Identifying Delegation and Constraints in Legislative Texts: A Computational Method Applied to the European Union

Fabio Franchino, Marta Migliorati, Giovanni Pagano, Valerio Vignoli
European Union Politics

CODEBOOK SUMMARY

Extraction Rules for Agenda-Setting, Delegating, and Constraining Provisions in European Union Laws

Abbreviations and Labels
NER model labels: MS (Member State), CA (national competent authority), COM (European Commission), AGE (supranational agency)
Syntax: Acomp. (Adjectival complement), Advmod. (adverbial modifier), Ccomp. (clausal complement), Dobj. (Direct object), Pobj. (Prepositional object), Subj. (Subject), Subj. pass. (Subject passive)
Modality: I (indicative), P (permissive modals: may, can), S (strict modals: shall, must, will), Need
Form: A (affirmation), N (negation). Voice: A (active), P (passive).
Verb labels: ACTIVE_CONSTRAINT, DELEGATION, CONSTRAINT, PERMISSION, SOFT_IMPL

Note
Subj., Subj. pass. and Agent refer also to the "representative", "official", and "staff" of the institution or any "measure" or "action" of the institution. In the case of a subject pronoun, we use the subject of the subordinate clause, if there is one.

Table of Rules

	Delegation	Soft obligation/implementation	Constraint	Agenda-setting	Total
Main rules	3	1	4	2	10
Exceptions	2	1	5	0	8
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Delegating Provisions

MAIN RULE: GENERAL

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
G1	Subj.: MS, CA	Nonspecial DELEGATION PERMISSION CONSTRAINT ACTIVE_CONSTRAINT SOFT_IMPL	P (Need)	A (N)	A	Member States / Competent authorities may (need not) apply Member State representatives may take part The laws of the Member States may provide
G1	Subj.: COM, AGE	Nonspecial DELEGATION PERMISSION CONSTRAINT ACTIVE_CONSTRAINT °	I P S	A	A	the Commission / Agency (may/shall) decide the Commission is (shall/may be) responsible the Commission (shall/may have) has the right Measures* decided upon by the Commission may…

Note: * Only permissive modals when 'measure' is the nominal subject of an active sentence. Provisions referring to organizational aspects, such as "The Agency shall have a Management Board", are excluded. Note: ° Only with permissive modals.

MAIN RULE: DELEGATION PERMISSION

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
DP1	Subj. pass.: MS, CA, COM, AGE	DELEGATION PERMISSION	I P S	A	P	Member States / Competent authorities are (shall/may be) entitled Member States are (may*/shall be) authorized the Commission / Agency is (may/shall be) empowered the Commission is (may* /shall be) authorized

Note: * Sentences with 'may' potentially allow for more discretion but they are also constraints because authorization is subject to a procedure or condition. They *also* empower the actors granting the authorization (this empowerment is captured by other rules).

MAIN RULE: CONSTRAINT

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
C1	Subj. pass.: MS, CA, COM, AGE	CONSTRAINT	I P S	N	P	Member States / Competent authorities are (shall/may) not (be) obliged the Commission / Agency is (shall/may) not (be) required

Note: It includes 'Nothing (no provision) (shall/may) prevent(s) the Member States'; 'It shall require the approval of the Commission/Agency'.

EXCEPTION: NO EFFECT RULE

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
NO_EFFECT	Pobj. of *by/of* MS, CA Dobj.: no effect/impact + Pobj.: measure	Have	S	N	A	… shall have no effect on the laws/measures of Member States/competent authorities

EXCEPTION: RIGHT RULE

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
RIGHT	Subj.: MS, CA; Acomp.: free/exempt /competent *or* Dobj.: right *or* 'personnel'	Be/Have/Remain/Retain/ Reserve	I P S	A	A	Member States are (shall/may be) free/exempt Member States (shall/may) remain competent Member States (shall/may) have/retain the right Comp. authorities shall have sufficient personnel

EXPRESSIONS: PREJUDICE

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
PREJEXPR1	Pobj. of *of* MS, CA; + 'without prejudice' + Pobj.: right	Any verb	n/a	n/a	n/a	without prejudice to the power(s)/right(s)/ prerogative(s) of Member States / comp. authorities
PREJEXPR2*	'grounds' + 'public policy' + 'public security'	Any verb	n/a	n/a	n/a	grounds of public policy, public security or public health

Note: * This rule applies to Member States only.

Note: The comitology rules COMIT00-22b and COMIT10-22c for constraining provisions also delegate powers to the Commission.

