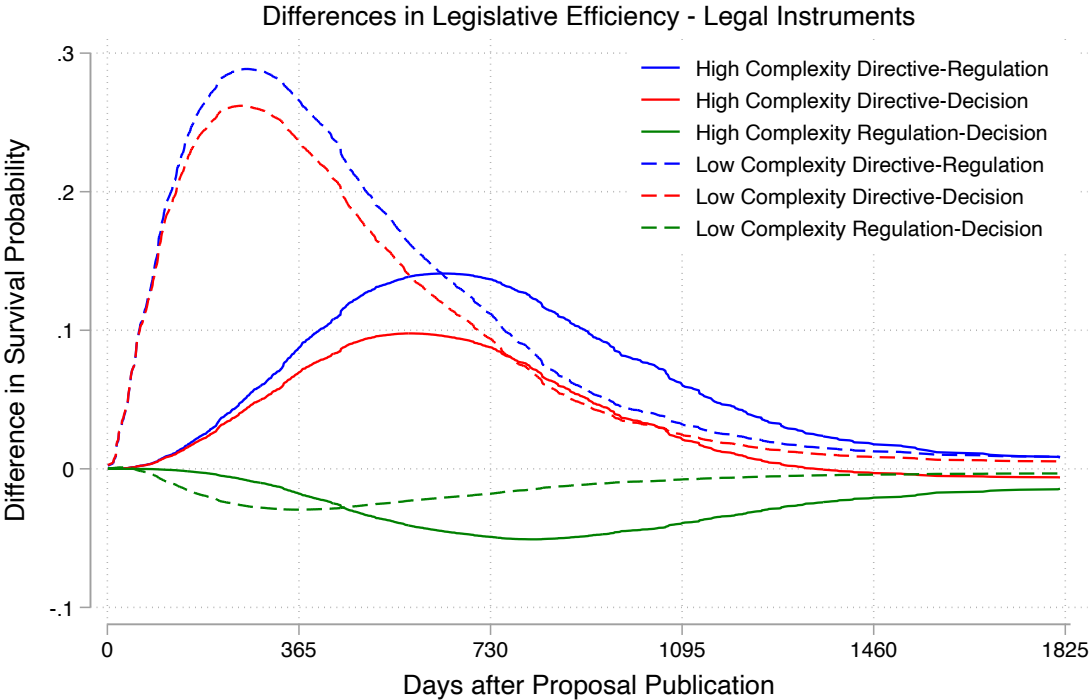

Figure 5. Differences in Legislative Efficiency - Legal Instruments

Source: own illustration

An increase in the difference in survival probability indicates that the first legal instrument introduces a longer legislative process than its counterpart, a decrease on the y-axis equals the acceleration of the legislative process by taking one legal instrument over the other.

The difference curves for the relationships of lowly complex directives to regulations and the curve for simple proposals for directives in comparison to decisions mark the highest differences in survival probability amongst all pairwise comparisons. With maximums of 28.5 and 26 percentages points differences in survival probability, the choice of directives over regulations or decisions introduces major changes in the hazard rate, the chance of adoption of the policy proposal, and thereby prolongs the legislative process considerably. The difference for lowly and highly complex proposals between regulations and decisions is comparably smaller, albeit favoring regulations for more legislative efficiency. The relationship between directives, regulations, and decisions for highly complex proposals shows a similar trend, whereby the choice of directives significantly prolongs the decision-making process. While the difference for directives-regulations is more pronounced with a maximum of 14 percentage points, directives still have a 9.6 percentage points higher survival probability at the peak of the difference curve compared to decisions.

The differentiating effect of lowly complex proposals tends to start at the beginning of the analysis period and then reach an early maximum followed by a continuous decrease, because lowly complex policy proposals tend to require less preparation and deliberation time, so the interaction effect takes place earlier. Meanwhile, for complex policy proposals, a certain learning period is required at the beginning of the legislative process which leads to a later influence of the interaction effect on the legislative duration. Directives clearly show a significant difference from the other two legal instruments, displaying a considerable increase in the survival probability both for complex and simple policy proposals. This can be attributed to the nature of directives that they have to be transposed into national laws, thereby requiring the member states to pass national legislation to transpose them. This decreases the willingness of member states to engage in compromises in the Council as they want to further their domestic policy goals and present their electorates with wins. Hypothesis 1 can thus be confirmed, as directives significantly slow down the legislative process for simple policy proposals, as well as for complex legislation compared to regulations and decisions.

5.4. Institutional Environment

For the institutional environment, the legislative procedure, i.e., the special and the ordinary legislative procedure as well as their predecessors, and the voting procedure in the Council, i.e., QMV or unanimity will be drawn to analysis in interaction with policy complexity. Subsequently, the differences in survival probability from one condition to the other will be calculated and plotted to gain insight on possible advantages in dealing with complex policy proposals in one format compared to the other.

5.4.1 Legislative Procedure

For the interaction between complexity and the procedure type, the survival graph for both simple and complex policies was calculated in interaction with the OLP and the SLP, and their respective predecessors (see Figure 6). The survival curve for highly complex policy proposals that are processed in the ordinary legislative procedure has for the entire duration the highest probability of survival. Its median survival time is reached at 818 days, and it has the lowest legislative efficiency of the analyzed constellations. The fastest legislative process happens with simple pieces of legislation under the special legislative procedure, which passes half of its proposal at 265 days. Highly complex proposals under the SLP have a similar slope to their OLP counterparts in the beginning of the observation but after 343 days decrease considerably more rapidly in survival probability than the survival curve for highly complex proposals under the OLP. It decreases increasingly strong and even crosses the survival curve of lowly complex proposals under the OLP after 1283 days after the proposal publication and has a continued lowered survival probability. The prolonging effect of the ordinary legislative procedure is very pronounced, for both highly and lowly complex policy proposals.

In the ordinary legislative procedure, the European Parliament serves as a second chamber of the Legislative and an equal partner to the Council, which introduces an additional stage of deliberation and decision-making (Tsebelis et al., 2001). As complex policies bind more resources, require more in-depth analysis, as well as discussions and lead to more amendments to address critical technical aspects,
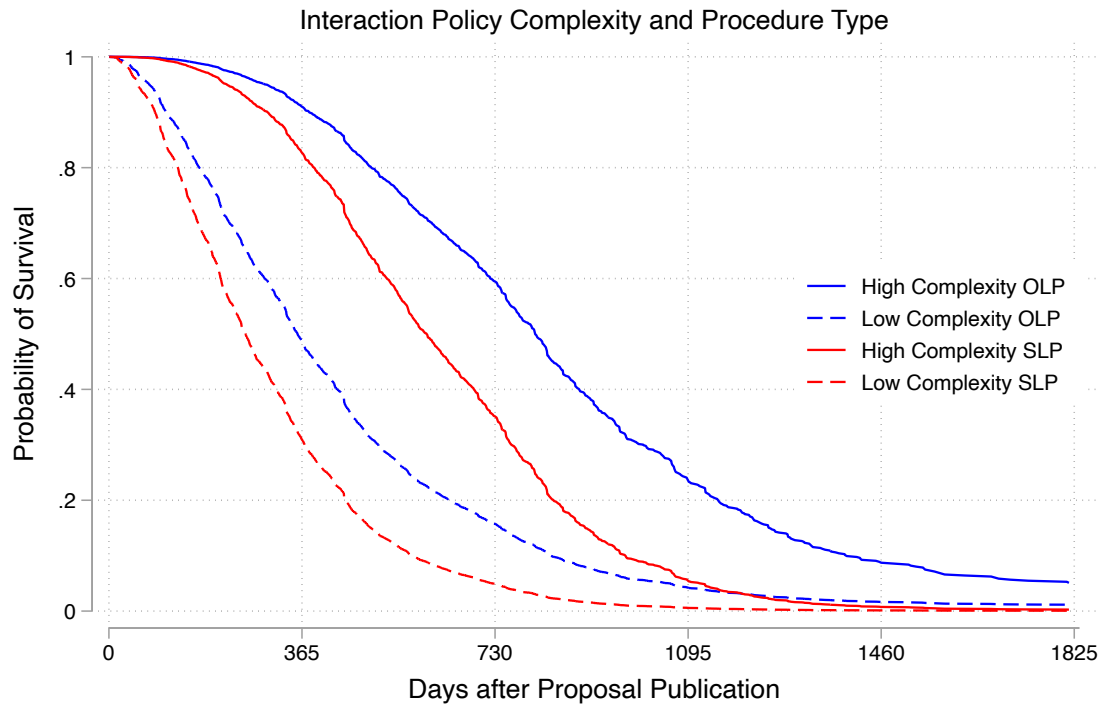
Figure 6. Interaction Policy Complexity and Legislative Procedure

Source: own illustration

the European Parliament's strengthened involvement leads to an extended timeframe as now a second legislative institution is burdened by the process. Especially in deliberations, longer durations are expected as this second institution raises questions, concerns, and poses amendments, and is at the same responsive to the European citizens, their electorate (Aldrich, 2018). The European Parliament oftentimes contains more diverse perspectives and interests than the Council (see Table 2; Appendix 1), which makes reaching compromises and consensus on complex policies especially difficult, as those require trade-offs across multiple conflict dimensions. The EP's involvement in inter institutional negotiations around complex policies introduces another brake to a faster legislative process. As finding consensus around complex policies is tough to achieve anyways, now another veto player is added that is pushing for its own policy objectives and introduces tougher debates and more disagreements. The SLP in turn sets a lower threshold for agreement, as the influence of the European Parliament is very restricted there, and under the Consent procedure the Parliament is not allowed to formally introduce amendments, which would be especially likely and

numerous for complex policies. While it can do that in the Consultation procedure, the Council is legally not required to take those into account (EUR-Lex, 2023c).

