

The Effect of Inter-institutional Rules on the Division of Power in the European Parliament: Allocation of Consultation versus Codecision Reports

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Abstract

Studies on the internal organization of the European Parliament (EP) have largely overlooked the impact of its inter-institutional context. Addressing the gap, this paper examines how the different inter-institutional balance of power under the consultation and codecision legislative procedures affects the intra-parliamentary allocation of consultation and codecision reports. The analysis of reports allocated during 2004-2007 shows that the higher competition for codecision reports left unchecked by the informal rules of report allocation has produced clear winners and losers. Disloyal party group members are 'punished' by group coordinators in the allocation of any reports. Furthermore, members of the centre-right party group coalition are privileged in the allocation of codecision reports, while legislators with outlying special interests and experts are given systematic access only to drafting consultation reports. Thus, the main mechanisms driving report allocation appear to be promoting party group cohesion and majority formation.

The allocation of resources and the assignment of parliamentary rights to individual legislators or to groups of legislators shape each of the following: the collective expression of policy objectives, the level of expertise that is embodied in legislation that seeks to meet legislative objectives, the effectiveness with which legislation is implemented, and, ultimately, the importance of the legislature in the governmental process. (Krehbiel, 1991: 2)

The persistently growing legislative powers of the European Parliament (EP) with each treaty revision have made it increasingly important to understand its legislative organization. It affects the parliamentary ability to draft well-informed legislation, to build necessary majorities, to establish effective coordination with the other legislative institutions of the European Union (EU), and, ultimately, to assert its position in the legislative outcomes. A number of studies reviewed below have significantly advanced our knowledge of the EP structure. However, most of them have examined the internal parliamentary rules and division of resources in isolation from the external institutional environment in which the Parliament operates. In contrast, this paper aims at capturing the effect of the inter-institutional locking on the internal EP organization. It examines how the different inter-institutional legislative procedures defining the balance of power between the EP and the Council of Ministers shape the internal power struggle and division of tasks among parliamentary groups and individual actors.

Specifically, the factors influencing the allocation of consultation and codecision reports are compared in lights of the substantively different distribution of power between the EP and the Council of Ministers under the consultation and codecision procedures as specified in the EU treaties. Drafting legislative reports on the Commission's proposals by individual Members of the European Parliament (MEPs) constitutes probably the most influential individual legislative task within the EP. The rapporteurs serve de facto as the primary intra-institutional agenda-setters and the main parliamentary representatives in the inter-institutional negotiators. Thus, they can largely shape the content of adopted legislative acts. The choice of a rapporteur, therefore, can influence the level of expertise embodied in draft legislation, its representativeness of the preferences of the median member in the EP or bias toward certain interests outside the plenary, and the breadth of party group and plenary support it attracts. Nevertheless, it is not formally governed by the EP Rules of Procedure. Instead, informal procedures guide the division of reports among party groups. Furthermore, once a party group has won a report, its coordinator has nearly complete freedom in the final selection of an individual rapporteur. It is argued here that this procedural ambiguity can lead

to violations of the prevalent proportionality norm in the EP. Hence, the current system of report allocation and its consequences require due attention.

While building upon the partisan (Cox and McCubbins, 1993), distributive (Shepsle, 1978), and informational (Krehbiel, 1991) theories of legislative organization, the hypotheses developed here regarding the factors shaping the allocation of consultation versus codecision reports do not strictly follow the congressional literature and instead are centred around the specific incentive structures of MEPs and party group coordinators given the EP rules and the EU inter-institutional procedures. Thus, it is expected that the informal character of the EP rules regarding reports allocation combined with the substantively higher powers of the Parliament under the codecision legislative procedure and, hence, higher competition for codecision than consultation reports, would lead to a bias in the division of parliamentary power in favour of certain groups and actors. Members of the bigger party groups, whose support is most often needed for adopting the EP position, would be advantaged in the allocation of codecision reports. Additionally, party group coordinators would reward loyal members with reports to promote group cohesion. However, they would avoid allocating codecision reports that are important for their groups to members with special interests and, hence, outlying policy preferences in certain areas. Thus, such 'interested' members are rather expected to concentrate on writing consultation reports. Finally, MEPs with educational and professional expertise, who could bring informational benefits to both the party group and the plenary, would be advantaged in the allocation of reports, especially consultation ones for which completion is lower.

These hypotheses are examined with the use of an original data set on the legislative reports allocated during the first term of the 6th European Parliament (2004-2007), and data on the individual MEPs' profiles (see Yordanova, 2009). To give the reader a taste of the findings, the count models show that indeed the different parliamentary empowerment under the consultation and codecision procedures shapes the division of power within the EP. Thus, among the three biggest party groups generally forming the EP majority, the members of the Group of European People's Party (Christian Democrats) and European Democrats (EPP-ED) and Group of the Alliance of Liberals and Democrats for Europe (ALDE) appear to be privileged in the allocation of codecision reports. In line with the theoretical expectations, party group disloyalty decreases the number of any kind of reports a member is allocated. Furthermore, while there is no evidence of an effect of interest group affiliation or expertise

on the allocation of codecision reports, both factors increase the number of consultation reports that a legislator is allocated.

In what follows, first, background information on the highly complex system of report allocation is provided, followed by a presentation of the academic literature on the topic. The hypotheses of the study are developed thereafter. Subsequently, the data and methods are described and the findings are outlined. Finally, the theoretical and empirical contributions of the paper are discussed.

