

Chapter 1

Who Decides, and How? Preferences, Uncertainty, and Policy Choice in the European Parliament

What makes the European Parliament (EP) different from other parliaments? The list of answers to this question is long. The EP is the first ever directly elected international parliament in history. It is a genuine law-making assembly, yet part of the institutional structure of what is formally a treaty-based international organization, the European Union (EU). It meets in two cities, Brussels and Strasbourg, in two countries, Belgium and France. No government is drawn from the EP's ranks or fully accountable to it. Members of the EP (MEPs) come from 27 countries; they represent 175 national party delegations comprising seven transnational party groups. The EP conducts its business in the 23 official languages of the EU. The laws it enacts are binding on all 27 member states of the EU, with no national ratification process confirming or challenging these decisions. EP elections take place simultaneously across the EU, but according to national electoral rules and procedures.

Despite these unique features, the literature on the EP and EP politics has provided some striking insights that undermine the notion that the EP is truly a *sui generis* legislature. While the proposition of singularity may be intuitively appealing, it is difficult to sustain in light of what we know about the institution, most importantly that:

- Political conflict in the EP takes place primarily along traditional left-right lines.
- MEPs overwhelmingly vote in accordance with their party affiliations, rather than their national affiliations.
- The party system in the EP has become more consolidated and more competitive as the powers of the EP have increased over time.

Who Decides, and How?

- Party group cohesion in the EP is (strikingly) high; that is, EP parties display considerable levels of unity when voting on the EP floor. In fact, while party cohesion in the EP is lower than in national European parliamentary systems, it is actually higher than in the U.S. Congress (Attinà 1990; Raunio 1997; Hix, Noury, and Roland 2007).

These realities indicate that the EP is, indeed, a “normal” legislature in many important ways. This is perhaps the primary contribution that the quantitative analyses of large numbers of votes taken on the EP floor have made over the course of the past decade (see, especially, Hix, Noury, and Roland [2007]). It is also a proposition that this book takes as a starting point, in that it acknowledges the inherent value of treating the EP not as a “one-of-a-kind” legislature, but as an institution that can usefully be compared to traditional national law-making bodies. It does not, however, accept the proposition of normality as its final conclusion. Instead, it considers how this basic insight can be fine-tuned by more in-depth investigations of EU politics. In fact, this analysis of EP politics is grounded in the suspicion that important elements of EP politics are ignored when painting a picture of the institution with too broad a brush. In particular, the primary focus of the existing literature has been on voting patterns in the EP, and thus on political *outcomes*, while we know surprisingly little about the *processes* that precede voting on the EP floor. As McElroy (2007: 439) puts it in a recent review article, we face many questions that can only be answered “by closer examination of the activities of MEPs both within their political groups and within the committee system.” In an effort to extend our understanding of EP politics, this book:

- explicitly investigates policy-making processes, not just decision-making outcomes;
- avoids drawing conclusions about individual-level behavior on the basis of aggregate level observations, such as voting patterns on the EP floor; and
- builds on an eclectic methodological approach that combines quantitative and qualitative data and analysis.

The basic question this book seeks to address is “how do individual legislators make decisions in the EP?” It thus examines the micro-foundations of EP politics. Rather than make assumptions about the preferences, behavioral patterns, and political choices of individual legislators, it looks at how legislators adopt the positions they take toward policy proposals, and how these individual positions are aggregated into collective choices. It

does not assume exogenous preferences and deduce individual or collective positions, but acknowledges that preferences and policy positions are uncertain and inconsistent, and therefore open to both persuasion and manipulation. This allows for the possibility of discovering nuances that would remain concealed otherwise, and of identifying important particularities that should not be ignored. In other words, this book aims to provide an accurate description and analysis of EP politics while generating generalizable insights into legislative politics beyond the EU arena. It seeks to build theory without neglecting the “real world” of EP politics. Today this is more important than ever, as the EP is no longer the consultative “talking shop” it once was, but an institution with extensive authority that plays a critical role in EU politics.

The focus on the individual legislator does not, however, mean that the structural and institutional framework within which legislative decisions are made is neglected. In fact, a primary contribution of the micro-level approach is that it takes the “politics” in “EP politics” seriously while explicitly conceptualizing it as a *dynamic process* based on the *interplay* of institutions and individuals. By considering how individual legislators make policy decisions, and how their positions are aggregated into collective choices, I seek to shed light not only on how policies are agreed on in the EP, but also on the institutional context that structures, supports, and constrains decision-making, including the roles of EP parties and committees.

The micro-level analysis provides for new insights into EP politics beyond those based on large-N analyses of voting patterns. What is more, it casts doubt on some of the key conclusions derived from these studies, in particular those related to the role of legislative parties. Most importantly, it challenges prevailing conceptualizations of EP politics that emphasize the ability of legislative parties to control the behavior of their members through successfully enforced party discipline. Instead, the book shows that policy-making in the EP is a more dynamic process than the existing literature suggests and provides a new answer to one of the most intriguing empirical questions about EP politics, namely what accounts for the surprisingly high levels of party unity we observe in the voting behavior of EP party groups. The answer undermines the notions that either party discipline or legislators’ shared policy preferences can account for party cohesion in the EP, and highlights a dynamic decision-making process based on the exchange of political and policy information between legislative experts and nonexperts.

The degree of cohesion of EP party groups is striking given the great degree of ideological, partisan, and national heterogeneity of the

legislature. The extant literature has explained this phenomenon largely in reference to successfully executed party control (e.g., Hix [2002]; Hix, Noury, and Roland [2005]; Hix, Noury, and Roland 2007; Bowler [2002]). The basic argument of this research is that party groups are, in one way or another, capable of disciplining their members and coercing them into following the party line. This conclusion is intuitively appealing and attractive due to its parsimony, but it is problematic on both theoretical and empirical grounds. Theoretically, the party control argument is informed by a functionalist, backward reasoning, where the observation of high levels of party cohesion has led commentators to argue that it must be due to party discipline. Thus, problematic inferences are drawn about how individuals make decisions on the EP floor, based on the aggregate-level finding of party cohesion, when in fact evidence for party groups disciplining their members is sparse. Simply put, the causal relationship between party control and party cohesion has not been fully interrogated.

