

**ACHIEVING CONSENSUS THROUGH COMMITTEES:
DOES THE SIXTH EUROPEAN PARLIAMENT CONTINUE TO MANAGE?**

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2E Changing internal dynamics in the European Parliament

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Introduction

Like (and perhaps even more than) other institutions of the European Union (EU), also the EP is exposed to robust pressures as the EU expands its membership to 25, soon 27 states. Hix, Noury and Roland (2007, p. 285) are explicit on this point: the EP 'has the potential to be the most fragmented parliament in the world'. The enlargement certainly does not alleviate this condition nor diminishes the potential. Identifying the pressures at stake and detecting their repercussions can be, for several reasons, both problematic and fascinating. On the one hand, the conceptualisation of the enlargement as an independent variable determining fundamental changes to organisations confronts scholars with several and severe methodological puzzles. On the other hand, phrasing a research question in terms of what the expansion of the EU does to its institutions, policies, values and norms is a legitimate and to a certain extent inevitable choice: depending on the answers one obtains, the assessment of past enlargements can be properly undertaken, the viability of future enlargements can be more easily predicted and the sustainability of the current settings can be more precisely determined.

The risky side of this exercise includes many dimensions: first, the enlargement acts on the EU in conjunction with many other forces whose impact can hardly be separated from the fact that more Member States (MSs) join the EU. In many cases, for example, treaty changes are adopted in the perspective of an enlargement, which in itself alters the basis for comparison: the Union in which one pretends to 'measure' the change brought about by the enlargement is often very different from the one taken as a point of reference, before the enlargement took place. Second, the impact of the enlargement can hardly be conceived as a homogeneous phenomenon, given that the pressures it can exert vary greatly across institutions, policy areas, and other dimensions, and that the change these pressures can foster depends very much on the predisposition for change of the institution, the organisation or the actor that 'receives' it (horizontal complexity). Third, even when one identifies a specific target to detect change, it is not obvious nor always possible to trace a single or a consistent pattern of change: in the case of an institution of the EU, for example, it may well be that the enlargement alters profoundly some aspects of its organisation, but does not affect at all its contribution to the legislative process (vertical complexity). As the enlargement can impact with varying intensity on different dimensions, one needs to be explicit about the specific aspects that are targeted by the research and prudent on the conclusions that can be drawn.

In addition to connecting with the enlargement dimension, this study intersects the literature on the role of EP committees and the various works on the place of the EP in the EU legislative process. As for the first aspect, EP committees have unsurprisingly attracted increasing attention in recent years: their reevaluation went hand in hand with the fast acquisition of new powers by the EP. They have become a key element in the EU policy-making process and are today seen as a vital contribution to the shaping of legislation, effectively pictured as ‘legislative backbone’ of the EP (Westlake 1994, p. 191). Several new studies shed light on these fora, particularly paying attention to appointments to committees, selection of committee chairs and distribution of reports within the committees (Mamadouh and Raunio 2003; McElroy 2001; Whitaker 2005), while others describe in great detail their prerogatives and duties (for example, Corbett *et al.* 2005). Yet, their political evolution, including the emerging elements of differentiation between committees, has been slightly overlooked, at least from the perspective taken in this article.

From a theoretical point of view, interest in committees is based on the belief that parliamentary procedures may affect political outcomes and that is therefore desirable to shed light on the organisation and functioning rules of legislatures. As Shepsle and Weingast (1994, p. 151) point out, this assumption used not to be obvious: ‘features of legislative structure and process as the committee system [...] figured hardly at all in the first-generation formal models’. Explaining how committees operate is the objective of a fructuous literature interested in legislative organisation and developed around the U.S. Congress. Over time, three main competing models have been proposed to analyse committees. According to the distributive perspective (Baron 1991; Weingast and Marshall 1998), members decide the committee to join, which results in committees dominated by “high demanders” that generate constituency-specific benefits to secure their re-election (Whitaker 2005, p. 6). On the contrary, Cox and McCubbins (1993) suggest that committees are instruments of the majority party: as a consequence, committee chairs exercise power on behalf of their respective parties (Mattson and Strøm 1995, p. 255), highly influential positions within committee are pre-dominantly reserved to those that vote with the party and also transferral to highly popular committees is done according to these criteria. Furthermore the (majority) party is seen to have a firm grip on its members when it comes to house rules and as such can gain control of the institution itself (Cox and McCubbins 1993, p. 2, 278; McElroy 2001, p. 3). Finally, other scholars regard committees, whose members are considered specialised but not necessarily high demanders, as efficient generators of information (Gilligan and Krehbiel 1989).

