

**Legislative Power of the European Parliament Committees:
Plenary Adoption of Committee Reports**

Nikoleta Yordanova

European University Institute

Nikoleta.Yordanova@eui.eu

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This paper questions the claim that the European Parliament (EP) is a legislature with strong committees. It examines to what extent the plenary adopts committee reports as the official parliamentary legislative positions under codecision. The committees' impact is expected to be substantially weakened when an informal early agreement is reached with the Council. Furthermore, following the predictions of congressional theories, committees are expected to be more successful if the legislators drafting their reports have no special outlying interests, have relevant expertise, and are affiliated with big party groups. These hypotheses are tested on an original data set on all codecision reports which passed first reading in the 6th EP so far (2004-2009). The findings suggests that indeed informal trilogue agreements significantly undermine committees' legislative influence, which is somewhat counteracted by the expertise of rapporteurs.

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Introduction

For over a decade the European Parliament has served as an equal co-legislator with the Council of Ministers in drafting the European legislation falling under the codecision procedure. The latter procedure has significantly changed since it was first introduced in the Maastricht Treaty (1992). Most importantly, the Amsterdam Treaty (1999) abolished the Council's ability to reinstate its position after three readings of unsuccessful negotiations with the EP and allowed for an early conclusion of codecision acts already in the first reading. This option of 'fast track legislation' has had profound impact not only on the legislative process, but also on the internal dynamics of decision-making in the Parliament. Traditionally, the EP committees have been widely acknowledged as the main arenas for in-depth deliberation on legislative proposals and drafting of the parliamentary legislative positions, which are then largely adopted by the plenary. However, it has become increasingly common to negotiate the parliamentary stances in informal trilogue meetings with the Council and the Commission, often without a clear mandate from the committees. While these meetings have inevitably increased the power of the present actors negotiating on behalf of the EP (mainly the legislators assigned to draft the EP report, i.e. the rapporteurs), it is claimed here that they have largely undermined the role of the parliamentary committees.

To examine this proposition, this paper first compares the extent to which the EP draws its opinions on the basis of the committees' reports when an early agreement is reached with the Council and when it is not. The results show that indeed committees are more successful whenever there was no early agreement. As a second step, attempts are made to explain beyond trilogue agreements the variation in the degree to which the plenary adopts the committees' proposals depending on the properties of the reports, their subject areas, and the characteristics of the rapporteurs. Following the logic of the distributive (Shepsle, 1978), informational (Krehbiel, 1991) and partisan (Cox and McCubbins, 1993) congressional theories of legislative organization, it can be expected that a larger proportion of the committee reports will be adopted in plenary if the rapporteur has not special outlying interests, has expertise in the subject area, and is a member of a big party group. Evidence is found only for the informational theory, i.e. committee reports drafted by experts are more successful in the plenary.

To test the hypotheses, an original data set has been compiled on all the substantive legislative reports falling under the codecision procedure, which have had their first reading during the 6th EP (2004-2009).¹ Monte Carlo simulations are used in comparing the mean legislative impact of committees when there was an early agreement to when there was none. Variation in the plenary adoption of individual committee reports is analysed via OLS regression and poisson count models.

This paper proceeds as follows. After a brief overview of the state of the art on the topic below, the average success rate of committees is analysed. Following that the hypotheses regarding the level of success of individual reports in plenary are developed, the measures and methods are presented and the results are discussed. Finally, the legislative role of the EP committees is re-evaluated in light of the findings.

Role of EP committees under codecision. Early agreement.

A substantial part of the EP's legislative tasks are performed by its committees (Collins et al., 1998: 6). They allow for specialization and information accumulation (Mamadouh and Raunio, 2003; Raunio, 1997), and serve as an important arena for majority formation (Neuhold, 2001). Although they have no agenda-setting powers in the broad sense and examine questions proposed by the Commission, most of the parliamentary powers of delay and amendment are exercised there (Corbett et al., 2005). Thus, it is commonly accepted that after a legislative proposal has been made by the Commission, it is in the EP committees where the '[p]arliament's positions are in most cases decided in practice', before the plenary stage (Mamadouh and Raunio, 2003: 348; see also Bowler and Farrell, 1995; McElroy, 2001; Neuhold, 2001; Kreppel, 2002a; Hix et al., 2003). It has been further claimed that it is uncommon for committee proposals to be heavily modified or rejected in plenary (Bowler and Farrell, 1995: 234).

