

Wolfgang Wessels

Andreas Maurer

Jürgen Mittag

Statistical support: Gregor Hadenbicker

Governance in the European Union ,after‘ Maastricht

paper for

ECSA Sixth Biennial International Conference

Panel Session 9: Session "Decision Making Processes"

The story of the blind men and the elephant is well known. Several blind men approached an elephant and each touched the animal in an effort to discover what the beast looked like. Each blind man, however, touched a different part of the animal, and each concluded that the elephant had the appearance of the part he touched. [...] The total result was that no man arrived at a very accurate description of the elephant. (Puchala 1972: 267)

Work in progress. Please do not quote without the permission of the authors.

Contact address:

University of Cologne

Forschungsinstitut für Polititische Wissenschaft und Europäische Fragen

Jean Monnet Chair

Gottfried-Keller Str. 6

D - 50931 Köln

Phone: -49 - 0221 - 470 4131 / 940 2540

Fax: -49 - 221 - 940 2542

E-Mail: wessels@uni-koeln.de

Maurer_andre@yahoo.com

Contents

Governance in the European Union ,after‘ Maastricht	1
I. On the approach: how to grasp an emerging system?	3
1. The puzzle: constitutional revisions and long term trends ?	3
2. The approach: A review of our <i>acquis académique</i>	3
a) Legal acts as indicators for measuring the dynamics of integration	3
b) The EU as a system in the making.....	4
3. The case and theoretical assumptions: testing the impact of Maastricht on the governance	4
a) The relevance of treaty changes of institutional and procedural provisions:.....	4
b) Expectations: offers by four models	5
c) Checklist for the testing expectations.....	7
d) On the method.....	7
II. Testing the models.....	9
1. Constitutional patterns of decision making rules.....	9
2. The evolution of legal output (Council and Commission)	11
3. The patterns of use.....	13
a) The use of parliamentary and Council rights	13
b) Speed of decision making	15
d) The use of the Council: frequency of sessions and productivity	17
3. The use of the revised rules in new or reformed policy fields.....	18
a) The evolution of the legal output	18
b) Patterns of use	19
III. Conclusions: revisiting the expectations.....	21
1. Survey: divergent patterns	21
2. Success and failures of the expectations.....	21
3. Further steps.....	22

Governance in the European Union ,after‘ Maastricht

I. On the approach: how to grasp an emerging system?

1. THE PUZZLE: CONSTITUTIONAL REVISIONS AND LONG TERM TRENDS?

In a historic retro-perspective as in view of shaping the future of Europe we are all fully aware that our object of research is both rather unique and somehow in the ‘making’. We face a dual methodological challenge: that of analyzing a rather unknown polity which at the same time does not remain static but undergoes considerable changes. Unless we focus on the process we might miss basic features of the dynamics of European integration. General analyses and evaluations might be outdated already at the very moment of their publications. This paper¹ tries to offer answers to three sets of questions within this general problematic nature:

- a) What kind of basic/fundamental/essential features could we identify for grasping the EC/EU? Are there reliable indicators which allow some kind of trend analysis?
- b) What is the impact of major institutional and procedural changes on the overall development of this polity sui generis? Do constitutional treaty revision and amendments matter? Do grand bargains on institutions, instruments and rules affect major characteristics of this process or are they peripheral? It seems obvious that relations do not only lead into one direction. Treaty reforms are reacting to prior trends - quite often they ‘ratify’ or rubberstamp institutional evolutions which have been developed within or outside the existing treaty provisions (Christiansen/Jorgensen 1999).
- c) How could these results be explained in terms of general, integration related approaches? Would they support or dismiss some of the theoretical assumptions we have elaborated in our community?

2. THE APPROACH: A REVIEW OF OUR ACQUIS ACADÉMIQUE

- a) Legal acts as indicators for measuring the dynamics of integration

When screening the academic output we find that the literature on the EU is characterized by an ever increasing growth and differentiation in the concepts and terms used for identifying major characteristics of the EC. It seems that Donald Puchala’s elephant is apparently a beast with more and more parts which quite often are lauded upon separately. And there seems to be a large consensus that the elephant although he is moving, is still far away from his graveyard. In spite of several and manifold approaches to characterize the EU there is one common feature: the EC/EU system takes binding decisions. Legal acts are thus major

¹ This paper presents preliminary results of a research project in the framework of the program of the Deutsche Forschungsgemeinschaft on „Regieren in der Europäischen Union“ coordinated by Beate Kohler-Koch; see for general information on this project <http://www.uni-koeln.de/wiso-fak-powi/wessels/>. The findings will be published in 2000. Findings on the European Parliament and the implementation of its powers during the 1994-1999 term will also be published in Maurer (1999): What next for the European Parliament?, London, Kogan Page; and in: European Parliament [Maurer, Andreas] (1999), (Co-)Governing after Maastricht, An Assessment of the European Parliament’s institutional performance 1994 – 1998 - Lessons for the implementation of the Amsterdam Treaty, Brussels/Luxembourg.

characteristics of the EC/EU construction and could thus be used as significant indicators for the evolution of the system.

Just looking at some of the relevant literature we find terms like "Pluralistic security community" (Deutsch, 1957) "regime" (Hoffmann, 1982, W. Wallace, 1983; H. Wallace, 1996), "Zweckverband" (Ipsen, 1972, Joerges, 1996, Isensee, 1995), "Staatenverbund" (Kirchhof, 1994, Bundesverfassungsgericht, 1993), "civitas europea" (Grabitz, 1979, Schneider, 1995), "concordance system" (Puchala, 1972, Hrbek, 1987), "unvollendeter (uncompleted) Bundesstaat" (Hallstein, 1969), "federal union" (Pinder, 1991; Schneider and Wessels, 1994). Recently among the most prominent concepts were "quasi-state" (W. Wallace, 1996) "regulatory state" (Majone, 1994), "post-modern" (Caporaso, 1996), "liberal intergovernmentalism" (Moravcsik, 1993) and - perhaps highest on the current list of political scientists - "multi-level governance" (Marks 1993, Marks/Hooghe/Blank 1996, Marks/Scharpf/ Schmitter/Streeck 1996, Bulmer, 1994; Scharpf, 1994; Kohler-Koch, 1996a; Risse-Kappen 1996;); "international state" (Wendt, 1998), "confederal consociation"; (Chrysochoou, 1994), "supranational governance" (Sandholtz/Sweet 1998), "supranational federation" (v. Bogdandy 1999). A novel terminology culminating in the term of "condominio" has also been presented (Schmitter, 1996).

This cacophony documents the difficulties to apply categories which we use traditionally for a 'state' or an 'international organization'. As we identify such a feature nearly everywhere within the ruling paradigms this paper can link these characteristics with traditional elements of political science and especially the political system approach.

b) The EU as a system in the making

The intensive research on networks, single institutions and policy fields as well as on multi - level governance contributes considerably to our understanding of the system. However where do the findings add up to an overall comprehensive analysis of long term developments? How can we observe the dynamics of this system? We assume that the data available for the output of legal acts can offer an useful though to be discussed indicator for fundamental trends. In a Darwin like process, the 'elephant' might mutate into a new kind of creature.

Many analyses refrain from a look into the past and the future: after earlier definitions of a *finalité politique* (like the United States of Europe put forward by Monnet and Hallstein) have been qualified as wishful thinking and strictly 'normative', but also the analyses of past trends and (Weiler 1991) not just historical events are rather rare. The 'path' dependency of policy preferences, institutions, policies and policy-instruments (Pierson 1998) offers one among some starting considerations.

3. THE CASE AND THEORETICAL ASSUMPTIONS: TESTING THE IMPACT OF MAASTRICHT ON THE GOVERNANCE

a) The relevance of treaty changes of institutional and procedural provisions:

If we assume that institutions and procedures provide arenas for making binding decisions, and offer incentives and disincentives for actors to use or refrain from exploiting certain treaty provisions (see generally Scharpf 1997, Olson 1998), we could conclude that the reforms and amendments of the Maastricht treaty will have a significant effect on the output and thus on the evolution of the system. As major elements we identify the extension of rules offering voting by qualified majority and the newly introduced co-decision procedure offering the European Parliament an (nearly) equal say. We take the changes which the architects of the

Maastricht treaty have included into the 'primary' law as independent variables. Of course, we do not expect that the intentions of the treaty architects will be fully met. The "masters of the treaty" (Bundesverfassungsgericht 1993) might change the formal rules, but even if they are in full agreement about the respective interpretations (which they were not) they cannot guarantee a full and comprehensive use of the new articles.

Thus we are interested in the regime of applying the new provisions in those policy fields which were subject to reform. In view of our basic indicator the evolution of the output and the speed of taking decision as well as the productivity deserve a closer look. For orienting our research and our analysis we start from a set of expectations about the relations between the constitutional changes brought to the institutional as well as to the procedural provisions on one side and patterns of use and thus the evolution of the political system on the other side.

b) Expectations: offers by four models

From our reading of the literature we identify four models offering different explanations and expectations about the direction the EU system might have taken after Maastricht.

ba) 'Maastricht' as another step towards a federation

From the neo-functional or neo-federal point of view we would expect a linear or even exponential growth in the making of a European sui generis polity, i.e. a rather smooth process upwards to some sort of final stage of a federal union. In view of this approach, Treaty revisions provide the EU institutions with more exclusive powers for shaping European legislation. In contrast to the traditional federalism of the original Spinelli version, constitutional projects such as the Maastricht Treaty do not provide for qualitative jumps but constitute incremental steps forwards. The historical changes of 1989 and subsequently the creation of the EMU do not reduce the dynamics but demand even more federation building. The struggle of national representatives for access, influence and veto powers e.g. for an effective control of the Brussels arena is not - and will not become - successful. Instead, the national actors will be more and more marginalized and substituted by EC bodies and institutions which transforming from arenas into actors.

