Organised Crime on the European Council Agenda: Political Attention Dynamics

Debate

Organised Crime on the European Council Agenda: Political Attention Dynamics

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Abstract: In the European Union (EU), member states and political institutions each have their own policy approach and conceptualisation of organised crime (OC). This conceptual ambiguity is likely to affect policy-making on OC in the EU. A broad palette of policy priorities and responses exists, making it a hard task to politically handle the problem at the European level. We focused on the way in which the European Council dealt with OC between 1975 and 2010. Applying an agenda-setting theoretical perspective, we looked at the political consideration given by this institution to the problem, evidencing the attention dynamics and OC definitions as they appeared on the European agenda. We found that the development of the OC agenda as set by the European Council displays a punctuated-equilibrium pattern of six main waves of political attention. Periodically this body turns its focus more emphatically towards OC and then moves away to address other issues. The allocation of its attention fluctuated. It never handled the same set of OC issues over the years. This behaviour relates to a great extent to the institutional design of the European Council as a serial-processing organisation, and to its function as a signalling authority for policy-making.

The rise of organised crime on the European agenda

In the European Union (EU), the majority of member states agreed to identify organised crime (OC) as a problem (Paoli and Fijnaut 2004). For some of them, this situation dates back to much longer ago. OC arrived on the political agendas of diverse member states in the 1970s (Van Duyne and Vander Beken, 2009; Vander Beken, 2012)[1]. Furthermore, since the early 1990s, this issue is high on the agenda of almost all members (Den Boer, 2001), as well as on the agenda of the EU as

"one of the key concepts for European policy making" (Vander Beken, 2012: 84).

Therefore, due to dissimilar political estimations of the problem among countries in previous times, OC was not conceived as an EU policy field since its origins in the European Community (EC) preceding the EU. Instead, the issue was dealt with through intergovernmental mechanisms outside the institutional framework (Monar, 2001; Occhipinti, 2003). It was in 1993 with the entry into force of the Maastricht Treaty that

OC was formally introduced in the legal scope of the EU, as part of the Justice and Home Affairs (JHA) area that, since 1999 with the Amsterdam Treaty, is known as Area of Freedom, Security and Justice. After the institutional inclusion of OC, two EU policy initiatives to define this phenomenon EU-wide were decided in 1998 (Council) and 2008 (Ibid.).

However, despite these and other policy actions, thus far there is no consensus within the EU about the meaning of OC. Instead of a community agreement, member states and EU political institutions each have their own policy approach and conceptualisation of the topic (Den Boer, 2001; Von Lampe, 2008; Allum et al., 2010; Vander Beken, 2012; Allum and Den Boer, 2013). The lack of a common definition in the EU acquires additional dimensions of heterogeneity considering that OC in the political and law-enforcement discourse is commonly used strategically in "concatenation" with other security fields such as terrorism (Den Boer, 2010); or as a "portmanteau term" to include also contemporary issues facing most countries, such as poverty and violence (Allum and Kostakos, 2010). Also, it is used as a "catch-all concept" to evoke a transnational threatening feature and in this way justify legal changes beyond the national level (Paoli and Fijnaut, 2004). Further, in practice organised crime often involves a diversity of offences, as criminal organisations "frequently operate a range of activities simultaneously: trading in tobacco, drugs, people, armaments, pornography and many others" (Europol, 2013: 2).

The conceptual ambiguity stemming from "the many faces of organised crime in Europe" (Vander Beken, 2012: 83) and a conceivable rhetoric makeup is likely to affect policy making on OC in the EU. The inconsistent approach within the EU and its Member States along with other pragmatic considerations set conditions for policy on OC. A broad palette of policy preferences, priorities and responses exists, and this makes it a hard task to politically handle the problem at the European level.