5.4.2 Voting Procedure

Figure 7 shows the interaction of the complexity of the policy proposal and the voting procedure in the Council of the European Union with their influence on the survival probability. Highly complex policy proposals that are negotiated in the Council with a unanimous agreement requirement continuously have the highest survival probability and thus the longest legislative duration. Its survival curve reaches its median survival time, the time at which half the proposals for this conditionality are passed, at 763 days.
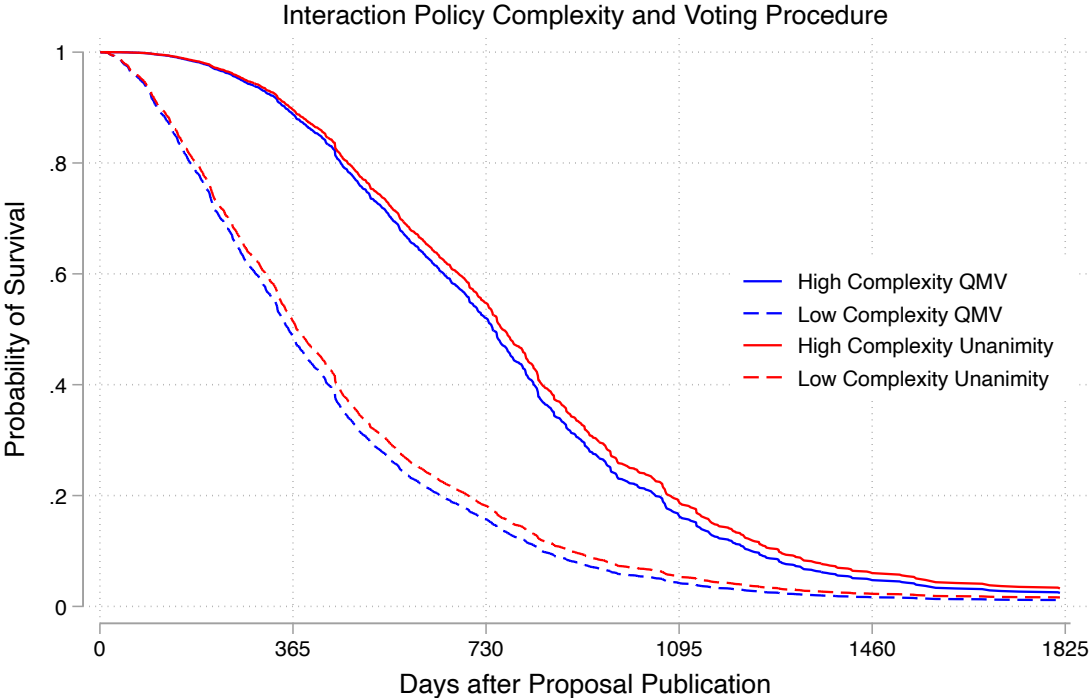

Figure 7. Interaction Policy Complexity and Voting Procedure

Source: own illustration

Proposals with the same level of complexity that are voted upon under qualified majority voting have a slightly lower median survival time and a continuously lower survival probability. Proposals that can be considered rather simple in size, language, and amounts of references are processed the fastest under QMV compared to those that are unanimously voted into power. These have a median survival time of 353 days,

while their counterparts under unanimous voting reach the same survival probability at 387 days. Generally, the Council is able to process both complex and simple policy proposals faster under qualified majority voting than under the requirement of unanimity.

The interaction effect between policy complexity and the voting requirement in the Council goes beyond their singular effects due to several important factors. As complex policy proposals require a higher degree of technicality and intricacy and therefore a higher potential for disagreements among the member states, the hurdle of finding a unanimous decision between the national representatives becomes considerably amplified. The diversity of perspectives, interest constellations and national pressures lead to prolonged negotiations, while under QMV the obstacles to find a majority are lessened as compromises are easier to find, when not all actors have to be included.

Especially complex policy proposals often require trade-offs and compromises to incorporate the member states' interests which are significantly defused under QMV as it offers a mechanism for balancing interests and significantly more flexibility for the negotiating member states. By overcoming the veto powers of all member states, QMV reduces the likelihood of blockades and allows the Council to process proposals more efficiently. Both highly complex proposals, that introduce difficulties for the member states to find common ground in the negotiations, and lowly complex proposals are affected by this, and thus OMV offers a more efficient voting procedure in the Council.

5.4.3 Differences in Legislative Efficiency - Institutional Environment

In figure 8 the differences in survival probability for the institutional environment, i.e., the procedure type and the voting format in the Council were calculated. For that, the difference between highly complex policy proposals under condition A and highly complex proposals under condition B was calculated and subsequently plotted to show the different impacts on the survival probability for equally complex legislation under different types of conditions. The difference in survival probability of highly complex policy proposals between the ordinary and the special legislative procedure is the most pronounced and amounts up to a change of 25 percentage points in the survival

probability of the proposal. The slope of the curve is starting a little delayed but then is steadily increasing until its maximum at 830 days and afterward decreasing again.
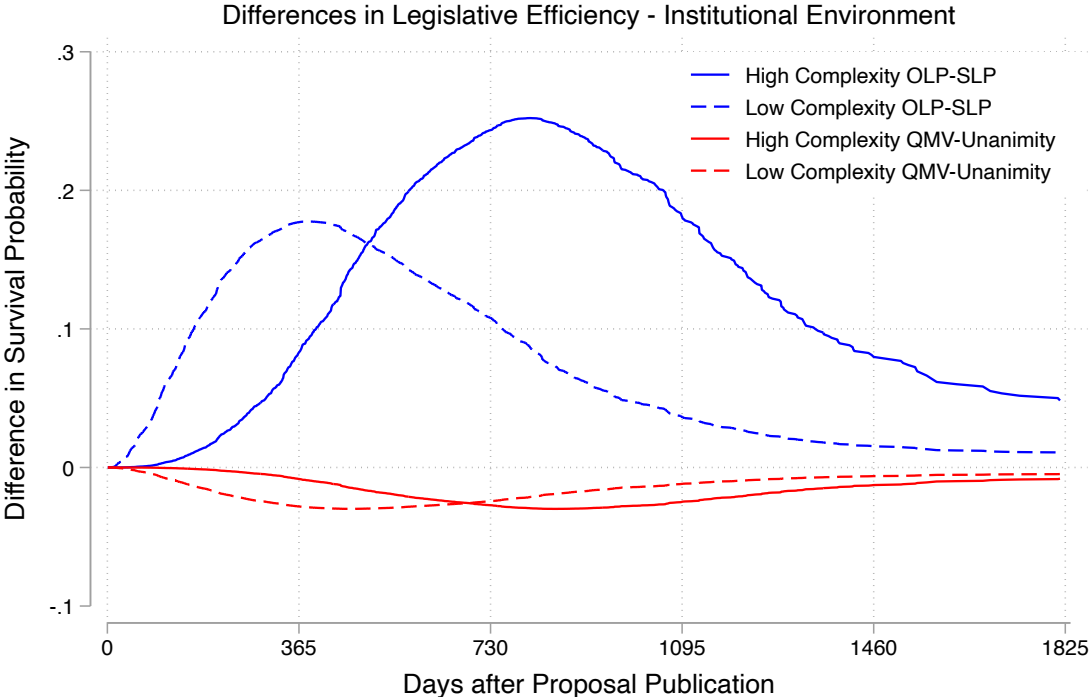

Figure 8. Differences in Legislative Efficiency - Institutional Environment

Source: own illustration

The difference of procedure type for simpler policy proposals reaches its maximum earlier at 365 days with a change in survival probability of 17.5 percentage points. The interaction effect of the voting procedure in the Council of the European Union on the legislative duration is considerably weaker than the impact of the procedure type. The difference for highly complex policy proposals being voted on with qualified majority voting compared to being voted on with a unanimous voting requirement in the Council reaches a maximum of -2.9 percentage points at 863 days. The effect for lowly complex policy proposals reaches the same maximum of -2.9 percentage points at 453 days and then starts decreasing its influence on the survival probability.

The delayed effect of highly complex proposals on the difference of survival probability as well as the earlier impact of simpler pieces of legislation on the difference can be mainly attributed to more complex proposals requiring more time for preparation and

information gathering as well as deliberation. Due to this learning curve and the negotiation dynamics, complex policies under different conditions all have very high survival probabilities earlier on while the differences induced by the procedures and voting formats start their interaction later. As has been mentioned, the difference in survival probability regarding the interaction effect of policy complexity and the procedure type can mainly be attributed to the stronger involvement of the European Parliament in the ordinary legislative procedure and the subsequent need for it to gain in-depth knowledge of the policy proposals, find a common position on the proposal and negotiate a compromise with the Council, which are all delaying effects amplified by complex legislation. The European Parliament can also introduce plenty of amendments during this procedure, an effect that is reinforced with the ongoing complication of policies as those are longer in size, thereby introducing more paragraphs to disagree with and subsequently try to amend. The SLP in turn limits the European Parliament's influence in the process and significantly reduces the Parliament's ability to propose amendments.