In terms of our indicators we would derive from these assumptions that the exploitation of the Maastricht articles will be characterized by a supranational regime: the EC/EU's legal output is rather high and still growing. The Council's behavioral pattern would be dominated by referring to and using articles providing the option for qualified majority voting. The speed of decision making and the productivity (output per Council session) will increase. The European Parliament would successfully strike for powers; where the treaty allows strong parliamentary involvement, co-decision would replace co-operation and consultation procedures. Moreover, the Parliament will be an active force speeding up decision making processes. Neo-functional spill over would lead to scope enlargement i.e. to a growing number of secondary legislation in all the policy fields.

bb) 'Maastricht' as an additional step in 'integrative balancing'

Following neo-realist assumptions the EU and its institutional as well as procedural set-up are products of a general strategy of national governments to gain and to keep influence vis à vis other countries (Grieco 1988, Link 1998). Within the framework of the EU, the principal task of Member States is to retain their supremacy as »masters of the Treaty«

(Bundesverfassungsgericht 1993). National actors defend and shape an institutional balance favoring the Council and – to a growing extent – the European Council; the Council's infrastructure is then considered as an addition to national institutions sharing the control of the Commission's activities and thus preventing an evolution towards an unrestrained supranational bureaucracy. As far as European secondary legislation based on the original Treaties is concerned, realist assumptions would reveal conflicts between member states in which zero sum games predominate. Accordingly, the behavioral pattern of actors in the Council is characterized by unanimous decision-making and distributive bargaining.

Realist expectations for post Maastricht developments stress that the 1989 'geopolitical revolution' and the subsequent radical transformation of the international context makes west European integration look like a child of the Cold War period. From this perspective the Maastricht Treaty was already outdated at the time of its signature. For this reason we would need to find clear traces of decline and disintegration that would ultimately lead to the return of the traditional nation state system. Neo-realist views, however, would interpret Maastricht as the product of a new "integrative balancing" (Link 1998) between member states. By further communitarization France and other member states install an additional institutional framework for exercising control about the now reunified Germany ('Maastricht' as a new 'Versailles'); however even with that purpose constitutional "emergency brakes" were installed -and- if necessary - used.

In terms of our indicators we conclude from this set of views that the use of new articles - however supranational they might look - will follow a intergovernmental regime of domination by governments. National actors would rather prefer voting by unanimity than by (qualified) majority. With regard to the European Parliament, they would rather exclude the EP than involving a new set of actors difficult to control. The EP would therefore be regarded as an useless blocking institution. The legal output of European decision-making tend to be rather low and not strictly binding. The speed of decision making will not increase; productivity would stagnate or even decrease. The overall level of "Europeanization" will decrease and the national level remains the center of decision making.

bc) Maastricht as part of a multi - level -and multi actor governance

In view of major approaches within the school of governance the institutional and procedural changes in the EU treaties need to be analyzed as one particular, element of rather minor relevance within the complex multi-level game of the EU. The EU polity is seen as a "post-sovereign, polycentric, incongruent" arrangement of authority which supersedes the limits of the nation-state (Schmitter 1996: 136). Assuming a non-hierarchical decision-making process the EU does matter but as one space of collective decision making and implementation. As networks (Héritier 1996) among different and several groups of actors are the decisive arenas for decision making formal rules are generally less taken as a major factor.

Regarding to governance the pendulum thesis then assumes some kind of cyclical up and down between "fusion and diffusion" (H. Wallace 1996: 13). With Maastricht as a more permanent fixture this to-ing and fro-ing (Jachtenfuchs/Kohler-Koch 1996) leads to an "unstable equilibrium" (W. Wallace 1996: 439) where 'Europeanization'- and 'Renationalisation'-trends come into a close competition.

In terms of our indicators we would derive from this view an exploitation of the new rules which does not show any clear pattern: The increase of legal outputs differs from one policy field to another and over time. More provisions for voting with qualified majority and for co-

decision with the EP do not change the way decisions are prepared and taken. In clear contrast to neo-realism and intergovernmentalism, multi-level governance would conceive the Parliament as an active player in the net. "The cartel has been 'threatened' by the impact of other forms of policy influence. Irrespective of whether the EP provides legitimacy of European executive decisions, it certainly interferes with the negotiating process. It can, and sometimes does, overturn the results of negotiation in and around the Commission and the Council" (H. Wallace 1996: 33). 'Maastricht' would however not constitute a major structural change for the daily governance of the EU. The speed of taking binding decisions and the productivity of the Council will be affected in some policy fields while other remain a subject to low productivity. Even if the EP is seen as „perhaps the largest net beneficiary of the institutional changes in the TEU“ (H. Wallace 1996: 63), multi-level governance would not expect the Parliament as a dominant player in the EU's arenas.

bd) Maastricht as an factor and sign of a fusion process

Unlike the governance approach, the fusion theory (Wessels 1996) regards the EU institutions and procedures as channels and instruments by which national governments and administrations, as well as other public and private actors increasingly pool and share resources from several levels. Institutional and procedural growth and differentiation signal and reflect a growing participation of several actors from different levels which is sometimes overshadowed by cyclical ups and downs in a political conjuncture. However, each 'up' leads to a ratchet effect by which the level of activities in the valley of day-to-day politics will have moved to a higher plateau. The major feature of this process is a "fusion" of public instruments from several state levels linked with the respective "Europeanization" of national actors and institutions.

'Maastricht' is then a typical product of the attempt to improve the capacity for effective problem solving and for keeping *and* even improving a large national say. The result is a new grade of institutional and procedural complexity. With regard to our indicators we derive from this view that the new treaty provisions will be used in an intensive though not necessarily linear manner. The output will increase; the speed will however remain rather the same. Majority decisions will be used only in a limited way. The EP will become a real co-legislator (Maurer 1999). On the national level the fusion thesis suggests a significant trend of Europeanization (Ladrech 1995, Rometsch/Wessels 1996, Götz 1996, Carter/Scott 1998), e.g. national and regional actors will socialize with the EU legislative process and are continuing with an extensive process of adaptation of the procedures.

c) Checklist for the testing expectations

	Evolution of output	Patterns of use			
		(a) QMV	(b) Parliament's involvement	(c) Speed	(d) Productivity
Neofederalist/Neofunctionalist	++	+	++ / 0	++	+
Neo-realism	0/--	--	--	-	-
Governance	0	0	+	0	0
Fusion	+	+	+	0	0

d) On the method

Our basic approach is therefore to analyze expectations of governance after Maastricht in a macro-political perspective and within a systematic framework that transcends policy fields. For this part of the research we rely on quantitative data from EU-databases.² In order to test the different expectations in view of the institutional as well as the procedural outcomes of the Maastricht Treaty, we have proceeded in three succeeding steps.

According to our main question if and to what extent binding decisions have changed, we explored in a first step the evolution of EC/EU primary law. With regard to the institutional-legal design "before" and "after" the coming into force of the (Maastricht) Treaty on the European Union (TEU) - to identify possible trends the provisions of the Amsterdam treaty are also included - we scrutinized the miscellaneous forms of decision-making rules within the EC/EU. More precisely, we looked for the evolution of decision-making rules in the Council of Ministers and the decision-making procedures between the Council, the Commission and the European Parliament. Thus we sketch the evolution of our independent variables.

As a second step we took the legal output which we have investigated with the help of two main databases: CELEX by the European Commission and additionally OEIL (Observatoire Législatif) by the European Parliament, covering those acts which have to be published in the Official Journal of the European Communities. We counted 52.391 legal acts adopted between 1952 and December 1998. According to the annual reports of the Commission the number is much higher. The reason for this discrepancy is that the annual reports also list all internal administrative acts including appointments, decisions regarding salaries etc. Of course, also the 52.391 legal acts listed in CELEX are not of equal rank. Besides regulations, directives, decisions and recommendations authorized by the Council, the European Parliament and the Council or the Commission, CELEX also includes legal acts which are less binding (conclusions of the Council of a political nature etc.). The differentiation of legal acts according nature (legally binding, non-binding etc.) is taken into account in our case studies.

For a closer analysis of the relations between our variables this paper looks deeper into the data of three policy fields: environment, education and youth policy and social policy. A common feature and therefore, a criterion for selecting these three fields is that the Maastricht provisions have changed the relevant rules for decision-making, so that we are able to have a more detailed analysis of patterns before and after Maastricht. Environment policy has been upgraded in view of the European Parliament's participation and the widening of the scope of application of qualified majority voting in the Council. Education and Youth policy has been introduced as a completely new legal basis for the adoption of action programs and incentive measures, though excluding any kind of harmonization of education policies in the member states. Finally, we selected social policy in order to include one area which has been considered by EC legislation since the entry into force of the European Coal and Steel Community; the Maastricht Treaty provided new rules for decision making both in the Council (QMV and 12/15 minus One Member State) and within Council and Parliament.