In this contribution we focus on the way in which the European Council, "today the highest political and leading body of the EU" (Werts, 2008: 37) has dealt with OC in the period between 1975 and 2010. The European Council has the faculty to signal major policy problems, give the EU political guidance and set its priorities. We look at the political consideration given by this signalling institution to the multifaceted problem, evidencing the dynamics of attention and definitions as they have appeared on the European agenda during more than three decades. The approach is based on the Punctuated Equilibrium Theory, developed by Baumgartner and Jones (1993, 2009), in which the politics of attention plays a preponderant role in agenda setting and where the policy-

making process is a combination of steadiness and change. First we study the pattern of attention, addressing the question: when and how much did the European Council consider OC in the 35 year period examined in this study? Did attention develop incrementally or was it punctuated, involving sudden rise or decline? Then, we observe the peculiarities of this behaviour for the case of OC compared to the attention cycles of other policy topics on the European agenda. In the same line we also look at the extent to which the arrival of OC on the agenda involves competition for political consideration with other policy themes. Thus, in this study we apply an agenda-setting approach to the study of OC, a domain of policy that barely has been investigated systematically in political science.

The paper is structured in four parts. The subsequent section presents the theoretical notions behind the agenda-setting approach. Next, the characteristics of the European Council are outlined, mainly in its quality as a prominent policy venue within the EU. What follows is the empirical analysis and a discussion of the findings.

A theoretical lens on agenda dynamics

A government is called upon to address the problems in its polity. More often than not a political system is overwhelmed by abundant flows of information where numberless issues are present. At the same time, political institutions have limited cognitive capacities and resources to process the existing problems in the system altogether; this notion is known as "bounded rationality" (Simon, 1983; Baumgartner and Jones, 1993, 2009; Jones and Baumgartner, 2005). In an information-rich environment where policymaking organisations are limited in their scope for handling a myriad of data, decision makers must filter through this with selective attention (Jones and Baumgartner, 2005). In this way, attention is a powerful strainer to deal with policy problems.

Being an institutional capacity, the attention span of organisations is consequently restricted (Cobb and Elder 1971; Simon, 1983, 1985; Jones 1994; Kingdon 2011). This bounded-rationality circumstance provokes a "bottleneck of attention", where two types of information processing may be distinguished: parallel and serial (Simon, 1985; Jones and Baumgartner, 2005; True et al., 2007). In parallel processing, diverse items are handled in a simultaneous way, producing many decisions at once, while serial processing consists of addressing issues one by one. This differentiation goes in line with the nature of each organisation: policy subsystems or micro-political venues versus political systems or macro-political institutions, respectively (True et al., 2007). While a more specialised type of topics occupies the microsphere, a parade of all sorts of issues attempts to arrive in the political "macro-cosmos". More specifically, policy-making institutions are responsible for deciding on the general scope of the system, and they do it by allocating their attention to a small number of different issues serially. Only when necessary and with confirmed political recognition on the agenda, they assign certain issues to the respective communities of experts, detonating the processing of diverse issues in parallel; simple division of labour in a polity

(Jones and Baumgartner, 2005). Communities of experts including specialised staff at government departments then adopt the issue and engage in more detailed policy development.

Accordingly, political decision-making institutions, rather than addressing all issues at the same time, process main problems one by one, or at most a few at a time (Jones and Baumgartner, 2005). This not only is because attention is scarce, but also the carrying capacity of the political agenda is limited. Policymakers as a result need to discern among issues. Here selective attention in macro-political institutions enables them to make sense of policy problems and handle them. But no issue receives constant and fixed governmental consideration over a long period of time. Rather, an issue or problem occurs and arrives high on the agenda episodically, and thus displays a rhythm of rising and declining attention and intensity of consideration. Such rise and decline of issues on the agenda can be more or less smooth, and display quite marked attention spikes up and down as information comes into the scope of policymakers.