The role of the rapporteur and the system of report allocation

The legislative powers of the EP vary depending on the inter-institutional procedure required for adopting legislation falling in a specific policy area. Since the introduction of the codecision procedure in the Treaty of the European Union (1993), the extension of its application to ever more policy areas in the Amsterdam (1999) and Nice treaties (2003), and the virtual abolition of the cooperation procedure, the two main procedures used in adopting EU legislation have become consultation and codecision. The Parliament can only give its opinion under consultation procedure, while under codecision it has a veto power placing it on equal footing with the Council. The differential powers of the EP under the two procedures influence the level and type of external and internal pressures it attracts. The primary focus of such pressures is on the parliamentary legislative committees, which operate in open doors to the public and where most of the parliamentary deliberation takes place. The committees draft reports on the Commission proposals, in which they may propose amendments to the plenary to be considered in enacting the final EP position. However, there are substantial differences in the number and type of legislative reports that each committee writes depending on the policy area it covers.¹ Some committees do not operate in policy areas falling under the codecision procedure as specified in the EU treaties. These differences in the legislative power among committees affect the competitiveness of their working environment, the leverage their members have in advancing special interests outside the EP, and the control national parties and party groups exerts on them.

Within the responsible committee, usually one rapporteur is assigned to write each incoming draft report. The rapporteur is the primary legislator responsible for organizing discussions

¹ In the examined period, about 90% of all ongoing codecision reports were drafted by nine committees (EP, 2007a).

and hearings on a legislative proposal within the committee, proposing draft amendments and building majority support for the draft report. He or she has to present the committee draft report to the plenary upon the final committee vote and give an opinion on proposed changes to the committee draft report. The rapporteur also follows the report development through later readings, sits on the conciliation committee if one is formed (in the third reading of the codecision procedure), and, since recently, follows the legislative act in the implementation stage. In all these activities, he or she is expected to represent the committee common view rather than his or her own stance or that of his or her national party or party group. However, limited time resources put the rapporteur in a powerful 'agenda-setting' position. For instance, sometimes he or she would negotiate inter-institutional agreements with the representatives of the Commission and the Council in trilogue meetings without a clear committee mandate². To control the development of reports, other party groups appoint shadow rapporteurs, who are normally invited in such meetings. However, usually only the representatives of the biggest party groups are present because the smaller ones often do not have the human resources to appoint shadow rapporteurs. Thus, recognizing the rapporteur's substantive powers, interest group representatives and other lobbyists target mostly him or her in trying to influence the content of the legislative proposal.

Despite the substantive role of rapporteurs, report allocation is not regulated by the EP Rules of Procedure (EP, 2007b). Instead, an unclear and complex set of rules guides it, which further differs among committees. First, party groups' coordinators in a committee (selected by the respective groups' committee members) compete for a report for their group. Second, once a coordinator has won a report for his or her group, he or she decides which member in his or her group gets to draft the report, i.e. the rapporteur. To describe the first step in more detail, party groups are allocated a number of points based on their size in the committee, with which their coordinators can bid for reports in closed-door coordinators' meetings. The party group with the highest number of points gets to bid first, and if two or more groups are willing to pay the same price, the one with the higher remaining number of points gets the report (Corbett et al., 2005: 134). Prior to the bidding, a price may be set for a legislative report based on a common agreement of the party group coordinators, or alternatively there is a fixed price for reports based on their type, e.g. one point for own-initiative reports, two points for consultation reports, and three points for codecision reports in the Industry,

² A committee mandate is referred to as draft report that a committee adopts upon the first committee vote, including the committee amendments, if any.

Research and Energy Committee. This pricing suggests that there is a generally higher attractiveness of the codecision reports. A correcting penalty system may also be in place, where if a party group decides to skip its turn and not bid for a specific report, it is fined with one point (e.g. in the Industry, Research and Energy Committee). This is done to prevent the strategic behaviour of party groups saving points for popular reports- a strategy that smaller party groups may be willing to resort to in order to get priority over the majority party groups in obtaining some important for them upcoming report. If no party group wants a report, it may be allocated to the committee chair for no points as he or she usually serves as a rapporteur of last resort. Rapporteurs may also not be assigned in case the committee decides to consider a report without amendments under the procedure without amendments and debate (Rule 43.1, EP, 2007b).

Due to its informal character and flexibility, the point system poses opportunities for disproportional representation in the report allocation of both party groups and national (party) delegations based on their sizes. This is further aggravated by the lack of transparency in the allocation process and lack of any external monitoring or enforcement of proportionality. When it comes to the division of reports among party groups, codecision reports are especially prone to disproportional allocation as they are the most expensive ones and, thus, difficult to obtain for smaller party groups, which may instead choose to spend their points on cheaper reports. Once a party group has won a report, the second step involves the party group coordinator deciding which full committee member or substitute within his or her group will be the rapporteur. There are no rules on how the coordinators should allocate reports. The lack of any formal rules assuring the proportional allocation of reports to national (party) delegations gives large manoeuvre to party group coordinators to accommodate individual legislators' interests or use the allocations strategically (Yoshinaka et al., 2006: 8). Thus, it is an empirical question what factors trigger individual allocations, which several studies have addressed.

Current state of the art

Due to the substantive legislative role of rapporteurs, report allocation has attracted academic interest and has been examined in a number of studies. Some of them argue that the most important factor in report allocation are the special interests or interest group ties of MEPs (Kaeding, 2004, 2005), while others emphasize the role of their national party delegations (Hoyland, 2006), party groups (Benedetto, 2005), or the combination of the latter two

(Mamadouh and Raunio, 2002, 2003). However, despite the valuable insights these studies bring, their findings are not always reconcilable.