Of course the limits of our approach are clear: incentives and disincentives for using the treaty rules are depending not only on procedural and institutional offers but on the political context of the day and the time. Preferences of member states and other actors matter, although they

² A second part is a mirror to this research on the Brussels arena: colleagues from each member country describe and analyze national EU co-ordination and policy making structures, See: Wessels/Maurer/Mittag (Eds.): *Fifteen into One: The European Union and member states*, (forthcoming Manchester 2000).

cannot be taken as a fixed set. To take care of such changing factors the period of research (1993-1998) might be too short: only with more historical hindsight might we be able to identify patterns which would also reveal learning in and of institutions. However, we argue that new provisions prove their utility early or never. In other terms, it is the first period between the conclusion of an IGC and the ratification of the relevant Treaty where actors set precedents which shape the path (Pierson, 1998) or at least a corridor of possible behavior.

Another element of validity must be mentioned: legal acts might be as well a nomination of a member for ECOSOC or – even worst – the nomination of a member to the Standing Committee on x. On the other hand, legal acts include decisions to enter into the final phase of EMU or to adopt a huge set of regulative measures such as the Auto-oil-program, the Novel-Food-directive or, more generally the large amount of internal market and environment policy based directives concerning food additives (18 co-decision procedures out of 152). However we assume that the degree of relevance might be similar over all periods.

As for reliability we as other contributions (Fligstein/Mc Nichol 1998; Golub 1997) have come across a couple of difficulties. Findings recently published by Fligstein and Mc Nichol (1998) are highly illustrative: According to their research, the overall proportion of “legislation in force” grew nearly constantly from 1958 onwards. Yet, agriculture alone covered 45,1 percent of the EC law production with an average of 777,7 decisions per year. By contrast, the proportion of legislation adopted in the framework of the internal market in the same time period was 6,1 percent or 106 decisions on average per year. The methodological problem is that legislation in force does not take into account the very process of decision making and legal output over time. Hence the data basis of the authors – the directory of Community legislation in force - provided for 15643 legislative events until 1995. Since the directory is updated twice a year, it has to be understood as a snapshot of EC output at a given time. What cannot be derived from these data is the dynamic of the system which produces legislation across the time. Other studies which try to analyze more detailed the development of EC structures (Golub 1997) are confronted with the problem of receiving a notable trend accuracy while listing a large number of independent variables. Moreover, a reliable and comparable data base seems still to be a serious problem because as in some studies only directives were listed.

II. Testing the models

1. CONSTITUTIONAL PATTERNS OF DECISION MAKING RULES

Concentrating on the development of the EC/EU’s rules between 1951 (ECSC-Treaty) and 1997 (Amsterdam Treaty), we observe that the total number of Treaty articles dealing with decision making rules in specific policy areas has considerably grown from 64 (EEC Treaty 1957) to 195 (Amsterdam Treaty), indicating an extensively enlarged scope of action. The following tables show the absolute proportion of the Council rules between 1952 until 1999. It can clearly be seen that the total number of rules under unanimity and QMV has considerably increased. If we focus on the relative rates of the treaty-based rules in the Council, we also notice that the growth of QMV voting has over-proportionally increased until Amsterdam. With regard to the TEU we observe a number of about 60 per cent of the Council rules under QMV.

The relative proportion of Parliament’s exclusion from the EC/EU policy-making process has considerably diminished. However, if the absolute rates of the treaty-based decision-making procedures are focused on the growth in consultation, cooperation and co-decision procedures

is balanced by an incessant augmentation of the 'non-participation' of the EU. The main reason for this development is the dynamics of subsequent Treaty reforms. Ideally, path-dependency would suggest that to reduce transaction costs, member states agree first on the inclusion of a new policy area into the Treaty. In a second phase of treaty amendment, they commit themselves to qualified majority voting instead of unanimity. As for the Parliament, member states are, in the first phase of policy-building, rather reluctant to provide powers to another actor. Only in the subsequent phases of treaty amendments is Parliament granted with some powers – ideally consultation in the second phase, co-operation in the third, co-decision or assent in the fourth.

As a recent example, the third EU pillar on Home and Judicial affairs illustrate this cascade like evolution: The Maastricht Treaty recognized the common concern of member states to co-operate in the area – however: only by unanimity and 'common accord', without binding obligations of the Council vis-à-vis the Parliament and without an exclusive right of initiative for the Commission. Only the next step – Amsterdam – altered the legal nature of some important parts (Asylum and other policies being integrated into the realm of the EC Treaty) and the decision-making rules governing the Council as well as the inter-institutional relations between Council, EP and Commission.

Parliament and Council decision making powers (1958 – 1987 [SEA])

Participation of the EP	Unanimity in the Council		QMV in the Council		Simple Majority in the Council		Special majorities > QMV		Sum	
		%		%		%		%		%
Consultation	10	11,62	11	12,79	2	2,32	0	0	23	26,74
Assent (a. similar rights)	0	0	0	0	0	0	1 (no Council)	1,16	1	1,16
No Participation	32	37,20	24	27,90	5	5,81	1	1,16	62	72,09
Sum	42	48,83	35	40,69	7	8,13	2	2,32	86	

Parliament and Council decision making powers (1.7.1987 – 1.11.1993)

Participation of the EP	Unanimity		QMV		Simple Majority		Special majorities > QMV		Sum	
		%		%		%		%		%
Consultation	17	15,45	8	7,27	5	4,54	0	0	30	27,27
Cooperation	0	0	15	13,63	0	0	0	0	15	13,63
Assent	3	2,72	1	0	0	0	1	0,9	5	4,54
No participation	29	26,36	27	24,54	3	2,72	1	0,9	60	54,54
Sum	49	44,54	51	46,36	8	7,27	2	1,81	110	

Parliament and Council decision making powers (1.11.1993 – 30.4.1999)

Participation of EP	Unanimity in Council		QMV in Council		Simple Majority in Council		Special majorities > QMV		Sum	
		%		%		%		%		%
Information	1	0,617	7	4,32	0	0	0	0	8	4,93
Consultation	27	16,66	21	12,96	0	0	4	2,46	52	32,09
Cooperation	0	0	16	9,87	0	0	0	0	16	9,87
Codecision	2	1,23	13	8,02	0	0	0	0	15	9,25
Assent	3	1,85	2	1,23	0	0	1	0,617	6	3,70
No participation	24 EC 8 EU	14,81 72,72	37 3	22,82 27,27	1	0,617	3	1,85	65 EC 11 EU	40,12 100,00
Sum	57 EC 8 EU	35,18 72,72	96 EC 3 EU	59,26 27,27	1	0,617	8	4,93	162 EC 11 EU	

In view of our independent variables we observe:

- a) An increased rate of the provisions being ruled by QMV after the SEA and especially after the TEU. Thus we may expect that these provisions will be more often used than after the SEA.

- b) EP participation should start to increase after the SEA. Maastricht should have led to a major substitution of 'co-operation' by 'codecision'.

According to our institutionalist approach, the Treaty revisions and amendments have to be understood as offers to actors in the EU institutions: in the multi level and multi actor governance they create incentives and disincentives to use treaty articles. This character of treaty provisions is reinforced by a specific legal feature: if we take a closer look into the treaties, we can observe that there is no guarantee that secondary legislation (regulations, directives etc.) in a policy field will always be approved by the same procedure. Interestingly, we observe a trend towards procedural 'ambiguity' over time. Whereas the original Treaties have foreseen only a single set of rules for each policy field, the subsequent treaty amendments have led to a procedural differentiation with a variety of rule 'offers': the treaty provisions do not 'dictate' a clear nomenclature of rules to be applied to a specific sector. Instead, since the SEA revision the institutions can in an increasing number of policy fields select whether a given piece of secondary legislation, a regulation, a directive or another type of legal act, should be taken according consultation, co-operation, co-decision (after Maastricht) procedure or without any participation of the European Parliament. In other words, different procedural blueprints and inter-institutional rules 'compete' for application.