In empirical terms, it is difficult not to recognize the structural weakness of EP party groups, who do not possess the traditional tools of party control and the capacity to satisfy their members' vote- or office-seeking ambitions. For example, EP party groups do not have the power to exclude individual members from electoral lists and thus threaten their reelection, because it is the national parties that draw up the party lists for elections to the EP. Moreover, while EP party groups have the ability to provide some positive incentives for cooperation in the form of office perks, these incentives do not seem to be a sufficient condition for party cohesion on the EP floor. This is because the great majority of MEPs is unlikely to have a long-enough time horizon, due to substantial turnover in EP elections, to trade payoffs in the present for uncertain office benefits in the future. Moreover, party groups are bound by internal rules of proportionality in the distribution of official positions within the EP and the party structure, where national party delegations are allocated a certain number of positions based on their sizes (Kreppel 2002). As a result, party groups are quite constrained in their ability to credibly promise office perks to individual legislators most loyal to the party line.

We thus have reason to believe, *a priori*, that factors other than party discipline may account for the high levels of EP party unity. The legislative studies literature provides an obvious alternative explanation for party cohesion, which focuses on legislators' shared preferences. This logic suggests that parties are cohesive because their members are not part of random groups of individuals, but of collectives of politicians who join together to promote a set of core ideas and values in the creation of public

policy. Accordingly, they share each other's preferences with regard to the policies they enact, which explains high levels of party unity. The assumption that shared preferences drive party cohesion in EP politics is also problematic, however, because it implies that legislators are actually capable of identifying or defining their own policy preferences across a great range of issue areas. Yet, we should not assume that legislators have well-defined preferences with regard to a multitude of decisions on the very broad range of policy areas with which they are confronted. While legislators should, in principle, be generalists who can make equally informed decisions regarding border security, antitrust legislation, trade policy, emission standards, intellectual property rights, work safety regulation, international affairs, and a multitude of other issues, in reality all legislators face high opportunity costs in reaching the levels of expertise necessary to make well-grounded choices in even a limited number of policy areas. Hence, when seeking to establish how legislators make decisions, we should recognize that it may be quite difficult, if not impossible, for them to determine their policy positions with regard to every single legislative proposal they have to consider and vote on. Given limited time and resources, how a policy choice relates to a legislator's most preferred policy outcome is often highly uncertain in a context of competing interests, substantive uncertainty, and asymmetrically distributed information.

Despite the uncertain relationship between political intentions and consequences, however, much of the existing literature on policy choice in legislative politics assumes that the conversion of ideological and constituency interests into policy preferences and positions is direct and automatic, that is, that preferences are fixed and exogenous and simply constitute an "input" into the legislative decision-making process. This approach assumes, implicitly or explicitly, that some kind of "objective interest" underlies the choices of political decision-makers. I question this proposition from the start and, as I will argue in more detail in the next chapter and illustrate throughout the book, it is indeed a reality in EP politics that its members suffer from a distinct "informational deficit": MEPs are severely constrained in terms of the time and resources that they can allocate toward evaluating the great number of often highly technical pieces of EU legislation. Under these circumstances, how do MEPs make decisions on issues outside their particular areas of specialization, while remaining confident that their policy choices approximate their most preferred policy outcomes?

This question constitutes the starting point for the argument proposed in this book. Its core thesis maintains that when MEPs have to make

decisions on issues outside their areas of expertise, they adopt the positions of their EP colleagues who possess genuine expertise in the policy area under consideration. In the EP, this expertise is grounded in the responsible EP committees, which suggests that EP committees are, in the language of the U.S. Congress literature, informational committees that help the legislature and its members reap the benefit of specialization (Krehbiel 1991; McElroy 2006). As repositories of policy expertise, committees provide information about the content and likely consequences of a policy proposal to the chamber and thereby help legislators make informed choices when voting on the floor.

Nonexpert MEPs do not just follow any policy specialist, however, since they have to be concerned with the consequences of the legislation they enact. Therefore, they adopt the positions of their expert colleagues in the responsible committee whose preferences they believe most closely match their own. This is based on the assumption that these positions resemble what they *would* favor *if* they possessed the resources and expertise required to truly judge the content and likely implications of a specific policy proposal. The critical mechanism explaining the policy choice of MEPs is thus what I label *perceived preference coherence* (PPC) between expert and nonexpert legislators.

This argument does not imply that preferences alone, based on *objective* preference coherence, drive policy choice. After all, this would suggest that legislators not only know their own preferences, but also that they have the capacity to objectively compare their preferences to those of their expert colleagues. For this to be true, we would have to assume full content expertise (i.e., technical knowledge of the issues under negotiation) and preference information (i.e., knowledge of other actors' preferences and political constraints) (Wall and Lynn 1993; Beach 2005). This assumption is highly problematic in any political setting, never mind a legislative institution suffering from an informational deficit. Moreover, if legislators could actually identify their own preferences on every policy issue, they would not have to rely on their expert colleagues for information in the first place. For these reasons, I maintain that nonexpert legislators make decisions on the basis of perceived preference coherence: They adopt the positions of those expert colleagues with whom they *believe* to share general preferences regarding the expected consequences of a policy once it has been enacted and implemented. This provides for the possibility of errors in perception and, as a result, a divergence between perceived preference coherence and actual preference coherence. The best that legislators can do in the absence of full information about the policy preferences and positions of their

expert colleagues, however, is to rely on those with whom they share a common set of preferences about the most desired political outcomes.