However, the role of the EP legislative committees and their relation to the plenary have often been discussed in isolation from the inter-institutional context. Alternatively, the legislative impact of the Parliament vis-a-vis the Council has been analysed under the assumption that it is a

¹ Currently, the data set represents the situation as of 14 March 2009. The last plenary session of the 6th EP will take place on 7 May 2009 when the data set will be updated.

unitary actor (Kreppel, 1999, 2002b; Tsebelis et al., 2001). Since under the codecision procedure the EP acts as a co-legislator with the Council of Minister in what appears to be a bicameral European legislature, its internal dynamics can hardly be expected to remain unaffected by the extra-parliamentary setting and the opportunities and constraints it offers to parliamentary actors or groups of actors. This has become increasingly so in recent years with the growing number of legislative proposals being practically decided upon in informal trilogue meetings between the EP, the Council and the Commission, happening in closed doors outside the traditional decision-making arenas.² While originally convened to make preparations for upcoming negotiations in the Conciliation Committee (Garman and Louise Hilditch, 1998), trilogue meeting have become a common decision-making mode in the early stages of the codecision procedure after the Amsterdam Treaty (1999) made that possible. Statistics show that during the 5th EP (1999-2004) 28% of codecision acts were concluded in the first reading (EP, 2004). This number grew to 60% in the first half of the 6th EP (2004-2007) (EP, 2007a).

On the one hand, these developments have been interpreted positively since trilogue meetings have increased the communication and coordination between the EP and the Council, thus speeding up the legislative process. Arguably, it has also enhanced the legislative influence of the Parliament. The Parliament is better able to affect the common position the Council adopts through its prior negotiations with the Council Presidency (Farrell and Héritier, 2007: 98). On the other hand, however, this increase in efficiency has been accompanied by lack of transparency and shift of the decision-making process away from the traditional parliamentary arenas of democratic debate and deliberation. The EP has made some efforts in counteracting that by signing a joint declaration with the Commission and the Council (EP et al., 2007). Among others, it encourages the Council Presidency to attend committee meetings and, where not bounded by confidentiality, to provide information regarding the Council's position. Furthermore, it invites the chair of COREPER to send a letter to the parliamentary committee chair whenever an informal agreement was reached in the trilogue meetings, whereby expressing

² 'These trilogues involve the president of COREPER (which rotates with the presidency) and the chairman of the relevant working group on the Council's side. On the Parliament's side, they involve the rapporteur, the committee chairman, one of the vice presidents of the Parliament, and the shadow rapporteurs or coordinators from the various political groups' (Farrell and Héritier, 2004: 1197) For more detailed information on informal early agreements see Farrell and Héritier (2004).

the Council's intention to support the EP position if the agreement is adopted in plenary. Despite this initiative, the development of information asymmetry between the parliamentary representatives present in the trilogue meetings (usually the rapporteur, shadow rapporteurs, and the committee chair) and the other Members of the European Parliament (MEPs) regarding the content of legislative acts and the position of the Council is inevitable. Negotiations with Council are often initiated by the rapporteur without a clear committee mandate, i.e. before the committee has even voted its draft position (Farrell and Héritier, 2004). In some cases the reports that rapporteurs suggest to their committees are de facto composed solely of amendments already agreed upon with the Council, thus rendering both committee and plenary negotiations virtually obsolete. Although in such cases the committees might have played a role in shaping the substance of the agreed upon text, the extent of this influence is impossible to objectively quantify. It is, however, reasonable to assume that whenever a committee position is virtually drafted and agreed upon outside the committee meetings with no prior mandate, the legislative power of the committees is weakened. A different scenario involves the cases in which an informal agreement is reached only after the committee has taken its final vote but before the plenary stage. In such case, it is hypothesized here that plenary would largely by-pass the committee's opinion and simply adopt the early inter-institutional agreement despite the non-binding character of the latter, which is possible due to the open amendment rule in committee and plenary.³ It has been suggested that when an informal trilogue 'works successfully, the Parliament and Council do little more than sign off on an early-agreement deal that has already been negotiated among a small group of actors' (Farrell and Héritier, 2007: 99). To what extent this is indeed the case is an empirical question, which deserved closer attention.