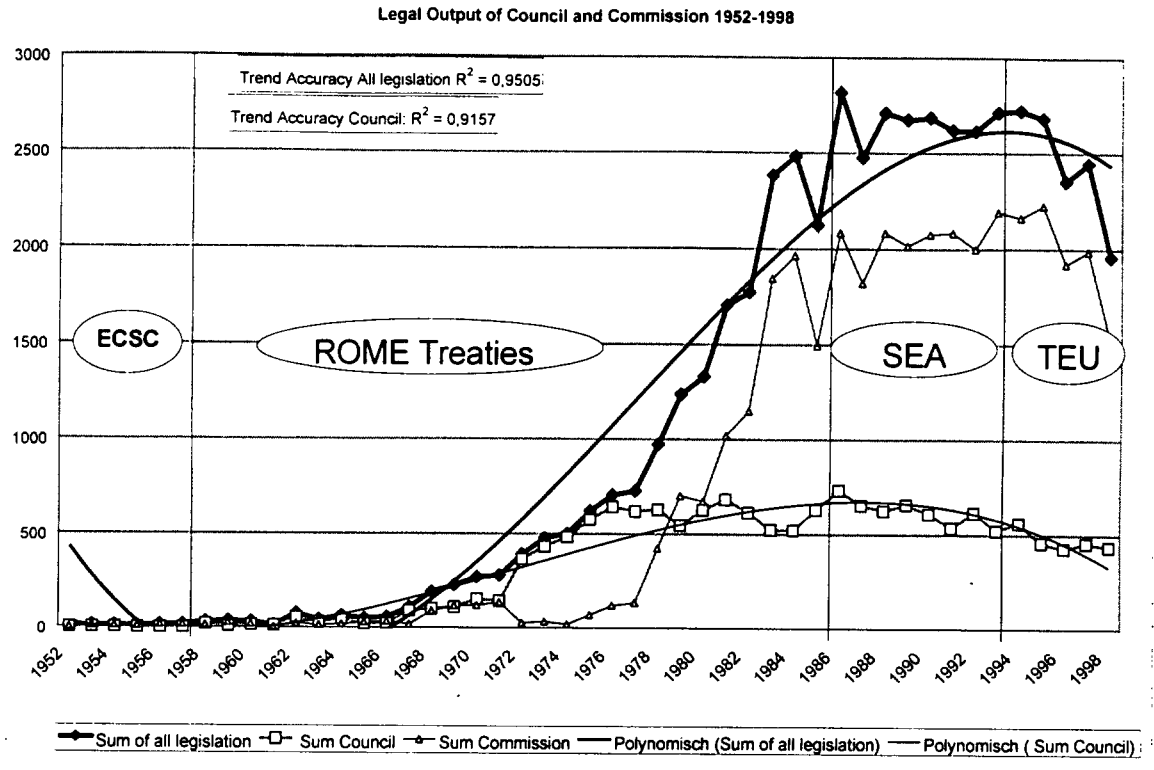
Following this interpretation of procedural openness, the next step for our research program becomes quite understandable. If we want to analyze trends of the EU system, the effective use of treaty provisions have to be looked at. In other terms, we analyze the real 'demand' for different procedural 'offers' at hand.

In view of the four sets of expectations these results of counting rules might lead us to some preliminary conclusions:

- a) The 'masters of the treaty' as the architects of treaty revisions and amendments do not meet (neo-)realist assumptions: contrary to expected strong intergovernmental resistance, they have increasingly installed themselves procedures which reduce their own veto power and strengthen the role of a parliamentary body which is difficult to control by national governments.
- b) Neo-federalist hopes for a strong EP have been partly met.
- c) The general impression is that of increasing complexity and ambiguity which increase the power of discretion for the actors involved leaving a large room for maneuver for multi level and multi level governance as offering additional possibilities for fusion processes.

2. THE EVOLUTION OF LEGAL OUTPUT (COUNCIL AND COMMISSION)

After describing the evolution of procedural offers we look at the patterns of their use in an aggregate form and for the specific test cases. All together, we can list a total sum of 52.391 legal acts until the end of 1998. We observe a quasi-linear growth in original secondary legislation from 1961 onwards until 1987 with some significant drops from 1964 to 1965, 1971 to 1972, 1983 to 1984, but a constant step-by-step decrease from 1987 onwards – a trend neo-realists might like. Nevertheless, if we analyze the statistical trend of the legal output in the last 45 years we receive even for a linear assumption a high correlation with a r^2 of 0,82.



Commission output started to grow from 1976 onwards, though the relative growth maintained stable between 1980 and 1993 – a trend neo-functionalists and those federalists attached to the vision of Commission acting as the Union's government might like. With the coming into force of Maastricht, it decreased dramatically.

Commission activities reflect prior-legislation of the Council. There is a significant gap from 1952 to 1979 which suggests that relative fewer Council acts needed Commission executive acts than from the eighties onwards. Of high relevance for our study is the steady decline of the Council's output from 1986/1987 onwards; also the Maastricht provisions did not have a positive impact when looking at the aggregated figures. Also the legal acts from the new Maastricht pillars - CFSP and Home and Justice affairs - have not changed the overall trend.

Our interpretation for the decrease in the output by the Council from 1987 onwards is based on looking into three major policy areas of the EC that of the CAP, trade and customs as well as internal market which constitute roughly 33.000 legal acts or 65% of all decisions.

	1952-1987	1987-1993	1993-1998	Legal acts total
General affairs	660	426	643	1729
Custom	4719	2124	1000	7843
Agriculture	10444	7265	5180	22889
Fisheries	1007	1016	776	2899
Competition	424	434	817	1675
Econ. and monetary policy	83	81	61	225
External relations	3951	2561	1522	8034
CFSP	0	6	156	162

Justice and Home affairs	0	1	105	106
Social policy	435	199	142	776
Right of Establishment	128	80	65	273
Transportation	278	166	137	581
Economic affairs	137	25	46	208
Regional policy	155	410	254	819
Environment/Consumer Health	284	343	341	968
Energy	299	101	109	509
Industrial policy	1067	465	563	2095
Science/Information	129	167	193	489
Undertaking law	26	34	35	95
Peopole's Europe	5	5	6	16
Sum	24231	15909	12151	52391

As some kind of "vertical control variable" we focused as well on the legal acts under art. 100 and 100a. Here, we can observe a trend similar to the general trend in the Council's legal output. The internal market harmonization Article was extensively used prior to Maastricht, but also prior to the SEA. Interestingly, we observe a slight increase in Art. 100 procedures since 1995. This may be due to tax policy harmonization measures, where Art. 100 instead of 100a is still applicable. The internal market legislation was already proposed prior to the beginning of the post-SEA-period (1984/1985).

If we turn to the kind of Council legislation, we observe a strong fall in the adoption of regulations (since 1987). The SEA had apparently an effect insofar as the number of directives per year increased since 1987 until 1993, i.e. the final phase for the single market program. Since 1993, the use of directives has decreased until 1996. Since then, the number remains rather stable. Interestingly, we witness an increase in decisions from 1961 onwards to 1982 and then again, from 1986 to 1998. The first phase concerns Council's decisions in the sense of the then Article 149. The second phase comprises another format of decisions – so-called "legislative decisions" in the framework of policy programs (Erasmus, Socrates, Life etc.).

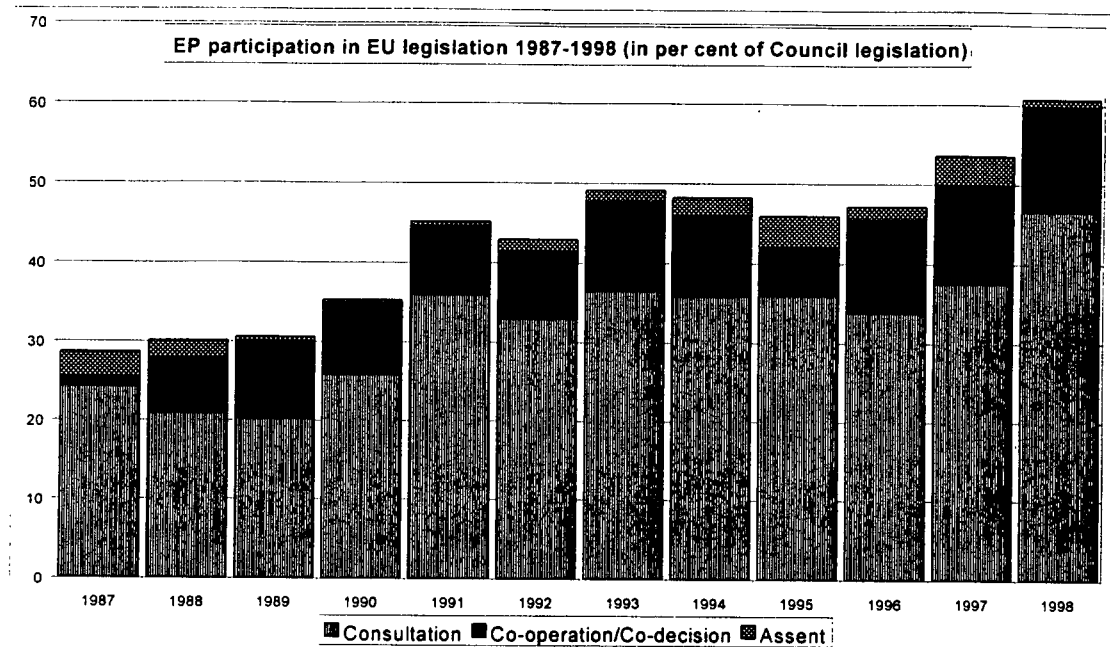
3. THE PATTERNS OF USE

a) The use of parliamentary and Council rights

As major constitutional revisions of the Treaties the increase in powers of the EP to participate actively in EC legislation have to be looked at. We have first concentrated on those legal acts, where the EP has been foreseen either by the consultation, the co-operation, the co-decision or the assent procedure. We observe a clear trend towards a higher amount of treaty offers providing for the co-decision procedure at the expense of the co-operation procedure.

As regards the exploitation of Parliament's powers, we observe that between 1987 and December 1993 34,14 % of those Commission's legislative proposals which addressed the EP fell under the co-operation procedure. Since Maastricht, the share of the co-operation procedure fell to 13,57 % (1995) whereas the share of co-decision has grown up to 21,78 %. The main reason for the shift from co-operation to co-decision consists in the procedural change applied to Article 100a which is the general legal basis for harmonization measures in the framework of the internal market. With Maastricht, the procedure to be applied for Article 100a shifted from co-operation to co-decision. 65,9 % of all co-decision procedures concluded between November 1993 and June 1998 fell under Article 100a.