Who are these colleagues with whom MEPs perceive to share these outcome preferences? In a parliament in which political contestation takes place principally along the socioeconomic left-right divide, we should expect the outcome preferences of nonexpert legislators to be primarily ideology-based. This suggests that legislators perceive to share a common set of outcome preferences with colleagues with the same partisan affiliation. Hence, we would expect perceived preference coherence to be highest among legislators from the same party, and that nonexpert legislators use shared party affiliation as an indicator of common preferences concerning the likely implications of a policy choice. Yet, EP politics are not completely de-territorialized; while members of transnational party groups, MEPs are also representatives of national constituencies who have to be concerned about the consequences of their policy decisions for their member states. If we assume that MEP outcome preferences are both ideology- and constituency-based, we would expect that members of the EP perceive the greatest degree of outcome preference coherence with members of their national party delegations, which together comprise the EP's transnational party groups. For example, a German Social Democrat would perceive her preference ideal points to most closely match those of other German Social Democrats in the responsible committee. This is because as members of the same national party, their ideological preferences most likely approximate each other, while their common national affiliation helps ensure that particular national interests will be accounted for.

This logic only provides for cohesive national party delegations in the EP, however, not for cohesive positions of the transnational EP party groups they collectively comprise. It is quite likely though that committee specialists from different national party delegations within the same party group assume a common policy position most of the time, for two reasons. First, in order to see their most preferred outcomes approximated, policy specialists from individual national party delegations have to coordinate and compromise with their party group colleagues in committee. They can only hope to shape legislation if they are able to arrive at a party group line that is broadly acceptable across national party delegations—and they know it. Second, committee deliberation involves only a relatively small number of members from the same party group, among whom it is much easier to coordinate collective action than in the party plenary. If this coordination is successful, the common position they propose toward a given policy proposal is likely adopted as the formal line of their EP party group.

Who Decides, and How?

In fact, party positions are not imposed from above by the party group leadership, as my empirical analyses will show, but they constitute the endogenous products of deliberation and cooperation among party group colleagues in the responsible committee. This common party position, which is successfully established among the party group's policy experts in the committee, is then adopted by the party's nonexpert rank and file on the basis of perceived preference coherence, which means that the party will be cohesive when voting on the EP floor. In other words, the foundation for cohesive policy positions of EP party groups lies in the perceived preference coherence between members of the same EP party group, as long as the party group policy experts in the responsible committee present a united position to their nonexpert colleagues. This, I argue, is the "normal" decision-making procedure in the EP, which accounts for most of its policy decisions.

The PPC dynamic facilitates legislative decision-making in that it allows the great majority of legislators, who do not possess specialized knowledge about the content and consequences of the majority of policies they enact, to make relatively informed decisions across a great range of policy issues. Moreover, the consequences of these decisions are likely to approximate their most preferred outcomes, since the party label—as a proxy for common preferences concerning the consequences of legislation upon its implementation—serves as an efficient and reliable decision-making shortcut.

One of the key premises of the model presented here is that policy experts in the EP's informational committees provide the input into the PPC dynamic, which suggests that the EP's standing committees and its members, rather than the party groups, are at the heart of EP decision-making. Politics in the EP thus appears to be an example of (informational) committee government, where committees are the primary actors setting the agenda and determining the policy content of legislation. The PPC model, however, assigns a critically important role to parties in the EP, because it is joint party affiliation that provides the basis for perceived preference coherence. This is a first important party effect in EP politics. A second one comes into play in the pre-floor stage of the legislative process, when members of the same EP party group coordinate and compromise among themselves to establish a common position in committee that forms the basis of their party group's formal party line.

For these reasons, there is no inherent conflict between the delegation of policy-making authority to informational committees and the realization of partisan policy objectives. The PPC dynamic effectively provides legislative parties and their leaderships with the ultimate asset in realizing their policy objectives, namely informed policy choice and high levels of

voting cohesion among party members. We should, therefore, expect high levels of party cohesion even in the absence of successfully enforced party discipline.

This suggests that parties in the EP play a different role in the policy-making process than national parties. Rather than acting as top-down enforcers of party discipline like their hierarchically structured counterparts at the national level, EP party groups serve as an umbrella for MEPs with similar preferences concerning the expected consequences of a law (Eldersveld 1964; Sorauf 1964). Policy positions in the EP are party-based only in the sense that joint partisanship promotes and facilitates the creation of policy agreement through information provision from experts to nonexperts. This crucial observation is built on the examination of EP decision-making from the perspective of the individual MEP. Rather than make assumptions about individual behavior on the basis of aggregate-level voting trends, I explain how individual legislators make decisions, and how their aggregated behavior then accounts for the final policy decisions taken collectively on the EP floor.

Outline of the book

This introductory chapter presents descriptive information on members, parties, and committees in the EP, including a brief review of the relevant literature. Subsequently, Chapter 2 elaborates on the concept of perceived preference coherence as the primary factor explaining policy choice in the EP. It concludes with a series of explicit hypotheses derived from the PPC model and juxtaposes these expectations with the propositions of the party control model, which explains party cohesion by emphasizing the ability of legislative parties to coerce their members into voting the party line, and the shared preferences model, which maintains that party unity on the EP floor is due to *actual* (not perceived) preference coherence between legislators from the same party group.