Soft Obligation/Implementation Provisions

MAIN RULES: GENERAL

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
G1	Subj.: MS, CA	SOFT_IMPL	P	N	A	Member States / Competent authorities may not facilitate
G2	Subj.: MS, CA	SOFT_IMPL	S	A N	A	Member States / Competent authorities shall (not) facilitate
G1	Subj.: COM, AGE	Provide* SOFT_IMPL	P S	A	A	The Commission / Agency may/shall facilitate

Note: * Includes: provide, exchange, supply.

EXCEPTION: RECOMMEND RULE

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
RECOMMEND	Subj.: MS, CA, Dobj.: opinion, recommendation	Adopt Issue Make	S	A	A	The Member States shall make a recommendation
RECOMMEND	Subj.: COM, AGE, Dobj.: opinion, recommendation	Adopt Issue Make	P S	A	A	The Commission may/shall make a recommendation

EXPRESSION: COLLABORATION

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
COLLABORATION	Subj., Agent: MS, CA, COM, AGE + 'in collaboration/ coordination/cooperation'	Any verb	I P S	A N	A P	Member States, in cooperation, with ESMA shall.., … shall be applied by Member States in cooperation with The Commission in cooperation with ESMA shall.., … shall be … by the Commission in cooperation with

Constraining Provisions

MAIN RULES: GENERAL

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
G1	Subj.: MS, CA	Nonspecial DELEGATION PERMISSION CONSTRAINT ACTIVE_CONSTRAINT	P	N	A	Member States / Competent authorities may not apply The laws of the Member States may not provide
G2	Subj.: MS, CA	Nonspecial DELEGATION PERMISSION CONSTRAINT ACTIVE_CONSTRAINT	S	A N	A	Member States / Competent authorities shall (not) apply The laws of the Member States shall (not) provide
G1	Subj.: COM, AGE	Nonspecial DELEGATION PERMISSION CONSTRAINT ACTIVE_CONSTRAINT SOFT_IMPL	P S	N	A	The Commission /Agency may/shall not apply Commission representatives may/shall not take part Measures* of the Commission (Commission measures) may not [be] Measures* of the Commission (Commission measures) shall [not] [be]

Note: Negative sentences with *be* + responsible ("Commission/Agency shall not be responsible") are excluded because they are used to avoid responsibility and, therefore, should not be interpreted as constraints. * When 'measure' is the nominal subject, a) passive sentences with any modality, and b) affirmative sentences with strict modals are included.

MAIN RULE: DELEGATION PERMISSION

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
DP1	Subj. pass.: MS, CA, COM, AGE	DELEGATION PERMISSION	I P S	N	P	Member States / Competent authorities are not (shall/may not be) entitled Member States / Competent authorities are not (shall/may not be) permitted the Commission / Agency is/may/shall not (be) entitled the Commission / Agency is/may/shall not (be) allowed
P2	Subj. pass.: MS, CA, COM, AGE	PERMISSION	P	A	P	Member States / Competent authorities may be authorized * the Commission / Agency may be allowed *

Note: * These sentences potentially allow for more discretion but they are also constraints (e.g. executive action required) because authorization is subject to a procedure or condition. They *also* empower the actors granting the authorization (this empowerment is captured by other rules).

MAIN RULE: CONSTRAINT

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
C1	Subj. pass.: MS, CA, COM, AGE	CONSTRAINT	I P S	A	P	Member States / Competent authorities are (shall/may be) required the Commission / Agency is (shall/may be) required

Note: It includes 'The Commission / Agency shall request an opinion'.

MAIN RULE: ACTIVE CONSTRAINT

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
AC1	Subj.: COM, AGE (be + Acomp.: accountable, open, subject)	ACTIVE_CONSTRAINT Be	I S	A	A	the Commission / Agency shall consult a representative of the Commission shall submit the Agency is (shall be) accountable

EXCEPTION: INFORMATION

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
INFORMATION1	Subj.: COM, AGE; Dobj./Pobj.: information	Verb set	S	A	A	the Commission / Agency shall prepare a report

Note: Verbs set includes: conduct, draw, enter, exchange, give, hold, launch, start, submit, supply, take, prepare, present, produce, and provide.