Analysing reports allocation in the period 1999-2004, Kaeding (2004; 2005) concludes that it does not proportionally reflect the EP composition. Focusing on the Environment, Public Health and Food Safety Committee, he found that the ALDE, the Group of the Greens/European Free Alliance (Greens/EFA) and the Confederal Group of the European United Left – Nordic Green Left (EUL/NGL) were overrepresented in the reports assignment, while EPP-ED and PSE (Socialist Group in the European Parliament) produced 10% fewer reports than expected from their sizes. He found variations also existed between countries, where Italy and France produced only a small amount of reports, while Sweden, Belgium and the Netherlands twice as much as expected. It appears that MEPs from environmentally oriented or Nordic member states are more active and dominate the committee. Thus, the distribution of reports in the Environment committee is not fully proportional to the national and ideological composition of the EP plenary. Kaeding (2005) provided descriptive statistics suggesting that this is the case also for the other committees. Considering all the reports allocated in the period 1994-2004, he showed that EPP-ED and PSE were on average considerably overrepresented, and when member states were considered - Germany and the Netherlands performed well above average. ‘The world of committee reports is one of disproportionality within party groups and national delegations that contradicts the overall principle laid down in the standing rules of procedure of the EP.’ (Kaeding, 2005: 99-100)

In contrast, Benedetto (2005: 80) claims that with the exception of slight over-representation of EPP and PSE, the allocation of codecision reports in the periods 1996-1998 and 1999-2001 was highly proportional to the party groups’ sizes. However, it was not so proportional to the national delegations’ sizes. On the one hand, this could be ascribed to the influential role played by the large national party delegations (Mamadouh and Raunio, 2002, 2003), which tend to be privileged in the report allocation. Mamadouh and Raunio (2003: 333; 2002) state that ‘national party delegations inside the transnational groups are often key gatekeepers in the division of spoils within the groups.’ They further specify that this holds true specifically for the constituent parties of the biggest party groups EPP-ED and PSE. On the other hand, Hoyland (2006) gives a different explanation for these discrepancies. He shows that MEPs from national parties represented in the Council are more active rapporteurs than other legislators in the codecision legislation. His analysis demonstrates that the number of reports

produced by governing parties is 43% higher than that by opposition parties. Along the same lines, Benedetto (2005) alludes to the significance of the privileged access of some MEPs to the Council and the Commission due to their national party affiliation.

Thus, disagreements regarding the level of and causes for disproportionality of report allocation to party groups and national party delegations seem to be irresolvable when considering aggregate level data only. This has led scholars to turn to individual level explanations. Legislators' individual interests and experiences could be the cause behind discrepancies. Benedetto (2005) has concluded that besides observing party proportionality, report allocation can be shaped by legislators' self-selection and expertise. Similarly, Mamadouh and Raunio (2002; 2003) have acknowledged that 'policy expertise is a major consideration' when it comes to individual appointments (Mamadouh and Raunio, 2003: 344). More concrete evidence of the impact of individual level considerations has been given by Kaeding (2005), who found that experience at the European level has a strong positive impact on being allocated a report and so does affiliation with Greenpeace and other environmental group. The latter observation reflects the composition of the Environment committee of homogeneous high demanders often affiliated with green interest groups (Bowler and Farrell, 1995; Kaeding, 2005; Yordanova, 2009). Furthermore, in their study on report allocation in the Environment Committee, Yoshinaka et al (2006: 19) conclude that 'expertise, ideology, and views on European integration all affect the likelihood that an MEP will be a repeat rapporteur.'

Additionally, patterns in the level of proportionality in report allocation could be detected when differentiating between the allocations of different types of reports. A first step in this direction is Hausemer's study (2006: 254), which shows that MEPs from large national delegations, committee chairs and preference outliers obtain less salient reports than their party group colleagues, defining salience in terms of importance for own national party as reflected in party manifestos. He attributes the disproportionality to party group leaderships' concern with maintaining the group cohesion via allocating to smaller national party delegations reports of high salience for them. Additionally, he holds that due to the open amendment rule in committee and plenary, MEPs who are not a part of the majority coalition (EPP-ED and ALDE) do not have incentives to compete for the most popular reports and, thus, focus on a restricted range of policy areas of particular interest to them.

While all these studies have greatly enhanced our understanding of report allocation, there is currently no common underlying pattern in their findings. This calls for a new comprehensive study on the allocation of different types of report examining simultaneously the predictions of alternative theoretical approaches in order to identify the conditions under which the certain factors shape report allocation. Is there a systematic difference in the allocation of codecision versus consultation reports? Is the allocation guided primarily by party groups' considerations or individual preferences? More specifically, when do partisan affiliation, party group loyalty, expertise and interest groups ties play a role? All these questions are addressed by testing the theoretical predictions derived below in a model centred on the incentive structures of MEPs and party group coordinators, who are the ultimate report allocators.

Theoretical predictions

The parliamentary organization, i.e. its internal 'allocation of resources and assignments of parliamentary rights to individual legislators or groups of legislators' (Krehbiel, 1991: 2), shapes the EP ability to fully exercise its legislative power and advance its position in its negotiations with the Council. However, it is shaped in turn by the inter-institutional rules governing these negotiations. It is impossible to fully understand the pattern of division of power and resources in the Parliament in isolation from the inter-institutional context. Thus, for instance, the substantive legislative powers on the EP under the codecision procedure as opposed to the consultation procedure are expected to lead to accordingly higher level of internal competition for codecision reports. Therefore, the interrelation of the inter-institutional context with the parliamentary rules and the incentives structure of individual actors has to be considered in formulating the theoretical expectations regarding individual report allocation.

Research on the EP relies mostly on the theories developed in the context of the US Congress, which arguably present the only theoretical framework on legislative organization (see Longley and Davidson, 1998: 3). There are a large number of similarities between the Congress and the EP in that both legislatures operate in separated powers, bicameral institutional environment and have highly developed committee systems. However, the European Parliament functions in a unique multi-national, multi-partisan environment. One could argue that the US Congress operates in a similar multi-state environment where both local and national parties play a role and do not always have same interests. Nevertheless,

adaptation of the predictions of the congressional theories to the EP context is required and their explanatory power cannot be tested in a strict manner. Particularly interesting in the present study are the distributive (Shepsle, 1978), informational (Krehbiel, 1991) and partisan (Cox and McCubbins, 1993) rationales of legislative organization. These are positive approaches assuming rational behaviour and endogenous institutional rules determining the distribution of legislative powers and hence shaping policy (Strøm, 1998). Their predictions are not exclusive but rather complementary. While the system of rapporteurs originates in the continental parliamentary practice and does not exist in the US Congress (Corbett et al., 2005), hypotheses about report allocation can nevertheless be informed following the logic of the congressional theories.