Chapter 3 is structured around these hypotheses and provides a first set of empirical results based on both qualitative interview data and the quantitative analysis of legislative votes. The first part of the chapter presents general lessons about the flow of information from committees to the EP plenary. Drawing on 90 in-depth interviews with members of the EP and EU officials, the analysis casts doubt on the shared preferences and party control arguments, while supporting the propositions of the PPC model. First, it shows that MEPs do not have well-defined preferences with

Who Decides, and How?

regard to most legislative proposals with which they are confronted, not because they are too lazy or apathetic to derive these preferences, but because the EP's informational deficit constrains their ability to make fully informed choices across the great range of policy issues they deal with on a daily basis. This suggests that shared preferences concerning policy proposals cannot explain cohesive EP party positions, because with regard to most issues most MEPs do not know what their positions ought to be independent of input from their expert colleagues. Second, it demonstrates that the formal positions that EP party groups assume toward specific policy proposals are formulated endogenously in the responsible EP committee. In other words, these positions are not put forward by the party group leaderships, but rather develop out of internal committee coordination by transnational party group representatives from different national party delegations. Moreover, the qualitative data shows that party groups are even more constrained in their ability to discipline their rank and file than is commonly assumed, because the ability of party group leaderships to provide access to positions of power within the legislative and party structures is even more limited than often suggested. As the chapter demonstrates, the EP party groups' formal authority to serve as gatekeepers to positions of legislative influence is constrained by a norm of proportionality that distributes such positions across national party delegations.

While disconfirming the propositions of the party control and shared preferences models, Chapter 3 provides support for the hypotheses derived from the PPC logic. Aside from showing that party positions are endogenous to the political process in committee, it stresses the importance of coordination among committee colleagues when formulating these positions. It is coordination, rather than coercion, that ensures party unity. Finally, it tests the proposition that the positions of members of the responsible committee constitute potent predictors of voting patterns on the EP floor, that is, that MEPs in plenary follow those representatives in committee with whom they perceive to share a common set of outcome preferences. The analysis confirms this proposition in a multinomial regression analysis involving 122 parliamentary votes and 52,363 individual-level observations.

Chapter 4 returns to some key theoretical considerations. Most importantly, it problematizes a core assumption of the PPC model as presented up until that point, namely that nonexpert MEPs blindly adopt the policy positions of "their" expert colleagues when making choices on legislation with often important consequences for EU citizens. Recognizing that this

assumption is questionable, the chapter introduces the distinction between *indifferent* and *invested* legislators. The former are legislators who do not care enough about a particular policy proposal to demand information about how it relates to their most preferred outcome. These legislators act as the unrefined PPC model suggests: They simply adopt the positions of their expert colleagues with whom they perceive to share common outcome preferences. Invested legislators, however, care enough about a particular policy proposal to seek reassurance that their outcome preferences have been accounted for by their expert colleagues. They are not indifferent, and therefore they do not just want to know what position to take with regard to a particular legislative dossier, but also *why* they ought to take this position. In other words, they want to know how the proposal relates to their most preferred outcomes. Chapter 4 introduces a second core theoretical concept into the discussion to account for this reality and argues that the supply mechanism for such information comes in the form of *focal points* (Ringe 2005). These focal points are simplified images about the expected implications of the legislation upon its implementation. They are provided by specialist legislators in the responsible EP committees, who condense the minutiae of a given legislative proposal into concise evaluations that indicate to their nonexpert colleagues why they should support or oppose the legislation. Hence, expert legislators use focal points to link the normative and ideological preferences of their nonexpert colleagues to positions on specific policy proposals.

From the point of view of the receiver, these focal points are shorthand devices for communicating information: They shift attention toward particular aspects of a legislative proposal, thus helping to classify and evaluate its perceived content and consequences. By shaping the process of deliberation, focal points serve as a means to establish mutually acceptable general positions toward a policy proposal, thus providing a common theme around which policy coalitions can form. However, just like nonexpert MEPs would not adopt the positions of just any policy expert, they are also not equally receptive to all focal points. Only if they perceive to share a common set of preferences concerning desirable policy outcomes with the provider of focal points will they accept and act upon their input. In other words, perceived preference coherence is again key to understanding policy choice.

Chapter 5 examines the role of focal points as mechanisms of information provision by analyzing a series of legislative proposals as case studies. It draws on the interview data and the statistical analysis of individual final votes on the EP floor. This chapter confirms the core insights of the PPC model, while illustrating how focal points shape EP policy-making

processes and outcomes. That is, while Chapter 3 demonstrates that the policy positions of expert legislators determine the positions of their nonexpert colleagues on the EP floor, Chapter 5 shows how this process takes place for invested nonexpert legislators. The legislative proposals analyzed concern EU takeover legislation; the statute and financing of EU-level political parties; proposals on fuel quality and motor vehicle emissions; liability for environmental damage; the liberalization of port services in the EU; and EU citizenship and the free movement of people.

Finally, Chapter 6 synthesizes the findings and outlines the book's contributions. Primarily, the book enhances our understanding of the behavioral patterns of individual members of the EP and, in the process, sheds new light on the inner workings of one of the primary institutions of the EU. In particular, it provides new insights into EP politics by going beyond the analysis of EP voting records and looking at the processes of policy creation and policy choice. This allows us to better understand how individual MEPs make decisions and what role legislative institutions, such as parties and (informational) committees, play in this process. One of the most important parts of the story told in this book is its unique explanation for the high levels of party cohesion in the EP, which suggests that party cohesion in the EP would be high even in the absence of party discipline. In other words, party unity is the result of a dynamic decision-making process in which coercion plays a residual role, since EP party groups neither formulate formal, endogenous policy positions toward most legislative proposals, nor do they have the capacity to enforce them.

The theory of legislative decision-making presented in this book takes the powers that political actors lack as a starting point. It is based on the recognition that political actors face important constraints, and explicitly theorizes the behavior of legislative actors in light of their structural weaknesses. For example, EP party groups do not have the ability to control their rank and file through party discipline, while individual legislators do not have the expertise and resources to independently determine their positions with regard to most legislative proposals. These constraints are not assumed away, but rather incorporated into the explanatory model.

This model also makes a general contribution to our understanding of legislative politics by providing a generalizable explanation of how legislators make decisions under conditions of uncertainty, while maintaining a semblance of democratic accountability. The concepts of perceived preference coherence and focal points, while conceived of in the context of EP politics, could be applied in other legislative contexts. In fact, their

applicability might well go beyond the legislative sphere and help explain dynamics of delegation and decision-making in contexts of uncertainty and asymmetrically distributed information across a variety of political arenas.