In other words, attention to problems in the long run, besides discriminative and involving competition, tends to be intermittently "punctuated" as information intrudes and pressure for attention reaches eruptive force (Jones and Baumgartner, 2005; Baumgarter and Jones, 2009). This conception is built on the claim of Herbert Simon (1985: 302) that "only one or a very few things can be attended to simultaneously. The limits can be broadened a bit, but only modestly, by 'time-sharing'—switching attention periodically". Thus, in the reality of political processes, attention shifts often equal problem prioritisation, as the allotment of the consideration of decision makers to a narrow range of problems intrinsically marshals these issues through cognitive and institutional bottlenecks. This processing is a key feature of setting and re-setting the agenda in a political system (Jones and Baumgartner, 2005). The way in which the political agenda is shaped may promote keeping policy stability in the environment or lead to striking policy changes, as Baumgartner and Jones (2009: 4) have expressed: "[A]genda-setting has important policy consequences, and these are expected often to be dramatic reversals rather than only marginal revisions to the status quo". This does not mean, however, that all issues that make it to the political agenda are actually decided, but for significant policy change such a position is a precondition.

These are core notions of the Punctuated Equilibrium Theory, where attention is a fundamental component (Jones and Baumgartner, 2005). Under these assumptions, from an agenda-setting perspective, Baumgartner and Jones argue that policy making over a long time period, far from being merely incremental (Lindblom, 1979) is a process that combines both stability and abrupt shifts. Periods of steadiness normally are longer than episodes of major change, because for change in attention and in policy, many kinds of friction must be overcome. Policy-making institutions and the views on problems and solutions traded within them often are sticky. Political institutions are designed to provide stability and avoid day-to-day overhaul of priorities and course of action in policymaking. As a consequence, they respond in full only from time to time to signals in the environment. Indeed, when this happens, they often tend towards disproportionate information processing: after neglect or downplay of an issue, the matter is considered with a

strong sense of urgency, thus shifting it towards the top of the agenda.

Developed in the late 1980s in the study of policy dynamics in the United States, the Punctuated Equilibrium Theory also has proved to be applicable to the EU. Analysis of national and European policy agendas[2] as well as diverse policy domains in the EU, such as health and environment (Princen, 2009) and energy (Alexandrova and Timmermans, 2014), has shown that attention and policy change comes with marked episodic peaks in which a particular problem rises to the top of the political agenda after a period of relative neglect. The use of Punctuated Equilibrium Theory for studying OC allows us to see to what extent and under what endogenous or exogenous conditions this domain has received priority on the European agenda and has seen policy development. In the multi-level architecture of the EU/EC, the organisational design of its political bodies together with pointers of attention in the system set the stage for information processing on policy problems, which becomes visible in which issues become prominent and obtain sense of urgency, and what problems are left for later consideration. The way of institutional functioning in dealing with policy problems and themes also has implications for the responsiveness and legitimacy of institutions. This is particularly relevant for problems in fields without an established communitarian definition such as OC, whose ambiguity "provides opportunities for a 'flexible' use of the concept to accommodate a diversity of political and institutional interests" (Von Lampe, 2002: 190). Further, the agenda-setting perspective contributes to showing the factors that promote policy decisions in this domain. It helps to illustrate what may trigger or discourage EU institutions to take OC "on their plate" and turn attention into authoritative definitions of the problem, competencies, and decisions based on them. Moreover this approach adds value by enlarging and diversifying the existing literature on OC, which is based on academic research mostly in other disciplines, like criminology and sociology, rather than political science.

The European Council as an institution for political signalling

The European Council is "the Union's supreme political authority" (Council, 2002: 1) and it is at the top of all the policy-making bodies in the EU (Werts, 2008; Alexandrova and Timmermans, 2013). It is a meeting arena that gathers the highest political leaders of all Member States—i.e., the Heads of State or Government—with the aim to promote political discussion on EU matters in all domains, as one of the mandates of this institution is to "define the general political directions and priorities" in the EU (TEU: art. 15). They meet always behind doors, usually four times a year and more if necessary due to a crisis or an urgent matter. At the end of each summit, the so-called "conclusions" of their discussions on the points on its agenda are issued. They encompass the closing political statements of the political heads of the member states and the agreements reached by them. These include declarations on policy proposals, assignments of tasks to the other EU institutions and bodies, and progress assessments of implemented policies, among other content.

