

"We are the employment team"
Socialisation in European Parliament committees and
possible effects on policy-making

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Abstract

EP committees have become a key element in the EU policy-making process and can be seen as a vital contribution to the shaping of legislation: Westlake (1994, p. 191) effectively described them as the “legislative backbone” of the EP. Although committees play such an important role within the EP until the mid 1990s they rarely were at the focus of academic attention. More recently some studies have tried to shed some light on these fora in order to explain how they contribute to the functioning of the EP as a whole (Mamadouh and Raunio 2003; McElroy 2001; Whitaker 2005; Hix and Noury and Roland 2005).

What however can be seen as a lacuna in EP committee research is the examination of the question of how Members of the European Parliament (MEPs) are socialized into EP committees and whether this process has an impact on the decision-making process within the EP, for example has an effect on consensus formation in any way.

1. Introduction

European Parliament (EP) committees have unsurprisingly attracted increasing attention in recent years: their revaluation went hand in hand with the fast acquisition of new powers by the EP (from consultative assembly to co-legislator in the mid-1990s). 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). Others point towards the consensual nature of the EP in general (Hix, Noury and Roland 2007) and that of EP committees more in particular, where rapporteurs are seen as key and are coined as being ‘*legislative entrepreneurs*’ (Bendetto 2005).

What however can be seen as somewhat as a lacuna in EP committee research is the question how Members of the European Parliament (MEPs) are socialised into EP committees. For the purpose of this paper socialisation will be defined as a process by way of which ‘*individuals are transformed from organizational outsiders to participating and effective members*’. (Feldmann 1976, p. 309 quoted in: Pomorska and Szczezanik 2006, p. 2). In the context of EP committees “effectivity”, which is as is well known very difficult to assess, will be seen as the ability to adopt an consensual stance in order for the dossier to be passed within committee and possibly also through plenary. Closely linked is the question whether we can see something such as ‘*esprit de corps*’ developing within committees. One has to note that this term, although widely used¹, is not precisely defined. Within this paper the definition developed by Chris Shore for the Commission will be adapted. Shore defines ‘*esprit de corps*’ as a ‘*sense of belonging*’ to the institution (Shore 2002). This definition will be modified for EP committees, where ‘*esprit de*

¹ For example in a draft ‘Decision of the European Parliament, the Council, the Commission, the Court of Justice, the Court of Auditors, the European Economic and Social Committee, the Committee of the Regions and the European Ombudsman of setting up a European Administrative School (2003/.../EC)’ the *spread of common values and the creation of an esprit de corps throughout the institutions of the Union* is advocated.

corps' will not only be seen as a sense of belonging but also as adopting a set of similar not to say common values.

This paper departs from a quantitative data analysis² in order to see whether whether the assumption that committees are consensual arenas is actually founded. Based on these initial observations, case studies will be conducted by examining the process adhered to when adopting (controversial) directives in selected committees: the Port Services Directive³ and the Bolkestein Directive.⁴ The three committees under scrutiny in this context are the Committee on Employment and Social Affairs (EMPL), the Committee Transport and Tourism (TRAN) and IMCO (Internal Market and Consumer Protection).⁵ The aim of the case studies is to examine mechanisms that contribute to consensus formation and as such to be able to come up with some initial observations as regards to possible factors that might have a socializing effect on MEPs within EP committees.

In this quest the paper will be structured as follows: in a first parts the question of committees as consensual arenas will be examined and some of the literature on committees will be reviewed. This will be used as a basis for examining the question of socialization into EP committees and as a basis for the case studies. The paper will close with some first concluding observations and spell out questions for future research.

2. EP committees: consensual arenas?

From a theoretical point of view and of value for this study, 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

² This is based on research conducted with Pierpaolo Settembri, see Settembri and Neuhold (2007).

³ 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)).

⁴ 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)).

⁵ From now on these committees will be referred to as the Social Affairs Committee, the Internal Market Committee and the Transport Committee, respectively.

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*⁶, (2) *law-making committees by function*⁷, 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.

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 studies in this field are

⁶ Such as, in the 2004-2009 EP, the temporary committee on policy challenges and budgetary means of the enlarged Union 2007-2013.

⁷ 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, one has to open the “black box” of EP committees and study more carefully how they operate and look at two issues that might in fact be interconnected: socialisation into EP committees and consensus formation within EP committees; by taking voting behaviour within EP committees as a point of departure. The working hypothesis behind this being that a committee with strong *esprit de corps* might lead to more consensual (voting) behaviour. Another working hypothesis that has already guided previous research (Neuhold and Settembri 2007) and is put yet again to the test in the case studies presented in this paper is that key players within the EP at least facilitate the achievement of consensus in committee.