As far as the EP committees are concerned, these models have been applied with parsimony, if nothing because the EP can hardly be compared to other national legislatures and, similarly, the treatment of its committees requires special caution. If, for example, one follows Norton (1990, p. 1) in defining Parliaments as ‘constitutionally designated institutions for giving assent to binding measures of public policy’, then the EP, in many respects, cannot be considered as a Parliament. *A fortiori*, these caveats apply to EP committees. At the same time, however, the committee system is one of the most distinctive and developed features of the EP. Following the typology proposed by Mattson and Strøm (1995, p. 259), the EP structure comprises samples of all the five existing committee variants: there are, for example, cases of (1) *ad hoc committees*¹, (2) *law-making committees by function*², like the committees on constitutional affairs or on budgets, (3) *specialized committees*, which are the vast majority, as well as (4) *non-law-making committees*, like the one on petitions. Eventually, since the introduction of the co-decision procedure, the system also includes an example of a (5) *joint committee*, namely the conciliation committee.

As for the place of the EP in the legislative process, the literature is more developed, but views are also more divided. In the context of a vast, sophisticated and growing literature, scholars disagree over crucial aspects such as whether and under what conditions the Parliament is a strong and important player. Selck and Steunenberg (2004), for example, provocatively but convincingly argue that, probably because of pure luck, the Parliament shows greater legislative abilities and proves able to pull the outcome closer to its preference under consultation than codecision procedure. Similarly, against the opinion of the vast majority of scholars and practitioners (Corbett 2000; Crombez 2000; Scully 1997), Tsebelis and Garrett (2000) put forward the controversial and counterintuitive argument that the EP is more powerful under cooperation than codecision procedure. Moreover, Burns (2005), from a different perspective, finds that the EP is much more influential on regulatory rather than distributive and redistributive issues.

These rapid references suggest two observations: first of all, that committees play a central role in the ways in which the EP operates and that more study in this field is

¹ Such as, in the 2004-2009 EP, the temporary committee on policy challenges and budgetary means of the enlarged Union 2007-2013.

² These permanent committees not only prepare legislation, but also additionally differentiate their law-making functions by preparing, for instance, all legislation of a particular type (such as constitutional law) or for one geographical region (Mattson and Strøm 1995: 259).

needed. Second, that before the uncertainty over the measurement of power and weakness in the EP, it might be more useful and cautious to embrace a slightly different approach, thus exploring the patterns of consensus and conflict in the EP committees. On the latter aspect, the literature is equally on the rise but mainly confined to the study of the voting behaviour in plenary.³ Probably because their activities are hardly visible, very fragmented into many specialised arenas and quite dissuasive to follow due to their technical content, committees have often received partial, superficial or just anecdotal attention.

In this study enlargement is not assumed (not even suggested) as the driving force behind the changes. No change is indeed predicted. On the contrary, the working hypothesis is that, despite the increased membership and the greater political diversity in the sixth European Parliament, committees are as successful in achieving consensus as they were in the previous legislature. The enlargement dimension is inevitably nested in this research design because the study revolves around the contrast between two sets of comparable information, before and after the accession of the new MSs. The logical order of inter-linked research question(s) is thus the following: what has changed in the ways in which committees fulfil their legislative responsibilities before and after the enlargement? How can persistence or variation detected be best explained? How is the overall committee system of the EP evolving? How does the enlargement of May 2004 fit into these explanations?

The rest of the article is organised as follows: the next section explains the limits and the merits of our data, including a description of some key indexes applied to our quantitative evidence; section three presents the main findings, on the basis of quantitative information, whereas section four, on the basis of some preliminary interviews, offers an interpretation of the changes detected in the previous section and suggests the next steps to improve the explanations proposed in this article. The conclusion summarises the general findings.

1. The data: limitations and assets

The quality of the answers that can be offered to the ambitious questions spelled out at the end of the previous section depends very much on the quality (and quantity) of empirical evidence one can rely upon. Due to the complexity of the phenomena under

³ See, for example, the numerous works of Hix, Noury and Roland, including the latest book *Democratic Politics in the European Parliament* (2007, Cambridge University Press).

analysis, the dimensions of parliamentary activity to be considered would be numerous. Among others, this work privileges two combined approaches. On the one hand, it looks at voting behaviour: this is perhaps the most understudied dimension of EP committees, despite the fact that voting behaviour as such is very common for the study of legislatures in general (for example, Poole and Rosenthal 1997) and voting behaviour in plenary is one of the most developed fields in the study of the EP in particular. On the other hand, this paper offers selected qualitative evidence to shed lights on the specific mechanisms that determine the politics of committees.

Studying voting behaviour in the EP is challenging. Roll call votes - the only votes providing information on how each MEP voted - only take place if requested by a political group or (currently) 37 MEPs⁴ and account, in total, for roughly just one-third of EP votes (Hix *et al.* 2007). Moreover, they cannot be treated as a representative sample of the entire population of EP votes because the reality that they picture is biased by the reasons underlying their request (Carrubba *et al.* 2003). When it comes to committees, however, the challenge of studying behaviour is even more severe, as there are no roll call votes at all. Yet, committees vote on amendments and on the final legislative resolution that is sent to the plenary for adoption. The overall result of the latter vote is recorded and there are various reasons to pay attention to these votes. Compared to roll call votes in plenary, the information provided by committee votes on final texts in committee is certainly poorer: records of such votes do not give an indication of the way individual members voted (unless, obviously, the vote is unanimous). Yet, by revealing the number of “Yes”, “No” and “Abstain”, final votes in committee represent a fair synthesis of alignments on a text, describing with a fair degree of approximation the camps of those who supported or opposed the outcome.