The mixed method approach used is critical to the story told in this book, as it allows us to analyze both political processes and political outcomes. This prevents us from deriving conclusions about the behavior of individual legislators on the basis of aggregate-level observations. Using mixed methods to examine EP politics also enables us to critically assess alternative theoretical explanations for MEP policy choice that predict observationally equivalent policy outcomes. This novel account of EP politics is thus the result of combining the respective strengths of qualitative and quantitative research, and it draws a picture of legislative politics that is about much more than sanctions and rewards, as the party control argument suggests. It is also, and crucially, about shared and contradictory preferences, constraining and facilitating institutions, political information, deliberation and contestation, persuasion, and at times about manipulation. It is, in other words, about politics.

The EP: members, parties, and committees

The legislative role of the EP

Over the course of the last three decades, the EP has become an equal partner of the Council of Ministers, where the EU member states are directly represented by ministers of the national governments, in most important areas of legislation. While the right to initiate legislation lies with the European Commission, a collegial EU executive appointed by the member states but charged with acting in the general European interests, most proposals for EU law must receive the approval of both EP and Council. In fact, a “draft directive” introduced by the Commission is truly only a draft version (Corbett, Jacobs, and Shackleton 2007: 3, 9), with MEPs and members of the Council in turn going through the proposal sentence by sentence. After much rewriting and amending, the positions of the two institutions must be reconciled. In practice, this means that a large number—more than 80 percent—of amendments tabled by MEPs ultimately become law (Kreppel 2002, 2006).

The extent of the EP’s legislative powers depends on the decision-making procedure applicable to particular pieces of legislation. It is only with the

Who Decides, and How?

recent introduction of the “codecision procedure” through the Treaties of Maastricht (1993), Amsterdam (1997), and Nice (2001), that the EP became a genuine co-legislator. Codecision now covers the majority of policy areas and has become the *de facto* “normal” decision-making procedure. It is only one of four decision-making procedures governing the EP’s legislative role, however, which apply depending on the policy area of the proposal in question. The other three are the consultation procedure, the cooperation procedure, and the assent procedure. The *consultation procedure* was the EU’s main legislative procedure historically. It is used much less today, but remains applicable to important institutional and budgetary matters, as well as certain aspects of citizens’ rights and justice and home affairs.¹ Under this procedure the EP gives its consultative opinion on a Commission proposal, but the Council is not bound by the EP’s position.

While the EP provides its opinion only once under the consultation procedure, the *cooperation procedure* provides for two parliamentary readings. After consideration by the Council the text is referred back to the EP for a second reading at which time the EP may approve the text, reject the text, or propose amendments. The Commission may incorporate any additional amendments into the text, which can then only be modified by unanimity in the Council. Amendments not supported by the Commission also require unanimous support to be adopted in the Council. Hence, under the cooperation procedure the EP’s role is no longer merely consultative. The scope of the procedure is quite limited, however, as it only applies to some narrow aspects of Economic and Monetary Union.²

Under the *assent procedure*, the Council must attain the EP’s assent before certain important decisions can be taken. While the EP thus has the power to accept or reject a proposal, with a rejection being final, it does not have the power of amendment. The assent procedure applies today to very few issue areas, including decisions with regard to sanctions against EU member states in the case of “serious and persistent breach of fundamental rights” (Article 7), aspects of EU central banking, structural funds,³ and international agreements.

Finally, the *codecision procedure* is the primary legislative procedure by which European laws are created today. Codecision provides the EP with the power to adopt legislation jointly with the Council of Ministers. It makes the two institutions equal partners in the legislative process by requiring them to agree on an identical text before a proposal becomes law. A conciliation committee featuring an equal number of members from the EP and the Council is set up when the two bodies cannot reach

agreement after two parliamentary readings. This committee seeks to negotiate a compromise text subject to approval by both institutions.⁴ Under codecision, the EP and the Council have the power to reject a proposal either at second reading or following conciliation, causing the entire procedure to lapse and the proposal to fail. Codecision was introduced in the Maastricht Treaty on European Union, but its scope was expanded considerably by the Treaties of Amsterdam and Nice. Today, about 80 percent of legislation is decided under the codecision procedure.⁵ The volume of codecision dossiers has increased dramatically just during the last few years. While only 165 codecision acts were adopted during the 1994–9 legislative term, this number increased to 403 during the 1999–2004 term, after the Treaty of Amsterdam increased the number of areas covered by the procedure from 15 to 32 (Corbett, Jacobs, and Shackleton 2007: 226).

This study focuses on EP decision-making under the codecision procedure, which warrants a more detailed description of this process. It begins with a legislative proposal being drafted and introduced by the Commission and considered independently by both EP and Council. The EP appoints a member of the EP committee responsible for the proposal as the “rapporteur,” who is usually an MEP with expert knowledge in the issue area in question.⁶ The rapporteur has three primary responsibilities:

- incorporating the EP’s amendments into the draft proposal (containing suggested amendments as well as statements of reasons behind these amendments),
- steering the proposal through the different stages of the legislative process, and
- negotiating compromise both within the EP and with the other two institutions: Council of Minister and Commission.

Rapporteurs are chosen by a system whereby each party group receives a quota of points according to its size. Reports to be allocated are discussed by the group coordinators who decide on the number of points an individual report is “worth.” They then make bids on different reports on behalf of their party group until they have used up their quota. Existing research concerning the distribution of rapporteurships has produced contradictory results. While Mamadouh and Raunio (2002) and Benedetto (2005) argue that the division of rapporteurships between party groups is largely representative of their size, other research indicates that the distribution is hardly proportional among party groups and national party delegations within the

Who Decides, and How?

committee (Kaeding 2004, 2005). Hoyland (2006) maintains that MEPs from national parties represented in the Council of Ministers are more active on codecision dossiers than those not represented, while Kaeding (2004) points to differences related to background, expertise, and constituency interests as factors accounting for the active involvement of MEPs in the legislative decision-making process as rapporteurs.