For the voting format in the Council, qualified majority voting shows a clear accelerating effect on the decision-making process for the entire duration. This effect is however not as pronounced as the other institutional effect, but it can still be observed that consensus-building around highly and lowly complex legislation is easier and faster to accomplish when only a qualified majority has to agree with the proposal in comparison to every representative of the member states in the Council. Thereby, QMV reduces the chance of gridlock in the Council and promotes the timely passage for complex and simple legislation alike. Both Hypothesis 2 and 3 can be confirmed, as QMV and the SLP expedite the legislative process for simple and complex legislative proposals.

5.5 Political Environment

For the political environment, the interaction between policy complexity and political conflict in the institutions as well as between the institutions was analyzed. In particular, the left-right and European integration cleavages in the Council, as well as the left-right cleavage in the European Parliament were drawn to analysis. For the distances between the Commission and the legislative institutions, the median left-right position

of the respective institution and its distance to the Commission's median ideological position was considered. Interaction survival graphs were constructed and subsequently difference graphs were created to accentuate the different impacts of low and high levels of conflict on the legislative efficiency when dealing with simple and complex legislation.

5.5.1 Political Conflict in the Council – Left-Right

The survival analysis graph in Figure 9 with underlying Cox regressions that control for time varying covariates shows how political conflict in the Council on the left-right scale interacts with both highly and lowly complex policy proposals and how that interaction influences the probability of survival. The survival curve for highly complex policy proposals that are handled under high political conflict has continuously the highest survival probability and thus indicates that its legislative decision-making speed is the slowest, reaching its median survival time, which indicates where half of the policy proposals are passed, at 863 days. The Legislative is the most efficient when dealing with a lowly complex proposal with low political conflict in the Council. This constellation reaches its median survival time at 299 days. Lowly complex proposals under high conflict are passed faster than highly complex proposals under low conflict for most of the duration. However, at 1045 days after the proposal publication the survival curves cross, and the highly complex proposals under low conflict have a lower survival probability, resulting in a higher likelihood for the passage of the proposal.

The survival graph confirms the hypothesis that higher levels of political conflict in combination with higher complexity lead to prolonged legislative durations, which can be attributed to complexity amplifying the challenges of reaching consensus. Complicated policies often involve intricate details, multifaceted stakeholder involvements, and far-reaching implications, which can all lead to divergent perspectives among member states. The presence of already strenuous negotiation settings with existing difficulties of coalition building reinforces these effects.
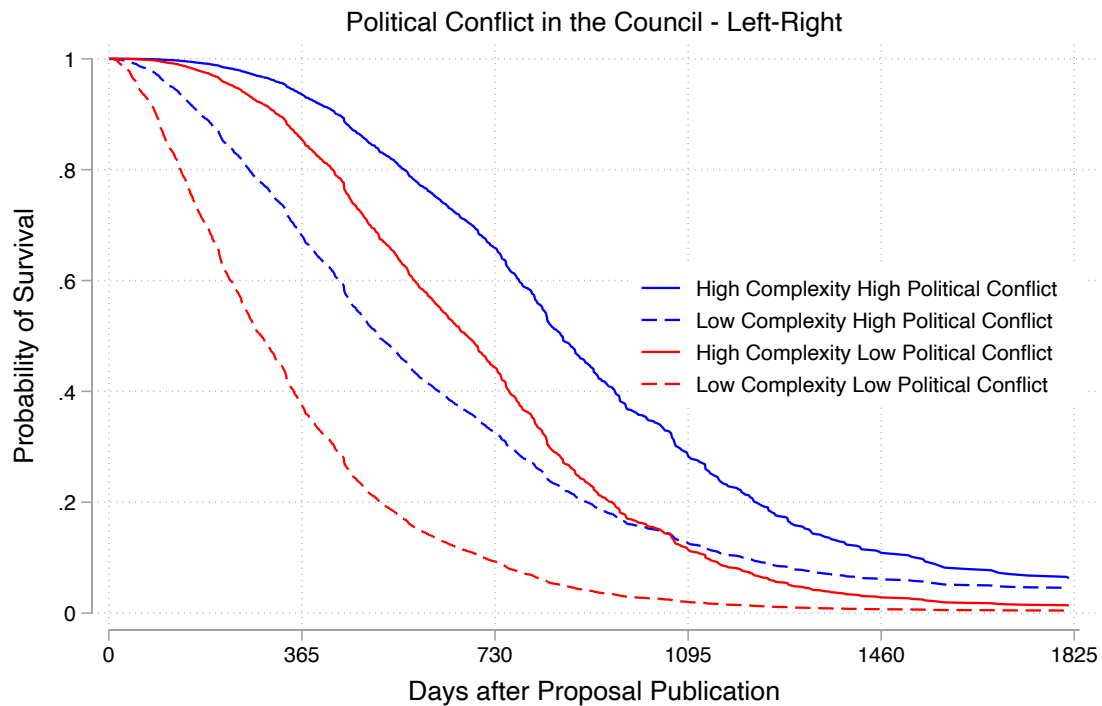
Figure 9. Interaction Policy Complexity and Political Conflict Left-Right in the Council

Source: own illustration

Even more so when coalition building happens around highly complicated pieces of legislation which further introduce problems like misinterpretation and misunderstandings. Additionally, complex policies require intensive deliberation, information exchange, and the involvement of experts and the civil society, which will engage more intensely in the negotiation procedures in order to influence the process. High political conflict most likely heightens the scrutiny on the proposals, leading to longer negotiations, more potential legal challenges, and a heightened amount of revisions, steadily growing with increasing levels of size, difficulty of language, and the extent of references in the proposal. Furthermore, it shows that lowly complex policy proposals are also significantly delayed when preferences in the Council diverge. The influence of the conflict level on the left-right dimension is strong enough that after 1045 days of deliberation, lowly complex policies have a greater possibility of being passed into laws than their highly complex counterparts. The growing emergence of populists and extreme positions of member state representatives thus amounts to a concerning danger for the legislative efficiency of the European Union, as legislation becomes severely delayed when conflict levels are high.

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5.5.2 Political Conflict in the Council – European Integration

Looking at the interaction between policy complexity and political conflict in the Council alongside the European integration dimension in figure 10, it becomes very apparent that a different trend surfaces than for conflict on the left-right scale. Here, the highly complex proposals under low levels of conflict are passed slower than their counterparts that are negotiated under high conflict.
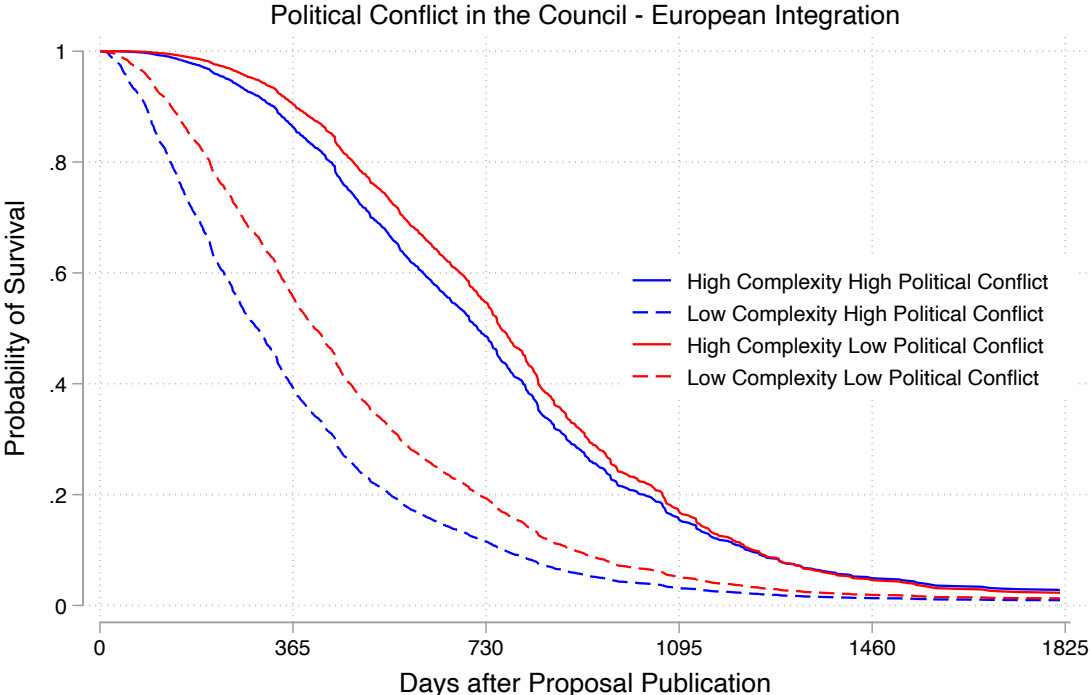

Political Conflict in the Council - European Integration

Figure 10. Interaction Policy Complexity and Political Conflict in the Council EU integration

Source: own illustration

The same trend takes place for simpler pieces of legislation, which are passed faster under high levels of conflict than under low levels of it. The median survival time difference from the fastest to the slowest constellation is still considerable, as lowly complex proposals under high ideological divergence in the Council reach their median survival time at 293 days, while highly complex proposals under low conflict levels reach their 50% passage level at 763 days. 1250 days after the proposal publication, highly complex proposals under both levels of conflict share the same survival probability and continue with the same trajectory.