The partisan rationale (Cox and McCubbins, 1993) prescribes that the majority party would dominate the work and output of committees while the minority party is neglected. However, as opposed to the US bi-partisan legislature, a plurality of national parties and European party groups are present in the EP and no single party group has ever held an absolute majority of the parliamentary seats. Thus, it could be expected that the prevalent majority coalition of party groups in the European Parliament would dominate the committees' work and division of tasks instead. However, also no such permanent majority coalition exists in the EP as it does not need to elect a government like the national parliaments in the EU member states. Thus, legislative majorities have to be created on issue-by-issue basis. There have been two big party groups in the EP – the EPP-ED (formerly EPP) in the centre-right and PSE in the centre-left of the political spectrum, where EPP-ED holds more seats in the 6th EP term. The parliamentary absolute majority (i.e. half of all MEPs regardless of how many actually vote) required under the second reading of the codecision procedure is difficult to form without the assent of both groups. For a long time, grand coalitions between EPP-ED and PSE were common in adopting the EP position (Hix et al., 2007). However, only a simple majority (i.e. 50% of the voting MEPs only) is needed under the consultation procedure and in the first reading of the codecision procedure, in which cases other coalition patterns are more attractive when a grand coalition is difficult to secure. The simple majority rule is applied increasingly more often with 64% of all codecision dossiers during the first term of the 6th EP concluded in first reading (EP, 2007a). This puts in a powerful position the third biggest party group ALDE, which is a convenient coalition partner for each side in most policy areas being ideologically positioned between EPP-ED and PSE. Obtaining the backing of ALDE largely increases the independence of the larger party groups from the support of

smaller party groups. Thus, it is any configuration of the three biggest party groups EPP-ED, PSE and ALDE, which is most often required to form an EP majority. Hence, they can be expected to dominate the EP committees and the most important legislative tasks. The informal EP rules guiding report allocation, i.e. the 'points system', favour bigger party groups due to their ownership of most points for 'purchasing' reports, which gives them higher bargaining power and manoeuvre for strategic behaviour in the bidding for the popular reports. Thus, it could be expected that their members be privileged in the allocation of competitive reports, i.e. codecision reports.

Hyp1 Membership in the three biggest European party groups- EPP-ED, PED and ALDE-increases the number of codecision reports allocated to a committee member or substitute

Once the competition between party groups has been resolved, reports have to be allocated to individual legislators by group coordinators. This process is contingent upon the incentives of both individual MEPs and party group coordinators and, therefore, will be theorized below in view of these incentives. The selection or 'self-selection' of legislators may be influenced by multiple factors such as their partisan affiliation, partisan loyalty, legislators' special interests and expertise. Furthermore, the individual incentive structures need not be the same for all MEPs. However, irrespective of whether legislators seek policy or career (Hix et al., 1999), drafting legislative reports can facilitate achieving their goals by increasing their visibility.

Firstly, legislators who are primarily interested in further career in national or European politics depend on their national parties for re-election. Writing reports on matters of interest to their national parties and in accordance with the parties' positions is one of the main ways in which MEPs can increase their 're-selection' prospects. However, national parties are reportedly uninterested in the day-to-day operation of the EP and most of them would only try to 'ensure higher level of responsiveness on committees that have legislative powers' (Whitaker, 2005: 5, 2001). Furthermore, most of them have better way of influencing consultation legislation by addressing directly their respective national governments which sit in the Council of Ministers than by lobbying the EP. Thus, legislators interested in 'pleasing' their national party leaders would prefer writing codecision reports. Along the predictions of the partisan theory (Cox and McCubbins, 1993), party group coordinators would use this intense competition for reports, especially codecision ones, among career seeking MEPs as a means of enhancing group cohesion. Coordinators have been referred to as party group 'whip' or 'watchdogs' within their committees, whose primary goal is achieving consensus of

the committee party group contingents around the same position (Settembri and Neuhold, 2009: 141-2; Corbett et al., 2005). Thus, they are expected to reward loyal group members, i.e. members who tend to vote most often with the party groups' median member, and punish disloyal members in allocating legislative reports.

Hyp2 Party group disloyalty decreases the number of reports allocated to a committee member

This is expected to hold true even more so for codecision reports, for which competition is keener.

Hyp2a This effect is stronger in the allocation of codecision reports

Secondly, other legislators who have specialized knowledge in particular fields may be attracted to writing reports falling within their area of expertise, or externally motivated to do so. The need for information could not be stressed more in the case of the EP, which has limited staff and, as opposed to national parliaments, does not elect a government on which it can rely for information regarding potential policy outcomes. Thus, it has the freedom but also the necessity to build its own expertise. Emphasizing the information accumulation role of committees in a setting of uncertainty due to the lack of a majority party, the informational theory (Krehbiel, 1991) predicts the plenary would create incentives for individual members to specialize. For instance, members who can specialize at low cost due to their educational and professional background would be assigned to respective specialized committees. Indeed, in the EP economists tend serve on the committees Economic and Monetary Affairs and Budgetary Affairs; lawyer are concentrated in the Committee of Legal Affairs and the Committee; members with previous experience the transport sector are mostly assigned to the Committee on Transport, etc. (Yordanova, 2009) Another incentive for specialization that the plenary can create is 'the possibility of repeated appointments as rapporteur' (Yoshinaka et al., 2006: 7-8), which is reflected in the flexibility of EP rules with respect to the proportional allocation of reports.