The quality of the answers that can be offered to the ambitious question spelt out above depends very much on the quality (and quantity) of empirical evidence one can rely upon. Due to the complexity of the phenomena under 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 process of socialisation into EP 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 MEPs⁸ and account, in total, for roughly just one-third of EP votes (Hix *et al.* 2006). 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. 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). By revealing the number of “Yes”,

⁸ Except for a few cases in which a roll call vote is automatic.

“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.⁹

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. For the committees under scrutiny the following can be observed: in the Social Affairs Committee (during the period of July 1999 and July 2001) 91% of the Members endorsed the text at stake and for the period of July 2004 – July 2006 90.5 % voted for the legal document in question. For the Transport Committee we can observe an average of 94,9 % of MEPs and of 91,0 % endorsing the texts in the periods mentioned above and for the Internal Market Committee the majorities were 94.3% and 95.4 % respectively (Settembri and Neuhold 2007)

3. Socialisation into EP committees

As this data reflects EP committees seem to generate an amazing capacity to achieve consensus. The objective of this paper is however to go beyond these preliminary observations, by examining the mechanisms whereby compromises are reached and by way of which actor’s preferences are transformed into adopting this consensual stance. As one interviewee put it we want to probe into the factors that generate the feeling

⁹ Were considered as “legislative reports” all texts adopted in the framework of legislative and budgetary procedures as well as inter-institutional 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. For a more detailed overview see: Neuhold and Settembri (2007).

among MEPs that “*we are in this boat together and we want to achieve consensus.*”¹⁰ To do so selected case studies are examined as mentioned above.

When examining the research conducted on roles adopted by Members of Parliament in general one finds that this endeavour has generated a vast host of literature¹¹, going back to Hagger and Wing, who descriptively mapped out different role concepts among MEPs in a European Community of nine Member States and put three different factors to the test: the nationality factor, the party factor and the European factor¹². According to this study it is the nationality that determines different role concepts (Hagger and Wing 1979, quoted in Blomgren 2002, p. 3f.). Richard Katz also focused on the concept on role orientations by mainly examining national variation (for example by focusing on the attitudes towards the EU) between a selected number of MEPs (Katz 1997 and Katz 1999).

Research focusing on the process of socialisation of MEPs more specifically probed into the factors at play that contribute to MEPs adopting a more positive attitude towards European integration; probing into the question whether MEPS serving in the chamber are turned into “Europeans” ? (Franklin and Scarrow 1999, Scully 2002). In a more recent study the impact of social background and institutionalisation of the roles adopted by first-time MEPs is scrutinised and this research comes to the preliminary conclusion that although these new Members may be *‘first-timers, unschooled virgins they are not’* (Bale and Taggart 2006).

Whereas these studies relate to different role concepts adopted by MEPs or to the process of socialisation into the EP in general, this paper wants to examine this phenomenon in selected committees. In this vein the paper builds on interview data accumulated between the period of 2001 and 2007, where it has to be stressed that further interviews are to be conducted in the future (see below).¹³

¹⁰ Interview with Administrator of the General Secretariat of the EP, 20. April 2007.

¹¹ A comprehensive overview is given by Blomgren 2002, p. 4.

¹² By way of this factor such elements as the length of service in the EP and commitment to the Community were probed into.

¹³ Around 30 interviews were conducted in the period of 2001-2002 and further interviews were conducted during the period 2006-2007 (see Neuhold 2002 and Neuhold and Settembri 2007).

To examine this question two case studies have been conducted within that run across the boundaries of three committees and that can reveal important dynamics as regards to socialisation. These cases pertain to legislation negotiated during the legislative period of the European Parliament of 2004-2009 (EP6): the Port Services Directive¹⁴ and the Bolkestein Directive¹⁵. These pieces of legislation were selected based on the fact that the issues at stake here might seem very controversial at the outset and enabled us to study mechanisms that contribute or inhibit consensus formation.

4. “Case studies”: *the Port Services Directive and the “Bolkestein” Directive*

The proposal for the Port Services Directive dates back to February 2001. In essence, the consequence of the proposal would have been to open up access to port services. The draft caused controversy between trade unions and workers, who were concerned that the proposal would open up the sector to under-qualified workers, endangering employment among dockworkers and threatening health and safety. The proposal was subject to conciliation between EP and Council and although a solution could be found there, the EP rejected the conciliated text.¹⁶ A majority of MEPs felt that the implications of the directive would lead to degrading the safety conditions in EU docks.