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The survival curves in this graph show different results than the survival curves in figure 9, as now higher levels of conflict, albeit concerning European integration, expedite the decision-making process. As has been shown before, for coalition building in the Council, ideological affiliation is the deciding determinant, as member states rarely follow path dependencies or their predecessors' alliances (Hagemann & Hoyland, 2008). Consequently, coalition-building in the EU in issues of European integration strongly pits integration advocates against Eurosceptics. Pro-EU parties and representatives stick together beyond traditional cleavage lines in order to gather votes and further the European Union (Wratil et al., 2022). As Eurosceptic voices increase and grow louder in the Council with increasing levels of preference heterogeneity, the established integrationist parties and coalitions tend to feel threatened and pressured by possible disintegration endeavors. Thus, they are more willing to negotiate and engage in compromises with their own side, to avoid Eurosceptic majorities and the subsequent policies that would enable them.

5.5.3 Political Conflict in the European Parliament – Left-Right

In figure 11, the survival curves for the interaction of complexity and political conflict on the left-right dimension in the European Parliament are plotted. Highly complex policy proposals that are negotiated under highly divergent preferences in the EP continuously have the highest survival probability, and thus also the longest legislative duration. Simple policies that are processed under homogenous ideological circumstances can be considered the most efficient, as their duration is the lowest. Half of the policy proposals under these circumstances are passed at 343 days, while the first mentioned process takes 785 days to reach its median survival time. Generally, complex proposals take longer than simpler ones, and proposals that are negotiated under higher political conflict on the left-right scale in the EP take longer than ones with lower conflict levels.
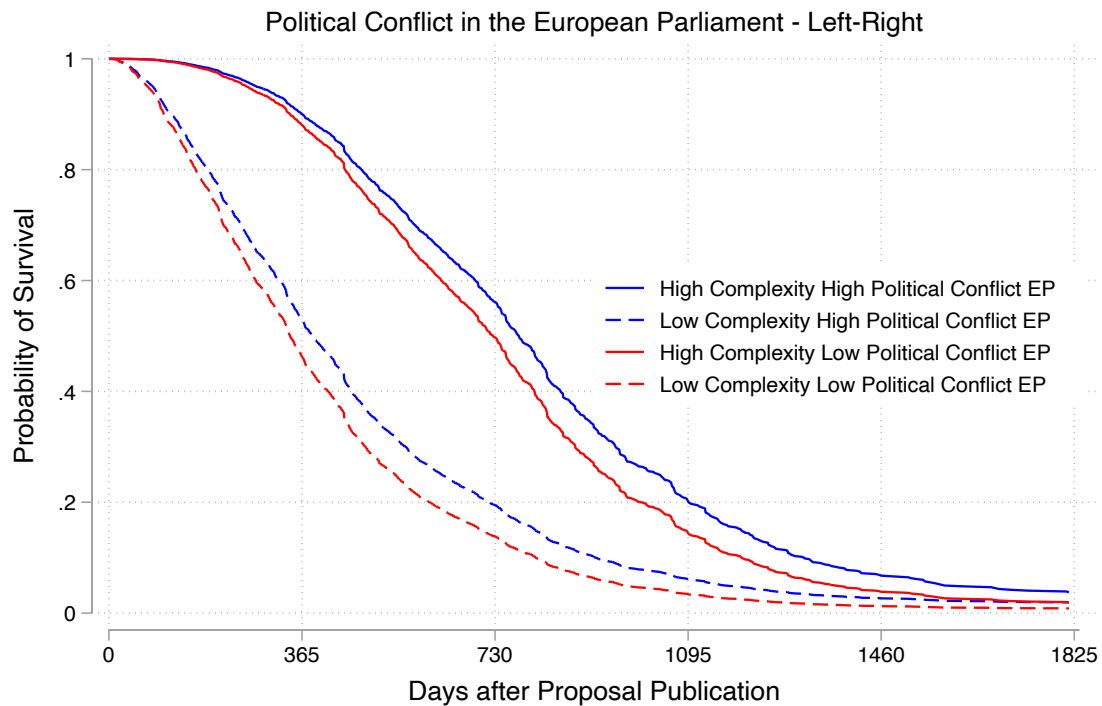
Figure 11. Interaction Policy Complexity and Political Conflict in the European Parliament Left-Right

Source: own illustration

This graph shows similar findings as the left-right conflict interaction did in the Council, which again is attributed to the strongly increased chance of misinterpretation and misunderstandings with highly complex policy proposals. That is especially problematic under situations of highly diverging interests, as coalition formation around complex legislation becomes even more burdensome and lengthy than usual as larger policy proposals also introduce more content for deliberations, whose lengthening effect on the legislative duration is reinforced with political conflict.

The interaction effect of complexity and political conflict is less pronounced than in the Council as the Parliament offers a platform for open policy debates, deliberations, and amendments. This helps with the comprehensive examination of policy proposals and enables the MEPs to address the complexities and avoid potential misunderstandings through discussions and clarifications. The increased specialization of the rapporteurs and their efforts for consensus-building in the Parliament help lessen the impact of the interaction effect on the legislative duration (Bowler & Farrell, 1995). Additionally, the MEPs are fully devoted to the work in the European Parliament and thus can invest

more time in understanding and exchanging views about complex legislation with their colleagues that also share the same location with offices in the same buildings. In the Council, member state representatives usually lead ministries in their respective countries and have the additional burden of participating in the Council aside from their already taxing elected office in their home country. Distances between the representatives are also higher, increasing the obstacle of deliberating outside of the formal Council setting and appropriately engaging complex legislation.

5.5.4 Differences in Legislative Efficiency with differing levels of Political Conflict

Figure 12 shows where the differences in efficient processing of complex and simple proposals lie for the different circumstances of political in the legislative institutions of the EU, calculated as high conflict level minus low conflict level.
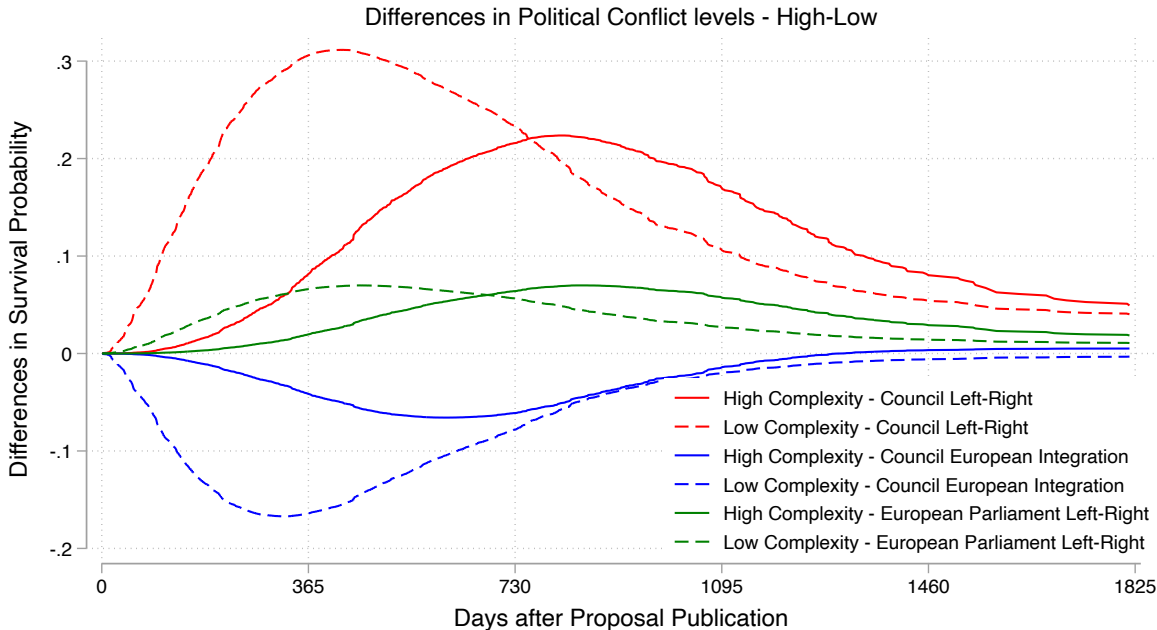

Figure 12. Differences in Legislative Efficiency - Political Conflict

Source: own illustration

In order to isolate the effect of political conflict, the survival curve of high complexity with low levels of conflict was subtracted from the survival curve of high complexity with high conflict, the same procedure was applied to simple policy proposals. In the

three constellations, it becomes clear that the effect for lowly complex policy proposals takes place earlier than the effect for more complex proposals. This is caused by the increased necessity of complex policies for the political and institutional actors to closely familiarize themselves with the piece of legislation, become informed and consult with issue-specific experts.

