Delegated decree authority in a parliamentary system

The exercise of legislative delegation in Italy (1987-2013)

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The substantial increase in the delegation of legislative powers from the parliament to the executive has been singled out as one of the most prominent changes in the Italian political system of the last three decades. It has given traditionally weak executives the opportunity to adopt significant reforms while bypassing the notorious fetters of the ordinary legislative process. While the literature has to date focused on the motivations to delegate, there is still a research gap on what the executive does with the delegated authority. Based on a newly collected data-set covering all delegation provisions adopted from 1987 to 2013, this article analyses why, in a remarkable number of cases, the cabinet did not use the delegations. Results show that the existence of an agreement on the policy in question (as captured by the precision of delegating criteria), as well as the complexity and timing of the delegation have a significant impact on the likelihood a delegation is used.

Introduction

At the turn of the millennium, the strengthening of the cabinet's legislative functions is accepted as a necessary element for the day-to-day management of contemporary social realities. It reduces the parliamentary workload and represents a non-mediated channel to draw on the resources and expertise residing in the bureaucracy. On the other hand, it creates a dilemma for democratic regimes, since it moves decision-making power away from elected representatives (e.g. Strom (2000), Huber and Shipan (2006), McCubbins (2014)). While scholarly research has done much to further our understanding of the processes and consequences of delegated legislation, we still know relatively little about whether and how these powers are exercised in the "obscure world of everyday policy-making" (Page 2001: 177). For the most part, when a policy - in the form of a

delegating act - enters the statute book, it needs to be specified through executive measures before changing the status quo.[1] At times, these delegated measures take years to be enacted, delaying the entry into force of the regulation. Moreover, the measures are sometimes never adopted, especially when delegations are time-bounded and the delegation deadline has expired. As a result, their reform provisions remain "dead letter". This article aims to contribute to the literature by analysing the factors that explain this latter eventuality. Ultimately, it is fundamental to examine post-delegation dynamics if we are to understand policy change in contemporary democracies.

The empirical focus of this work is a specific and, to date, less explored case of the delegation relationship between the legislative and executive branch: the exercise of delegated decree authority (DDA). According to Carey and Shugart's definition (1998b), DDA envisages an act adopted by the parliament authorising the executive to issue decrees with the force of law in a specific policy domain according to explicitly defined instructions and within a time-limit. This kind of executive rule-making is different from other more prototypical forms of 'executive decisions governing the administration of broad laws passed by assemblies' (Ibid. p. 13). In DDA, executive decrees are not subordinate to laws. If the executive does not exceed the scope of statutory authority (in which case its decisions could be overturned by Constitutional Courts), it can use the delegated authority to change the legislative status quo. In this sense, DDA regulations are more likely to fall into the realm of high politics, rather than everyday politics (Page 2001).

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   The provisions regulating delegated legislation vary extensively across countries. In some countries, such as the United Kingdom, an executive measure is not always required in the case of "technical delegations".

The institutional characteristics of DDA vary greatly across political systems, a fact that has hampered systematic comparative studies (Garriga & Duarte Ortiz, 2014). Moreover, most of the instances of DDA are found in presidential systems (Shugart and Carey 1992; J. M. Carey and Shugart 1998b). Italy is one notable exception among parliamentary systems. The tool of DDA has been enshrined in the Constitutional Charter since its adoption in 1946, but Italian political elites only started putting it to full use in the early 1990s.[2] At times, it has been the instrument chosen to pass long-awaited structural reforms (Gianniti & Lupo, 2004; Vassallo, 2001). These dynamics have not failed to catch the eye of political analysts who detected a strengthening of the executive with regard to its legislative function (Zucchini, 2011b). Frustrated by a slow, overcrowded and unmanageable ordinary legislative process, scholars noted that Italian executives had found a way of 'governing outside of parliament' (Capano & Giuliani, 2001). Although other legislative tools also gained in importance in the period (Micheli, 2015), experts commented that 'through delegating laws the executive in Italy has perhaps finally acquired an effective agenda-setting tool' (Kreppel, 2009, p. 201).

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Art.76 of the Italian Constitution states quite succinctly: 'The exercise of the legislative function may not be delegated to the Government unless principles and criteria have been established and then only for a limited time and for specified purposes'. Strictly speaking, there are no real limits to the breadth of the law-making power that can be delegated. It is up to the Italian Constitutional Court to rule on the legality of delegation provisisons on a case by case basis. Law 1988/400 further specifies the procedural rules. Decrees (which are termed '*decreti legislativi'*, legislative decrees from now on) have to be approved in the Council of Ministers and signed by the President of the Republic before becoming law. Parliamentary committees can be asked to provide a non-binding opinion on draft legislative decrees before they are adopted.

Others more assertively referred to it as: 'the most significant change in relations between government and parliament introduced during the 1990s and maintained since' (Vassallo, 2007, p. 699).

The growing interest in delegated legislation from academic quarters is not paralleled by a congruous number of empirical analyses endeavouring to cast light on what happens after the delegation is issued and the executive is granted a specific mandate to legislate. Our collected data show that almost 50 per cent of the delegations approved were not executed during the legislature when the delegation was issued. The Italian executive is not constitutionally obliged to carry out every delegation and, in 34 per cent of the cases, the deadline of the delegation expired without at least one legislative decree being approved. For instance, only 2 out of 8 delegations contained in law 80/2003 on the revision of the tax system were exercised before their two-year deadlines expired, leaving the reform incomplete. This represents a conundrum since most delegating provisions are included in executive-sponsored legislation. These remarkable figures beg closer examination.