Hypothesis 1. The EP committees are less successful in having the plenary adopt their draft reports when an informal agreement is reached with the Council after the committee stage

³ 'Amendments for consideration in Parliament may be tabled by the committee responsible, a political group or at least 37 Members' (Rule 150 in EP, 2007b).

In order to examine this hypothesis, the average success of reports in the plenary is examined per committee both when there was an early agreement after the committee stage and when there was none. For the purpose, an original data set has been compiled, which includes all the substantive legislative reports falling under the codecision procedure, which had their first reading in committee and plenary during the 6th EP (2004-2009) (more on the sample in the research design section). Since nine of the twenty EP standing committees produced 90% of the substantive codecision acts in the period and no other committee drafted more than 5 reports, only those nine are examined below. To extract information on the existence and type early agreement, the committee reports, plenary debates and proposed party groups' and MEPs' amendments have been examined. These are available on web site of the Legislative Observatory of the European Parliament.

TABLE 1 ABOUT HERE

Table 1 displays how many reports a committee drafted, further sorted by early agreement and the stage at which the early agreement was reached, i.e. before or after the committee took its final vote. The latter distinction is an important one, since most often an agreement before the committee vote is associated with 100% adoption of the committee report in plenary (since it is de facto the early agreement text), and an agreement after the committee vote – with a lapse of most amendments proposed by the committee. The last three columns are the ones of interest here in testing Hypothesis 1. They represent the mean proportion of adopted EP amendments proposed by the committee, i.e. adopted committee amendments over total number of adopted amendments in the plenary. This is a measure of the mean success rate of committees in drafting the final parliamentary opinions. The means have been calculated for 1) all substantive codecision reports drafted by a committee; 2) only the committee reports which underwent an early agreement with the Council after the committee stage; and 3) only the committee reports which were not subject to any sort of an early agreement.

Due to the limited number of reports in each category, Monte Carlo simulations have been conducted to establish whether these means could have occurred by chance. For the purpose, for

each category 10,000 combinations of reports of N equal to that of the number of actual reports in the respective category have been drawn without replacement from the pool of the overall sample of reports in the EP. A mean is considered statistically significant if more than 95% (one-tailed) of the means of the generated groups within the respective category were less extreme than it. Thus, there is a 5% chance that observed committee mean has occurred by chance.

The results provide strong evidence in favour of Hypothesis 1. The mean success rate of committee reports in plenary is substantially lower when an early agreement after the committee stage is reached than when it is not, and most of these means have not occurred by chance. While the committee reports tend to be adopted in their entirety if an informal agreement was concluded before the committee stage (not in table), these reports are in reality not the product of the committee and, hence, cannot be considered as committee success. Thus, indeed the EP committees are most successful in influencing the EP position when no informal agreements are made, which used to be the status quo before the option of ‘fast track legislation’ was introduced by the Treaty of Amsterdam. For the cases with no early agreement, the mean proportion of adopted plenary amendments drafted by a committee appears to be over 90% for most committees (see last column), suggesting that to a large extent the committees draft their reports in anticipation of the plenary reaction. Thus, although the data examined here is not longitudinal, it hints that the EP committees have lost legislative power due to initiation of the practice of informal negotiations with the Council.