To exploit this potential, all 945 final legislative reports adopted during the periods July 1999 – July 2001 and July 2004 – July 2006 have been collected and analysed with respect to the number of deputies supporting and opposing each text (or abstaining), the procedure applied and the committee primarily responsible.⁵ On the basis of this

⁴ Except for a few cases in which a roll call vote is automatic.

⁵ Were considered as “legislative reports” all texts adopted in the framework of legislative and budgetary procedures as well as interinstitutional agreements. A very limited number of these reports (less than 1%) could not be used because of missing information. Moreover, when a text was adopted according to a simplified procedure, allowing a report to be considered as approved if 1/5 of the committee does not show opposition, the agreement was considered as unanimous. Finally, to determine the majority for the adoption of each report, Yes votes were counted against No votes. However, although committees decide on the basis of the absolute majority of votes cast, in case reports adopted under procedures requiring in plenary the support of an absolute majority of members of Parliament, abstentions were considered as No votes.

information, three indexes have been calculated: the average of the majorities adopting a text (MEAN), their Standard Deviation (STDEV) and a similar index that we called the “Index of Political Perturbation” (IPP). The MEAN represents very broadly (and roughly) the general level of consensus within a committee, in the adoption of reports subject to the same procedure or in the overall legislative activity performed by committees. The STDEV is an indication of how much variation around the mean there is in each case, and whether this variation is consistent across committees, procedures and time periods. The IPP is conceived and introduced to overcome some of the limitations of the STDEV, making it more suitable for the study of voting behaviour and for comparative analyses.⁶

Figure 1 - Standard Deviation

$$\sqrt{\frac{\sum_{i=1}^N (X_{i+1} - \bar{X})^2}{N}} =$$

Figure 2 - Index of Political Perturbation

$$\sqrt{\frac{\sum_{i=1}^N (x_{i+1} - 100)^2}{N}} =$$

If one considers as the population the sizes of the winning majorities in a number of votes taking place in a committee, the STDEV tells us how distant (the scores of) these majorities are from the size - i.e. the score - of the average majority (whose value obviously changes from population to population). The IPP, on the contrary, indicates how distant the majorities are from the most consensual vote one could imagine, which is the one where all voted Yes (i.e. a majority of 100%). Compared to the STDEV, the IPP is better suited for comparison, as the reference value remains constant. The STDEV measures how spread out the values in a data set are from their arithmetical mean, which makes the index problematic when comparing two data sets, whose arithmetical means can be quite different. Where the IPP is high, on the contrary, one immediately

⁶ Whereas the STDEV is the square root of the average squared deviation of each score from its mean, the IPP is the average squared deviation of each score from 100, which is the highest possible value of the population. A small STDEV describes a population where scores are clustered around the mean, whereas a small IPP represents a population clustered to the highest possible value (i.e. 100).

understands that the votes taken in a given committee (or under a given procedure) are quite controversial, because they generate dissent and prevent consensus. And on the basis of similar information from two committees, one would be in a position to conclude that one committee is more consensual than the other.⁷

As for our qualitative data, 30 interviews have been conducted with MEPs and Members of the EP General Secretariat before enlargement i.a. to probe into the intriguing question of how consensus is achieved within committees.⁸ A selected number of interviews have been conducted after enlargement, in 2006. The interview partners were chosen as regards to their involvement the negotiation of contested pieces of legislation during EP5⁹ and EP6.¹⁰

2. The findings

The votes on the legislative reports adopted in the periods July 2004 – July 2006 and July 1999 – July 2001 are summarised in the following tables.

⁷ Just like the STDEV, the IPP is sensitive to extreme scores (because of the squaring), which is appropriate in both cases, since scores further from the mean and from the most consensual vote, respectively, may be more significant. It is certainly the case for the IPP: a vote cast with a 51% majority in a population of other 9 consensual votes “hurts” (or perturbs) more in terms of political conflict than 10 votes cast with a majority of 95%. In the case of votes cast under the traditional majority rule (50% + 1), the IPP goes from 0 – where all votes are unanimous - to 49,9 – where the tightest majority endorses all votes. The STDEV goes from 0 – where all votes are identical - to 35,4 – where there are only 2 votes: one is unanimous and the other is the tightest majority.

⁸ An overview of the interviews conducted during the period of 2000-2002, the cases selected and the results is given in: xxx (2002) and in: xxx 2007.