This article aims to shed light on this question by means of a large-N analysis of all delegations issued in Italy over the last three decades. In this way, it contributes, first, to the literature on executive decree authority, which has mainly focused on presidential systems (Carey & Shugart, 1998b; Shugart & Carey, 1992). Secondly, it adds to current analyses on the evolution of the legislative-executive interaction in Italy after the 1990s. Most works have drawn attention to DDA as one of the most significant factors tilting the balance of powers in favour of the executive, but failed to analyse the dynamics occurring in the post-delegation phase.

Empirically, the work fills this gap by integrating available information on delegating

provisions adopted in Italy from the start of the 10th to the end of the 16th legislature

(1987-2013) with data on executive decrees passed as a result of these delegations

(adopted up to December 2014). For the 10th to 12th legislatures, I adapted the data

collected by Vassallo (2001). For the 13th to 16th legislatures, I collected the data

available online and periodically updated by the Italian Parliament (www.parlamento.it).

Data are available in the Italian law-making archive (Borghetto, Curini, Giuliani,

Pellegata, & Zucchini, 2012)

The article is organized as follows. The next section analyses the evidence on the

exercise of legislative delegations in Italy during our observation period. I then develop

and test a series of hypotheses on why delegations are not executed. The article

concludes by summarising and discussing the findings.

The conundrum of non-exercised delegations in Italy

Since the early 1990s, the recourse to legislative delegation has been a prominent

phenomenon in the Italian political landscape in terms of both quantity and substance#.

According to analysts, it was the determining factor in the explanation for why

'compared to the previous decades, the 1990s were a period of legislative activism and

of real governance' (Capano and Giuliani 2001, 24). In the period under study, the

parliament enacted 183 delegating laws containing 962 delegation provisions. If one

considers only acts adopted through the ordinary process (82 per cent of the total,

excluding ratifications of international treaties), the share of delegating laws out of the

total legislative output increases over time. In the last three legislatures under study

(14th to 16th), one out of five ordinary laws contains delegations; this compares with

one out of 20 in the 10th legislature. The peak was reached in the short 15th legislature

when 41 per cent were delegating acts. While law production decreased overall, reliance

on DDA did not.

The number of delegations included in each law varies extensively. The largest delegating acts by far are the Community Acts, namely yearly laws providing for the adaptation of the Italian legal system to European law.[3] They contain from a minimum of 5 (law 13/2007, Community Act 2006) to 40 (law 428/1990, Community Act 1990) delegations. If we remove this category of acts from our data, the median number of delegations is 2 with an interquartile range of 3. To capture the evolution in the use of legislative delegation over time, figure 1 classifies delegations into four categories and plots their share in each of the seven legislatures.

FIGURE 1 ABOUT HERE

Consolidating delegations authorise governmental agents to codify existing legislation in specific policy fields with the aim of reorganising and reducing the stock of existing laws. The increase in consolidating delegations originates with the centre-left majority in the 13th legislature. Act 50/1999 provided for an extensive recourse to legal consolidation by means of so-called 'testi unici' to be adopted through legislative decrees (OECD, 2001). The 14th legislature followed up this initiative by adopting Act 229/2003 which introduced a new instrument called 'codici'. All in all, more than 80 per cent of all consolidating delegations were adopted in these two legislatures.

Corrective delegations grant the executive the possibility to either modify or integrate legislative decrees after their entry into force.[4] In this way, the executive is able to revise

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  During the period under consideration, one out of two directives was transposed through

  legislative decrees. Law 234/2012 reformed the Community Act.

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existing policies adopted through delegated legislation in light of the information acquired in the first years of implementation. While they were almost absent in the first three legislatures under consideration, they have become more common since the 13th legislature and have represented a share of around 15 per cent of all delegations.

EU-related delegations empower the cabinet to pass any measures required to adapt the Italian legislative system to EU law. In the early 1990s, the remarkable increase in legislative delegation mainly originated from delegations included in Community Acts. Italy had to transpose a large backlog of Single European Market directives and a massive recourse to legislative delegation was the solution devised to respect European obligations (Borghetto, 2013). In the 10th, 11th and 12th legislature, no less than 50 per cent of delegations were EU-related. Except for the 15th legislature (where 60 per cent of all delegations were still contained in Community Acts), almost 1/3 of delegations is associated with European duties.

We use the term 'primary' to refer to the second biggest category of delegations.[5] Figure 1 shows that, on average, one-third of delegations falls into this type. Their number

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Executives can adopt corrective decrees within specified time-limits (the adoption period normally starts immediately after the last primary legislative decree is issued), respecting the criteria of the delegations that they modify.