Starting with ideological divergence on the left-right dimension, especially for simple policies, the effect of prolonging the legislative process due to increased conflict is very pronounced. The effect for the Council starts right at the beginning of the observation period and climbs up to a maximum of a 31 percentage points higher survival probability of the policy proposals at 426 days, steadily decreasing afterwards. The complimenting effect for highly complex policies shows a similar trajectory, it however rises later and then reaches its maximum at 818 days with a change in survival probability of 22 percentage points. The two survival difference curves cross shortly before the latter one's maximum, followed by the high complexity curve continuously staying at higher levels than the low complexity one. The differences are very pronounced as the political conflict in the Council influences the legislative process immensely. The conflict level's influence on the processing of differently complex policy proposals is due to the Council's importance in all relevant legislative procedures and the necessity for the member state representatives to gather qualified majorities or even unanimous majorities around a proposal, something that is considerably impeded with high amounts of preference heterogeneity for both types of proposals.

The observed effect for the same cleavage in the European Parliament shares similar characteristics with this. The effect for lowly complex proposals is more pronounced during the beginning of the observation period, and the effect for the highly complex proposals crosses this at 680 days and then stays at comparably higher levels until the end. The difference effect of political conflict for the European Parliament stays continuously positive, but it stays in the range between 0 and 6.9 percentage points of difference. The effect of political conflict in the European Parliament is thus not that influential which can be attributed to the possibility of finding coalitions across party lines, which is a common pattern in the EP, and also the lower requirements for voting

majorities compared to the Council, as the votes in the EP suffice with an absolute majority (Jensen & Winzen, 2012; Sokolska, 2023a).

Looking at the effect of political conflict around the European integration cleavage in the Council on the legislative duration, it becomes more so apparent that higher conflict levels around integration issues expedite the decision-making process, which is especially pronounced for lowly complex policies. Their survival probability decreases by up to a maximum of 16 percentage points at 310 days of duration when comparing their processing under high conflict to low conflict. The effect for highly complex policy proposals is not as strong and shows a negative maximum at minus 6 percentage points. The general trend of expedited legislation when political conflict along integration issues is high can be explained by increased coalition building around the pro-EU core (Wratil et al., 2022) and the tendency of the Commission to introduce more regulations into legislation when Euroscepticism increases in its member states (Hurka & Steinebach, 2021). Regulations are generally processed faster than directives as they do not have to be transposed into national laws and thus incite less opposition from the member state representatives in the Council (see Figure 4). Hypothesis 4 can thus be confirmed for the cases of the left-right cleavage in the Council and in the European Parliament but has to be rejected for political conflict in the Council along the European integration cleavage.

5.5.5 Ideological Distance between the Commission and the Council

Figure 13 shows the interaction of policy complexity and the ideological distance between the median policy position of the Commission and of the Council on the left-right scale as measured with the RILE score of the CMP (Volkens, 2019). Highly complex proposals that are processed, when the ideological distance between the Commission and the Council is low continuously have the highest survival probability and thus the longest legislative duration. Simple legislative proposals that are processed with a high distance between the two institutions have the lowest survival probability over the entire analysis period. While the latter reaches its median survival time at 331 days, the former requires 752 days for half of its proposals to be passed. Generally, the trend shows that highly complex policies require more time, and an

increase in the ideological distance between the institutions leads to a reduction in the survival probability and an increase in the legislative speed.
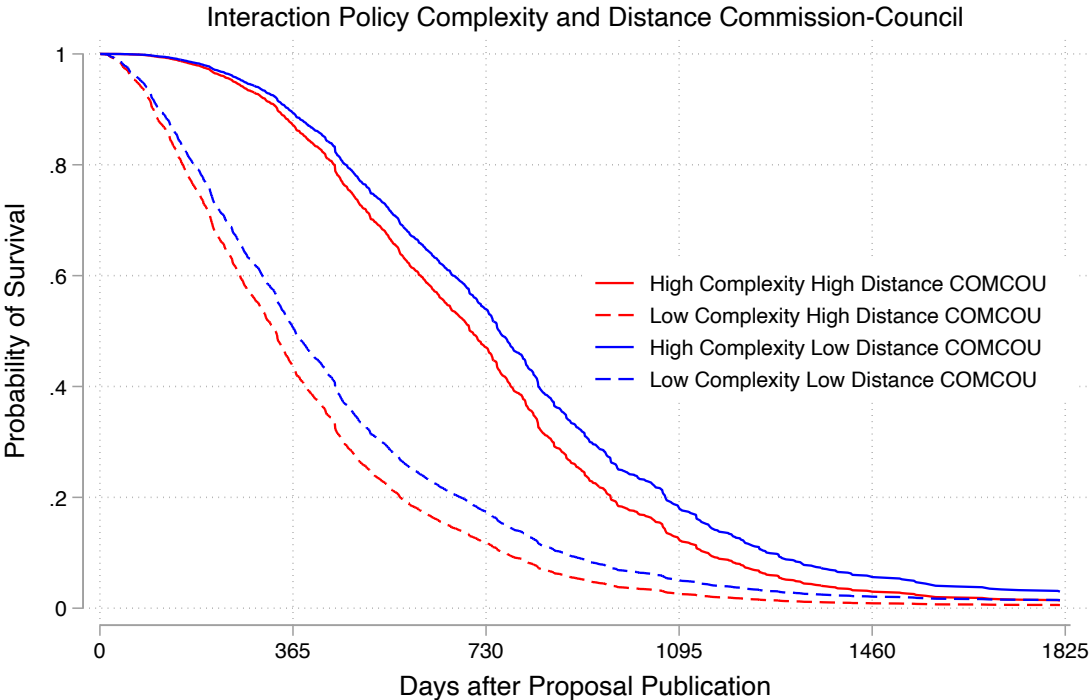
Interaction Policy Complexity and Distance Commission-Council

Figure 13. Interaction Policy Complexity and ideological distance from the Commission to the Council

Source: own illustration

This conflicts with the previous assumption, that the Legislative would be impeded with increasing distances to the Commission as access to experts and to consultations could be reduced. Furthermore, it was also assumed that the Commission would face trouble anticipating the preferences of the Council when the ideological distance between the two of them would increase (Pollack, 1997). These assumptions have not stood the test, however, the interaction of complexity with increasing amounts of distance between the institutions can be explained by possible anticipations of the Commission for gridlock scenarios (Tsebelis, 2002). When the preferences between the institutions diverge too far, the Commission steps in and guarantees legislative efficiency (Junge et al., 2015). The Commission then engages in bureaucratic policymaking and publishes tertiary law, which does not require agreement from either chamber of the Legislative and generally favors the status quo (Junge et al., 2015). With an enhanced distance between the institutions, the Council is incentivized to

foster more in-depth expertise and deliberation in their own institution thereby leading to a more efficient and faster processing of complex policy proposals.

5.5.6 Ideological Distance between the Commission and the European Parliament

Figure 14 shows the interaction between policy complexity and the ideological distance between the Commission and the European Parliament. The effect here is not very pronounced, but the proposals that are processed with high distances to the Commission have lower survival probabilities and thus faster legislative processes than their counterparts that are processed with a low distance.

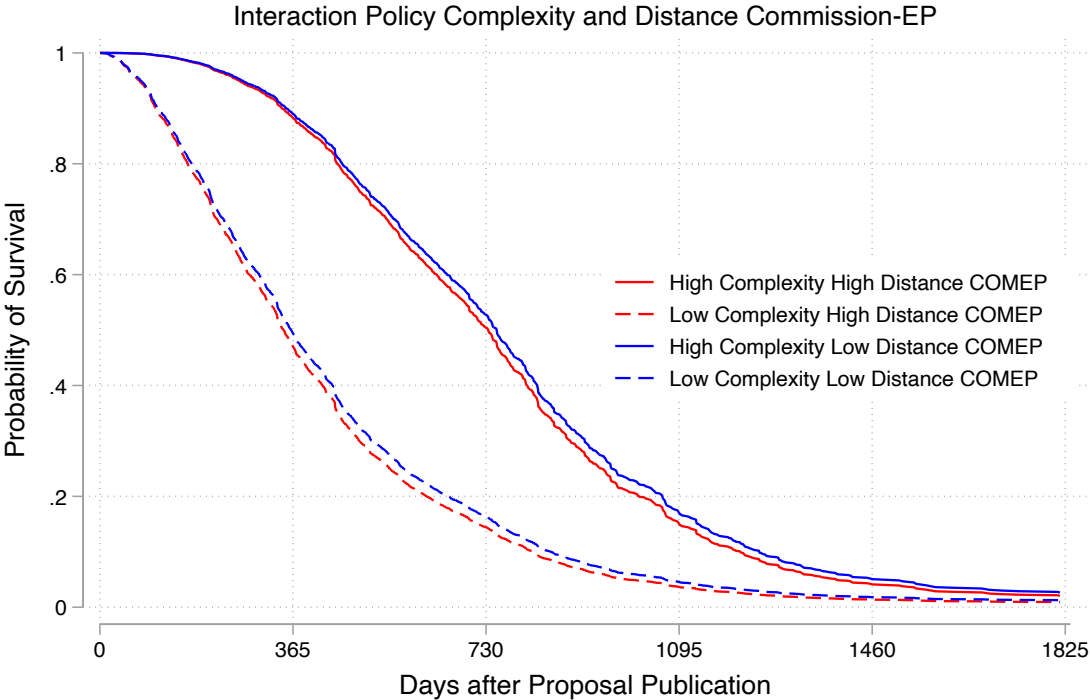**Figure 14.** Interaction Policy Complexity and Distance from the Commission to the European Parliament

Source: own illustration

The fastest procedure, namely that for simple proposals conducted under high inter-institutional distances has a median survival time of 343 days, whereas highly complex proposals conducted under low distance between the executive and the legislative chamber amounts to a median survival time of 752 days.