The rapporteur's report is discussed and voted on in the responsible committee. Any MEP may table amendments at the committee stage, but most amendments are tabled by members of the responsible committee. If parts of the proposal fall into their given jurisdictions, other committees may also be asked for an opinion report, but their amendments are subject to a vote in the responsible committee before the report is submitted to the plenary. After this, the report is referred to the EP plenary for debate and a vote during the first parliamentary reading. The finished report is voted on in full plenary, where further amendments may be introduced to the existing text by the responsible committee, EP party groups or at least 40 MEPs. The report must be adopted by a simple majority, that is, the majority of MEPs taking part in the vote. There is no formal time limit on the first parliamentary reading.

Before the proposal is forwarded to the Council of Ministers, the Commission may alter its initial legislative proposal to incorporate EP amendments that, in its view, improve the initial proposal and/or are likely to facilitate an agreement. The Council can do one of two things in its first reading. First, it may accept the text as adopted in Parliament, which ends the legislative process with the proposal coming into effect as amended by the EP. Alternatively, the Council may reject the text as it is and formulate a *common position* among the member state governments. This common position usually accepts some of the amendments of the EP in order to facilitate a compromise with Parliament in subsequent stages of the decision-making process, but may reject all EP amendments.

Within three months of the Council's common position Parliament must conduct its second reading or formally extend the timetable by one month; otherwise, the common position enters into force. In second reading, the EP can either adopt changes to the common position or reject it entirely, which would end the codecision procedure at this point in time. For both options, an absolute majority of MEPs is needed, that is, more than 50 percent of the total number of members, and strict rules govern the introduction of amendments in second reading.⁷ Most importantly, amendments adopted in first reading may be retabled if they were not accepted

by the Council; amendments may be concerned with a part of the common position which did not appear in, or is substantially different from, the Commission's initial proposal; amendments may be introduced as a compromise between the positions of the EP and the Council.

In second reading, the text is first discussed in the responsible committee, following the same rules and practices as in first reading. The only difference is that the text to be amended is the Council's common position and not the Commission's initial proposal. Also, the parliamentary committees which were asked for an opinion in first reading are not consulted again. While the lead committee adopts the report in second reading by simple majority, the text must be approved by an absolute majority of MEPs. The EP may also reject the common position in second reading, which ends the legislative procedure, but has rarely exercised this prerogative to this date. Usually, the text is amended and referred back to the Council. At this point, one of three things will happen. First, Council may adopt the proposal including the changes proposed by the EP. Second, it may reject the text completely, causing the proposal to fail. Third, the two institutions may enter conciliation.

The conciliation committee is composed of an equal number of MEPs and representatives from the Council and tries to forge a compromise text acceptable to both institutions. Negotiations are conducted during informal trialogue meetings involving small teams of negotiators from each institution, with the Commission playing a mediating role (hence the name "trialogue"). The participants in these dialogues report to their respective institutions, which must approve the results of their negotiations. In the end, conciliation has two possible outcomes. If the committee fails to come up with an agreement, the proposal is withdrawn and the procedure lapses. If the conciliation committee does succeed in agreeing on a compromise text, however, this text goes into third reading, in which either the EP or the Council may reject the proposal. In this case, the text is withdrawn and the proposal fails. If, on the other hand, the text is adopted by both institutions, the proposal enters into force.

In sum, the EP is truly a co-legislator with the Council under codecision. This conclusion is clear both in terms of the number of successful amendments and the substantive impact on proposed legislation (Judge and Earnshaw 2003: 291). Accordingly, it is increasingly inappropriate to view the EP, as once was the norm and remains popular, as a "powerless, money-wasting 'talking shop'" (Peterson and Bomberg 1999: 43).

Members and parties

MEPs have been elected every five years since 1979. A large number of MEPs have extensive political experience. For example, 28 percent of MEPs in the 1999–2004 parliamentary term (the fifth term) had national parliamentary experience, a number that increased to 36.6 percent in the 2004–9 legislature (the sixth term). Often, these MEPs held important posts, such as Speaker or Deputy Speaker. 10.2 percent in the fifth term and 16 percent in the sixth term have national ministerial experience, and many MEPs hold leadership positions in their national parties. Six MEPs in the fifth term and 11 in the sixth term are former heads of state or prime ministers, and numerous members have previously served as regional presidents, state or regional prime ministers, members of the European Commission, or held other posts in regional and municipal governments (Corbett, Jacobs, and Shackleton 2007: 48–54).

MEPs sit in transnational party groups. Currently, there are seven such party groups comprised of 175 national party delegations. The two largest party groups are the center-right group of the European People's Party and European Democrats (EPP-ED, consisting of Conservatives and Christian-Democrats) and the center-left Socialist group in the EP (comprised of Europe's Social Democrats from the Party of European Socialists, PES). Smaller groups are the group of the Alliance of Liberals and Democrats for Europe (ALDE, previously the group of the European Liberal Democrat and Reform Party, ELDR),⁸ the group of the Greens/European Free Alliance (Greens/EFA), the group of the European United Left/Nordic Green Left (GUE/NGL), the Independence/Democracy group (IND/DEM), and the group of the Union for Europe of the Nations (UEN).

The leadership of EP party groups is composed of a chair, vice-chairs, treasurer, and others. Leaderships vary in size and influence, but they do constitute influential players within the party structure. Group chairs, for example, speak on behalf of the party group and represent the group in official parliamentary forums. The party group leadership is supported by a staff whose size is based on its number of members and working languages.