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Italian jurisprudence uses the term "primary" for all delegations that are not corrective. This article adds two further filters: they are neither EU-related nor consolidating. Even after this selection, the type of issues dealt with through "primary" delegations is very heterogeneous. It ranges from the reform of whole policy sectors to the restructuring of the Italian civil service. For more information on the distribution of primary delegations according to their policy area please see the online appendix.

increased in the 13th legislature, immediately after a sentence of the Constitutional

Court (360/1996) set extremely high constraints on the reiteration of decree-laws by

Italian executives (Della Sala & Kreppel, 1998; Kreppel, 2009; Musella, 2014). For the

last three decades, primary delegations have been instrumental in passing a number of

significant reforms (Gianniti & Lupo, 2004; Vassallo, 2001).[6] In particular, this

instrument became important with the transformation of the Italian party system from

pivotal to alternational at the beginning of the 1990s and the increased pressures on

executives to deliver on their domestic and international commitments (Borghetto,

Carammia, & Zucchini, 2014; Capano & Giuliani, 2001; Zucchini, 2011a). The recourse

to legislative delegation reinforced the government's traditionally weak agenda-setting

power (Döring, 2001). Lacking the option of reforming the standing orders and

introducing some form of closed rule in the legislative process (Zucchini, 2011a), DDA

represented a viable tool to protect the policy from the opposition's obstructionist tactics

on the floor.

On the other hand, delegating is only the first step in the process. What do we know

about what happens down the road? To what extent were these delegations eventually

exercised? Figure 2 provides a first answer to this question and reports on the execution

rate by type. In total, 34 per cent of all delegations expired without being implemented.

If we also take into account that 16 per cent of all delegations only obtained their first

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Considering only the two most recent completed legislatures (15th and 16th) and only

"primary" delegations, the following were passed: Act 123/2007 on workplace safety (1

delegation); Act 247/2007 implementing the so-called "welfare protocol" (6 delegations);

Act 42/2009 on fiscal federalism (12 delegations); Act 196/2009 on public sector accounting

and finance (5 delegations); Act 240/2010 on University Reform (1 primary); Act 92/2012

reforming Italian Employment law (2 delegations).

implementing decree(s) in a subsequent legislature, the share of delegations not executed by the majority in power at the moment the delegation was issued goes up to 50 per cent. What accounts for these figures?

FIGURE 2 ABOUT HERE

Analysing the exercise of delegations by type provides a first answer. Consolidating delegations is the category with the highest rate of non-fulfillment (62 per cent). This is unsurprising if we recall that the codification of existing legislation is usually a technical and administrative activity, with little short-term benefits in terms of visibility for the government in power. As regards corrective delegations, 54 per cent were not executed. This is less troublesome from a political point of view because they merely represent an opportunity (not an obligation) to adjust existing legislative decrees (if they are adopted in the first place). Not taking action on EU-related delegations is the least likely scenario of the four (25 per cent). The transposition of EU directives by means of legislative decrees can be protracted (24 per cent of delegations were implemented by a subsequent legislature) but not completely neglected. First, Given the periodicity and heterogeneity of the Community Act, non-executed delegations can be simply reintroduced in the next act. Moreover, the EU commission and the EU Court of Justice can wield enforcement instruments when they determine cases of national non-compliance, attaching financial costs to cabinet inactivity (Borghetto, 2013).

As for our last category, 30 per cent of primary delegations are not executed. In 16 per cent of the cases, the first implementing decree was passed only in the next legislature. This is the most interesting category because, as mentioned above, it represents one of the most important instruments for legislative innovation over the last three decades. Figure 3 reports once again the proportion of delegations either implemented in the

same legislature, in another legislature or not implemented across the 7 legislative terms under consideration but focuses only on primary delegations. The plot shows that the problem of non-implementation or late implementation arises mainly in legislatures which were interrupted because of a snap election (11th, 12th and 15th legislatures). In many cases, the government in power when the delegating act was adopted did not have sufficient time to issue the required implementing decrees and the delegation was handed over to the subsequent majority. The latter could decide to use the pendant delegation or, vice versa, they could simply decide to wait for the delegation to expire without exercising it. Only in the 10th legislature, half of the delegations (11) left unexecuted were used by the subsequent majority. Conversely, this practice is quite rare in the three post-1996 legislatures under consideration. They are respectively 4 (13th), 1 (14th) and 2 (16th). This might be read as an indirect consequence of the advent of government alternation after the reform of the electoral law in 1993. Generally, election winners have not been eager to pick up the work their opponents had not completed in the previous legislature.

Even when focusing only on the 5-year legislatures, the number of delegations adopted that were not followed by any implementing decree in the same legislature remains remarkable. They were 22 out of 41 primary delegations in the 10th legislature (54 per cent), 24 out of 109 in the 13th (22 per cent), 22 out of 63 in the 14th (35 per cent) and 28 out of 63 in the 16th (44 per cent).[7] The goal of the next section is to spell out the

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  The online appendix lists the 99 delegating laws enacted in the 4 legislatures and their rate of implementation. At times the act contains only one primary delegation and this is not implemented (e.g. Law 40/1998 concerning immigration and the condition of third country nationals). At times the executive only intervenes on a group of delegations (e.g. Law 99/2009 containing Provisions for the Development and Internationalization of Enterprises

possible explanations for this phenomenon.