The effect can again be explained by the Commission's ability to work around possible gridlock scenarios when preferences diverge by engaging in technocratic policymaking (Junge et al., 2015). Additionally, inner institutional specialization of the MEPs on their issue areas, as they cannot fully rely on the consultation of the Commission, expedites the decision-making process. The Legislative is thus better able to process simple and complex policies under times of high ideological distances compared to times when preferences are aligned. In comparison to the distance with the Council, the effect is considerably less impactful, as the distance between the institutions is less relevant in some procedures. As the European Parliament is only an equal chamber of the Legislative in the ordinary legislative procedure and even then, majorities are easier to organize than in the Council, this interaction effect with the distance thus does not impact the legislative duration that intensively.

5.5.7 Differences in Legislative Efficiency with differing levels of Distance between the Legislative and the Executive

In figure 15 the differences in legislative efficiency concerning inter institutional conflict are shown. Similar to the difference graph of political conflict in the legislative institutions, here the difference in distance, high distance minus low distance for both complex and simple proposals, from the legislative institutions to the Commission was calculated and plotted. The y-axis was extended to display range from -0.1 to 0.3 for better comparability with the difference graphs of the other analyzed effects and environments. The difference in influence of the distance between the Commission and the Council on the legislative duration peaks for both highly and lowly complex policy proposals at -7 percentage points, thereby indicating that a higher distance between the two institutions leads for both simple and complex pieces of legislation to a shortened legislative process. The difference in distance between the Commission and the European Parliament shows a similar, albeit weaker trend. Both its highly and lowly complex policy proposals are sped up by a higher distance, the difference curves however both peak at -2.5 percentage points.
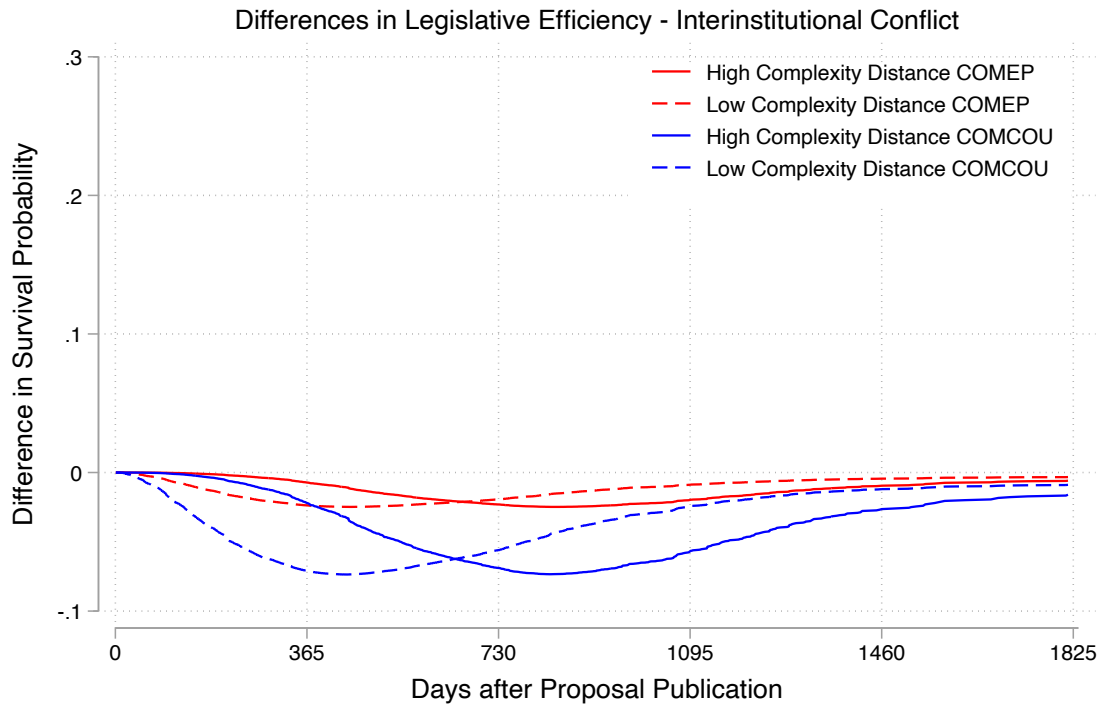
Figure 15. Differences in Legislative Efficiency - Inter institutional differences

Source: own illustration

Compared to other previously shown difference curves, the impact of the difference in distance from the European Parliament to the Commission displays a rather negligible effect on the legislative process, while the difference of a high ideological distance compared to a low ideological distance from the Council to the Commission shows a small influence on the legislative efficiency. For both distances, the general trend of a delayed impact of highly complex policy proposals' interaction effects on the legislative duration is shown, which can be attributed to increased demands of learning and negotiation required for the successful processing of complex policy proposals. Consequently, the peaks of the difference curves of lowly complex proposals happen considerably earlier but are then subsequently weaker. The general effects of the two distance curves on the legislative process can be explained by the possibility of the legislative institutions developing considerable issue-specific and inner-institutional knowledge and expertise when the distances between them and the Commission rise. Hypothesis 5, on the possible delaying effect of inter institutional distances, can be confidently rejected.

6 Conclusion

In this thesis paper, the following research question was answered:

How efficiently does the European Union's Legislative process differently complex policy proposals in interaction with the legal, institutional, and political environments?

The results are especially interesting as there exists a large amount of literature around the study of the legislative duration of the European Union and the influence of different factors on it (Bølstad & Cross, 2016; Golub, 1999, 2007; Golub & Steunenberg, 2007; Klüver & Sagarzazu, 2013; König, 2008; Schulz & König, 2000; Sloot & Verschuren, 1990). The complexity of policy proposals was heavily simplified or left out for almost all of them (except Hurka & Haag, 2020) and mostly legal, institutional, and political variables' influences on the efficiency of the decision-making process were analyzed. This thesis directly addressed and closed the gap of how efficiently simple and complex policy proposals could be processed in interaction with the different legal and institutional circumstances, as well as in interaction with differing levels of political conflict in the European Union.

Through the analysis of 2413 policy proposals of the European Union from 1999 to 2021 with survival analytical tools, foremost the employment of Cox Proportional Hazards Models and their graphical plotting, the influence of policy complexity and its interaction with the legal, institutional, and political environments was shown in detail. Limitations for the analysis with the omission of failed proposals, and thereby possible biases as the influence of complexity on the legislative process of failed proposals is not considered, and the shortcomings of the CMP political conflict data were mentioned. For possible endogenous anticipation effects of the Commission was controlled and the assumption that the Commission creates more complicated legislation when distances between them and the Legislative is high, or when political conflict in the Legislative is significant, was rejected. The OLS Regression had a very low R-squared value which indicated that the variance in the dependent variable was hardly explained by the variables contained in the model.

The analysis conducted in Table 5 using a Cox Proportional Hazards regression with time varying covariates reveals several key findings, such as that policy complexity significantly impacts the hazard rate of the adoption of the proposals, due to the increased need for expert consultations, preparation and deliberation times and through increased amounts of amendments. Its effect has a strong delaying effect on the legislative duration which decreases over time, holding all other variables constant. As for political conflict, diverging preferences in the Council concerning the issue of European integration heavily accelerates the decision-making process due to coalition building around a pro-EU core. On the contrary, conflict on the left-right axis in the Council prolongs the legislative process significantly due to problems with coalition-building that are reinforced by the domestic saliences of those issues (Van der Burg et al., 2008). The effect of political conflict in the European Parliament also shows a small prolonging effect on the Legislative, is however much less pronounced than the effect in the Council due to easier consensus-building across party lines in the EP and lower required majorities to pass proposals (Rose & Borz, 2013). The effect of the distances from the Commission to the Legislative is close to negligible, as the distance to the European Parliament is not statistically significant and the distance to the Council is very low. Directives in comparison to other legal instruments tend to prolong the decision-making process considerably, as they have to be transposed into national law, which leads to less compromise-friendly negotiations in the Council. Qualified majority voting in the Council tends to speed up legislation, due to easier consensus-building, and the special legislative procedure produces faster legislative processes than its counterpart, because of less involvement of the European Parliament.