A coordinator has an incentive to announce the names of the potential expert rapporteurs he or envisions at the stage of allocating the report between the party groups because: 'If the suggested rapporteur is recognised as a specialist on the issue it is easier to get agreement on his or her nomination' (Corbett et al., 2005: 134). Appointing a member with relevant expertise may facilitate the majority formation within the committee and plenary. It is costless for a party group coordinator to allocate to expert members consultation reports, for

which competition is generally low. Thus, experts are expected to write more consultation reports than other members. However, expertise is expected to be less of a determining factor in the allocation of codecision reports, for which not only inter-group, but also intra-group competition is stronger. This leads to the following hypotheses:

Hyp3 Having committee-specific expertise increases the number of reports allocated to a committee member

Hyp3a This effect is stronger in the allocation of consultation reports

Finally, still other MEPs may be foremost policy-driven and seek policy that reflects their ideological convictions or the policy preferences of the interest groups they have been affiliated with. The distributive rationale (Shepsle, 1978) prescribes that committees serve special interests outside the legislative body, be those territorial interests or specific interest groups, on which their members depend for re-election. Interest groups can enhance MEPs' re-elections chances by increasing their national party's vote share (e.g. trade unions), or their future career prospects outside politics (e.g. industry and business groups). While their ties are likely also associated with some form of expertise, this expertise is linked to outlying ideological positions in the respective policy areas, which affect negatively their chances of obtaining popular reports.

Being selected by the committee contingents of party groups, party group coordinators have the incentive to keep the majority of their group members satisfied with the rapporteur selection. Assuming that legislators with special interest tend to have ideal policy positions away from the group median on the respective legislative acts, coordinators would not select them as rapporteurs on important reports. Given the heterogeneous party groups' membership of national delegations with sometimes differing interests, the selection of a rapporteur with median views in a respective area who can draft a report representing the views of most group members within the committee is essential for the intra-group majority formation. Thus, in the allocation of codecision reports where a lot is at stake, a group member with special interest group ties is unlikely to be selected irrespective of his or her expertise in the respective field.

Hyp4a Having interest groups ties decreases the number of codecision reports a committee member is allocated

Nevertheless, interest groups' primary lobbying point is the European Parliament due to their limited access to the Council of Ministers. Aiming at representing such groups, MEPs with respective interest group ties would be highly interested in drafting also consultation reports in the specific areas in order to voice their opinion and, thus, signal their support for the respective groups. The open amendment rule in committee and plenary provides further incentives for them to focus on reports of high salience for them but with lower common popularity. Depending on all party groups contingents within their committees for their position and re-selections, party group coordinators have an incentive not to exclude systematically any group member from writing reports, especially those that are single representatives of their national party delegation within the committees. Thus, to maintain group cohesion they would be willing to allocate to legislators with interest group ties consultation reports of special interest for them, but for which there is little general interest and competition (see Hausemer, 2006).

Hyp4b Having interest groups ties increases the number of consultation reports a committee member is allocated

Data, measures and methods

Before proceeding to the empirical analysis, the data and the sample are briefly presented. The data on the individual profiles of MEPs are collected from the EP web page and Eurosource (2005) (Yordanova, 2009), while the original data on the codecision reports are extracted from the Legislative Observatory site of the EP. The analyses cover report allocations made during the first semi-term of the 6th EP (22.07.2004 and 31.01.2007). Only substantive reports were considered, excluding reports considered under the simplified procedure without amendment or debate (Rule 43.1), codifications, technical reports meant to solely to formalize the new parliamentary powers in implementation due to entry into force of the new regulatory procedure with scrutiny, and reports only giving a parliamentary mandate to the Commission for the employment of new executives of the European agencies as for such reports a rapporteur is either not assigned or he or she plays minor technical role. All committees but those which produced no codecision or consultation reports are covered in the respective models. Thus, the analysis of codecision reports excludes the Constitutional Affairs and Petitions committees, while the analysis of consultation reports excludes the committees on Internal Market and Consumer Protection, Women Affairs and Petitions.

The unit of analysis required for to test the hypotheses of the impact of committee-specific expertise and interest-group ties is a committee full member or a substitute member. Since an MEP can serve on more than one committee, and most members are full members on one committee and substitutes one another, the data set on individual legislators has been stacked so that each observation in the restructured data (legislator*committee) represents a committee member or substitute (see Van der Eijk and Franklin, 1996, Ch. 20). While demographics and partisan variables stay constant, after stacking the other independent variables have been re-coded so as to reflect the nature of legislator-committee relationship. Since one and the same MEP can appear multiple times in the data, such observations have been weighted down to reflect the original number of cases in the data set with sampling weights (Long and Freese, 2003: 73).

The two dependent variables represent the number of codecision or consultation reports assigned to a committee member or substitute. These are discrete interval variables ranging from 0 to 3, where 3 means an MEP has been allocated 3 or more reports of the respective type. As the assumption of normality of an ordinary least square regression is violated and the dependent variables are non-negative count, the usage of a count models is most appropriate. While the dependent variable measuring the number of allocated codecision reports is suitable for a simple poisson model, the overdispersion in the variable measuring the number of allocated consultation reports, reflected in its conditional variance being substantively higher than its conditional mean, calls for a negative binomial regression model (Long and Freese, 2003: 266-7). The latter model only adds an additional parameter to the poisson model to account for unobserved heterogeneity among observations and, thus, to correct the standard errors, which are otherwise biased downward. Hence, the two models have the same mean structure and their results are comparable.

Dummies for membership in the three biggest European party groups – EPP-ED, PSE, and ALDE are introduced to test Hypothesis 1. In testing Hypothesis 2 and 2a on the impact of party group loyalty, the 1st dimension NOMINATE scores of MEPs are calculated via a multidimensional scaling technique (Poole and Rosenthal, 1997) using the roll call votes data collected by Hix, Noury and Roland (2007). These scores represent the relative proximity of legislators to one another based on their voting records and are used to calculate the absolute distance of MEPs from the median positions of their party groups. A small distance reflects a loyal voting record, while a high distance is a sign of a disloyal behaviour. While the roll call

votes are called only on a limited number of legislative acts, probably strategically so, and may not be representative of all votes (Carrubba et al., 2006), they are nevertheless the most suitable proxy for party group loyalty as it is the observable voting behaviour of legislators that party groups coordinators would be familiar with and base their allocation decisions upon. While party group coordinators are supposed to allocate reports proportionally to the national party delegations within their groups based on their size, this may not occur in reality. Thus, the size of a member's national party delegation in the EP is controlled for. Furthermore, a variable accounting for the proportion of time that a member's national party was in government during the examined period is included in order to address previous research suggesting that national parties in government write more codecision reports than opposition parties (Hoyland, 2006). This variable is calculated by dividing the number of months that a legislator's party was in government by the total number of months in that examined period, i.e. thirty.