Table 1 portrays also significant differences among committees in the extent to which they manage to influence the parliamentary legislative positions. This curious observation combined with the interest in explaining variation in the level of adoption of individual reports by the plenary calls for a shift from aggregate to individual level analysis.

Explaining the variation in the success of reports in the plenary

In the concluding remarks of their study, evaluating when the EP is successful in getting its amendments accepted by the Council, Tsebelis et al (2001: 599) admit that future research on the policy influence of the EP will have to take into account other variables ‘like policy area of legislation, size of bills, density of amendments, political affiliation of rapporteurs of a bill’, which, they claim, would involve a shift in studies from amendments to legislative acts. In

contrast to research on the influence of the EP prevalent in the 1990s which assumed it to be a unitary actor (e.g. Tsebelis, 1994; König and Pöter, 2001; Moser, 1996), focus in recent research has been shifted towards examining the internal parliamentary organization and dynamics. Thus, numerous studies have been devoted to examining committee composition (Bowler and Farrell, 1995; Whitaker, 2001; McElroy, 2006; Rasmussen, 2008; Yordanova, 2009), the allocation of reports (Hausemer, 2006; Hoyland, 2006; Kaeding, 2004, 2005), party groups' politics and voting (Hix et al., 2007; Kreppel, 2002a), etc. However, rarely are the intra-parliamentary structures analysed in conjunction with the inter-institutional context. The question posed here – when does the plenary adopt the committee reports as its official positions – inevitably calls for the combination of both intra-parliamentary and extra-parliamentary explanatory factors.

It was already established above that the committees are more successful in having their reports adopted by the plenary when no informal agreement is reached between the EP and the Council. The hypotheses formulated here, therefore, turn to explaining how report-specific factors affect a report's fortune in plenary. More specifically, since the rapporteur is the one responsible for drafting the committee reports, negotiating with the Council, gathering majority support, presenting the draft report to the plenary, and following the development of the enacted legislative act all the way until its successful implementation (under the new procedure with scrutiny), the impact of his or her characteristics is the focus of attention. Due to their strong agenda-setting powers, the rapporteurs can have a substantial impact on the fortune of committee draft reports. Previous research has shown that the rapporteurs have gained in power vis-à-vis their committee colleagues due to the new practice of informal decision-making with the Council (Farrell and Héritier, 2004). Although they are expected to represent and seek the support of the majority of members in their committee rather than seeking to further their own policy interests this is not necessarily so.

Studies on report allocation have shown that, for instance, rapporteurs in the Committee on Environment, Public Health and Safety tend to be homogenous high demanders due to their interest group affiliations (Kaeding, 2004, 2005). While this does not necessarily mean that such rapporteurs would be proposing outlying draft reports, such an option cannot be excluded. Furthermore, while the EP committees have been shown to be largely representative of the plenary in terms of party group composition, the literature is divided with respect to how

representative they are in terms of the policy preferences of their members. While McElroy (2006) argues that committees reflect the ideological composition of the plenary, other research shows that occupational and interest group attachments are the only statistically significant determinants of committee membership (Bowler and Farrell, 1995) and some committees with targeted distributive output tend to attract MEPs with relevant interests group ties (Yordanova, 2009). Thus, an outlying proposal in a committee composed of outliers may be in line with the interests of the majority in the committee, but not with the majority in the plenary. The distributive congressional theory (Shepsle, 1978) provides an explanation for such a situation. It suggests that committees would tend to be staffed with homogeneous preference-outliers who serve the special interests of their constituencies. As a consequence, the policies they propose would be outlying and subtotal for the overall chamber. If that is the case in the European Parliament, given the lack of any EP restrictive rules safeguarding the committee proposals from amendments in plenary, it could be expected that outlying committee reports will be largely discarded on the floor. Since MEPs with special interest are more likely to have outlying preferences, the expectation is that:

Hypothesis 2. A committee report is less successful in plenary if it is drafted by a rapporteur with relevant special interests

Research on committee's composition and committee assignments has shown that MEPs with expertise tend to be assigned to their respective committees (Bowler and Farrell, 1995; McElroy, 2006; Yordanova, 2009). Furthermore, according to the informational theory (Krehbiel, 1991) the purpose of the legislative committees is to serve the informational needs of the plenary in a setting without a majority party, characterised by uncertainty about the link between policy output and policy outcome. If indeed EP committees serve the informational needs of the plenary, it is reasonable to expect that the relevant expertise of committee members would be utilized in drafting reports. Consequently, the plenary is less likely to amend a well-informed legislative report serving its informational needs. This leads to the following expectations.