Most members tend to follow the collective position, or “party line,” of their party groups. Recent analyses of EP voting patterns highlight the continuous increase over time of both party group cohesion and ideology-based party competition. While earlier research already suggested that MEPs are more likely to vote along transnational party lines than national lines (Attinà 1990; Brzinski 1995; Hix and Lord 1997; Raunio 1997), more

comprehensive roll-call vote analyses confirm that MEPs vote in accordance with their party affiliations, rather than their national affiliations. In fact, roll-call vote analyses confirm that EP party groups are “remarkably cohesive party organizations” (Hix, Noury, and Roland 2005: 216; see also Hix [2001]; Noury [2002]; Thomassen, Noury, and Voeten [2004]). Moreover, these recent roll-call vote studies demonstrate that policy contestation in the EP takes place along two substantively important dimensions, namely the traditional left-right ideological divide and a pro-/anti-EU dimension ranging from more to less support for the European integration process (see also Han [2007]; McElroy and Benoit [2007]), and that the distance between parties on the left-right dimension is the strongest predictor of interparty group coalition patterns (Hix, Noury, and Roland 2005, 2007). Such findings indicate that the party system in the EP has become more consolidated and more competitive as the powers of the EP have increased over time (Hix, Kreppel, and Noury 2003).

National party delegations play an important part in the structure of the EP party group, and most of them even have their own officers and staff (which tend to be quite small, however). National party delegations constitute the direct link between national parties and EP party groups, meet collectively as subsets of the party group, and often assume a common position and act as a cohesive bloc in party group discussions. Moreover, positions within the party groups are distributed on the basis of the sizes of the national party delegations that comprise them. As a result, larger national party delegations are in a very potent bargaining position within their EP party groups (Raunio 1996: 72). Finally, it is the national parties that draw up electoral lists in EP elections. In rare instances, national party delegations receive specific voting instructions from their national leadership, but most of the time they act as their own principals while engaging in a continuous exchange of views and information with their national party leaderships. In general, however, there is no single leadership group that fully controls the activities and vote choices of individual MEPs (Kreppel 2006: 260).

While the literature on the development of the EP and its party groups has generally found their authority to be increasing, party groups in the EP remain structurally and organizationally weak compared to their counterparts in national parliamentary systems. Most importantly, EP groups are themselves made up of full, sovereign political parties, making it more difficult for the party groups to “bind the parts” (Lord 1998: 205). This makes them different from the internally hierarchical, strong parties in West European parliamentary systems.

The committee system of the EP

The EP's permanent committee structure has been described as its "legislative backbone" (Westlake 1994: 191). In effect, "the work of the EP is the work of committees" (Kreppel and Gungor 2006: 7) as most of the detailed parliamentary work is conducted in and by committees, the majority of substantive changes and compromises are constructed inside the committee, and committee work is the most time-consuming activity for parliamentarians and defines the focus of their work. As the powers of the EP have increased over time, so has the role of its committees in shaping legislation. EP committees today are more active and influential than their counterparts in national European parliaments.⁹

The number, sizes, and responsibilities of the committees are decided in the early days of a newly elected Parliament. They are confirmed after two and a half years, at the mid-point of the parliamentary term. The 2004–9 EP has a total of 20 committees. This number is up from 17 during the 1999–2004 parliamentary term.¹⁰ Committees vary substantially in size; during the 1999–2004 parliamentary term, for example, the Environment Committee had 56 members and the Legal Affairs Committee only 30. Membership is effectively decided by the EP party groups through the use of proportional representation of both party groups and nationalities, in such a way that the composition of each committee reflects the balance between the party groups in plenary. As a result, their composition broadly reflects that of the EP as a whole (McElroy 2006). The majority of MEPs serve on one committee each as a full member and a substitute.

Committees act as largely autonomous entities within the EP. All legislative proposals are referred directly and without debate to the responsible committee, which examines and deliberates the proposed legislation before returning it to the plenary in the form of a draft report. Committees are not only the main repositories of policy expertise in the EP, they also have important gatekeeping powers within their areas of jurisdiction (Kreppel 2006: 250). In fact, one could very well make a reasonable case that EP committees are more powerful than EP party groups. EP committees are more active and powerful than their counterparts in other national parliaments; they are more like committees in the U.S. Congress. EP committees propose amendments to legislation in the form of a report and a draft resolution, and although amendments can be initiated on the EP floor, they usually come out of the responsible committee. Legislative reports are submitted to the EP plenary in an almost "take-it-or-leave-it" form (Hix 1999: 78).

The EP's committee system provides members with the opportunity to acquire and make use of existing expertise in specific policy areas. As a result, committees in the EP can fulfill their role as formal mechanisms of establishing a division of labor among legislators of (nominally) equal status (Judge and Earnshaw 2003) and facilitate legislative decision-making by providing "economies of operation" (Mattson and Strøm 1995). This leads to efficiency gains, as legislation is processed more quickly than if the plenary as a whole were involved collectively, and promotes specialization and expertise to deal with "problems of complexity, technicality and information overload" (Judge and Earnshaw 2003, see also Bowler and Farrell [1995]; Kasack [2004]; Selck and Steunenberg [2004]). Much like the permanent committees with fixed jurisdictions in the U.S. Congress, the jurisdictional organization of EP committees is based on the need to specialize, and its committees have considerable influence on the legislative agenda.

Each committee has one chair and four vice-chairs, who are elected by the committee members. In practice, however, these positions are carefully distributed by agreement among the party groups based on their number of members. The chairs preside over the meetings of the committee, speak on its behalf at plenary sessions, and represent it at the regular meetings of committee chairs. Yet, the rapporteur system means that individual members, and not committee chairs, are the key actors negotiating individual pieces of legislation.