In testing Hypothesis 3 and 3a, information on MEP's educational and professional background is used to create a new 'committee-specific expertise' variable, signifying whether the expertise of a committee member is relevant for the respective committee on which he or she sits or is a substitute, coded as 1 if yes, and 0 otherwise. This variable is equal to one if a member fulfils the following conditions: has educational and professional experience in economic and sits on the Budgets Committee or the Committee of Economic and Monetary Affairs; has legal education or career and sits on the Committee of Legal Affairs or the Committee of Constitutional Affairs; has experience in international politics and sits (as a full member or substitute) on the Committee of Foreign Affairs; has natural sciences education and sits on the Committee of Industry, Research and Energy or the Committee of Environment, Public Health and Food Safety; has medical education and sits on the latter committees; or has professional expertise in the transport or telecommunication sectors and sits on the Committee of Transport and Tourism. Analogically, to test Hypotheses 4a and 4b 'committee-specific interest' variable is created. It is a dummy variable assuming the value of 0 unless a member: has had farming ties recorded before the beginning of the 6th EP term and is on the Agriculture Committee; has had green group ties and is on the Committee of Environment, Public Health and Food Safety; has had trade union ties and is on the Committee of Employment and Social Affairs; has had industry or business ties and is on the Committee of Industry, Research and Energy or the Committee of Economic and Monetary Affairs; or has had ties to social groups dealing with people and is on the

Committee of Civil Liberties, Justice and Home Affairs. It has been shown elsewhere that members with such interest group ties have higher chances of assignment to the respective committees (Yordanova, 2009). Appendix A provides some descriptive statistics by party group on the variables constituting the committee-specific expertise and interest measures.

Additionally, previous membership on the same committee in the last EP term is controlled for to take into consideration the impact of seniority. So is the number of reports allocated to a member, other than the ones measured in the respective dependent variable. Due to the crucial role that party group coordinators play in the allocation of reports, a dummy variable is included of whether a committee member is a coordinator or not. Similarly, the effect of being a committee chair is controlled for. All models include dummies for gender and age, as well as fixed effects for committee membership. The latter are included because substantial differences are expected between committees owing to the different number and types of report they allocated in the considered period and their differing sizes. To address further for the bias in the standard errors due to the group structure of the data, clustering by committee membership is added to the models to obtain robust standard errors and decrease the chances of committing type 1 errors (Hosmer and Lemeshow, 2000, Section 8.3).³

Results

The results of the count models are displayed in Table 1. The dependent variable in the first three models is the number of allocated codecision reports, while in the last three it is the number of allocated consultation reports to a full committee member or a substitute. The independent variables are introduced stepwise, testing first the unique effect of individual background, then the effect of party-related factors, and finally all effects simultaneously. The strength of each variable is represented in Table 2 by the factors changes it leads to in the number of allocated reports when it is increased respectively for dummy variables by one unit, or for the continuous ones by a standard deviation.

[TABLE 1 ABOUT HERE]

[TABLE 2 ABOUT HERE]

³ Size of member state was included in the preliminary data analysis but did not show to have a significant impact.

Partially confirming Hypothesis 1, the full model 3 on the allocation of codecision reports shows that after controlling for all other factors, being a member of either EPP-ED or ALDE increases the number of codecision reports he or she is allocated. However, this is not the case for the members of PSE. Notably, the members of none of the three biggest party groups seem to be privileged in the allocation of consultation reports. The size of national party delegations is not a significant predictor in the full models of codecision and consultation report allocation. Thus, the results provide no evidence in support of Mamadouh and Raunio's (2002; 2003) expectation that the members of bigger national party delegations are privileged in the report allocation. Nor does the proportion of time a member's national party has been in government in the examined period seem to have an impact on the number of reports he or she receives. While admittedly based on individual rather than aggregate data, this finding fails to support the result of a previous study, which held that national parties present in the Council of Ministers write more reports than opposition parties (Hoyland, 2006).

The results provide strong evidence for Hypothesis 2. Party group disloyalty has a strong negative effect on the number of reports a member is allocated. However, there is no clear evidence that this effect is stronger for codecision reports as suggested by Hypothesis 2a. The analyses give mixed evidence regarding Hypothesis 3 and 3a. Committee-specific expertise appears to be unrelated to the number of codecision reports one is allocated. This may be due to the fact that it is difficult for party group coordinators to justify systematically excluding non-expert members from the writing of salient reports. However, relevant expertise is a positive predictor of the number of consultation reports a member is allocated. Due to the generally lower competition for consultation reports, it is easier for group coordinators to justify advantaging experts in the allocation of consultation reports. Having committee-specific interest groups does not have a significant negative effect on the number of allocated codecision reports, contrary to Hypothesis 4a. However, they have a significant and positive effect on the number of allocated consultation reports to a committee member or substitute in line with Hypothesis 4b.

Among the control variables, being a committee substitute rather than a regular member strongly decreases the number of any kind of reports one is allocated. Previous membership in the same committee in the past EP term seems to be a strong predictor of the number of codecision reports one is allocated, while it has no effect on the number of consultation

reports a legislator receives within a committee. Chairs seem be privileged in the allocation of consultation reports but not in the allocation of codecision reports. This is likely due to the fact that they serve as rapporteurs of last resort if nobody wants to write a report (Corbett et al., 2005). The opposite holds for party group coordinators, who are rather advantaged in the allocation, or self-allocation, of codecision reports owing to their powerful position. Interestingly, the numbers of codecision and consultation reports a member is allocated seem be correlated. The more codecision reports one writes, the more consultation ones he or she is allocated, and the other way round. In fact, 35% of the MEPs wrote all of the substantive codecision and consultation reports in the period. Finally, being a male member decreases the number of codecision reports one is allocated.