⁹ The dossiers studied before enlargement included for example the Directive on Equal treatment without racial discrimination (Directive 00/43/EC) and the Directive of Open network provision (ONP) to voice telephony. Universal service for telecommunications (Directive 98/10/EC) .

¹⁰ The pieces of (draft) legislation studied during EP6 comprise the following: Port Services (Directive Proposal for a directive of the European Parliament and of the Council on market access to port services (COM (2004) 0654 – C6 – 0147/2004/0240 (COD)), Bolkestein Directive Proposal for a directive of the European Parliament and of the Council on services in the internal market (COM (2004)0002 – C5-0069/2004 – 2004/0001 (COD)) and REACH (Proposal for a regulation of the European Parliament and of the Council concerning the registration, evaluation, authorisation and restriction of chemicals, COM 2003 0644 (03).

Table 1 - Voting behaviour in EP committees (by committee): July 2004 - July 2006

			No. Reports	MEAN (%)	IPP	STDEV	IPP-STDEV
1	AFET	Foreign Affairs	24	98.0	4.8	4.5	0.4
2	DEVE	Development	7	100.0	0.0	0.0	0.0
3	INTA	International Trade	17	99.3	3.0	3.0	0.0
4	BUDG	Budgets	46	97.6	5.7	5.3	0.5
5	CONT	Budgetary Control	5	94.4	7.9	6.3	1.6
6	ECON	Economic and Monetary Affairs	34	95.1	12.1	11.2	0.9
7	EMPL	Employment and Social Affairs	13	90.5	17.3	15.1	2.2
8	ENVI	Environment, Public Health and Food Safety	46	90.2	16.1	12.9	3.2
9	ITRE	Industry, Research and Energy	18	92.6	10.3	7.4	2.9
10	IMCO	Internal Market and Consumer Protection	10	95.4	9.8	9.1	0.7
11	TRAN	Transport and Tourism	43	91.0	17.0	14.6	2.4
12	REGI	Regional Development	12	95.9	5.7	4.1	1.5
13	AGRI	Agriculture and Rural Development	36	98.4	4.0	3.7	0.3
14	PECH	Fisheries	37	95.8	6.6	5.2	1.4
15	CULT	Culture and Education	16	95.3	11.8	11.2	0.6
16	JURI	Legal Affairs	41	99.1	6.0	6.0	0.0
17	LIBE	Civil Liberties, Justice and Home Affairs	55	95.1	11.7	10.7	1.0
18	AFCO	Constitutional Affairs	4	94.6	10.7	10.7	0.0
19	FEMM	Women's Rights and Gender Equality	5	96.8	5.3	4.6	0.6
20	PETI	Petitions	0	0.0	0.0	0.0	0.0
TOTAL			469	95.1	10.6	9.6	1.1

Table 2 - Voting behaviour in EP committees (by committee): July 1999 - July 2001

			No. Reports	MEAN (%)	IPP	STDEV	IPP-STDEV
1	AFET	Foreign Affairs, Human Rights, Common Security and Defence Policy	13	96.1	6.0	4.8	1.3
2	BUDG	Budgets	42	97.4	7.5	7.1	0.4
3	CONT	Budgetary Control	0	0.0	0.0	0.0	0.0
4	LIBE	Citizens' Freedoms and Rights, Justice and Home Affairs	51	91.9	15.9	13.9	2.1
5	ECON	Economic and Monetary Affairs	27	95.8	8.1	7.1	1.0
6	JURI	Legal Affairs and the Internal Market	36	94.3	13.5	12.4	1.1
7	ITRE	Industry, External Trade, Research and Energy	48	97.5	5.3	4.7	0.6
8	EMPL	Employment and Social Affairs	14	93.5	11.1	9.3	1.8
9	ENVI	Environment, Public Health and Consumer Policy	96	92.3	13.7	11.4	2.3
10	AGRI	Agriculture and Rural Development	36	97.2	6.4	5.8	0.6
11	PECH	Fisheries	32	97.5	5.1	4.5	0.6
12	RETT	Regional Policy, Transport and Tourism	44	94.9	12.7	11.7	0.9
13	CULT	Culture, Youth, Education, the Media and Sport	14	97.4	5.3	4.8	0.5
14	DEVE	Development and Cooperation	13	94.6	13.4	12.7	0.7
15	AFCO	Constitutional Affairs	7	86.2	18.5	13.4	5.2
16	FEMM	Women's Rights and Equal Opportunities	3	96.4	6.2	6.2	0.0
17	PETI	Petitions	0	0.0	0.0	0.0	0.0
TOTAL			476	94.8	11.2	10.0	1.3

Table 3 - Voting behaviour in EP committees (by procedure): July 2004 - July 2006