The European Council started to operate in 1975 as an informal body in the then European Community and in 2009 with entry into force of the Lisbon Treaty it was designated a European institution (TEU: Article 13). However, it has never disposed of experts or an administrative body to assist it to carry out its functions. In this sense it is a macro-political venue that must handle all problems in the EU by its own, thus must be particularly selective in its attentiveness. Hence it has a very limited agenda capacity and the need to process all issues serially. This provokes the prompt move of its attention from one topic to the next, consequently promoting the appearance of a diversity of topics on the European highest political agenda, thus evidencing a punctuated-equilibrium pattern of agenda setting.

This situation contrasts with that in other EU institutions that count with an organisational structure, such as the European Commission with its "directorate generals" or the Council of the European Union with its "configurations", which supports the development of different tasks in parallel. This institutional composition enables a wider agenda capacity and allows these political venues to be attentive to several topics at the same time, thus likely displaying a more incremental-type dynamic of agenda setting.

Following the notion of the attention bottleneck, the way for the European Council to accomplish the undertaking of providing political orientation is by broadly signalling and instructing other EU bodies with wider political capacity and tasks to address different problems in a more detailed and systematic way. Its role in this regard is so relevant that, according to Werts (2008: 38), "the European Council has grown into the Union's helmsman or the 'political dynamo' of the Union."

As a result, the European Council plays a major part as agenda-setter in the EU. Over time it has developed a stronger authority as agenda-builder, becoming a core shaper of EU policies (Ludlow, 2002; Werts, 2008; Wessels, 2008; Alexandrova and Timmermans, 2014; Foret and Rittelmeyer, 2014). Formally, the European Commission is the only institution in the EU whose function is to generate "appropriate initiatives" in all policy domains according to the needs of the EU (TEU: art. 17). However, as Pollack (1997) has argued, the concept of agenda building is a broad notion that goes beyond the official mandate given to an institution to establish the agenda. Accordingly (Pollack, 1997: 121), "informal agenda setting is the ability of a 'policy entrepreneur' to set the *substantive* agenda of an organisation, not through its formal powers but through its ability to define issues and present proposals that can rally consensus among the final decision makers" (italics in original). In this line, we look at the informal role of the European Council as agenda-setter[3], to a great extent promoted by its signalling function.

Dynamics of political attention to OC on the European Council agenda

Aware of the ambiguity and heterogeneity of OC in the EU, we developed a catalogue on OC as a

yardstick for data collection and analysis. This was done as a way to count with a defined criterion to know what variables to measure, in order to find relevant items on the political agenda and to provide indicators at different levels of attention as they may occur. The index includes 31 issues divided into three clusters: denomination, activities and actors. The first group relates to those terms normally used interchangeably to refer to OC—e.g. transnational OC and serious crime. The next categorisation refers to the types of organised criminal offences (like drug trafficking and money laundering). Finally, the cluster of actors involves the criminals themselves. The catalogue was built considering official references such as the Europol's Convention (Council, 1995) and some publications of this agency (Europol, 2006, 2009, 2011), as well as the Framework Decision on the fight against organised crime (Council, 2008), along with academic notions claimed by diverse organised crime scholars (Ruggiero, 1996; Mitsilegas 2001, 2003; Sheptycki, 2003; Fijnaut and Paoli, 2004; Irrera, 2010; Longo, 2010). Based on this we looked at the political agenda of the European Council, in the form of its published Conclusions, during 1975 and 2010, and conducted a systematic content analysis. On a yearly basis we studied the recurrence of OC issues as they were mentioned and addressed in these policy documents[4].

Our analysis shows that OC entered the European uppermost political agenda in the beginning of the 1980s. That is, the European Council dealt with this problem in 1983 for the first time. Since then, OC received political attention from this macropolitical venue for the most part until 2010, except 1984 and 1987 when it was entirely absent from the agenda. However, the attentiveness of this institution to the issue fluctuated over time (see Figure 1).