FIGURE 3 ABOUT HERE

Hypotheses

The first category of determinants affecting the decision to exercise a delegation is that of factors varying at the level of the individual delegation. To begin with, I consider the salience of the issue in the executive's platform. Confronted with an overcrowded agenda and resource constraints, executives have to make choices on a daily basis about what issues should be given precedence. Executive platforms represent a list of priorities made public at the beginning of the legislative mandate that are supposed to direct the course of action of ministers and the executive as a whole (De Winter, 2004). Assuming that voters retrospectively cast their vote based on perceived government performance and value in particular its capacity to comply with important commitments in the policy platform, not executing a delegation in these areas can be costly for a coalition. In light of these arguments, it is expected that delegations concerning politically salient sectors are more likely to be exercised (H1, Issue saliency hypothesis).

Secondly, delegations vary in the level of discretion granted to executive actors, which I define - using Huber and Shipan's (2002) definition - as the specificity with which delegation criteria are written. The executive and the parliament can go from the extreme of making all major decisions in the pre-delegation phase and leave only the details for the ministers to fill in, to the opposite of issuing broad mandates. I expect the specificity of delegation criteria to reflect the level of agreement in the ruling majority on the policy goals to be attained. As a result, specificity should speed up the adoption

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and Energy).

of implementing measures or at least make it more likely before the advent of new elections risks overturning the incumbent. Overall, this hypothesis reads as follows: the more specific the delegation, the more likely it will be exercised (H2, specificity hypothesis).

Thirdly, issues differ in the level of technical complexity and political transaction costs characterising decision-making in their respective policy area (Epstein & O'Halloran, 1999). The first has to do with the cost of acquiring expertise. The second refers to bargaining costs when more than one player has a say on the final decision. When both informational and transaction costs are high, delegating power to the executive branch represents a convenient alternative to making policy in parliament. Yet these difficulties do not suddenly disappear once decision-making shifts to a different arena. Writing good laws on 'complex' areas may still take time and resources. Similarly, decision-making in the Council of Ministers and administration agencies is not insulated from partisan interests and the pressures of well-organised interest groups. This implies that the reason to delegate in the first place may have an impact on its likelihood of execution. The process may still require complex and long negations to reach an accepted solution. Therefore, I expect that the greater the informational and transaction costs associated with a delegated issue, the less likely the exercise of the delegation (H3, capacity hypothesis).

I incorporated three factors varying at the level of delegating acts. Firstly, the timing of adoption for delegating acts needs to be taken into account. Data reveal that it is not rare for the Parliament to adopt delegation acts in the electoral year: on average, 29% of all delegation acts are adopted in this period. This creates a very short window for the executive to use the delegation, making it difficult to exercise the delegations before the

end of the legislature. Thus, I expect that the longer the time between the adoption of the delegating law and the end of the legislature, the more likely the delegations included will be exercised (H4, timing hypothesis).

Delegating acts also differ in the level of conflict they generate among political parties. As has been argued above, one of the advantages of delegation is that it postpones the discussion on the details of a reform to a phase dominated by the government. Even so, there are still possibilities for dissenting minorities to make their views known and influence the process. On one hand, they can build a media campaign and try to engage the public in a closer monitoring of the executive work (Lavertu, 2015). On the other, they can raise objections during the parliamentary stage of control over the drafting of legislative decrees (Mattei, 2007). Although these attempts to "widen the conflict" (e.g. Page 186-190) may not be able to prevent the executive from bringing forward the adoption of the decrees, it can be hypothesised that the presence of an open opposition will generate delay, possibly endangering the adoption of the measure before the expiry of the delegation deadline. As a result, I expect that delegations incorporated in less divisive legislative bills will be more likely to be exercised (H5 divisiveness hypothesis).

Finally, I test the impact of the level of policy heterogeneity characterising the delegating act. When a law contains multiple delegations but all of these focus on the same issue area, it is likely that they are interdependent. To achieve the goal of an effective regulation, all components of the reform have to be in place: advancing with the implementation of one measure requires the parallel elaboration of all others. What is more, in these cases, the chances are that a single ministry is in charge of all regulatory processes. Clearer lines of responsibility should facilitate the drafting and

discussion of the measures. Conversely, when the delegations in a law concern multiple areas, each of them tends to be dealt with independently by different actors. This does not mean that they are doomed to be neglected. Rather, if they raise conflict among stakeholders or regulate an area characterised by high policy uncertainty, they cannot 'climb on the bandwagon' of sister delegations. As a result, the greater the homogeneity of a law, the more likely its delegations are to be exercised (H6 heterogeneity hypothesis).

Measurement of dependent and independent variables

The unit of analysis is the individual primary delegation. The observation period covers the four 5-year legislatures in the dataset: the 10th (1987-1992), 13th (1996-2001), 14th (2001-2006) and 16th (2008-2013) legislatures. In quantitative terms, the data set comprises the whole population of 276 primary delegations approved in this period, included in 99 delegating acts.

The dependent variable measures whether the delegation was exercised in the legislature (1) or not (0). Given the large number of cases, I use a formal definition of 'execution', which does not reflect the correctness and completeness of the process. A delegation is executed if the incumbent adopted at least one legislative decree and implemented it in the legislature where the delegation was issued.