Another important role on a committee is that of the group coordinator, who is the main spokesperson of his or her party group in each committee. In fact, previous research suggests that MEPs generally view coordinators as the most dominant force in EP committees, but that the degree of their influence is determined by their personalities (Whitaker 2001: 78–80). The coordinator also distributes tasks among the committee members of her party group. Most importantly, once a report has been allocated to a party group in a committee, it is usually the coordinator who chooses the rapporteur from among her party colleagues. The coordinators also convene the meetings of committee members from their party group and work to achieve coherent party positions in committee (Whitaker 2001: 68; Corbett, Jacobs, and Shackleton 2007: 133). Jointly, the coordinators of the party groups set the committee's future agenda, discuss forthcoming votes, and distribute rapporteurships.

The EP party groups that do not receive the rapporteurship for a specific report appoint a "shadow rapporteur" responsible for preparing the group's position and monitoring the work of the rapporteur. This position has

Who Decides, and How?

become increasingly important in the recent past. Shadow rapporteurs (often referred to simply as “shadows”) inform the other members of their party groups of the progress of the deliberation and negotiation process, give them recommendations, draw up amendments, lead the discussion, and rally the troops when “their” issue is discussed in committee or plenary. This position has become necessary because many dossiers discussed in the EP today are highly technical, making an “in-house” expert a necessity. It is also increasingly common for rapporteurs dealing with important reports to have separate meetings with the shadows, who may even be invited to participate in meetings with Commission and Council.¹¹

Committees have a small staff, especially compared to the U.S. Congress, for example. They usually have only between two and eight administrators, one or two committee assistants, and a number of secretaries. Committees are also assisted by the EP’s Legal Service. Finally, the transnational party groups have up to three people in charge of following a specific committee who, together with the personal assistants of individual members, assist the committee and its members.

The existing scholarship on EP committees remains sparse, despite some recent research on committee assignment and party control of EP committees (e.g., Mamadouh and Raunio [2002, 2003]; McElroy [2002, 2006]; Whitaker [2001]; Hausemer [2006]). Therefore, our understanding of committees, along with other key aspects of the internal operation of the EU’s only directly elected institution, remains strikingly limited.

Conclusion

The EP plays a critical role in EU politics today and has evolved from a mere consultative institution into an assertive and powerful actor in the Union’s political and institutional framework, particularly over the past two decades. Throughout this time period, our understanding of the behavioral patterns of individual legislators, the EP’s institutional setup, and its policy-making process has improved substantially.

The account of politics and policy-making in the EP presented here forces us to reconsider some of the basic assumptions that have been made in the past, however, especially concerning party politics. Specifically, the view of parties as umbrellas for like-minded individuals conflicts with existing conceptualizations of party politics in the EP that emphasize the importance of party control and discipline. Previous interpretations seem to be driven by assumptions about what EP party control of its

members ought to look like, rather than observable realities. Yet, the nature of internal party politics in the EP is not based on conventional forms of party control and discipline that build on party members' vote- or office-seeking ambitions. Instead, intra-party dynamics revolve around an exchange of information from expert legislators in the EP's informational committees to nonexpert MEPs not directly involved in the deliberation and negotiation of a given policy proposal.

Still, EP party groups are more than mere coalitions of individual members who vote together when it suits them. Because perceived preference coherence is most likely between members of the same party, who share a common set of core preferences regarding the outcomes of the policies they enact, party affiliation serves as a decision-making shortcut allowing non-expert legislators to make decisions concerning legislative proposals they may know very little about. In sum, politics in the EP revolves around information, informational limitations, and expertise as the critical variables linking the preferences of individual legislators to their policy choices.

Notes

1. For more details on all four procedures, refer to Corbett, Jacobs, and Shackleton (2007: 196–247).
2. Economic and Monetary Union refers to the harmonization of economic and monetary policies of the EU member states; its most visible component is the common currency, the Euro.
3. These funds are allocated by the EU to support the poorer regions of Europe and to integrate European infrastructure, especially in the transport sector.
4. For a recent analysis of the conciliation process, see König et al. (2007).
5. Further details on the codecision procedure can be accessed at: http://ec.europa.eu/codecision/index_en.htm.
6. Corbett, Jacobs, and Shackleton (2007: 140) maintain that “if the suggested rapporteur is recognised as a specialist on the issue it is easier to get agreement on his or her nomination. Certain technical issues on which there is little political controversy but on which a committee member is a specialist are again and again referred to the same specialist.”
7. Rule 152, European Parliament Rules of Procedure. Key negotiators in the EP are well aware of the implications of the absolute majority requirement in second reading and plan their strategy accordingly (Rasmussen and Shackleton 2005: 17).
8. The ELDR group in the EP became the ALDE group in 2004.
9. For a comparison between EP committees and those in other European national legislatures, see Mamadouh and Raunio (2003). For a comparison between the EP and the U.S. Congress, see Kreppel (2006).

Who Decides, and How?

10. Subsequent analyses are based on data from the fifth parliamentary term (1999–2004), when the EP had the following 17 standing committees: Committee on Agriculture and Rural Development; Committee on Budgetary Control; Committee on Budgets; Committee on Citizens’ Freedoms and Rights, Justice and Home Affairs; Committee on Constitutional Affairs; Committee on Culture, Youth, Education, the Media and Sport; Committee on Development and Cooperation; Committee on Economic and Monetary Affairs; Committee on Employment and Social Affairs; Committee on Fisheries; Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy; Committee on Industry, External Trade, Research and Energy; Committee on Legal Affairs and the Internal Market; Committee on Petitions; Committee on Regional Policy, Transport, and Tourism; Committee on the Environment, Public Health, and Consumer Policy; and Committee on Women’s Rights and Equal Opportunities.
11. Different studies have shown that the Council is quite interested in informal contacts and negotiations with rapporteurs and shadow rapporteurs from big political groups to ensure that deals are backed by a large range of opinion in the Parliament and are therefore more likely to be acceptable (Farrell and Héritier 2003*b*: 592; Shackleton and Raunio 2003: 178; Rasmussen and Shackleton 2005: 10).