Hypothesis 3. A committee report is more successful in plenary if it is drafted by a rapporteur with relevant expertise

Finally, the partisan theory (Cox and McCubbins, 1993) states that the committees serve the interests of the majority party to control its members via the assignment of office and resources and, thus, to enhance party cohesion. Since there is no majority party or majority party group in the European Parliament, analogically the party groups most often needed to form the necessary parliamentary majorities in passing legislation are expected to dominate the committee work. Analogically, they would also dominate the plenary. Hence, if the rapporteur comes from a big party group, fewer of the proposed committee amendments would be rejected in plenary. Farrell and Héritier (2004: 1200) argue that ‘rapporteurs are particularly powerful, when they are closely linked to the large political groups’, while ‘smaller political groups in the Parliament find themselves increasingly excluded from the decision-making’ (2004: 1201). The three biggest party groups in the EP currently are the Group of European People’s Party (Christian Democrats) and European Democrats (EPP-ED) with 268 members (288 post 2007 enlargement), Socialist Group in the European Parliament (PSE) with 200 members (217 post 2007 enlargement), and the Group of the Alliance of Liberals and Democrats for Europe (ALDE) with 88 members (100 post 2007 enlargement). Although ALDE is substantially smaller, it is included in the hypothesis since it serves as a convenient coalition partner and usually sides with one of the two bigger party groups in adopting the EP position. Thus:

Hypothesis 4. A committee report is more successful in plenary if it is drafted by a rapporteur affiliated with one of the three biggest party groups - EPP-ED, PSE and ALDE

In the case of an early agreement, Farrell and Héritier (2007: 100) have argued that ‘the power of the rapporteurs and shadow-rapporteurs of large political groups is greatly increased while the chairs of committees and the MEPs from small political groups suffer from a relative loss of influence’. The latter have traditionally used the parliamentary committees as a small arena to propose amendments and exert influence on legislation. The bigger party groups, however, being

the ones usually leading the informal negotiations and reaching an agreement with the Council, tend to marginalise smaller groups from the decision-making.

Research design

To test these hypotheses, a data set of all the substantive legislative acts, which underwent first reading in committee and plenary in the 6th EP has been collected. The unit of analysis is an individual codecision report. Reports falling under the simplified procedure without amendment and debate (Rule 131 in EP, 2007b), reports introducing the new regulatory procedure with scrutiny to old legislation, and reports concerned only with the nomination of new agency directors are not included in the sample. Furthermore, reports on which the respective committee proposed no amendments are excluded since it is not possible to measure any committee success rate in plenary for those. Finally, as in the aggregate analysis above, only the reports drafted by the nine most prolific committees are examined, amounting to a total of about 244 cases.

Measures

The dependent variable, representing the extent to which a committee draft report is unsuccessful in plenary, has been operationalised in two ways. The first one measures the proportion of amendments to the Commission proposal adopted in plenary not drafted by the responsible committee but by a party group/s and groups of at least 37 MEPs.⁴ The second one measures more directly the ‘failure’ of the committee draft report by counting the number of committee amendments rejected in plenary.