With respect to the delegation-specific explanatory variables, the measure of government issue salience (H1) relies on the policy coding of each (quasi-) sentence of Prime Ministers' investiture speeches using the 21 major policy topics of the Comparative Agendas Project (CAP) codebook. Investiture speeches are delivered by each appointed Prime Minister in front of the two chambers before MPs cast their investiture vote. They are normally used to lay down the policy guidelines driving the

cabinet's decision-making for the rest of the mandate. Since more than one investiture speech was delivered in each of the four legislatures (a cabinet crisis was not solved through new elections but through a cabinet reshuffle), I first calculated the percentage of sentences devoted to each topic in each speech and then averaged these figures for each legislature. This way I obtained a policy-specific measure of salience for each legislature. Next, using the same codebook, I assigned a policy code to each delegation, which allowed me to associate it with its corresponding measure of salience.

Specificity (H2) was created by counting the number of words used in the delegation text to specify the policy guidelines constraining the cabinet. Huber and Shipan (2002) show that it is a reasonably good proxy of the amount of policy discretion conceded to bureaucrats in the implementation process.[8] For instance, the most detailed delegation criteria can be found in Law 150/2005, laying down a painstaking reform of the Legal Order. The criteria guiding the executive in the implementation of Art.1(a) - concerning, among other things, the career progression of judges – amounted to more than 7000 words (spread across 18 sections).

The proxy of complexity (H3) used in the present work is the time (in months) granted to the executive to draft the decrees as set out in the delegating measure. These time-limits are normally defined by the legislator on the basis of the predicted difficulty of

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 Since the large majority of delegating provisions break down delegation criteria into bullet points, another proxy of specificity is their total number. We argue that this proxy is more problematic than "number of words" because it depends on the discretion of the legal drafter. The online appendix reports the results of a multivariate model with specificity measured as "number of criteria". The effect is still positive but it is no longer statistically significant at the conventional level.

the process, so they offer an indirect but justifiable measurement of the expected transaction costs. The deadline for most delegations is set at either 6, 12 or 24 months.

As for the factors which vary at the level of delegating acts, to test the hypothesis that the timing of the adoption of delegating acts is consequential for the likelihood it is exercised, I measure time left until elections (H4) as the number of months separating the adoption of the law from the end of the legislature. Divisiveness (H5) uses final votes on the delegating act in the Chamber of deputies to calculate an 'agreement index' (Hix, Noury, & Roland, 2007). The index ranges from 0, if participating MPs are equally divided between Yes, No and Abstain votes, to 1, if all MPs vote together for one of these options. Following Giuliani (2008), the resulting score was weighted for the rate of attendance, to incorporate some measurement of the political salience of the act. Finally, heterogeneity (H6) measures the distinct number of policy topics included in each delegating act.[9] They vary from 1 (for those laws that have only one delegation or are focusing on just one topic) to 7 policy topics. Table 1 presents some descriptive statistics about each of the predictors.

TABLE 1 ABOUT HERE

Analysis and finding

To test the effect of the explanatory factors presented above on our binary dependent variable, we fitted a two-level random intercept model. This enables us to account for the hierarchical structure of our data-set, where multiple delegations can be nested

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    After assigning one of the 21 CAP policy codes to each delegating provisions, the variable counts the number of distinct CAP codes in the delegating act.

within the same delegating law.[10] Table 2 reports the result of the model controlling for legislative terms (the 10th legislature is the reference category).

The first finding is that our salience-related covariate, government issue salience (H1) behaves as expected but has no significant impact on the probability that a delegation is actually executed. There appears to be no special treatment for delegations belonging to issue areas that are central to the executive policy platform. This finding suggests that while political salience might be one of the reasons to delegate in the first place - to deliver on the promises made during the electoral campaign in a more expedited way - it is less consequential once the delegation is issued.

An interesting result is the impact of delegation specificity (H2). Controlling for law differences, delegations that prescribe in detail the instructions the government must follow are on average more likely to be exercised. The odds of execution are 1.41 times higher for a delegation in the third quartile of the distribution in terms of number of words (approximately 635 words) than for a delegation in the first quartile (150 words). We interpret this finding as an example of the close relationship between the parliamentary phase, when delegation criteria are adopted, and the subsequent executive phase. Precise instructions can be introduced when there is strong agreement among the enacting coalitions on the policy goals and instruments (Huber and Shipan 2002). Moreover, the chances are that the positions of the relevant ministers have already been incorporated in the delegation, making them less likely to deviate and not act on it.[11]

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  A likelihood ratio test confirmed that the multilevel model would be preferable to a standard logistic regression (see online appendix). The multilevel regression was calculated by means of R (R Core Team 2016) with the lme4 package (Bates et al. 2014).

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Vice versa, when there is conflict or policy uncertainty, coalitions opt for specifying the substantive policies in less detail, moving bargaining to the executive arena.[12]

Also, complexity (H3) affects the likelihood of a delegation being executed in a statistically significant way. A 1 month extension of the delegation time translates into a decrease in the odds of execution by a factor of 0.12. Long delegation deadlines are normally attached to delegations aiming at regulating areas characterised by higher policy uncertainty and a larger number of stakeholders. Yet, at times, not even acting under a longer time-frame is sufficient to reach an agreement. In these cases, the executive may run out of time because of new elections and thus compromise the exercise of the delegation.