The Commission then came up with a revised version of a proposal for this directive in October 2004 but retained many aspects of its original proposal. The draft then went to the committee responsible: the Committee on Transport. It is noteworthy that no consensus could be found when voting in committee 22. November 2005: the part of the report drafted by the rapporteur Georg Jarzembowski from the European People’s Party (PPE-DE) amending the Commission proposal could not secure a majority (European Parliament, Legislative Observatory).¹⁷ One has to stress however that in committee a sort of compromise was struck as the committee did adopt the draft legislative resolution and put the ball in the court of the political groups to table amendments under first reading of co-decision.

¹⁴ 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)).

¹⁵ 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)).

¹⁶ The conciliation committee committee issued a new text on 29 September 2003. This was rejected by plenary on 20 November 2003.

¹⁷ <http://www.europarl.europa.eu/oeil/>

Overall it is noteworthy that the rapporteur had a different stance than a majority of MEPs in committee (and beyond) as for him it was "inconceivable reject this directive" and he warned that a rejection of the directive would leave a "gap in European legislation" and spell "legal uncertainty" for maritime transport (<http://www.europarl.europa.eu/news>).

This is exactly what happened however: Five hundred and twelve MEPs voted on 17. January 2006 to reject the Commission's proposal. Only 120 MEPs voted for the adoption of the proposal with 25 abstaining. The Socialist (PES), Liberal (ALDE), Green, Left-wing (GUE/NGL), IND/DEM and UEN groups voted against the proposed directive, and not even half of the Conservative PPE/DE group voted in favour of it. The rapporteur concluded that "*left-wing majority of the house opposed to the directive*". *It was a total blockade of the left, there was no debate about content.*"¹⁸

It is interesting that within the Social Affairs Committee, which had to give an opinion on this draft directive¹⁹ it seemed much easier than in the committee on Transport and Tourism to obtain consensus but in this case *against* the draft proposal of the Commission. Accordingly the draftsman of opinion from the Party of European Socialists (PSE) stated "*I had an easy job, there was only one individual "who was nervous, but even he in the end voted with me. I have been around a long time, people trust my judgement.*"²⁰ A very pertinent response for our research which was given to the question why consensus could be achieved with ease with the Social Affairs committee is the following "*we are a self-selected sample, we are the employment team*" and have to remind ourselves that a healthy majority in committee is not necessarily a healthy majority in plenary."²¹

This answer points in the direction that in some committees such as the Committee on Employment and Social Affairs there might indeed be something such as an '*esprit de corps*' developing within the committee, i.e. common values and shared views as regards the stance to take on certain topics, for example in this case to promote a social affairs agenda. On the other hand we also observed the crucial role of the rapporteur or draftsman of opinion, as the case may be, to get support for his or her dossier. This

¹⁸ Originally: „Beim zweiten Versuch den Vorschlag fuer die PSD durchzubringen war eine Mehrheit des Hauses dagegen. Es war eine totale Blockade der Linken, es gab keine Sachdebatte.“

¹⁹ From now: Employment Committee.

²⁰ Interview with MEP, 28. June 2007.

²¹ Interview with MEP, 28 June 2007.

seemed not to be case in the Committee on Transport and Tourism, where the rapporteur seemed to have alienated committee members.

The crucial role of rapporteurs in uniting committee members is confirmed by the Bolkestein Directive.²² This Directive on services in the internal market aimed at creating a single market for services within the European Union (EU), similar to the single market for goods. In this case the committee responsible, the Committee on the Internal Market and Consumer Protection (IMCO) could agree on a compromise on several aspects of the directive such as the provisions making it easier for a service providing company to establish itself in another Member State. The controversiality of the draft legislative act was reflected by the fact that 1600 amendments were made in committee. However the most contentious issues were not resolved: the country of origin principle²³ and the scope of the directive, i.e. which services it would cover precisely. Nevertheless in its amended version the report was adopted by a large majority in committee²⁴ (European Parliament, Legislative Observatory).

It is noteworthy however that the negotiations Bolkestein directive reflected upon a trend that might become even more established in the future: the (least partial) bypassing of committees. Rather than trying to achieve a compromise within the committee itself; a committee that has been described as “*advocating a different stance than the committee on employment; where a different ethos is prevalent and there is a division as regards to how much liberalisation one can bear*”²⁵, one circumvented the committee and tried to find agreement among the political groups.

The rapporteur of the SPE outlined this process as follows:

*“What contributed to success has been a very large number of discussions with the political groups, which I met every week. EPP and Greens in particular. The Liberals refused to participate, although they were invited. Moreover, I agreed with the EPP that we would not only discuss between the rapporteur and the shadow rapporteur (of the EPP) but that we had a group of people from each group that would meet regularly, because in each group there were different viewpoints and we needed to bring together the different viewpoints of the groups to have a comprehensive agreement. I created different meeting places: a) within my group, a working groups every Thursday in Strasbourg and a larger horizontal working group within our group to bring everybody in.”*²⁶

²² This directive is commonly referred to as the *Bolkestein Directive* due to that fact that it was drafted under the leadership of the former Commissioner for the Internal Market, Frits Bolkestein.