EXCEPTION: NO EFFECT RULE

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
NO_EFFECT	Pobj. of *by/of*: MS, CA Subj.: measure + Dobj.: no effect/impact	Have	S	N	A	The measures taken by Member States/ competent authorities shall have no effect

EXCEPTION: PUBLIC

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
PUBLIC	Subj.: COM, AGE Advmod./Ccomp: publicly/public/good	Make	S	A	A	the Commission / Agency shall make public (publicly available) the Agency shall make good any damage

EXCEPTION: REFER

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
REFER	Pobj. of *by/of* : COM, AGE or Compound: COM, AGE Subj.: measure *or* Dobj.: measure	Refer Bring	P	A	A P	the measure of (decided upon by) the Commission / Agency may be referred ...may refer the decision of (taken by) Commission / Agency

EXCEPTION: SECRECY

Label	Syntax	Verb (root)	Modality	Form	Voice	Example
SECRECY_pobj	Pobj.: CA, AGE + 'secrecy'	Apply	S	A	A	The obligation of professional secrecy shall apply to the Agency / competent authorities

EXPRESSION: ACCORDANCE

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
ACCORDANCE	Subj., Agent: AGE + 'accordance' *or* 'subject to'	Any verb	I P S	A	A P	the Agency shall/may adopt the decision in accordance with… ... shall be adopted by the Agency in accordance with…

Note: 'accordance' refers to the terms 'in accordance with'.

EXPRESSIONS: COMITOLOGY

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
COMIT88-99a	Subj. *or* Dobj.: COM Agent *or* Subj.: 'committee'	Assist	S	A	A P	The Commission shall be assisted by a committee The committee shall assist the Commission
COMIT88-99b	Subj., Subj. pass. *or* agent: COM Pobj.: 'committee'	Any verb	S	A	A P	The Commission, assisted by a committee, shall [be] ...by the Commission assisted by a committee
COMIT00-22a	Subj.: COM + 'accordance' + 'comitproc'	Any verb	I P S	A	A	the Commission shall/may adopt the decision in accordance with the regulatory procedure
COMIT00-22b*	'accordance' + 'comitproc'	Any verb	I P S	A	P	... may/shall be decided in accordance with the regulatory procedure
COMIT00-09	Subj., Subj. pass. *or* agent: COM + 'subject to the advisory/ management/ regulatory/ safeguard/ examination procedure'	Any verb	I P S	A N	A P	the Commission may adopt, subject to the examination procedure, a decision
COMIT10-22a	Pobj.: COM Subj.: right + 'accordance' *or* 'subject to' + 'teract'	DELEGATION	I P S	A	P	Power to adopt delegated acts is conferred on the Commission subject to (in accordance with)
COMIT10-22b	Subj., Subj. pass.: COM + 'accordance' + 'teract'	Adopt DELEGATION	S	A	A P	the Commission shall adopt implementing acts in accordance with… the Commission shall be empowered to adopt delegated/ implementing acts in accordance with…
COMIT10-22c*	'accordance' + 'teract'	Adopt	S	A	P	those implementing acts shall be adopted in accordance with

Note: ‘accordance’ refers to the terms ‘in accordance with’; ‘comitproc’ refers to the advisory, regulatory, management, safeguard, and examination procedures; ‘teract’ employs the ‘measure’ matcher function plus the terms ‘delegated’, ‘implementing’, and ‘technical’ as adjectival modifiers (amod) or clausal modifiers of noun (acl). * The provisions identified by these rules also delegate powers to the Commission.

EXPRESSION: CONSULTATION

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
CONSULTATION	Subj., Agent: MS, CA, COM, AGE + ‘after/in consulting/consultation’, ‘after having heard’, ’with/in the agreement of’	Any verb	I P S	A N	A P	Member States, after consulting (in consultation with), shall (by) the Commission, after consulting (in consultation with), …

Agenda-Setting Provisions

MAIN RULE: PROPOSE

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
PROPOSE	Subj.: COM	Propose	P S	A	A	The Commission may/shall propose

Note: It accounts also for the expression "whether to propose".

MAIN RULE: SUBMIT

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
SUBMIT	Subj.: COM + Dobj.: proposal *or* recommendation *or* measure (Pobj.: measure)	Make* / Prepare / Put Forward / Submit	P S	A	A	The Commission shall make a proposal The Commission may/shall submit a proposal/decision/ recommendation

Note: * The verb 'make' is paired only with 'proposal'. 'The Commission shall make a recommendation' is a soft power, not a proposal power. 'Representative of the Commission' is excluded as a subject. If the proposal is submitted to a committee, it is a constraint, usually under the comitology procedures.

EXPRESSIONS: PROPOSAL

Label	Syntax	Verb (root)	Modality	Form	Voice	Examples
PROPOSAL1	Pobj. *or* Compound: COM + Pobj.: proposal + "on the / upon the / submission by the Commission"	Any verb	n/a	n/a	n/a	on (the basis of) a proposal from/of the Commission on (the basis of) a Commission proposal
PROPOSAL2	*by* + "legislative" + Pobj.: proposal	Any verb	n/a	n/a	n/a	accompanied … by a legislative proposal
PROPOSAL3	"by a legislative proposal" or "by legislative proposals"	Any verb	n/a	n/a	n/a	by (a) legislative proposal(s)