Discussion

The purpose of this paper is to improve our understanding of the legislative organization of the European Parliament. In particular, it examines how the intra-parliamentary division of power is affected by the substantively different legislative powers of the EP under the codecision and consultation procedures. Comparing the factors determining the allocation of codecision and consultation reports, the study has demonstrated that the internal parliamentary division of legislative tasks is shaped by the power-relations of the EP with the other EU legislative institutions. Combined with the informal rules of report allocation, the higher competition for codecision report as compared to consultation reports has produced clear winners and losers in the distribution of parliamentary power among individual legislators and party groups.

Functional collective concerns about reaching parliamentary majorities combined with strategic entrepreneurial behaviour have led to a bias in the report allocation in favour of the members of EPP-ED and ALDE, whose support is sufficient for reaching the simple parliamentary majority increasingly applied in adopting legislation. These findings corroborate Hausemer's (2006: 513) claim that 'the distribution of salient reports mirrors coalition dynamics in the Parliament'. In the 4th and 5th EP grand coalitions were common, which is reflected in the past overrepresentation of EPP-ED and PSE in the report allocation (Mamadouh and Raunio, 2003; Kaeding, 2005; Benedetto, 2005). However, due to the

changes in the codecision procedure in the Amsterdam Treaty (1999)⁴ and the resulting drastic increase in the number of codecision acts concluded in first reading in recent years, the EP now needs less often to assure absolute majority support for legislation. Furthermore, since a centre-right majority holds both the EP and the Council since 2004, it has become easier for the EPP-ED to advance its positions with the Council under the codecision procedure even when it is not supported by PSE under qualified majority voting in the Council. Roll call vote analysis shows that the parliamentary coalitions are formed increasingly more often on left-right basis (Hix et al., 2007). EPP-ED is better-off forming a centre-right coalition with the Liberals rather than a grand left-right coalition with PSE, in which it would have to make bigger policy concessions. Thus, it is plausible that EPP-ED prefers ALDE rather than PSE to get important reports. Logrolling between party group coordinators in the bidding for the most popular reports is possible given the informal characters of rules governing report allocation. Putting the members of the second biggest group PSE at a disadvantage in obtaining codecision reports violates the parliamentary norm of proportionality. Given the substantive ‘agenda-setting’ powers of the rapporteurs, underrepresentation in the report allocation of any party group can have important normative implications since actors who get to write the codecision reports have better chances of influencing legislation in a certain direction.

While referring to the theoretical predictions of the congressional theories of legislative organization, the hypotheses here are centred around the incentive structure of individual MEPs and party group coordinators, who de facto decide on report allocations. The differential competition for codecision and consultation reports combined with the informal EP rules on report allocation, allowing for substantive manoeuvre in individual appointments, have strengthened the role of party group leadership. Group coordinators have seized the opportunity of controlling their members by using report allocations to discipline their members. It is the collective concern with furthering party group cohesion and policy preferences that drives the careful selection of loyal group members with non-outlying policy positions as rapporteurs for codecision reports, who can attract broader intra-group support. In contrast, members with portrayed special interests and outlying preferences in particular fields are given access only to writing consultation reports. These findings support

⁴ The Amsterdam Treaty (1999) abolished the Council’s ability of reinstating its common position if no compromise is reached with the Council after the third reading of the codecision procedure and introduced the option of early conclusion of codecision act already in first reading.

Hausemer's (2006: 254) observation that preference outliers obtain less salient reports and corroborate Kaeding's (2005) findings of the positive impact of interest group ties on receiving reports, but only so long as consultation reports are concerned. Thus, party group coordinators choose rapporteurs strategically in anticipation of the receipt of reports in their groups and committees. Promoting party group consolidation and majority formation seem to be the major mechanisms driving report allocation, which comes closest to the predictions of the partisan theory.

While contributing to our understanding the factors shaping the allocation of different type of reports, this paper covers only one semi-term of the EP. Thus, it is also advisable to examine previous and future periods in order to check the robustness of the current results over time, for which additional individual level data on past and future MEPs is needed. Further research on the resources available to individual legislators, such as number of assistants, party group and general staff, may be informative of the level of workload they have, and more specifically the number of legislative tasks they take aboard. A next step would be to examine how the rapporteur selection influences the procedural development and content of legislation.

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Table 1 Count models of codecision and consultation report allocation

	COD m1	COD m2	COD m3	CNS m1	CNS m2	CNS m3
Committee-related interest group ties	.127 (.150)		.144 (.133)	.280** (.129)		.322** (.157)
Committee-related expertise	.001 (.184)		.048 (.157)	.424* (.253)		.405* (.232)
Party group disloyalty		-3.270** (1.274)	-3.378** (1.501)		-3.232** (1.480)	-2.541* (1.323)
EPP-ED		.531* (.272)	.641** (.291)		.126 (.383)	.237 (.481)
PSE		.225 (.286)	.366 (.289)		-.233 (.449)	-.062 (.517)
ALDE		.596* (.310)	.593** (.283)		.311 (.511)	.219 (.508)
National party del. size		.014** (.007)	-.002 (.008)		.016** (.007)	.011 (.008)
Time in government		.120 (.169)	.092 (.137)		-.164 (.171)	-.080 (.192)
No. of codecision reports						.543*** (.180)
No. of consultation reports			.418*** (.096)			
Previously in committee			.878*** (.148)			-.126 (.250)
Chair			.156 (.526)			1.189*** (.396)
Coordinator			.458** (.203)			.574 (.383)
Male	-.480*** (.106)	-.461*** (.097)	-.360*** (.121)	-.173 (.171)	-.126 (.145)	-.134 (.144)
Age	.006 (.008)	.002 (.008)	-.008 (.008)	.016* (.009)	.014 (.009)	.011 (.010)
Substitute	-1.822*** (.292)	-1.842*** (.283)	-1.435*** (.262)	-1.062*** (.238)	-1.104*** (.240)	-.750*** (.241)
DEVE	.747*** (.154)	.771*** (.024)	.890*** (.141)	-.695*** (.218)	-1.077*** (.044)	-.837*** (.220)
INTA	.327** (.159)	.287*** (.053)	.425** (.174)	.961*** (.217)	.635*** (.058)	.849*** (.221)
BUDG	-.131 (.085)	-.181*** (.038)	-.176** (.079)	.553*** (.094)	.401*** (.039)	.390*** (.098)
CONT	.043 (.092)	.154*** (.040)	.176* (.100)	.439*** (.120)	.305*** (.052)	.422*** (.093)
ECON	1.731***	1.760***	1.575***	1.339***	1.363***	1.184***