Afterward, the interaction effects of the legal, institutional, and political environments with simple and complex policy proposals and their influence on the legislative duration were calculated with Cox Regressions and then plotted. The interaction graph of policy complexity and political conflict in the Council on the Left-Right cleavage marks an especially interesting finding. It shows the strong influence of a heterogeneous Council on the legislative duration, as the difference between the survival curves of highly complex proposals under the two levels of conflict is considerably far apart. After 1045 days, highly complex proposals that are negotiated under low amounts of political

conflict even have a lower survival probability than simple proposals under high conflict for the rest of the duration (see Figure 9). This shows the problematic influence of extremist opinions and heavily diverging preferences among the member state representatives along the left-right cleavage on consensus-building and finding compromises, and thereby on the legislative efficiency of the EU. The interaction of policy complexity and the legislative procedure type shows similar developments, whereas especially complex policies are processed significantly slower under the OLP in comparison to the SLP. Highly complex policy proposals processed under the SLP even cross the survival curve of lowly complex policies under the OLP at 1204 days, whereafter the highly complex proposals have a lower survival probability and in turn a higher rate of adoption (see Figure 6).

The differences of the interaction effects were subsequently generated to show the difference in survival probability for the instruments, procedures, voting formats and levels of political conflict. The analysis revealed that directives introduce a longer legislative process compared to regulations or decisions, both for complex and simple policy proposals. The differences in survival probability were most pronounced for lowly complex directives versus regulations and for simple proposals formulated as directives versus decisions, with maximum differences in survival probability of 28.5 and 26 percentage points respectively. Regulations were generally more efficient than directives or decisions for both lowly and highly complex proposals. Directives exhibited the most notable difference from the other legal instruments, likely due to the requirement for transposition into national laws, which hampers compromise in the Council as member states prioritize their domestic policy goals (see Figure 5).

For the institutional environment, it was clearly demonstrated that choosing the ordinary legislative procedure both in combination with simple and complex policies significantly prolongs the legislative process, in comparison to choosing the special legislative procedure. While the effect for simple policy proposals peaks earlier, the maximum difference in survival probability is most pronounced for complex policy proposals. This prolonging effect of the OLP can be explained by the equal, bicameral participation of the European Parliament in the process and the subsequent increased

informational costs, deliberation times, and increased amendments. These factors are all reinforced by complex policy proposals as those additionally require more preparation, discussions and offer more room to amend. The effect of the voting format on the survival probability was comparatively less pronounced but still showed that consensus-building under qualified majority voting in the Council is faster to conduct than under unanimity and for simpler legislation, this happens faster. The effect for more complex legislative proposals is similar but happens later, as the involved actors need additional time to prepare for the complex proposals (see Figure 8).

For the analysis of the differences in the efficient processing of complex and simple policy proposals in the European Union legislative institutions under different levels of political conflict, the survival curve of a low conflict level was subtracted from a high conflict level for both complexity levels to isolate the effect of political conflict. For ideological differences in the Council along the left-right cleavage, the results show that especially for simple policy proposals the difference in political conflict, from high to low, showed a considerable difference in survival probability. The same effect applies to highly complex policy proposals, albeit not as strong. Similar patterns are observed in the European Parliament, but the impact there is less influential, due to coalition-building across party lines, lower voting majority requirements compared to the Council, and the specialization through rapporteurs (Rose & Borz, 2013; Tullock, 1995). As for the difference in conflict around the European integration cleavage in the Council, higher conflict levels expedite the decision-making process, particularly for low complexity policies and less so for complex proposals. This trend can be explained by increased coalition building around the pro-EU core and the Commission's tendency to introduce more regulations in situations of Eurosceptic preferences in the Council, which are processed faster than directives and face less opposition from member state representatives (Hurka & Steinebach, 2021; Wratil et al., 2022; see Figure 12).

The impact of the difference in distance from the European Parliament to the Commission on the legislative efficiency is negligible, while the difference in ideological distance from the Council to the Commission has a small but accelerating influence on the legislative duration, due to the institution developing issue-specific knowledge and

expertise as the distance from the Commission increases, potentially reducing the need for consultations, and accelerating the legislative process (see Figure 15).

The findings of this thesis paper are hardly generalizable, as the interactions are based on the unique institutional design of the European Union and its legal instruments. They are thus only applicable to the European Union and cannot be transferred towards nation-states or other international organizations. The approach to analyze the complexity of policy proposals, study their legislative duration in interaction with legal, institutional, and political variables and gather information on the efficiency of the Legislative could be applied to nation-states as well. For example, the efficiency of the German Legislative could thus be analyzed with regards to the influence of policy complexity of German laws in interaction with possible prolonging effects with the inclusion of the second chamber, the „Bundesrat", with laws that require a constitutional 2/3 majority or by comparing the efficiency of two-party governing coalitions to three-party coalitions.

The findings from this thesis provide valuable insights into the decision-making process of the European Union and its obstacles toward efficient and timely responses to societal problems and crises. First and foremost, directives should be avoided when the European Union strives to pass both simple and complex policies quickly, and regulations should be preferred. The ordinary legislative procedure enables more democratic participation but introduces longer legislative procedures, reinforced by highly complex policy proposals. Additionally, QMV speeds up the process by taking away veto powers of singular member states. Since political conflict in the Council through left-right disagreements introduces serious problems to the legislative process in the EU, it is highly recommendable to create formats and tools or appoint mediators to support member state representatives in finding compromises. Most importantly, the Commission has to keep on working on simplifying legislation as complexity significantly prolongs the legislative duration and hinders the EU in responding quickly to current events. Additional policy experts and staff members that help guide the legislative institutions through more complicated legislative proposals are likely to improve the efficiency of the European Union as well.

Appendix

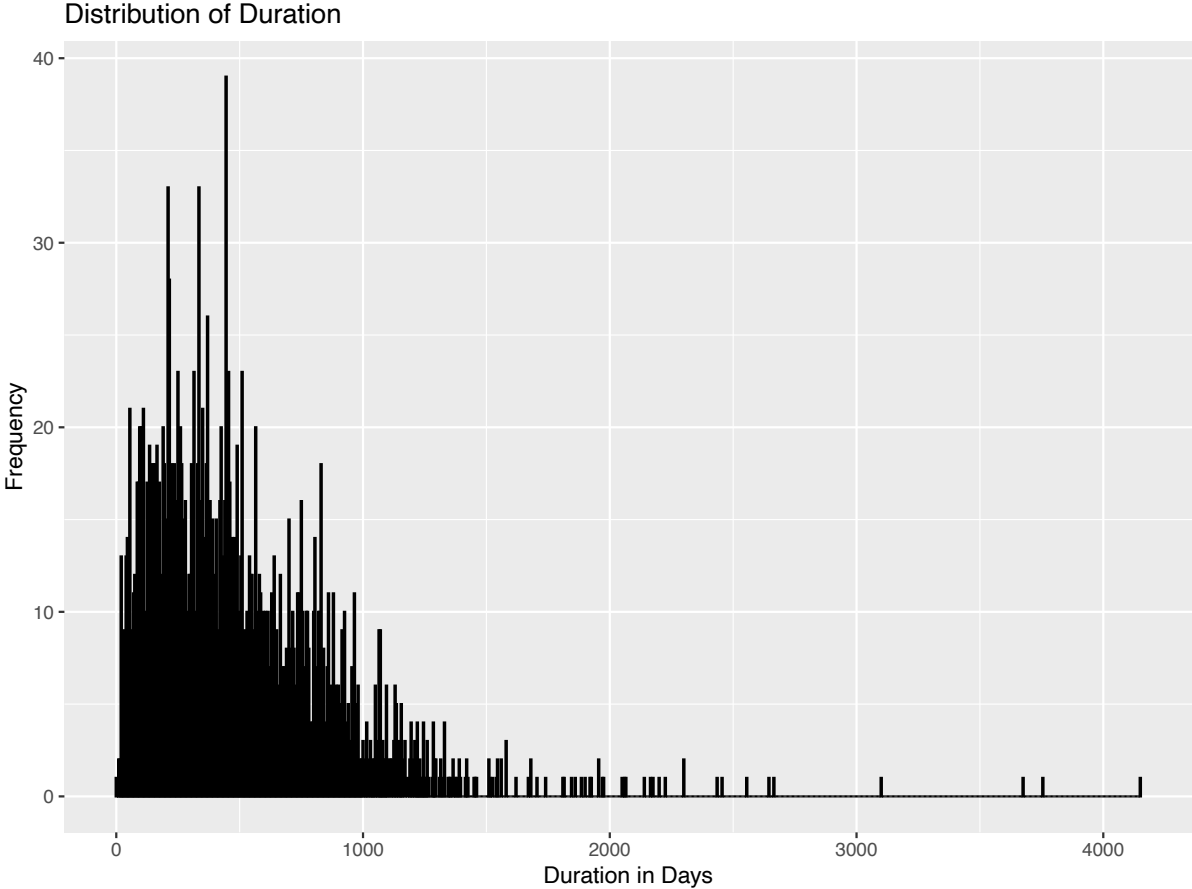**Appendix 1.** Political Conflict in the European Union over time