		No. Reports	MEAN (%)	IPP	STDEV	IPP-STDEV
Consultation	*	215	96.9	7.6	7.0	0.6
Assent	***	33	98.5	3.7	3.5	0.2
Codecision (1st reading)	***I	129	95.8	9.3	8.3	1.0
Codecision (2nd reading)	***II	48	83.8	23.2	16.8	6.4
Codecision (3rd reading)	***III	0	0.0	0.0	0.0	0.0
Cooperation (1st reading)	**I	1	92.9	0.0	0.0	0.0
Cooperation (2nd reading)	**II	1	65.4	0.0	0.0	0.0
Budgetary procedure	BDG	31	97.3	6.2	5.7	0.5
Interinstitutional agreem.	INT	11	96.9	7.5	7.1	0.3

Table 4 - Voting behaviour in EP committees (by procedure): July 1999 - July 2001

		No. Reports	MEAN (%)	IPP	STDEV	IPP-STDEV
Consultation	*	190	95.8	10.0	9.1	0.9
Assent	***	18	98.3	5.4	5.2	0.1
Codecision (1st reading)	***I	121	96.1	9.6	8.8	0.8
Codecision (2nd reading)	***II	84	92.2	15.1	13.0	2.1
Codecision (3rd reading)	***III	29	85.1	18.2	10.5	7.7
Cooperation (1st reading)	**I	0	0.0	0.0	0.0	0.0
Cooperation (2nd reading)	**II	0	0.0	0.0	0.0	0.0
Budgetary procedure	BDG	26	98.0	4.4	4.0	0.4
Interinstitutional agreem.	INT	8	98.9	2.1	2.0	0.2

The interpretation of these data can be divided into two parts, dealing with an interpretation of the data *per se* and in connection with the recent enlargement, respectively.

2.1 Overview on voting behaviour in EP committees

Results on the voting practice in EP committees are quite astonishing: votes in all committees and under all procedures are virtually unanimous. The average majorities endorsing a text in the first two years of EP5 and EP6 are 94,8% and 95,1%, respectively. On average, a ‘giant coalition’ is behind any final vote: the unanimous bloc is equally present in all committees and under every legislative procedure. In both legislatures, the EP proved more consensual when it was only required to deliver an opinion than in cases where its assent was necessary to adopt legislation. On average, a majority constantly above 90% endorses reports under codecision: 93,3% and 92,5% in EP5 and EP6, respectively (all readings taken together).

Yet, although under the shadow of a very consensual political culture, some patterns of differentiation across committees seem to be emerging. In both legislatures is present a group of committees whose political temperature occasionally rises, leading to IPP values above 10. The intermittent nature of political conflict in these cases is confirmed by the fact that high IPP values are accompanied by relatively high STDEV values. This means that IPP values above 10 are not due to the occurrence of a series of quasi-unanimous votes, but that they are generated by a certain number of tight majorities in a population of usually unanimous votes. The same occurs, *mutatis mutandis*, for procedures: although votes under consultation show levels of political conflict comparable to those taken under consultation first reading, the perturbation mounts as codecision moves towards the subsequent stages. The higher IPP values recorded under consultation second and third

readings are only partly explained by the fact that abstentions are added to No votes: they also reflect a stronger contentiousness. The fact that the difference between IPP and STDEV values grows higher under codecision second and third readings proves that the overall level of consensus is declining, suggesting the presence of a small portion of the committee excluded by the negotiation and the final decision on a more permanent basis than under other procedures during those phases of the legislative process.

2.2. Before and after the enlargement

Differences between the first two years of legislative activities in EP5 and EP6 are not manifest. At the macro level, the general level of consensus (the MEAN), the STDEV and the IPP for the two periods are almost identical. The total legislative output generated by committees did not suffer (nor benefited) from the increased membership of the EP: the difference between the number of reports adopted in EP5 and EP6 is minimal: 7 reports. This is particularly emblematic as the second semester of 2004 saw the legislative activity significantly slowed down by the late approval of the Barroso Commission and by the fact that many more files than usual had been on purpose finalised before the accession of the 10 new MSs and the European election of 2004.

A closer look at the above tables shows that political conflict is generally more pronounced in the same committees in the two legislatures. Out of the 7 and 8 committees scoring values above 10 in terms of IPP (in EP5 and EP6, respectively), 5 are the same (EMPL, ENVI, TRAN¹¹, LIBE, AFCO): the other committees either have an IPP close to 10 or are not comparable because the same committee did not exist in both legislatures. On the contrary, political conflict remains low and decreases between EP5 and EP6 in some selected committees: AFET, BUDG and AGRI. Although not decreasing, political conflict remains relatively low in PECH. The evolution of these two groups of committees (the former conflictual five and the latter consensual four) suggests that the bifurcation between them is growing larger. Other committees cannot be safely located in this dichotomy, either because they did not exist in the previous EPs or because they have not been responsible (yet) of a sufficient number of reports to draw statistically significant conclusions.

¹¹ TRAN was not present in EP5, as Transport and Tourism were covered by RETT, which was also responsible for Regional Policy.