In spite of the fact that co-decision was only conceived for 9,25 % of all ECT provisions containing procedural specifications, nearly 25 % of the European Commission's legislative proposals submitted to both the Council and the Parliament until December 1997 fell under this procedure. This is not only motivated by a parliament friendly attitude but also due to the fact that these provisions are ruled by QMV (except for cultural policy and RTD programs).



Maurer 1999

The “demand” for this kind of legislation was thus much higher than the original – Treaty based - “supply” would suggest. The Maastricht Treaty has foreseen 15 “policy area articles” where the co-decision procedures should apply: Regarding the real exploitation of these articles, 65,9 % (81) of the procedures concluded up to the end of June 1998 were based on Article 100a. Thus the Maastricht Treaty on European Union strengthened the legislative role of Parliament regarding the internal market, including also the areas of environment, research and education policy, this trend will probably continue with the Amsterdam treaty as most co-operation procedures (except those provided for EMU) have been replaced by a simplified and shortened co-decision rule.

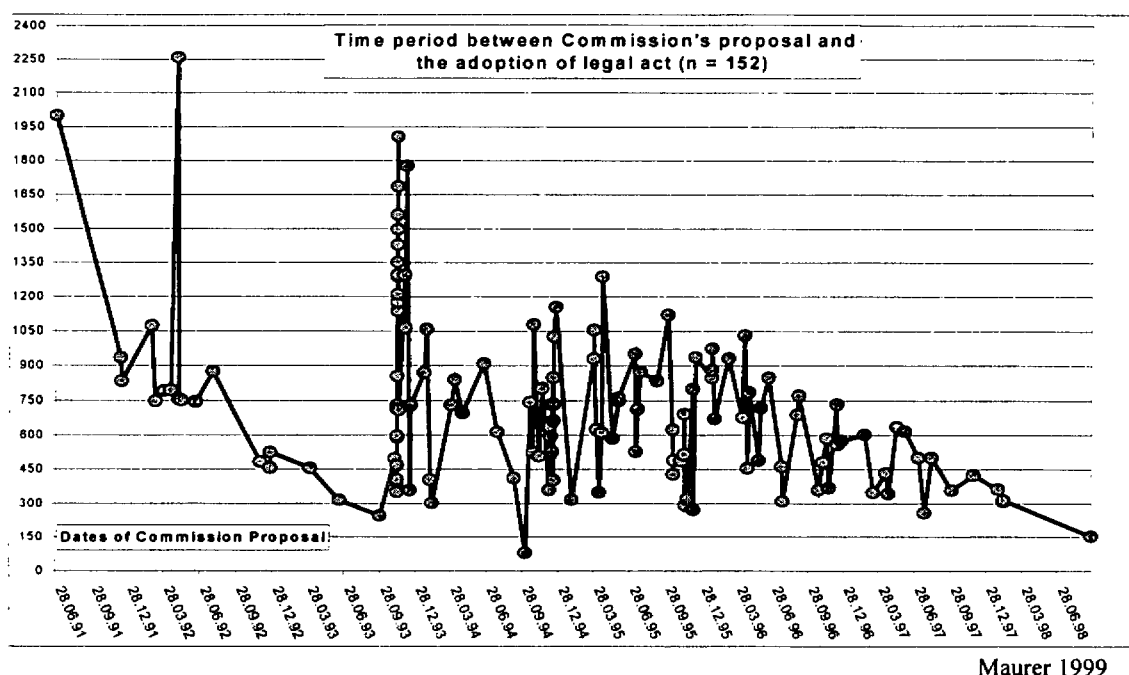
If we take into account the overall output of legal acts adopted by the Council of Ministers or by the EP and the Council, we have to qualify our assessment: Legal acts concluded in 1997 pursuant to both the co-operation and co-decision procedure represented only 11,95% of the total of legal acts adopted by the Council. However, we should have in mind that a high proportion of the Council's output concerns non-legal acts, i.e. executive or administrative acts and decrees, especially in the fields of agriculture, competition, trade and customs policy. The European Parliament is totally excluded when the Council deals as a price-fixing agency or when it confirms Member State nominations for one of its standing committees.

Concerning the Council, we have concentrated on those legal acts under QMV. Outgoing from a very limited data base we can list only the number of acts in 1995 and 1996. Of course, findings of such data have been published since 1994. However, compared with more detailed and »policy field« based data, these findings might serve as a first basis. Among the 458 legal acts of the Council in 1995 we have a number of 54 acts adopted with ‘real voting’ (11%).

Among the 429 acts in 1996 we can list 45 acts being voted by QMV (9,5%) revealing a slight decrease instead of the regularly stated growth of QMVs.

b) Speed of decision making

With regard to the impact of the European Parliament on the EU's legal output, and therefore its contribution to the "output legitimacy" (Scharpf 1994) of the EU's multi-level governance framework, the co-decision procedure was expected as being (too) complex, lengthy, cumbersome and protracted (Earnshaw/Judge 1996, Westlake 1994, Nugent 1998). Indeed, the procedure described in the then article 189b ECT could well be depicted as symptomatic for the "general trade-off" between efficiency and the "problem-solving capacity" (Scharpf 1997) of EU decision-making on the one hand and parliamentary involvement on the other. This is stressed by the fusion theory. However it has to be noted, that unlike the above-mentioned fears, co-decision did not appear to have led to serious delays in the final adoption of EC legislation.



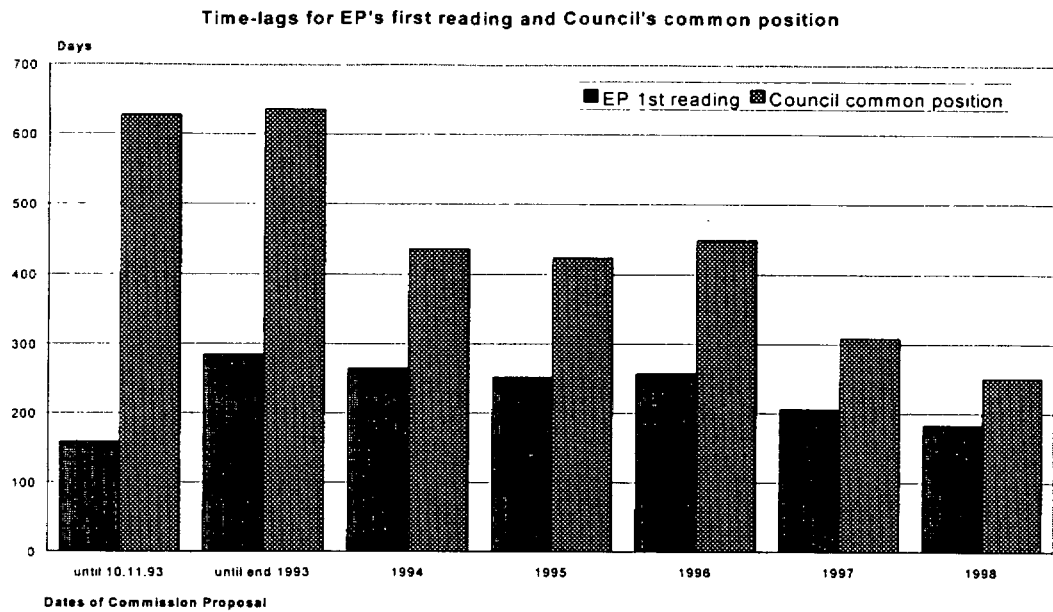
The average length of time taken for legal acts pursuant to co-decision was as follows: For all acts where agreement could be reached without conciliation, Parliament and Council needed 646 days on average. In contrast, procedures with conciliation lasted on average 876 days. Finally, the total average of all 152 procedures concluded until March 1999 was 737 days. The average length of time taken for acts adopted under the co-operation procedure was 734 days (European Parliament: Reply to question No. 39/97 by Richard Corbett MEP). In other terms, co-decision exceeds the time length of co-operation only by 3 days! Thus, both co-operation and co-decision need approximately two years from the formal Commission proposal to the adoption of binding legislation.

How can one explain these rather short time-periods and the fact that the time needed for co-decision does not differ as much from co-operation as observers thought in the aftermath of Maastricht? One explanation could be that the two legislative institutions directly involved in co-decision do only merely act as 'adversary' bodies. To produce some output – to attain

public attention and to gain legitimacy - it could be further developed, either Parliament or the Council prefer the adoption of second-best solutions instead of exhausting the negotiation arenas and battling long time for a joint agreement. If this argument holds we would expect a decrease of meetings of the conciliation committee in relation to the adoption of joint legislation over time. However, the empirical reality shows an increasing number of conciliation meetings in relation to legal acts sealed from 1994 towards 1997. Thus, the time-efficiency of co-decision does not root in some kind of a low "confrontation interest" of the institutions involved.