As regards the attributes of the delegating act, time left until new elections (H4) is significant and, in line with our expectations: it increases the likelihood of delegations being used. The odds that the executive eventually uses the delegation increase 2.3 if the law is promulgated at the beginning of the second year vis-à-vis one adopted at the end of the fourth year. This finding lends itself to a twofold explanation. The first is mechanical: there is simply not enough time. Under these circumstances, delegation

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Because of intra-legislature government turnovers – a frequent feature in Italian politics - the composition of the cabinet drafting the delegation may differ from the one implementing it. While the fitted model could not incorporate this time-variant covariate, only a minority of primary implemented delegations (22%) are applied by subsequent cabinets within the legislature (see online appendix).

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The online appendix presents a model incorporating a measure of ideological heterogeneity (Ideology) of the delegating cabinet. The estimated effect of the new variable is not significant. Other results remain unaffected.

appears as a leap of faith. The exercise of the delegation is left to the future ruling majority which, in the post-1996 bipolar system, has always been the challenger coalition. The second explanation hints at the symbolic value of delegating acts, especially if adopted in the run-up to elections. Incumbent governments can claim to the electorate that should be credited with starting a reform, even though its impact depends on decrees which have not seen the light (yet).

There is no significant impact of parliamentary divisiveness (H5) on the odds of the delegation exercise. This finding confirms that once a delegation is adopted, the opposition has little effect on the drafting of the decrees. Finally, delegations contained in heterogeneous laws are not less likely to be executed (H6). Generally, so-called omnibus delegation laws are a way to facilitate the adoption of micro-sectoral delegations that would not pass parliamentary scrutiny were they presented through individual acts. On the other hand, this does not detract from the fact that these delegations might concern relevant areas, which is why the executive decides to exercise them.

TABLE 2 ABOUT HERE

Conclusions

Evidence reveals that in Italy a number of legislative delegations are not exercised within the temporal horizons of the legislature which issued them. This represents a conundrum if it is seen against the backdrop of a steady increase in the use of DDA over the last three decades. What is more, most of these delegations derived from an executive initiative. What factors account for this short circuit in the legislative process? It is important to answer this question because a delegating provision cannot produce the sought-after policy change without the executive using the granted authority.

As far as the 'primary' delegations are concerned, the descriptive data and multivariate model points to three main answers to this phenomenon. First, it is a matter of limited time horizons. Three out of seven legislatures ended because of snap elections, bringing the drafting of executive decrees to a premature end in many cases. On the other hand, even in legislatures lasting the whole constitutional term, the proximity of elections and the possibility of government turnover did not seem to discourage the incumbent from enacting new delegating acts.[13] Out of the many reasons why incumbents can make this decision, it is worth mentioning the opportunity to claim credit for laying down the ground for important reforms – albeit without direct applicability because they lack the executive decrees - in the electoral year.

One of the most consistent findings is that delegations prescribing precise instructions for government action are more likely to be implemented. In other words, the more precise the terms of the agreement among political forces on the policy to be attained, the more work can be carried out in the pre-delegation phase and the more straightforward the work for the executive. Vice versa, broad mandates are not blank checks authorising ministers to do as they wish. The minister's draft decree still has to be adopted by the Council of Ministers. If it lacks the approval of all partners because of intra-cabinet conflicts, the chances are that the status quo will be the preferred outcome.

The importance of a pre-delegation agreement also finds support when considering our third finding, related to informational and transaction costs. Bargaining behind the executive's closed doors might favour agreements 'by curtailing the exposure of the legislative proposal to the opposition's delaying tactics' (Zucchini, 2011a, p. 768). Yet

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   A similar finding is reported by Huber (1998), when he says that DDA is more likely "when time constraints are most pressing' (1998, 245).

long delegation deadlines are sometimes not sufficient to bridge intra-coalition divisions. Additionally, during this lapse of time, government turnovers might change the composition of the cabinet that had originally received the delegation, bringing ministers who may not be as supportive into office.

Ultimately, our collected evidence shows that the underlying political agreement in the majority coalition is a good predictor of the exercise of delegations. The recourse to DDA in Italy represents in many cases the shifting of the debate from the parliamentary floor and committees to the Council of Ministers. As a result, DDA increases the cabinet's agenda power but it does not solve the problem of heterogeneous conflict-ridden coalitions, which has been long recognised as a typical trait of Italian politics (e.g. Diamanti, 2007).

In conclusion, more work must be done to understand how the expansion of DDA affected the legislative-executive interaction in Italy. For instance, little is known about the impact of parliament on the content of the delegation and whether this bears upon the likelihood of its implementation. The legislative branch can intervene both in the pre- and post-delegation phases, respectively by amending delegation criteria and issuing (non-binding) opinion on draft legislative decrees (Mattei, 2005). Another promising research avenue is the comparison with other parliamentary systems, such as Spain, where the procedures regulating DDA are similar but its use has been more limited (Palau & Chaques-Bonafont, 2012). Research on the processes characterising the post-delegation phase is just in the beginning stages.