During the 1980s, the inaugural arrival and occurrence of OC on the agenda of the then European Community were characterised by low political consideration. Regarding specific sub-issues, OC got initial access to the EC agenda under a general connotation in the form of *international crime*, without pinpointing at any particular type of criminal activity yet. This happened until 1985, when the European Council allocated its attention to concrete offences, namely, drug trafficking and trafficking in works of art, as well as to another broad denomination of OC: *crime*. A year later, in 1986 this political body considered for the first time the criminals and two sub-issues: human trafficking and counterfeiting. This year displayed a slightly higher rise of attention, which completely vanished in the next year. Further, in 1988 OC started to be finally referred as *organised crime*. In that year, fraud was introduced. In general, during this period, even though diverse OC sub-items were added to the EC agenda, they were scantly considered. Therefore, overall in the 1980s the European Council addressed the problem of OC only in a marginal way.

With the turn of the decade, the institutional interest to OC also changed drastically, making the 1990s the period of the highest salience of this topic on the political agenda. The European Council increased in an important way its attention already in 1990. In this year money laundering found its way for the first time into the agenda and continued been politically addressed during most part of this period, together with fraud and *organized crime*. In the following years, the consideration of the policy-making body went slowly down but soon turned steadily and substantially up. In this way, another peak of attention was reached in 1995, when corruption and arms trafficking debuted on the agenda. Afterwards, there was another drop in the European Council attentiveness that lasted some years. During this time, *cross-border crime* was introduced on the agenda in 1998. In the next year, the low-level time of attention strongly rebounded even higher than in the previous spike, promoted by the access of new subtopics on the agenda, like *serious* and *transnational organized crime*. Also in 1999, this institution dealt with a new problem: cybercrime, the "youngest" of all OC issues entering the EU agenda—at least until 2010.

Generally for this period, the most inclusive years were 1995 and 1999, as old and new OC issues occupied the attention of this institution. Among these, drug trafficking was by far the most prominent, dominating the agenda uninterruptedly. It was followed by the term *organised crime*, which was left unmentioned on the agenda only in 1992. Other problems that were more or less regularly present and received significant attention were fraud and money laundering. All together throughout the 1990s, the OC agenda in the EU acquired genuine shape and thus consolidated. Hence, in this decade the European Council was highly engaged in handling OC in the EU.

In the first decade of this century, OC also occurred on the agenda, though less intense and significant than in the preceding period. In the opening of the new millennium, and in contrast to the years before, OC received just low political attention. However, years afterwards, in 2004 the European Council again addressed the problem extensively. The situation changed during the next years when this venue paid much less attention to it, but a sharp increase occurred again in 2007. After this attention punctuation, there was a steady decline.

In general terms, in the new century the European Council did not devote much attention to new OC issues, thus calling a halt to the pattern of expansion of the scope of the OC agenda. Rather, the institution mostly refined and reshuffled its political priorities among the pool of OC issues identified and delimitated during the previous decades. In consequence, the European Council mostly addressed the issue of human trafficking and corruption from other items. As a result, drug trafficking lost a large part of its political preponderance and presence on the agenda. The denomination of *organised crime* also lost much of its consideration, but it remained on the political agenda during most of this decade.

All in all, during 35 years, the political consideration of OC was allocated unevenly. Attention evolved in a punctuated pattern. Following the categorisation of OC sub-issues in our catalogue, by far most of the attention was devoted to criminal activities, followed by the denomination and only in a minimal proportion to the executors. Among crimes, overall the European Council prioritised to handle drug trafficking, human trafficking and fraud. In contrast, some offences, like prostitution and cigarette smuggling, never reached the political agenda. Further, the leaders of the member states frequently referred to the problem as *organised crime*, although not in a consistent matter over time. It was also often raised on the agenda merely as *crime*, as well as an *international* issue. And contrary to what may be expected, the problem appeared on the agenda as *transnational organized crime* only for a single year. Further, it was never considered a *white collar* or *trans-border* offence. Finally, regarding the attention to criminal networks, this issue rarely occurred explicitly on the agenda, it was mostly neglected by the European Council when addressing OC more generally. In short, over time the most predominant issues on the OC agenda in the EU were drug trafficking followed at some distance by *organised crime* and human trafficking.