Maurer (1998, 1999) offers another explanation: The most important delays in co-decision occur due to lengthy procedures before the adoption of Parliament's first reading and of the Council's common position where no deadlines are applicable. Here, the institutions involved act in different arenas for pre-cooking the Commission's proposals. Delegates of Member States and private industry meet within a highly elaborated network of working groups where the substance of the Commission's drafts is fine-tuned by a wide range of civil servants and lobbyists. And MEP meet with Council representatives, Commissioners, Commission Cabinet members and other officials to indicate their potential amendments and ideas on the draft. Once the Commission officially publishes and submits its proposal to Parliament and the Council, again informal meetings take place where EP Rapporteurs, COREPER and Member State representatives and interest groups deliberate on the draft. Hence the first reading of Parliament and the subsequent adoption of the Council's common position are subject to informal deals between the institutions on matters such as the legal basis, the financial resources necessary or available for implementing the act or some of the substantial parts. In line with governance approaches we identify the effects of a growing and rather effective set of networks in an 'iron quadrangle' between the Commission's services, national administrations, lobbyists and MEP.

How long do the two bodies of the EU's legislative branch need for adopting their first "official" reaction to the Commission's input? The average duration for first readings adopted during the 1994-1999 legislative term was 220 days varying between 7 days for a directive on the natural gas market and 890 days for a directive on biocidal products. As for the Council, the time necessary for reacting on the first reading draft of Parliament varied between 19 and 1584 days (mean: 264 days). This result indicates clearly a process of institutional learning: Both Parliament and Council reduced the time needed to adopt their official starting positions considerably.



Maurer 1999

Both the Parliament and the Council became acquainted with the new decision making procedure during 1994, after the newly elected European Parliament voted its first reading resolutions on matters relevant to the co-decision procedure. As noted above, Art. 100a is the most prominent legal basis for co-decision. If we concentrate on the procedures based on this article, we note that both the Council and the European Parliament have undergone a considerable "learning process" in adopting binding legislation on the basis of article 100a. The average duration for procedures proposed in 1991 was 882 days. Between 1991 and 1997 then, the average duration was reduced by a factor of three to 257 days (for 1997 proposals)! This is all the more interesting since procedures based on article 95 covered nearly half of all legal acts where conciliation between the Council and the parliament became necessary.

With regard to the acceleration of policy-making in the Council we follow those investigations which do not consider the 1970s as a time of tremendous inefficiency and recession (Golub 1997) deriving from the unanimity which had dominated the Council's voting procedures since 1966. The efficiency and high productivity of the Community system in the 1990s on the other hand is partly characterized as a product of the QMV. Though it can be stated that proposals depending on QMV are at least one third faster than those depending on unanimity we have to look for differences and parallels in the long run. First findings lead to the conclusion that the average duration of legal acts has not changed so dramatically as assumed. Further analyses on a broader legal base have to verify this hypothesis.

d) The use of the Council: frequency of sessions and productivity

As one way to observe behavioral patterns we analyze the frequency by which national ministers use their Councils and their capacity to come to binding acts within the time they spend in that institutions. The number of Council meetings per year has constantly grown from 49 meetings in 1974 to 94 in 1998. The relatively high amount of Council meetings per year is rather owing to new Council formats than to a higher frequency of already existing ones. As we know from the well documented agricultural sector, the frequency of meetings in

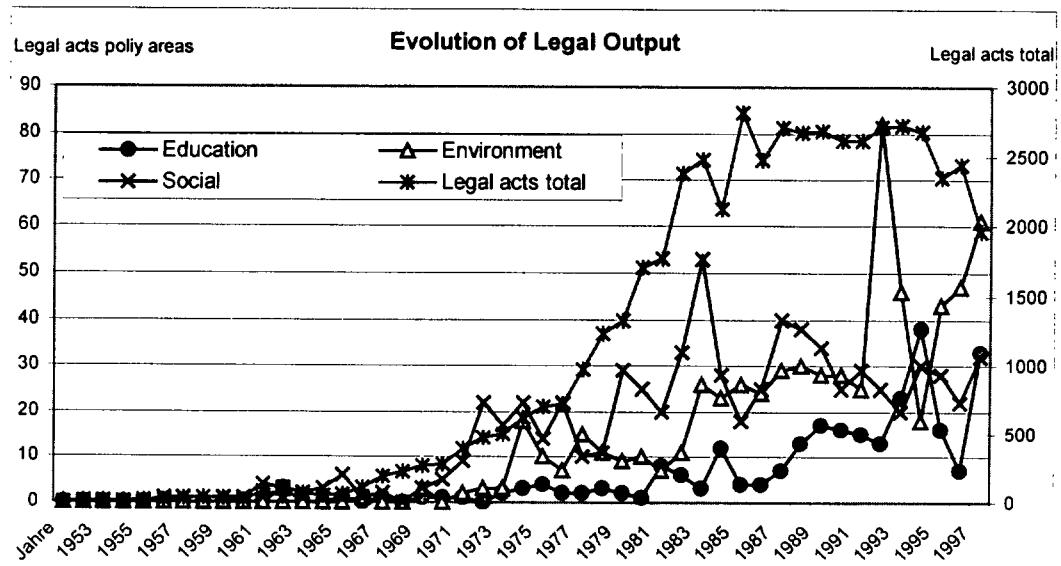
the Council of Ministers on the one hand and its working groups on the other has grown considerably. Many civil servants meet weekly on average. As an example, the management committee of the common organisations of agricultural markets for sugar held 50 meetings in 1995 and delivered 161 opinions on the Commission's drafts. With regard to several undocumented informal meetings, it becomes quite clear that the intensity by which some civil servants deal with European affairs in their daily agenda is remarkable – not only in the mid-nineties but with a constant growth in the last decade.

Did the frequency of meetings lead to a better efficiency? Certainly not. Between 1974 and 1998, the Council's productivity - defined as the ratio between its legal output and its meetings per year – declined from $\cong 10$ legal acts per session in 1974 towards $\cong 4$ acts per session in 1998. In other words, more Council meetings did not lead to a growth in Council's output. The internal market program (legislative proposals of the Commission prior to the SEA) led to a higher productivity from 1984 to 1986. However, after the entry into force of the SEA, not only the Council's output, but also its productivity fell again.

3. THE USE OF THE REVISED RULES IN NEW OR REFORMED POLICY FIELDS

a) The evolution of the legal output

Our overview indicates that from the original EEC Treaty to the Treaty on the European Union many core issues of public policy have become subject to supranational decision making procedures. Like policy fields and decision making norms, institutions have been further developed or been newly introduced in order to cope with the functional scope of the EC/EU. Besides and beyond observing aggregate data for the overall evolution of the EC/EU's political system a closer look is necessary to take into account the direct effects of procedural revisions. With regard to our main question of changes in governing "before" and "after" Maastricht we have focused on three special policy areas: on environmental, social, education and youth policy. Taking into consideration that nearly half of the legal output since 1952 derives from the field of agricultural policy, we want to identify the influence of developments in other policy fields. In all three of our "test cases" the Maastricht treaty has



introduced changes. The two latter areas were already given a legal basis prior to Maastricht. The revisions of Maastricht concerned the decision making procedures (introduction of co - decision in environment policy) and their scope (especially with regard to social policy). Despite their different legal bases, their divergent history and importance the 1.614 legal acts in the field of education and youth, environmental and social policy reveal very similar trends. Of course, there are particular maximums and minimums in some years but the tendency of the output in the three policy sectors under consideration is very much alike. The smoothed trends show very similar ups and downs. Only the intensity varies.

Interestingly, each of the policy-area-trends is in the long run also very alike to the general output of the 51.391 legal acts. Only the trend in the mid-90s varies quite significantly. Compared to the general output, we notice in all three areas both, environmental, social and education policy a strong increase while the overall legal output decreases. Thus, one may conclude that Maastricht had a remarkable impact on the evolution of the legal output in the specific policy fields under consideration. However, our interpretation of the empirical data leads to other conclusions.

b) Patterns of use

If we look further into the details we observe that the new provisions of the existing areas are exploited only to a very limited extent. This argument especially holds if we look at the patterns of using the articles. According to social policy for example, 118a - introduced with the SEA - is only used to restricted stage in comparison to article 235 and 118. Even the social protocol is scarcely. If we take-a look at voting patterns, we observe for social policy after Maastricht no considerable changes in the procedures. The proportion of legal acts under QMV as well as under unanimity has not significantly increased. The qualified majorities increase only slightly while the number of procedures under unanimity has grown dramatically. The two other policy areas show similar trends. We observe in social policy after Maastricht a proportion of Council acts under QMV of 10%, in the field of environment policy a proportion of approximately 6 % and in education policy of 8%. Although these numbers do not differ from the overall numbers of Council voting we have to sum up that Maastricht does not matter this much - neither in a positive nor in a negative sense. What really has changed is the number of non-binding acts such as recommendations and resolutions.