When it comes to procedures, the main difference between the two legislatures is the disappearance of the third reading of codecision in EP6. Reports adopted under codecision diminished significantly too. However, this decline is distributed unevenly across procedures: reports adopted under first reading have slightly grown, those under the second reading have declined almost by a half, whereas no report was adopted under third reading in EP6 committees (against 29 reports during the first two years of EP5). These data betray the will of MEPs and political groups to avoid the stage of negotiations in conciliation, perhaps fearing that it will not work with a delegation of 25. The diminution of codecision reports is in part compensated by the slight increase in the number of reports adopted under consultation (25 reports). In terms of political conflict, whereas consultation and assent procedures become more consensual, codecision files are treated very differently between the first and the second reading and this difference is much more evident in EP6 than in EP5. Moreover, as in EP6 the option of a third reading seems to be particularly unattractive, political conflict is anticipated and concentrated in the second reading, where the highest scores of IPP are recorded.

3. Investigating change and persistence

More than explaining *how* consensus is achieved, these data illustrate *where* and *under what conditions* consensus is more likely to occur. To go beyond these preliminary conclusions, one needs to look at the mechanisms whereby negotiations are conducted and compromises are reached. To do so, two complementary strategies are suggested: focusing on key committee players and paying greater attention to selected case studies.

First, like and much more so than the plenary, committee proceedings are to a large extent shaped by key players, who contribute to building consensus and whose role is ignored by data on voting behaviour. Beside the role of committee chairs and rapporteurs, whose key role as ‘legislative entrepreneurs’ has been properly described elsewhere (Benedetto 2005), political groups have a firm grip on committee proceedings also by way of group coordinators and shadow rapporteurs where the interplay between these different actors is often and regrettably overlooked.

Based on interview data obtained before and after enlargement we can observe that coordinators (still) play a key role in the quest of achieving consensus in committee (and

beyond).¹² Each political group chooses its own co-ordinator as its main spokesperson and these are in most cases formally elected. Group co-ordinators have been described as acting as “*watchdogs*” for their party in committee¹³ or as “whips”, convening meetings of group members before the committee meeting begins, and attempting to maximise their group’s presence and influence during important votes not only in committee but in plenary (Corbett *et al* 2000, p. 111). In this context it is noteworthy that already before enlargement coordinators perceived it as one of their main tasks to achieve consensus within ‘their’ political group within committee (even it might mean having to bypass the rapporteur). One interview partner clearly identified his or her role as having to ensure that members of the group adhere to more or less the same position:

‘We have to ensure that the political group is moving along the same track, so that we get a majority in plenary, because some rapporteurs just write a report the way they like. Of course as a co-ordinator one also has to step back, but we have the responsibility for the group’s behaviour and always have to be ready to step in.’¹⁴

This crucial role of coordinators in minimising conflict is reconfirmed in the interviews conducted in 2006. One of the main tasks coordinators stress in this context is to ‘flag up’ conflictual issues, i.e. to get those on the agenda of the political group in order to minimize the number of national delegations to vote against the issues at stake.¹⁵

Moreover, once a report has been allocated to a group, it is often the co-ordinator that plays a decisive role in choosing the individuals that will be allocated key dossiers and as such has to the potential to steer the political process. It is the coordinator after all who can ‘*demote or promote*’¹⁶ members within his or her political group (within the respective committee) by not only selecting rapporteurs or shadow-rapporteurs but also by deciding who gets speaking time in plenary and as such can ‘*best promote interests*’ of the respective political group.¹⁷ As such coordinators have a firm grip on committee

¹² Interview with MEP, November 2000.

¹³ Interview with MEP, November 2000

¹⁴ Interview with MEP, November 2000.

¹⁵ Interview with MEP, June 2006.

¹⁶ Interview with MEP, June 2006.

¹⁷ Interview with MEP, June 2006.

proceedings and are seen by some as playing a more important role than the rapporteur, i.e. are referred to as the '*working animals of the Parliament*'.¹⁸

Shadow rapporteurs can also play a role in the quest of finding consensus within committee. These players are appointed by opposed political group(s) not only to monitor the work of the rapporteur and to report back to the respective political group but also to find agreement on political issues across the boundaries of political groups. Close cooperation between shadow rapporteurs and rapporteur could for example be observed under the Directive on equal treatment without racial discrimination¹⁹ and under the Bolkestein Directive.²⁰ The disadvantage of this system is of course that shadow rapporteurs do not always manage to convince their political group to go along with compromise hammered out with the rapporteur, as was the case under the directive to combat racial discrimination concluded at the beginning of the new Millennium (Neuhold 2002). Lessons seemed to have been learned from such experiences as under the Bolkestein directive the rapporteur clearly stated that did it not suffice to come to an agreement with the shadow rapporteur but that larger negotiation teams needed to be formed (see below).