Source: own illustration based on CMP data

Political Conflict over Time
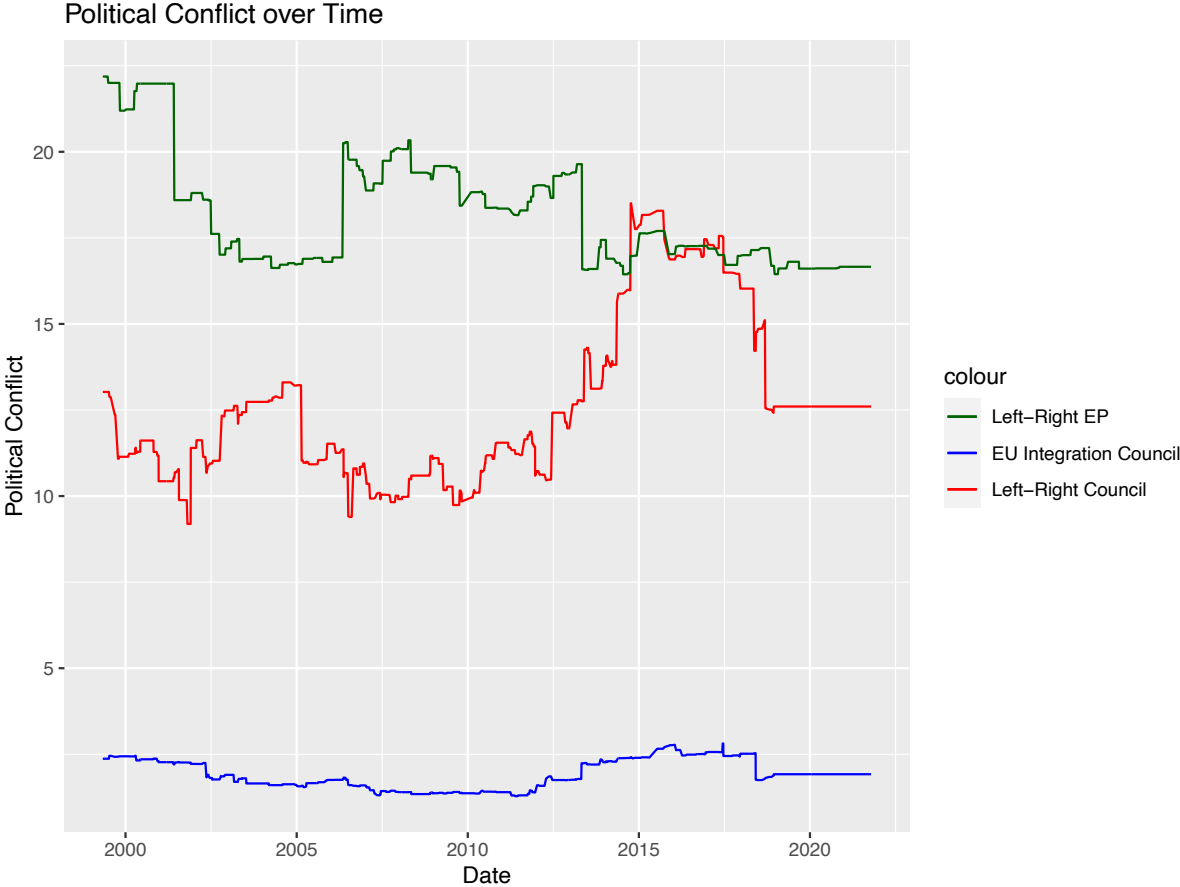
Appendix 2. Distribution of the Legislative Duration variable

Source: own illustration

Distribution of Duration

Appendix 3. Grambsch-Therneau Proportional Hazards Test - Source: own illustration

Variables	rho	Chi2	Prob >chi2
Policy Complexity	0.17313	99.94	**0.0000**
Pol. Conflict Council integration	-0.04970	5.36	**0.0206**
Pol. Conflict Council Left-Right	0.05802	8.31	**0.0039**
Time to Presidency Change	-0.01182	0.36	0.5511
Legislative Backlog	0.03430	3.26	0.0710
Number of Areas	-0.05578	7.81	**0.0052**
Pol. Conflict EP Left-Right	0.02088	1.14	0.2859
Distance COM-EP	-0.03425	3.08	0.0794
Distance COM-COU	-0.03266	2.53	0.1114
Regulation	-0.06413	9.95	**0.0016**
Decision	-0.05611	7.86	**0.0050**
QMV	0.03034	2.30	0.1294
Consultation	-0.03414	2.91	0.0878
Codecision	0.01066	0.28	0.5953
Codification	0.04541	5.36	**0.0206**
Treaty of Amsterdam	0.03881	3.81	**0.0508**
Treaty of Lisbon	-0.00979	0.25	0.6150
EUROVOC European	0.02584	1.61	0.2039
EUROVOC Economics	-0.00573	0.08	0.7755
EUROVOC Trade	-0.01944	0.94	0.3328
EUROVOC Environment	0.03060	2.27	0.1322
EUROVOC Energy	0.05703	7.88	**0.0050**
Global test	289.91	22	**0.000**

Appendix 4. Distribution of Policy Complexity with the 5th and 95th Percentiles

Source: own illustration

Distribution of Complexity
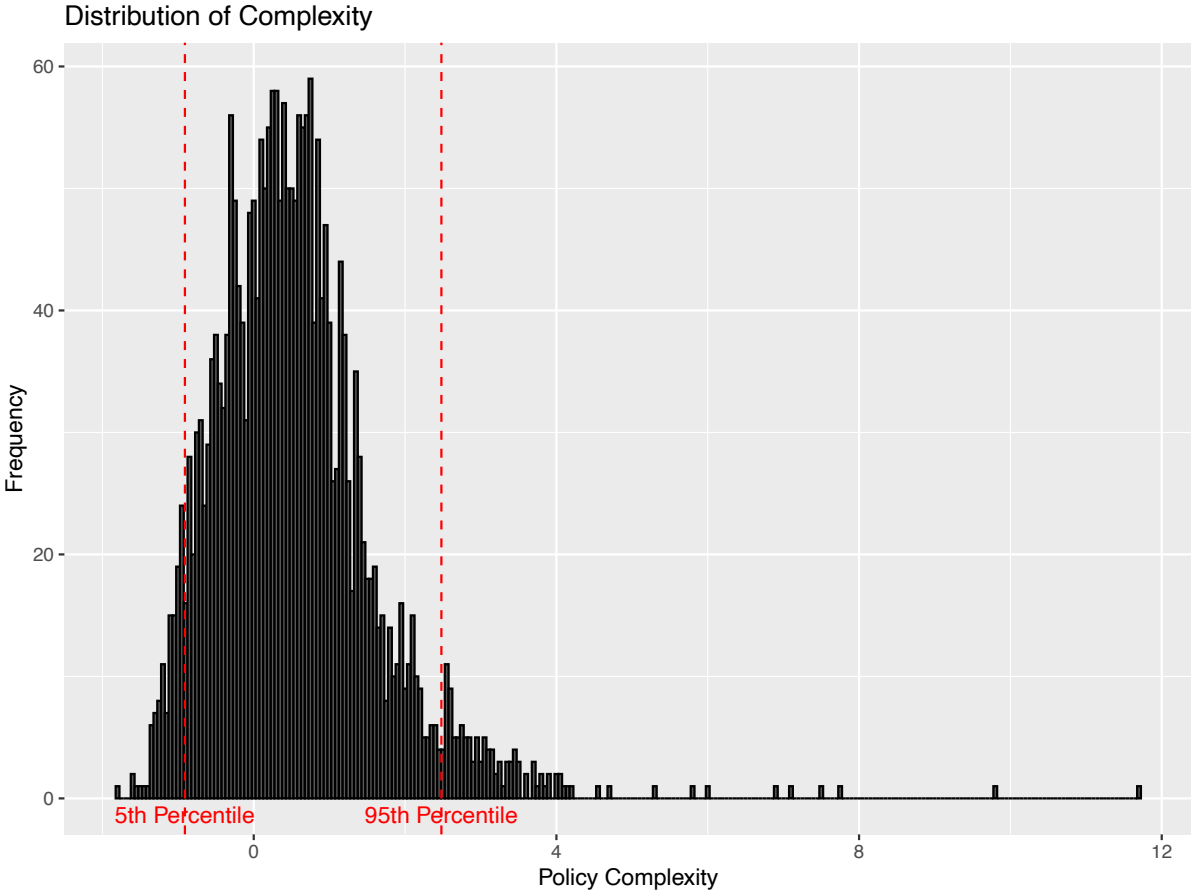
Appendix 5. Variance inflation factors VIF

Source: own illustration

Variables	VIF	1/VIF
Pol. Conflict Council integration	2.30	0.44
Pol. Conflict Council Left-Right	3.73	0.27
Pol. Conflict EP Left-Right	2.30	0.46
Distance COM-EP	2.06	0.49
Distance COM-COU	1.73	0.58
Regulation	1.63	0.61
Decision	1.64	0.61
QMV	1.05	0.95
Codecision	1.51	0.66
OLP	2.44	0.41
EUROVOC European	1.10	0.91
EUROVOC Economics	1.08	0.92
EUROVOC Trade	1.10	0.91
EUROVOC Environment	1.10	0.91
EUROVOC Energy	1.04	0.96
Mean VIF	1.72	

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