²³ According to the country of origin principle regulations of the country of establishment of the service provider would apply and not those of the country in which the service is provided.

²⁴ 25 votes for the amended report to 10, with 5 abstentions.

²⁵ Interview with MEP, 19.4.2007.

²⁶ Interview with MEP, 11. July 2006

To prepare the vote for plenary an informal forum of negotiation was 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.²⁷ 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.

The Bolkestein Directive as well as the Port Services Directive (even if in this case the consensus was found *against* the rapporteur) reflect the fact that within committees the strife for consensus is high. This is a feature that member new to EP committees seem to pick up very quickly. This assumption - which has to be probed into in much more detail - that new MEPs become socialised into EP committees and as such change their preferences from a more conflictual to a more consensual style is confirmed by one MEP as follows:

*“Generally we manage to build consensus in committee. One can see that the attitude of new members is changing. They learn very quickly that their own opinion is not important, that they can not impose their view, but will have to channel it into the majoritarian position. Otherwise they will be defeated. But this is not only true for new Member States; even British members abandoned their confrontational attitude and changed to **consensus builders**.”*²⁸

Looking at the negotiations in more detail however one finds that within different committees different mechanisms were prevalent that give us some first clues for possible factors that foster or impede socialisation into EP committees and into adopting a consensual stance.

5. First concluding observations and future research agenda

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. 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

²⁷ 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).

²⁸ Interview with MEP, 19.4.2007.

one hand, there is a cleavage - amplified after enlargement - between a group of more conflictual and another of more consensual committees.

Both case studies on the Bolkestein and the Port Services Directive reflect the crucial roles of rapporteurs or draftsmen of opinion to achieve consensus and get committee members on the same track (or to fail to do so as was the case in the Committee on Transport). Key players can as such be seen as important (f)actors in the quest to unite or disunite committee members, as the case may be, and play an important role into socialising members into active members that are contributing to a “common goal”. Moreover we have observed that the need of consensus building is very much entrenched within the EP and new MEPs find themselves in a position to sacrifice their own position for a viable compromise.

Furthermore we see that in some committees such as the Social Affairs Committee general values such as the promotion of a social agenda seem to prevail whereas in the Internal Market Committee very different views on the dossier at stake are apparent, which in the case of the Bolkestein Directive led to a circumvention of the committee. This might be a trend that might become more prevalent in the future; that within an enlarged Parliament selected committees - that have been coined in the mid-1990s as being the EP’s legislative backbone - are weakened (Westlake 1994). This might invariably have an impact on the ‘*esprit de corps*’ in committees (or the lack thereof might indeed lead to their circumvention).

These are all very initial observations and it becomes obvious that more in-depth research has to be conducted in order to examine the process of socialisation in committees. Based on the pre-liminary research conducted the two most obvious committees to contrast in a first stage of the endeavour would be Social Affairs and the Internal Market Committee. First observations point in the direction that within the Social Affairs committee an *esprit de corps* might indeed be developing within the Internal Market we see a heterogenous committee where MEPs have differing not to say opposing views on the degree of market liberalisation admissible.

These differing views on the policies at stake can quite obviously obstruct the attainment of consensus and the creation of an ‘*esprit de corps*’. This question has to be examined further and this gives rise to the following sub-questions:

- To what extent is there really an esprit de corps prevalent within the Social Affairs Committee and how does this differ according to political groups? And more importantly do new members (i.e. those that joined the EP in the most recent two rounds of enlargement) sense a pressure to adopt a common position and what (if anything) leads them to change their preferences?
- Is the observation that MEPs advocate different stances as regards to market liberalisation within the Internal Market Committee founded, and how does this impact on MEPs behaviour? Do new MEPs indeed advocate very different views and how can a consensual stance be adopted?

Moreover further research would aim to probe more precisely into the mechanisms of socialisation to examine in more detail the role of key players in this process; as the negotiations on both Directives shed light on the crucial role of rapporteurs to attain consensus. This also implies that one has to dwell more precisely into the role that other key players such as group coordinators and committee chairs play within this process of socialisation.

These observations should enable us to come to more precise conclusions as regards to the factors that have socialising effects on MEPs - and in line with Checkel's definition - by way of which "*agent preferences and properties change as result of interaction*" (Checkel 2003, p. 211). In order to account for this element of change the process would obviously have to be observed over a longer time-span.

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²⁹ For an overview of the interviews conducted in 2000-2001, see: Neuhold 2002.