Secondly, selected case studies can reveal important dynamics that are often disregarded by broader quantitative information. For example, some interviews conducted with key players active in three of the most visible and contested pieces of legislation negotiated under EP6: the Port Services Directive, the Bolkestein Directive and the regulation on REACH have uncovered the limits of certain committee practices and the development of sometimes rather unorthodox mechanisms to reach consensus. In all three directives studied, an informal forum, the Trade Union Intergroup, composed of one or two representatives per political group as well as representatives from the European Trade Union Confederation (ETUC) was seen as one of the key fora for hammering out a compromise for proposals dealt within the Employment Committee:

¹⁸ Interview with MEP, June 2006.

¹⁹ Directive 2000/43/EC.

²⁰ In the first case we refer to the cooperation between the rapporteur delegated by the Group of the Greens/European Free Alliance and the shadow rapporteur delegated by the EPP. In the second case we refer to cooperation between PES (rapporteur) and EPP (shadow).

*'We work out compromises and ventilate the honest arithmetic prevailing within the respective political group.'*²¹

One has to note however that this forum was not established as a reaction to enlargement but was resorted already earlier to for example in connection with the Directive on Working time of mobile workers.²² Yet, it regained in importance for politically contentious matters in this current legislative period of the EP.

The regulation on REACH and the Bolkenstein directive were emblematic also for another aspect: the resort to an original enhanced cooperation procedure²³ between two committees (IMCO and ENVI for REACH regulation, IMCO and EMPL for Bolkenstein directive), with shared responsibility on the same report (each committee had the last word on a part of the final text). These cases illustrate that the traditional mechanisms of one responsible committee ultimately prevailing over opinion-giver committees can have important exceptions. It is also noteworthy that in contrast to the previous EP where one had already resorted to the practice of co-rapporteurs from different political groups - for example in the context of the Directive on equal treatment without racial discrimination - under the Bolkestein Directive enhanced cooperation was set up between two different committees with rapporteurs from the *same* political group.²⁴ This strategy of enhanced cooperation was chosen due to the fact that there were issues at stake that very much touched upon the sphere of competence not only of IMCO but fell directly into the realm of EMPL such as patient mobility or posting of workers. The procedure of enhanced cooperation is seen as *'the backbone of the compromise that was reached in plenary.'*²⁵ It has been stressed that whereas the EMPL committee had its vote in summer 2005, the IMCO committee voted in November and discussion between committee members took place in between that period and on some issues (such as on posting of workers and as regards to patient mobility) the rapporteur took over the position of the Employment Committee.

Moreover, the case of the Bolkenstein directive brought about an additional peculiarity: despite the enhanced cooperation between two committees, the parallel negotiations did not lead to an agreement until a more restricted informal forum of negotiation was

²¹ Interview with MEP, June 2006.

²² Directive 2000/34/EC.

²³ According to Rule 47 of the EP Rules of Procedure.

²⁴ Evelyne Gebhardt (PSE rapporteur for IMCO, which was appointed as responsible committee) and Anne van Lancker also from the PSE (for the EMPL committee).

²⁵ Interview with Legal advisor of MEP, June 2006

created. On the initiative of the rapporteur and with the approval of their respective group's leaders, two informal negotiating teams of five to six deputies each from the EPP-ED and the PSE political groups were formed.²⁶ These teams, with no legal basis, met on a weekly basis in the month preceding the plenary. The vote of the plenary was based on the compromise reached within this restricted forum, *de facto* by-passing the committees.

Informal negotiating practices are by no means a novelty within the EP: one only has to think of the trialogue²⁷, which, according to the Commission is the 'true negotiating forum'²⁸ preparing conciliation under co-decision, or the informal negotiation practices that developed in first reading of co-decision between the Council and the EP. On the other hand one has to note that these informal mechanisms are no longer restricted to inter-institutional negotiations and if one can draw any conclusions from the latter these practices have become standard features of the negotiation process (where the trialogue is convened on a regular basis in the context of conciliation). Based on these experiences one can speculate that the informal negotiating teams, which were for the first time set up under the Bolkestein directive, might become standard features of preparing difficult votes in plenary.

Finally, these examples also give us the opportunity to observe the ways in which the MEPs from the new Member States have interacted with the cleavages pre-existing in a committee, noting, in particular, whether their positions accommodated along the pre-existing structures, exacerbated older tensions or generated new fractures. The quantitative data provided in this study give a broad indication of these trends: they suggest, for example, that in the field of agriculture the entry of new Member States has not altered the pre-existing balance of powers, whereas the enlargement might have amplified tensions in the field of employment and social policy. With regards to the specific case of the Bolkestein directive, one stressed the fact that disagreement was largely caused by a division between the "old" and the "new" Member States, prevalent within the political groups themselves especially within the EPP, where the position of the new Member States could not be reconciled with that of the rest of the political

²⁶ The composition of these teams seemed to be in the first place determined by the fact whether MEPs boasted some policy expertise within the respective field but political factors also played a role such as including a MEP from the country holding the Presidency (Austria) and including a representative from the new Member States (Interview with MEP, July 2006).