To test Hypotheses 2 and 3, measures of committee specific special interest and expertise of the rapporteurs have been constructed in accordance with the findings of Yordanova (2009) regarding the determinants of committee assignments. Thus, a rapporteur is considered to have committee specific special interest if he or she sits on the Environment committee and is linked to green groups; sits on the Employment and Social Affairs committee and has trade union ties; sits on the Industry committee or the committee on Economic and Monetary Affairs and has business/industry ties; or sits on the Civil Liberties committees and has ties to social groups

⁴ Since the 2007 accession of Bulgaria and Romania the minimum number of MEPs required to propose an amendment in plenary has been raised to 40.

dealing with people. While these special interests inevitably imply certain level of expertise, they are also associated with clear policy preferences outlying in a certain direction and, hence, deviating from the preferences of the median MEP in the plenary in the respective field. The operationalisation of the committee specific expertise derived from educational and professional experience rather than interest group ties is constructed in a similar fashion. Thus, a legislator is considered an expert in a committee field if he or she: sits of the committee of Environment, Public Health and Safety and has been educated in medicine or natural sciences/engineering; sits on the Industry committee and has education in natural sciences/engineering; sits on the committee of Economic and Monetary Affairs and has educational and professional knowledge in economic; sits on the Transport committee and has worked in transport sector; or sits of Legal Affairs committee and has legal education.

Dummy variables for affiliation with the EPP-ED, PSE and ALDE are added to test Hypothesis 4. Furthermore, it is controlled for the size of the national party delegation of the rapporteur.

The conditioning variables are two dummies for informal early agreement with the Council – one for agreement before the committee stage and one for agreement after the committee stage. This distinction is necessary as the two options can lead to opposite results with respect to the dependent variable. Including these dummies allows evaluating the unique impact of the other potentially influential factors controlling for the impact of early agreements.

To control for the complexity of the report, a variable presenting the number of committee which have been consulted for opinion is used as a proxy. Additionally, the level of committee support for a draft report is measured by the proportion of committee member who voted in favour of the report in the final committee vote. Since committees are microcosms of the plenary, the outcome of committee votes can serve as a predictor of the outcome in plenary. It can also be a signal to the plenary regarding the level of controversy of the report. Although Settembri and Neuhold (2009) have shown that committees generally work consensually, nevertheless they have found variation across policy areas. Additionally, in the second model analysing the number of committee amendments rejected in plenary it is controlled for the total number of amendments proposed by a committee in its report to account for the level of controversy surrounding the specific legislation.

Finally, committee dummies are included. Table 1 showed that there are substantive differences among committees. The committee dummies are used as an approximation of the policy areas, not unlike in Kreppel's study (1999) on acceptance of the Council EP amendments under the cooperation procedure.

Methods

The different distributions of the two operationalised dependent variables call for different types of analysis. While an OLS regression is used to examine the proportion of adopted plenary amendments proposed by a committee, a poisson count model is considered more appropriate in examining the number of proposed committee amendments rejected in plenary. Furthermore, since reports drafted by one committee are expected to be more alike than reports of different committees, robust standard errors clustered by committee are used.

Results

The results of the regression analyses are presented in Table 2. They provide no evidence for Hypothesis 2 regarding the negative impact of rapporteurs' special interests on the success of proposed committee amendments in plenary. However, there is evidence for Hypothesis 3. Fewer committee amendments appear to be rejected in plenary if rapporteur has relevant expertise. Finally, evidence for Hypothesis 4 is mixed. Only if the rapporteur is affiliated with PSE rather than any small party group are less committee amendments rejected in plenary. This could most likely be explained with the fact that rapporteurs from PSE concluded much fewer early agreements with the Council after the committee vote than rapporteurs from EPP-ED or ALDE, while they concluded most of early agreements before the committee vote.

[TABLE 2 ABOUT HERE]

These effects do not show up when the overall proportion of adopted plenary amendments not drafted by the committee is examined. This is likely because many more factors are at play when looking simultaneously at the acceptance rate of committee amendments and amendments proposed by party groups and groups of MEPs. The sole adoption of new non-committee amendments drives the proportion of adopted plenary amendments not drafted by the committee up even if all the proposed committee amendments are adopted. Contrastingly, looking at the

rejection rate of proposed committee amendments is a much more direct measure of committee ‘failure’.