If we concentrate on the exploitation of the co-decision procedure (Maurer 1998, 1999) in the policy fields which were newly introduced by the Maastricht Treaty, only 15,9% (20) of all co-decision procedures concluded until June 1998 were based on articles originally incorporated into the Maastricht Treaty together with the co-decision procedure (Articles 126 – Education and Youth; 128 – Culture; 129 – Health; 129a – Consumer Protection; 129d – Trans European Networks). In contrast, the application of legal bases dealing with Title III ECT (substantially revised with the SEA and procedurally revised with the TEU) on the free movement of persons, services and capital (relevant co-decision articles 49, 54, 56, 57[1], 57[2] and 66) was a bit more significant: 15 (12,29 %) of all co-decision procedures in force were based on one of these articles. In addition 7 other directives (5,73 %) were concluded on a combination of articles 49, 57, 66 and/or 100a. A closer look at the legal bases shows that environmental programs did not refer to the co-decision procedure according to Art. 130s (new Article 175) until the end of June 1998. Here the institutions referred to the co-operation procedure for adopting the ALTENER II program (promotion of renewable energy sources) and the SAVE II program (Improving energy efficiency in the Community). However, non-referral to the explicit

environment policy related legal bases does not automatically imply a failure of legal acts in this area. If we take a closer look at the “internal market” measures passed under co-decision, we identify nearly 80% of acts which were related to environmental and consumer protection policy but based on article 100a. Being of a regulatory nature (definition of norms, limits etc.), Commission and Parliament achieved to base legislation on the general harmonisation clause Article 100a provides for. However, this growth does not show the same pattern in each policy field. The frequency of e.g. the Environment Council grew from 1974 to 1993 (with 6 meetings). Since then it fell down to 2 sessions per presidency. In contrast, the Social affairs Council has developed from 1974 with 2 meetings to 1997 with 5 meetings. All three policy areas under consideration have had a peak in 1988; one year after the entry into force of the SEA.

There is another observation for the three policy fields under consideration. If we compare the number of legal acts in the fields of environment, social and education policy with the number of Council sessions in the respective fields we can conclude that the productivity has grown: the number of legal acts which has been dealt with in one Council session has constantly increased.

As for speed of decision-making i.e. time intervals between the proposal for a legislative act and its adoption we can deduce for our detailed analysis in the four policy areas under consideration very divergent trends. One legal act - from the introduction of the Commission until its coming into force - takes within the field of social policy an average time period of 107 days, in the field of environment on an average 318 days and in the field of education policy 307 days. In contrast to this aggregated numbers we can observe the following detailed trends: Until the SEA, the time periods increased in all three fields (for education policy, articles 128 and 235 served as legal bases to adopt legal acts on vocational training but also on general education policy). With the SEA and even more significantly with Maastricht the time period in education an environmental policy has been reduced. In spite of this the average time period of legal acts in social policy has been grown up to 169 days from the sixties onwards. In the field of education policy - the sector with the longest intervals at the beginning - the duration has been shortened from 500 days to approximately 193 days after the SEA and 72 days Maastricht. Despite the time period in the social policy has grown from only 25 days until 1979 to 167 days after the SEA and 169 days after Maastricht.

As to the binding nature of legal acts our results indicate that since the SEA regulations of the Council are in decrease. The Council preferred to adopt directives rather than regulations. However, since Maastricht, even directives are in decrease. The only type of legislation which increases since (and due to Maastricht) are decisions. Hence, most of the EC program legislation (Socrates, Life etc.) is adopted in the format of a “legislative decision”.

If we turn to the binding nature in connection to the European Parliament’s involvement in co-decision (Maurer 1999), we observe that only 4,1 % of all co-decision procedures resulted in regulations. Another set of 17,4 % were dealing with action programmes – “legislative decisions” in the fields of education and youth, culture, health, research and technology and the internal market (SCHUMAN, FISCALIS, KAROLUS, Customs 2000 programme). The bulk of procedures concentrated on directives. If we take a closer look in our three policy fields we must distinguish various trends. Non-binding acts such as recommendations, resolutions embodying the call for a pilot program (entries of budget lines – e.g. the voluntary service in youth policy - into the EC budget without a legal act) etc. are growing constantly in all of the three policy fields, especially in education policy where we have only a limited number of binding decisions. On the other hand the binding-decisions are as well growing, not in the same level but especially in the environmental policy.

III. Conclusions: revisiting the expectations

1. SURVEY: DIVERGENT PATTERNS

The view back over the last fifty years shows some interesting features of our indicators for the evolution of an emergent system. Some of them are counterintuitive especially in view of historical tales about the developments of the EU. The empirical results do not point in one clear direction. We observe divergent trends, both between indicators and between policy fields. The procedural 'offers' are used to different degrees. Statistical calculations point only at a low degree of correlation between the independent and the dependent variables

2. SUCCESS AND FAILURES OF THE EXPECTATIONS

- a) The constitutional dynamics of the Maastricht Treaty which the neo- functionalists and the neo-federalists would applaud have expected/hoped for have not worked 'convincingly': the real use of the new articles have been below the 'hopes'; though the EP has used its powers rather effectively but undramatically and in a business like way. We could not identify enough indications for a clear shift towards strengthening a supranational regime; output has only changed to a small degree in limited areas. The observations on the speed point at learning processes which could interpreted as steps to a bi-cameral system on the EU-level.
- b) Realist views of a decline of the EU after the end of the super power bilateralism have been falsified in terms of the constitutional/treaty revisions including those of Amsterdam and in view of the increase of parliamentary powers. If just looking at the Council output this school of thought might claim that the over all use of the EC/EU institutions by governments has declined. A closer look reveals however that this decline is mainly caused by a 'saturation' in traditional EC fields as agriculture policy. Governments have even used to a considerable degree the articles for taking binding decisions in the new pillars though the procedure is clearly 'intergovernmental'. The decline in productivity could be interpreted as reflecting an increasing difficulty to balance the interest between member states, but this school might have difficulties to explain the increase in the increasing role of the EP.
- c) Macro political patterns resemble most clearly the expectations deduced from governance approaches: in the overall figures as well as in and between the test cases the pendulum metaphor might serve well to capture general impressions. For many of the dependent variables we do not find any significant impact which might be attributed to the procedural revisions and amendments of the Maastricht treaty. Governance analyses, however, would need to take the role of the EP more into the research focus. The increase of power is however linked to a rise in the complexity leading to the erosion of traditional cornerstones of democratic legitimacy. The EP is becoming an active part of highly specialized interaction in informal setting. It reinforces the debate about the feature of the Commission as a supranational bureaucracy.
- d) As to the fusion view the record is mixed: Overall figures point at a decreasing interest of national governments to use the EC/EU instruments; a closer look indicates that the new provisions of the Maastricht Treaty have been used across the board; as an explanation we could point at the saturation in traditional fields. The increasing role of the EP does fit the expectation of a dual legitimacy.

3. FURTHER STEPS

The results of our research have to be further analyzed with the help of additional statistical devices. Regression analyses and the accretion of new data material will enable us to more detailed analysis in the relation of our depended and independed variables. These findings will then be 'confronted' with the results from a survey on how national governments, administrations and parliaments have reacted to and after Maastricht - including also the new EFTA members.

We hope to see if, to what extent, and how results for both levels converge and diverge. Will this comparative analysis help us in integration theory building? Will we witness asymmetrical evolutions? On that basis we will finally add some general but also more specific conclusions to our *acquis académique* and to the explanative power of the different models in order to review the usefulness of the approach and to characterize the native and the evolution of our 'beast'.

Bibliography:

- Bogdandy, Armin von (1999): Die Europäische Union als supranationale Föderation, in: *Integration*, No. 2, pp. 95-112.
- Bulmer, Simon (1994): The Governance of the European Union, A New Institutional Approach, in: *Journal of Public Policy*, Vol. 13, No. 4, pp. 351-380.
- Bundesverfassungsgericht (1993): Urteil über die Verfassungsbeschwerden gegen den Vertrag von Maastricht, Judgement of Oct. 12, 1993, in: Oppenheimer, Andrew (ed.) *The Relationship between European Community Law and National Law: The Cases* (Cambridge: Cambridge University Press).
- Caporaso, James (1996): The European Union and Forms of State: Westphalian, Regulatory or Post-Modern, in: *Journal of Common Market Studies*, Vol. 34, No. 1, pp. 29-52.
- Carter, Cairiona/Scott, Andrew (1998): Legitimacy and Governance beyond the European Nation State: Conceptualising Governance in the European Union, in: *European Law Journal*, No. 4.
- Christiansen, Thomas/Jorgensen, Knud E. (1999): The Amsterdam Process: A Structurationist Perspective on EU Reform", in: *European Integration Online Papers*, No. 1.
- Deutsch, Karl W. et al. (1957): *Political Community and the North Atlantic Area* (Princeton, NJ: Princeton University Press).
- Dinan, Desmond (1994): *Ever Closer Union? An Introduction to the European Community*, Houndmills etc.
- Dinan, Desmond (1998) (Ed.): *Encyclopedia of the European Union*, Lynne Rienner Publishers, Boulder.
- Earnshaw, David/Judge, David (1996): From co-operation to co-decision: The European Parliament's path to legislative power, in: Richardson, Jeremy (Ed.): *Policy Making in the European Union*, Routledge, London.
- European Parliament: Reply to Question No. 39/97 by Richard Corbett, DOC PE 259.385/BUR.
- Fligstein, Neil/McNichol, James A. (1998): The institutional terrain of the European Union, in: Sandholtz, Wayne/Stone Sweet, Alec (Eds.): *European Integration and Supranational Governance*, Oxford University Press.
- Golub, Jonathan (1997): In the shadow of the Vote? Decisionmaking Efficiency in the European Community 1974-1995, MPI Discussion Papers 3 (1997)
- Hallstein, Walter (1969): *Der unvollendete Bundesstaat*, Düsseldorf. Later edited as: *Die Europäische Gemeinschaft* (Düsseldorf, Wien: Econ, 1979) (5th edition).
- Héritier, Adrienne (1993): "Policy-Analyse. Elemente der Kritik und Perspektiven der Neuorientierung, in: Héritier, Adrienne (Ed.), *Policy-Analyse. Kritik und Neuorientierung*, Politische Vierteljahresschrift, Sonderheft 24, S. 9—36.
- Hoffmann, Stanley (1982): Reflections on the Nation State in Western Europe Today, in: *Journal of Common Market Studies*, Vol. 21, No. 1 and 2, pp. 21-37.
- Hrbek, Rudolf (1987): Die Europäische Union als unerfüllbare integrationspolitische Daueraufgabe? Lehre aus dem Reform-Septennium der EG (1980-1987), in: Ernst-Joachim Mestmäcker et al. (ed.), *Eine Ordnungspolitik für Europa, Festschrift für Hans von der Groeben zu seinem 80. Geburtstag* (Baden-Baden: Nomos) pp. 167-200.
- Ipsen, Hans-Peter (1972): *Europäisches Gemeinschaftsrecht* (Tübingen: Mohr).
- Isensee, Josef (1995): Integrationsziel Europastaat? in: Due, Ole / Lutter, Marcus / Schwarze, Jürgen (eds.), *Festschrift für Ulrich Everling*, Vol. II (Baden-Baden: Nomos) pp. 567-592.
- Jachtenfuchs, Markus (1998): Democracy and Governance in the European Union, in: Follesdal, Andreas/Kosloski, Peter (Eds.): *Democracy and the European Union*, Berlin etc., Springer.
- Jachtenfuchs, Markus and Kohler-Koch, Beate (1996): Regieren im dynamischen Mehrebenensystem, in: Jachtenfuchs, Markus and Kohler-Koch, Beate (eds.), *Europäische Integration* (Opladen: Leske + Buderich) pp. 15-46.
- Joerges, Christian (1996): Das Recht im Prozeß der europäischen Integration, in: Jachtenfuchs, Markus and Kohler-Koch, Beate (eds.), *Europäische Integration* (Opladen: Leske + Buderich) pp. 73-108.
- Kirchhof, Paul (1994): Das Maastricht Urteil des Bundesverfassungsgerichts, in: Hommelhof, Peter and Kirchhof, Paul (eds.), *Der Staatenverbund der Europäischen Union* (Heidelberg: Müller, Jur. Verl).