²⁷ The trialogue was first set up in co-decision in 1995.

²⁸ http://ec.europa.eu/codecision/stepbystep/text/index5_en.htm

groups.²⁹ This was explained by the fact that the *'Eastern Member States felt that the Bolkestein directive touched upon what Europe meant to them'*.³⁰ An interview partner from the EPP conceded that within the EPP the new Member States tried to form an 'Eastern block', i.e. trying to establish majorities on certain issues such as the accession of Romania and Bulgaria. Within the negotiations on the REACH regulation none of the new Member States played a key role but one could make out differences as regards to which Member States had national interests at stake for example the Czech Republic seemed much more interested than the Baltic States or Poland.³¹

Conclusion

Throughout this article, the focus has been placed on EP committee to shed light on the role they play within the Parliament and to monitor whether, at their level, the enlargement of the EU to 25 MSs has led to any substantial change. This choice is based on the belief that EP committees are relatively understudied, despite their crucial role in the European legislative process. The activity of committees has been mainly analysed from the angle of voting behaviour, an approach very much developed for the study of the plenary, but usually disregarded in the case of committees. To this end, almost 1000 final votes on committee reports in the periods July 1999 – July 2001 and July 2004 – July 2006 have been collected and analysed. To maximize the information provided by these data, apart from resorting to traditional statistical indexes, a new measure of political conflict has been elaborated: the index of political perturbation. At the same time, several interviews with key players have been conducted to complement, expand and deepen our understanding of the committee politics, with a special focus on the mechanisms by which consensus is achieved.

Findings show that committees generally work very consensually, regardless of the issue at stake and the procedure applied. The dispersion is minimal and political conflict is equally weak. Not even the increased number of national delegations represented in EP6 has altered this peculiarity: total values of MEAN, STDEV and IPP remained practically identical. Yet, although in the context of a very consensual political culture, patterns of differentiation seem to be emerging across both committees and procedures. On the one hand, there is a cleavage - amplified after enlargement - between a group of more

²⁹ Interview with MEP, July 2006

³⁰ Interview with Legal advisor of MEP, June 2006

³¹ Interview with MEP, June 2006.

conflictual and another of more consensual committees. On the other hand, reports adopted under the codecision procedure, at stages other than the first, are the clearly more contested than those adopted under other procedures. Finally, although the legislative output generated by committees has remained stable over the two legislatures considered, the share of reports under each procedure has changed unevenly from EP5 to EP6: the slight increase of reports adopted under consultation has been more than balanced by the decline of reports under codecision. Interestingly there were no reports adopted in committee under codecision third reading in EP6.

The qualitative findings have i.a. reconfirmed the salient role of key players within committee such as those of group coordinators. These players have a firm grip on committee proceedings not only by playing an important role when allocating prized positions within committee but by perceiving the achievement of consensus within ‘their’ political group within committee as one of their main tasks and as such trying to ‘flag up’ any conflictual issues in advance of any vote. We can also reconfirm the observation that informal negotiation fora such as the Trade Union Intergroup have become an important feature in the quest of ‘pre-cooking’ legislative dossiers not only for votes taken plenary but also within committee. For highly contested legislative dossiers such as the Bolkestein Directive we have observed a novelty: the formation of two informal negotiating teams comprising members of the two largest political groups within the EP that had the sole purpose of negotiating a compromise that could be passed by a majority of MEPs in plenary. Only time will tell whether this practice might, like the trialogue become a standard feature of negotiations, which also developed under the motto of ‘necessity is the mother of invention’ with no legal basis.

In the light of the literature on committees developed around the U.S. Congress, these findings do not clearly decree the prevalence of a model over the others, although some approaches result more appropriate than their direct competitors. For example, the broadly homogeneous voting behaviour across committees and procedures strengthens the responsible party government model suggested by Cox and McCubbins (1993, 2004). Indeed, the practice of appointing two rapporteurs, for dossiers of particular salience (a tendency we have observed both before and after enlargement) brings additional evidence to their claims. Consistently with this perspective, the fact that a vote quite rarely divides between a majority and an opposition suggests that there is a high level of agenda control, jointly exercised by the rapporteur and the committee chair: nothing is put on a vote unless it is clear to them that everyone is on board. In turn, this dynamic also gives

credits to the idea that in each committee there is a high level of information about the preferences of all other committees. Other than compatible with the model of the responsible party government, the latter statement suggests that information is key in the functioning of the system, thus validating the claims of Gilligan and Krehbiel (1989), who regard committees, whose members are considered specialised, as efficient generators of information. Finally, the present finding, apart from specific exceptions, would contrast with the “distributive” model proposed by Weingast and Marshall (1988): the fact that differentiated patterns of voting behaviour in each committee do not fully prevail (yet) and self-selection does not appear to be predominant in the appointment of committee members seem to discourage such an interpretation.

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³² For an overview of the interviews conducted in 2000-2001, see: Neuhold 2002.