Further, in order to statistically test the Theory of Punctuated Equilibrium for the pattern of attention to OC, we calculated the distribution of attention change over time on a yearly basis, following a "percentage-count method"[5]. This lead to a level of kurtosis or peakedness in a frequency distribution of attention changes occurring during the entire time research period[6]. For the 26 years that OC actually was on the agenda, the peakedness was leptokurtic[7], which means that changes in attention were either very small or quite large. This conforms to the Theory of Punctuated Equilibrium. Our test however shows that the level of kurtosis is modest. OC thus shows marked ups and downs in attention on the European Council agenda, but the attention shifts are not as extreme in findings on other policy agendas (Baumgartner et al, 2009).

Agenda punctuations: placing organised crime in a theoretical context

Wrapping up, the political history of this policy domain in the EU started in the early 1980s. Particularly between 1988 and 2010, OC was one of the political priorities for the European Council, as the political leaders of the Members States invariably included this topic on the agenda during summit meetings. Nevertheless, their consideration fluctuated over time, showing a non-incremental pattern during 35 years. The development of the OC agenda as set by the European Council displayed six main waves of political attention. Half of them were major spikes occurring

mostly in the 1990s. In 1999 the domain experienced its largest punctuation. This political agenda-setting behaviour exposes a pattern of attention in which roughly every five years the European Council turns its focus towards it, and then moves away to address other problems. These ups and downs in attention match the theoretical pattern predicted in the Punctuated Equilibrium Theory. The political consideration of major policy problems in macro-political institutions is discontinuous and irregular, showing disrupted rather that constant levels of attention. After relative neglect, the matter rises sharply on the agenda, to be removed again as other problems make their way.

Thus, the pattern of attention to OC was an unsteady distribution of political consideration to sub-issues. This means that, although the European Council regularly addressed issues within this domain, it never handled the same set of (sub-)topics over the years. This is because giving selective attention to certain issues rather to others is how a political institution such as the European Council must process information, given bottlenecks and constant competition for attention between a broad range of problems. This involves sacrificing issues, but at the same time, it also means that selective attention can serve as a powerful manner—limited in time—to politically sort issues for priority, set general tone, and then transfer them to lower and less generalised spheres of policymaking where policy elaboration and programming can take place. For such a versatile and erratic domain of problems as OC in the EU, this approach appears to be particularly adequate as it encourages the promotion of a diversity of issues on the political agenda, with an apparent capacity to be responsive to matters that, often suddenly and driven by some kind of event or "alarmed discovery", enter the scope of political leaders. Consequently it allows policy makers to eventually at one point in time address at least one of the multiple angles of a comprehensive policy problem. Further, studying the dynamics of attention of OC in the European Council provides a better and more systematic view of the way in which this serious and generalised problem is handled at the European level. As a political top institution, the European Council is endowed with authority not only to set the macro-political agenda but to also spark and delegate policy changes in order to tackle the problems that have received recognition.

But how "unique" is OC in the pattern of attention it receives on the European Council agenda? Do the recurring sharp rises and declines on the agenda resemble the attention cycles of other main policy topics? And to what extent is the political consideration of OC conditioned by the level of attention to "core" themes? One of our findings was that OC was always considered at least to some extent since 1988 (before it was left out in two occasions after first occurring). But we also saw that attention was low key most of the time, with some years of outspoken prominence. This punctuated nature also occurs for a topic like energy, which has appeared to be a focus event-driven theme on the European Council agenda (Alexandrova and Timmermans, 2014). Focusing events also have a propelling effect for the agenda position of terrorism, in particular since 9/11, and outbreaks or escalations of war and international crisis. Other policy topics such as business and finance or civil rights show a smoother waving pattern[8]. When looking at the distribution of attention change to OC, the leptokurtic pattern we found resembles that found by other scholars studying major policy topics on the European agenda (Alexandrova et al., 2012) and national agendas in and outside Europe (Baumgartner et al., 2009).