- Kohler-Koch, Beate (1996a): *The Strength of Weakness: The Transformation of Governance in the EU*, in: Gustavsson, Sverker and Lewin, Leif (eds), *The Future of the Nation-State* (Stockholm: Nerenius & Santérus Publishers) pp. 169-210.
- Kohler-Koch, Beate (1997): *Die Europäisierung nationaler Demokratien: Verschleiß eines europäischen Kulturerbes?*, in: Greven, Michael (Ed.): *Demokratie - eine Kultur des Westens?* 20. Wissenschaftlicher Kongreß der Deutschen Vereinigung für Politische Wissenschaft, Leske & Budrich, Opladen.
- Lübbe, Hermann (1994): *Abschied vom Superstaat. Die Vereinigten Staaten von Europa wird es nicht geben*, Siedler, Berlin.
- Majone, Giandomenico (1996): *A European regulatory state?*, in: Richardson, Jeremy (Ed.): *European Union. Power and Policy-Making*, London/New York, Routhledge 1996.
- Majone, Giandomenico (1994): *The Rise of the Regulatory State in Europe*, in: *West European Politics* 17, pp. 77-101.
- Marks, Gary (1993): *Structural Policy and Multilevel Governance in the EC*, in: Cafruny/Rosenthal (Eds.): *The State of the European Community 2: The Maastricht Debates and Beyond*, Boulder, Colorado, Lynne Rienner.
- Marks, Gary/Hooghe, Liesbet/Blank, Kermit (1996): *European Integration from the 1980's: State-Centric versus Multi-Level Governance*, in: *Journal of Common Market Studies*.
- Marks, Gary/Scharpf, Fritz W. / Schmitter, Phillippe C. / Streeck, Wolfgang (eds.) (1996): *Governance in the European Union*, London.
- Maurer, Andreas (1998): *„Regieren nach Maastricht: Die Bilanz des Europäischen Parlaments nach fünf Jahren Mitentscheidung“*, in: *Integration*, No. 4.
- Maurer, Andreas (1999): *What next for the European Parliament*, London, Kogan Page.
- Moravcsik, Andrew (1993): *Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach*, in: *Journal of Common Market Studies*, No. 4.
- Moravcsik, Andrew/Nicolaidis, Kalypso (1999): *Explaining the Treaty of Amsterdam: Interest, Influence, Institutions*, in: *Journal of Common Market Studies*, No. 1.
- Olson, Johan P. (1996): *Europeanisation and Nation-State Dynamics*, ARENA Working Paper No. 3.
- Pierson, Paul (1996): *The Path to European Integration: A Historical Institutionalist Analysis*”, in: *Comparative Political Studies*, No. 2; revised version in: Sandholtz, Wayne/Stone Sweet, Alec (Eds. 1998): *European Integration and Supranational Governance*, Oxford University Press.
- Pinder, John (1991): *European Community, The Building of a Union* (Oxford: Oxford University Press).
- Puchala, Donald J. (1972): *Of Blind Men, Elephants and International Integration*, in: *Journal of Common Market Studies*, No. 3, pp. 267-285.
- Risse-Kappen, Thomas (1996): *Exploring the Nature of the Beast: International Relations Theory and Comparative Policy Analysis meet in the European Union*, in: *Journal of Common Market Studies*, No. 1.
- Rometsch, Dietrich and Wessels, Wolfgang (eds.) (1996): *The European Union and Member States, Towards Institutional Fusion?* (Manchester: Manchester University Press).
- Scharpf, Fritz W. (1994): *Community and Autonomy, Multilevel Policy-Making in the European Union*, in: *European University Institute, Florence, EUI Working Paper, No. 94/1*.
- Scharpf, Fritz W. (1997), *Games Real Actors Play. Actor-Centered Institutionalism in Policy Research*, Boulder, Oxford 1997.
- Schmitter, Phillippe C. (1969): *Three Neofunctional Hypotheses about International Integration*, in: *International Organization*, 23, pp.161-167.
- Schmitter, Phillippe C. (1996): *If the Nation-State Were to Whither Away in Europe, What Might Replace it?*, in: Gustavsson, Sverker and Lewin, Leif (eds.), *The Future of the Nation-State* (Stockholm: Nerenius & Santérus Publishers) pp. 211-244.
- Schneider, Heinrich (1986): *Rückblick für die Zukunft, Konzeptionelle Weichenstellungen für die europäische Einigung*, Bonn: Europa Union Verlag.
- Schneider, Heinrich (1992): *Europäische Integration - die Leitbilder und die Politik*, in: Michael Kreile (ed.), *Die Integration Europas, PVS-Sonderheft 23*, Opladen: Westdeutscher Verlag.

- Schneider, Heinrich (1995): Die Europäische Union als Staatenverbund oder als multinationale Civitas Europea, in: Randelzhofer, Albrecht / Scholz, Rupert / Wilke, Dieter (eds): Gedächtnisschrift für Eberhard Grabitz (München: C.H. Beck).
- Schneider, Heinrich and Wessels, Wolfgang (1994): Föderales Europa im Widerstreit - Einführung und Übersicht, in: Schneider, Heinrich and Wessels, Wolfgang (eds.): Föderale Union - Europas Zukunft? (München: Beck) pp. 7-20.
- Tsinisizelis, Michael/Chrysochoou, Dimitris (1996): From 'Gesellschaft' to 'Gemeinschaft'? Confederal Consociation and Democracy in the European Union, in: Current Politics and Economics of Europe, No. 4.
- Wallace, Helen (1996): The Politics and Policy in the EU: The Challenge of Governance, in: Wallace, Helen and Wallace, William (eds.): Policy-Making in the European Union (Oxford: Oxford University Press) pp. 3-39.
- Wallace, Helen and Wallace, William (eds.)(1996): Policy-Making in the European Union (Oxford: Oxford University Press).
- Wallace, William (1983): Less than a Federation - More than a Regime: The Community as a Political System, in: Wallace, Helen / Wallace, William / Webb, Carole (eds.), Policy-Making in the European Community, 2nd edition (Chichester: Wiley) pp. 403-436.
- Wallace, William (1996): Government without Statehood, in: Wallace, Helen and Wallace, William (eds.), Policy-Making in the European Union (Oxford: Oxford University Press) pp. 439-460
- Weiler, Joseph H.H., The Transformation of Europe, in: Yale Law Journal, 100/1991, S. 2403-2483
- Wessels, Wolfgang (1995): Wird das Europäische Parlament zum Parlament? Ein dynamischer Funktionenansatz, in: Randelzhofer et.al. (Eds.): Gedächtnisschrift für Eberhard Grabitz, Beck, München.
- Wessels, Wolfgang (1996): The Modern West European State and the European Union: Democratic Erosion or a New Kind of Polity?, in: Andersen/Eliassen(Eds.): The European Union: How democratic is it?, Sage, London.
- Wessels, Wolfgang (1997): An Ever Closer Fusion? A Dynamic Macropolitical View on Integration Processes, in: Journal of Common Market Studies, No. 2.
- Wessels, Wolfgang/Maurer, Andreas/Mittag, Jürgen (Eds. 2000): Fifteen into One? The European Union and Member States, Manchester.