The effects of the control variables in the second model work in the expected direction although they do not reach statistical significance. When there is high committee support for a report, fewer of the proposed committee amendments get rejected in plenary. In contrast, the level of complexity of the report, measured in terms of the number of committees consulted for opinion, has a positive effect on the number of committee amendments rejected in plenary. The size of the national party of the rapporteur has no statistically significant effect, either. However, not surprisingly, there is strong evidence that the more amendments a committee proposes to a legislative proposal, the more committee amendments are rejected in plenary.

The differences between committees in the first model are congruent with the findings of the aggregate analysis. In terms of rejection rate of proposed committee amendments in the second model, the Environment and Civil Liberties seem to be the leaders, accompanied by the committees on Employment and Social Affairs and the Legal Affairs committee.

Not surprisingly, the first model shows a strong positive predictor of the proportion of adopted plenary amendments not drafted by the responsible committee is the conclusion of an early agreement with the Council after the committee stage. Alternatively, the second model demonstrates that when an early agreement was reached before the committee stage, fewer of the proposed committee reports are rejected. This proves an earlier statement in this paper that a committee report is basically identical with the early agreement with the Council if the latter was reached before the committee stage.

Discussion

While it is generally claimed that the European Parliament (EP) de facto drafts its positions on legislative proposals already at the committee stage, this paper has shown that this is not necessarily the case. The extent to which committees are successful in having the plenary adopt their reports as the official parliamentary positions is heavily influenced by ongoing informal trilogue negotiations and their progress in reaching informal inter-institutional agreements. In fact, the EP committee are generally only successful in drafting the adopted parliamentary positions if no early agreements are reached with the Council, which most often render the

committee reports obsolete. These findings put in doubt the general perception that the European Parliament is a legislature with strong committees. At least, their legislative power is not unconditional.

The aggregate analysis of committees' success in affecting the parliamentary positions showed that when legislative acts are adopted in the EP plenary following the traditional decision-making mode, they are largely based on the committee reports. However, the proportion of adopted committee amendments of the final number of adopted amendments drops substantially if an informal agreement with the Council is reached after the committee stage. While occasionally the Council would agree to adopt some of the proposed committee amendments, it is not uncommon to see all the committee amendments being lapsed in plenary and instead an alternative set of amendments proposed by a number of party groups being adopted in their entirety. Thus, the committees' legislative impact has significantly declined as a result of the new mode of informal decision making.

Despite gains in efficiency, the new procedure of 'fast track legislation' has weakened some intra-parliamentary structures and actors, and has led to a decrease of transparency, deterioration of open democratic debate in committees, and severe information asymmetry between legislators. The representative role and legitimacy of the democratically elected Parliament is threatened by the secretive decision-making, leaving it unclear in view of whose interests the parliamentary position is negotiated at trilogue meetings and virtually excluding legislators from small party groups from the legislative process. Upon an early agreement, deliberation in plenary serves only as means of advertising actors' positions to voters rather than making any real changes or reaching political consensus. Additionally, the rationale behind bicameralism and division of legislative power between the EP and the Council has become unclear. If the EP takes its decisions in collusion with the Council before even having adopted its own position, then why have a democratically elected Parliament? In summary, as Farrell and Héritier (2007: 103) have concluded: 'The Parliament, faced with the choice between gaining power in insulated trilogues and informal agreements on the one hand and a loss in its function as a democratic arena of debate on the other, decided in favour of the first'.

Taking early agreements aside, committee reports are better received in the plenary when they are drafted by rapporteurs with relevant expertise, while the rapporteurs' special interests do not have any significant impact. Thus, in accordance with the informational theory, when the committees serve the informational needs of the plenary their output is largely accepted. Additionally, the rapporteurs's from PSE are more successful in having their amendments not rejected in plenary. This, however, is not simply due to the size of their party group (as the same does not hold for EPP-ED) but also to the fact that they tend to reach more often an agreement with the Council before the committee stage, and less often thereafter as compared to the rapporteurs from other party groups.