Further, waving patterns of attention have something to do with the average size of a topic over time. OC is not large overall, but the European Council performed its signalling function. How much was agenda access for such indication conditioned by competition with other and larger topics? In their analysis of diversity of the European Council agenda, Alexandrova et al. (2012) have shown that often, foreign affairs, macroeconomics and EU institutional matters together take more than half of the agenda in some years even up to more than 75 percent, leaving just limited attention space for other issues. When relating the findings of that study to the rise and decline pattern for OC, we find an inconsistent pattern: three of the peaking years for this problem occurred despite prominence of other main topics, while also in three cases attention to OC spiked when the European Council agenda was less crowded. This means that in the competition for attention, OC is not systematically traded off when other matters push the Heads of State or Government to address them. Existence of much open agenda space is no precondition for OC to be addressed. The finding that OC does receive higher attention even when the core policy themes are at stake also may indicate that topics are connected. Other major concerns of governance may spill over to political salience of OC, for example, in causal stories where economic problems are linked to tax fraud and money laundering. Likewise, matters of international affairs and institutional design in the EU can be complementary to agenda setting on OC. Such connections, spill-over and problem frames in agenda dynamics are good topics for further analysis in future research.

Finally, our analysis of OC on the European Council agenda and the signalling function of this institution must be placed in the broader context of EU agenda setting and policy making. The intergovernmental nature of the agenda of this institution may have implications for the prioritisation of issues of a similar character, such as those within the domain of JHA[9]. In contrast to a community approach, topics in this area require intergovernmental cooperation and thus passing through a procedure where the right of policy initiation is shared between the European Commission and the member states and unanimous decision-making in the Council of Ministers is requisite. In this sense, issues in this field may have preferential agenda access over others that involve less cooperation (and possible tension) between countries. Further work on this, also including another and quite different EU institution of a supranational nature, the European Commission, will show to what extent the institutional "personality" of an agenda vis-a-vis the characteristics of a policy domain plays a role in the policy-making process in the EU. Moreover, the European Council, as serial processing institution, addressing major issues one by one or at maximum a few at a time, is not the locus of extensive policy production, which is much more the responsibility of the European Commission, and increasingly also the European Parliament. This means that years of low tide for consideration of OC by the Heads of State and Government can be, and often are, years in which the policy-making machinery of the EU is fully in business. The interplay between the different institutions of the EU consists of in part overlapping but mostly complementary competencies and tasks in order to direct attention to problems, design solutions, and then refer them towards other levels of governance within the member states where they are to be incorporated into national policies. Future analysis of the specific nature of this agenda-setting and policy-making interplay in the domain of OC also will help in deepening our understanding of how the EU deals with such an intractable type of problem.

Acknowledgments

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[1] There are notable exceptions that go even to earlier times, like Italy with its Sicilian mafia already on the agenda since the end of the 19th century (Van Duyne and Vander Beken, 2009).

[2] For information on related publications, access: http://www.comparativeagendas.info/.

[3] In theory any venue may attempt to exercise an influential part in the agenda-setting process. For studies on different EU institutions in their role as policy entrepreneurs, see for example DeLong (1999) on the European Parliament and Kaunert (2010) on the European Commission.

[4] Note that terrorism was not included in this study. Therefore the findings do not reflect its presence (or not) as an organised criminal activity on the agenda of the European Council.

[5] This was done to calculate the change scores based on the following formula: (count at time 2 – count at time 1) / count at time 1.

[6] In statistics, variance, skew and kurtosis are the second, third and fourth moment around the mean, respectively.

[7] Compared to a normal distribution, a leptokurtic distribution displays a sharper and thicker curve. While the slender peaks show the incremental part of the process, where no changes or very small ones take place, the fatter tails resemble the number of abrupt changes.

[8] For open data on the European Council agenda see http://www.policyagendas.eu/data. Note that our measurement of OC attention in the European Council was refined and adapted accordingly for the purposes of this research, in order to distinguish our topic of study from more general "law and crime" issues as included in the original European Council dataset.

[9] Also within the Common Foreign and Security Policy area.