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Table 1. Descriptive statistics

Variable	n	mean	sd	min	max
Issue saliency	276	10.02	7.30	0.00	25.71
Specificity	276	520.34	692.35	24.00	7142.00
Complexity	276	11.06	6.44	2.00	36.00
Time left	276	29.20	16.15	0.00	54.00
Divisiveness	276	0.40	0.16	0.11	0.90
Heterogeneity	276	2.59	2.04	1.00	7.00

Table 2. Model results

	DV: whether the delegation is exercised in the legislature (1) or not (0)	
	Log-Odds	CI
Fixed Parts		
(Intercept)	-3.01 *	-5.94 – -0.08
Issue saliency	-0.00	-0.06 – 0.05
Specificity(log)	0.52 **	0.16 – 0.88
Complexity	-0.12 **	-0.20 – -0.05
Time left	0.06 ***	0.03 – 0.10
Divisiveness	0.05	-2.75 – 2.84
Heterogeneity	0.14	-0.21 – 0.49
Leg13	0.73	-0.74 – 2.20
Leg14	0.57	-0.91 – 2.06
Leg16	-0.35	-1.80 – 1.11
Random Parts		
N_{id_law}	99	
ICC_{id_law}	0.338	
Observations	276	
AIC	302.507	
-2 Log-Likelihood	280.507	
Notes	*p<.05 **p<.01 ***p<.001	

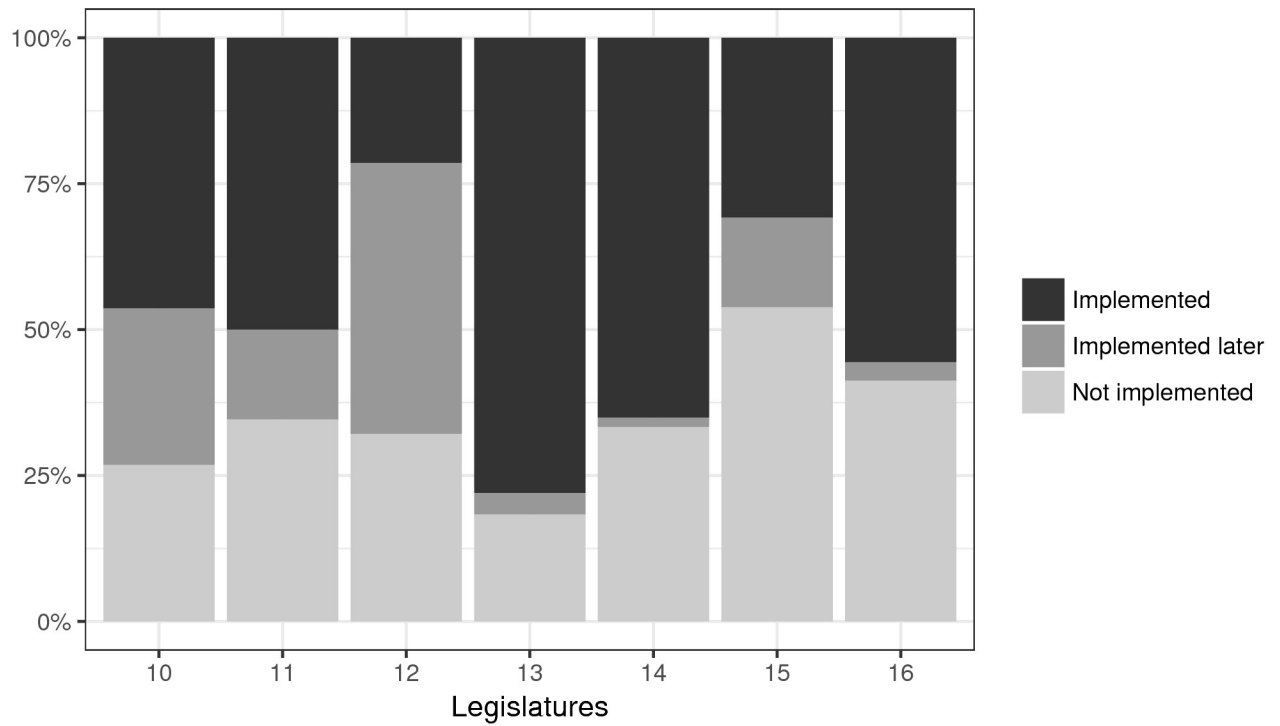Figure 1 Distribution of delegations across legislatures by type
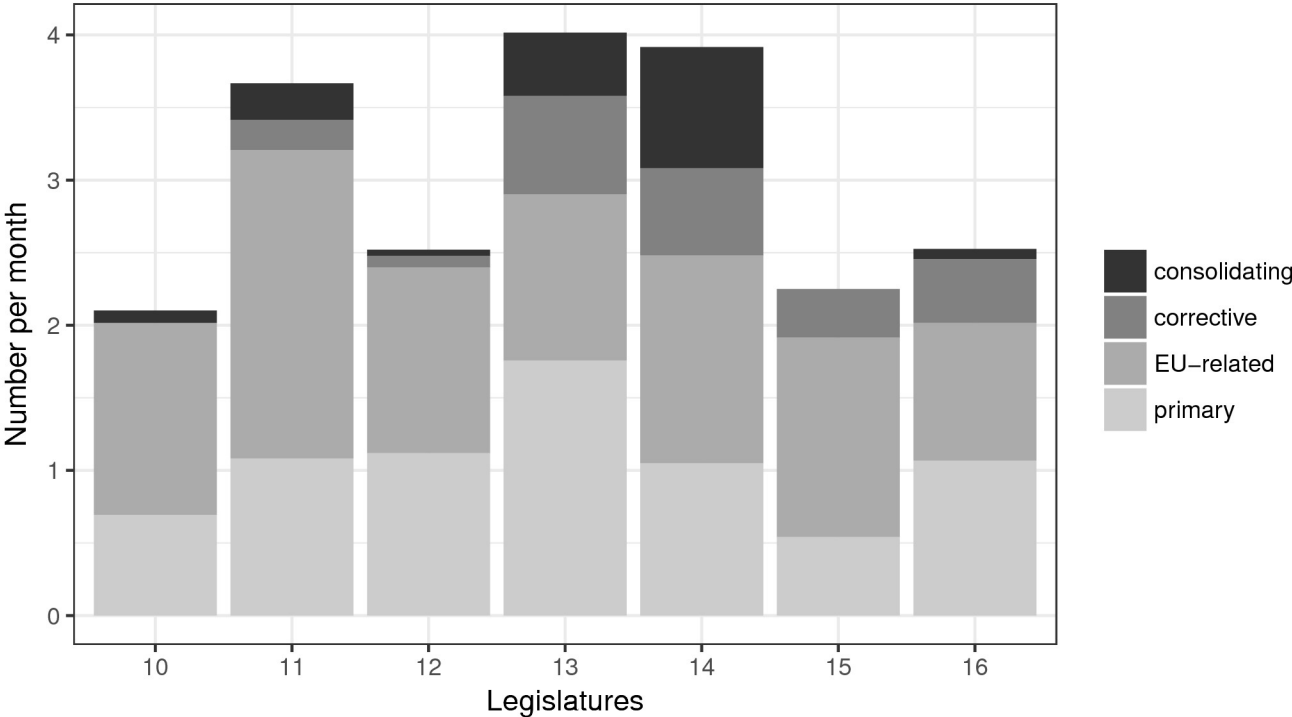
Source: own data, n=962 delegations enacted between 1987 and 2013