Future research still needs to explain the observed strong variation in legislative influence between committees. Why are some committees better able to have the plenary adopt their reports as the official parliamentary positions than others? Furthermore, it would be interesting to compare the legislative influence of committees over the plenary under the codecision and consultation procedures.

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Table 1 Mean proportion of amendments in EP opinion derived from a committee report

<i>Committee</i>	<i>N</i>	<i>Early agreement</i>	<i>Agreement before comm. vote</i>	<i>Agreement after comm. vote</i>	<i>Mean for all report</i>	<i>Mean if agreement after comm. vote</i>	<i>Mean if no agreement</i>
ECON	23	17	3	14	0.47* (0.46)	0.16* (0.33)	0.89 (0.17)
EMPL	22	14	4	10	0.85* (0.32)	0.69* (0.43)	0.98* (0.03)
ENVI	63	29	1	28	0.49* (0.43)	0.05* (0.11)	0.80* (0.25)
ITRE	24	10	1	9	0.94* (0.2)	0.89* (0.33)	0.97* (0.04)
IMCO	21	15	0	15	0.46* (0.48)	0.27 (0.43)	0.94 (0.06)
TRAN	41	14	1	13	0.70 (0.4)	0.18* (0.3)	0.94 (0.09)
CULT	20	11	6	5	0.79 (0.36)	0.29 (0.43)	0.92 (0.07)
JURI	20	12	2	10	0.65 (0.38)	0.36 (0.33)	0.94 (0.07)
LIBE	31	19	14	5	0.92* (0.21)	0.67* (0.47)	0.94 (0.09)
EP	265	141	32	109	0.67 (0.42)	0.30 (.40)	0.91 (0.16)

* Significance at 5% one-tailed derived from the distribution of the 10,000 simulated committees' means by Monte Carlo simulations. Std. Deviation displayed in brackets.

Notes: ECON: Economic and Monetary Affairs; EMPL: Employment and Social Affairs; ENVI: Environment, Public Health and Food Safety; ITRE: Industry, Research and Energy; IMCO: Internal Market and Consumer Protection; TRAN: Transport and Tourism; CULT: Culture and Education; JURI: Legal Affairs; LIBE: Civil Liberties, Justice and Home Affairs;

Table 2 OLS: Proportion adopted plenary amendments not drafted by the committee & Poisson:
Number of rejected 'committee amendments' in plenary

	<i>Non-committee over total adopted amendments</i>	<i>Number of rejected 'comm. amendments' in plenary</i>
Total No. of committees amendments		.009*** (.002)
Level of committee support	-.203 (.171)	-3.385 (2.493)
Complexity (No. of opinion comms)	.016* (.007)	-.048 (.042)
Special interests of rapporteur	-.001 (.033)	-.503 (.460)
Expertise of rapporteur	.034 (.034)	-.343*** (.092)
National party size of rapp.	.000 (.001)	.007 (.006)
EPP_ED	-.041 (.056)	.211 (.229)
PSE	-.022 (.058)	-.626* (.338)
ALDE	-.007 (.069)	.159 (.211)
ECON	.095*** (.019)	-.262 (.177)
EMPL	-.209*** (.022)	.374*** (.180)
ENVI	.117** (.038)	1.283*** (.132)
ITRE	-.298*** (.030)	-.860*** (.099)
TRAN	.055 (.038)	.014 (.163)
CULT	-.019 (.036)	.661* (.353)
JURI	-.047 (.029)	.620** (.293)
LIBE	-.092** (.039)	2.230*** (.335)
Early agreement <u>after</u> comm. vote	.612*** (.105)	-.821 (.902)
Early agreement <u>before</u> comm. vote	.009 (.034)	-2.556*** (.665)
Constant	.250 (.234)	.009*** (.002)
<i>Rsq / Pseudo Rsq</i>	.68	.46
<i>Log-likelihood</i>		-341.5
<i>N</i>	244	244

Standard errors in brackets. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$