Figure 2 Distribution of delegations by state of execution
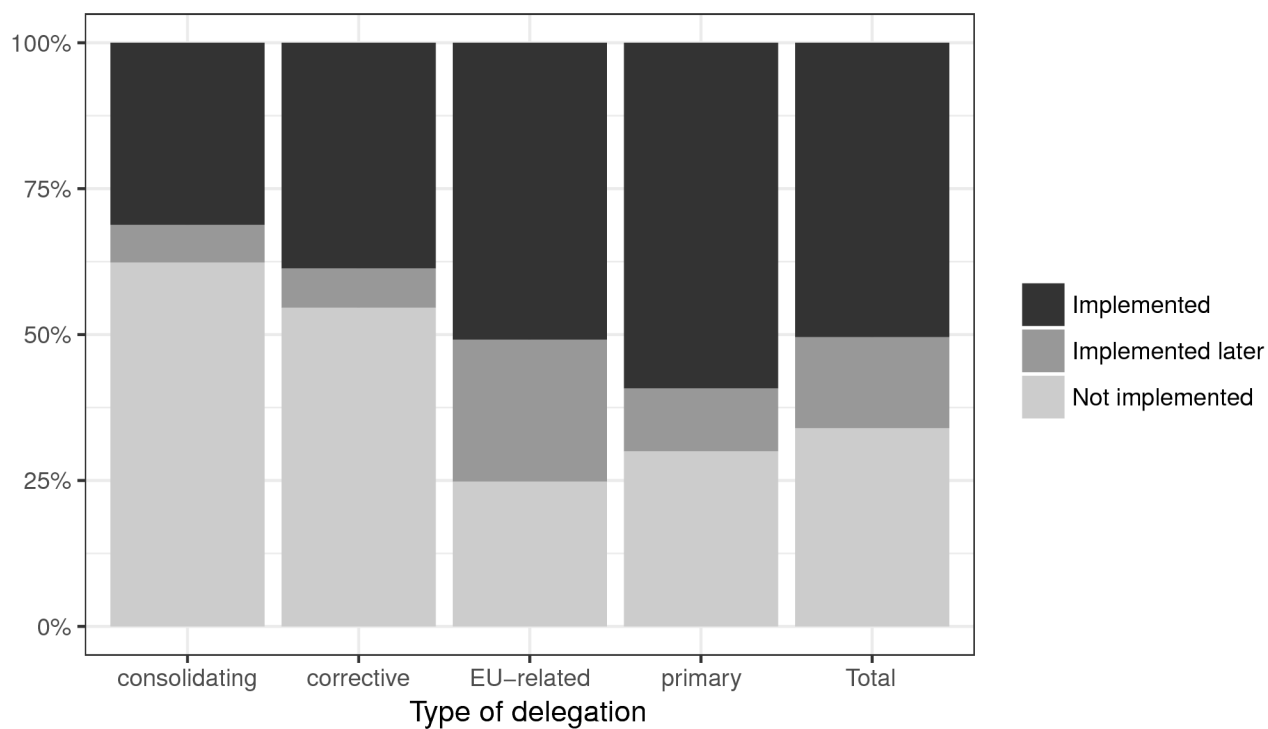
Source: own data, n=962 delegations enacted between 1987 and 2013

Figure 3 Distribution of primary delegations by state of execution across legislatures

Source: own data, n=276 ordinary delegations enacted between 1987 and 2013