	(.049)	(.031)	(.108)	(.101)	(.036)	(.152)
EMPL	1.548***	1.630***	1.590***	.661***	.456***	.588**
	(.125)	(.016)	(.123)	(.229)	(.041)	(.235)
ENVI	2.560***	2.553***	2.408***	.679***	.511***	.096
	(.077)	(.031)	(.103)	(.130)	(.051)	(.333)
ITRE	1.400***	1.367***	1.435***	1.137***	.993***	.999***
	(.074)	(.033)	(.092)	(.142)	(.034)	(.169)
IMCO	1.879***	1.809***	1.975***			
	(.161)	(.048)	(.131)			
TRAN	2.459***	2.463***	2.489***	.338**	.158***	.081
	(.120)	(.029)	(.131)	(.146)	(.016)	(.188)
REGI	.163	.209***	.385***	-.632***	-.920***	-.627***
	(.156)	(.027)	(.142)	(.219)	(.018)	(.211)
AGRI	-.738***	-.636***	-1.022***	2.046***	1.940***	2.048***
	(.112)	(.032)	(.183)	(.243)	(.051)	(.236)
PECH	.439***	.379***	-.202	2.894***	2.537***	2.784***
	(.157)	(.026)	(.220)	(.218)	(.053)	(.210)
CULT	1.949***	1.950***	2.086***	.165	-.176***	-.138
	(.158)	(.021)	(.142)	(.220)	(.049)	(.257)
JURI	2.203***	2.203***	2.119***	1.152***	1.038***	.706***
	(.046)	(.024)	(.071)	(.091)	(.070)	(.134)
LIBE	2.174***	2.152***	1.752***	2.942***	2.595***	2.548***
	(.134)	(.022)	(.223)	(.223)	(.058)	(.244)
AFCO				-.760***	-.917***	-.837***
				(.087)	(.025)	(.103)
FEMM	.426**	.386***	.608***			
	(.177)	(.081)	(.155)			
Constant	-3.034***	-3.254***	-3.178***	-3.775***	-3.339***	-3.744***
	(.491)	(.516)	(.561)	(.514)	(.488)	(.749)
<i>Log-pseudolikelihood</i>	-243.0	-232.2	-217.3	-228.2	-221.8	-214.5
<i>McFadden pseudo R2</i>	0.22	0.24	0.29	0.15	0.16	0.19
<i>Alpha</i>				1.767	1.479	1.005
<i>lnalpha</i>				0.570	0.391	0.005
<i>N</i>	1547	1475	1475	1471	1399	1399

Significance levels: * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$. Robust standard errors displayed in brackets.

Table 1 Factor change in the expected count for a unit/standard deviation increase in x

	CODm3	CNSm3
Committee-related interest group ties	1.1546	1.3792
Committee-related expertise	1.0494	1.4997
Party group disloyalty	0.66	0.7282
EPP-ED	1.8982	1.2671
PSE	1.4418	0.9396
ALDE	1.8092	1.2446
National party del. size	0.9765	1.1161
Time in government	1.0395	0.9669
No. of codecision reports		1.2759
No. of consultation reports	1.2344	
Previously in committee	2.407	0.8815
Chair	1.1694	3.2835
Coordinator	1.5816	1.7761
Male	0.6979	0.8742
Age	0.9219	1.1137
Substitute	0.238	0.4723

Notes: For the variables party group disloyalty, national party delegation size, time in government, No of codecision reports, No of consultation reports and Age the change in expected count for SD increase in X is shown (e^{bStdX}). For all other variables factor change in expected count for unit increase in X is displayed (e^b).

Appendix A Committee-specific interest group ties and expertise of committee members and substitutes per party group

	EPP-ED	PSE	ALDE	GREEN/ EFA	EUL/NGL	IND-DEM	UEN	na	committee
<i>Committee-specific interests</i>									
Farming ties in AGRI	20 (32)	5 (21)	2 (4)	1 (4)	1 (3)	1 (6)	1 (4)	3 (7)	34 (81)
Green ties in ENVI	10 (44)	4 (29)	0 (16)	8 (10)	1 (8)	0 (6)	1 (6)	0 (2)	24 (121)
Trade union ties in EMPL	4 (29)	12 (30)	2 (12)	0 (5)	2 (8)	0 (2)	0 (2)	0 (4)	20 (92)
Social groups in LIBE	3 (39)	7 (26)	2 (16)	2 (6)	1 (5)	0 (3)	1 (4)	0 (4)	16 (103)
Industry/business group ties in ECON	15 (39)	7 (26)	7 (12)	1 (4)	0 (4)	2 (3)	2 (3)	0 (4)	34 (95)
Industry/business group ties in ITRE	12 (38)	6 (29)	4 (12)	0 (6)	2 (6)	1 (1)	0 (3)	1 (4)	26 (99)
<i>Committee-specific expertise</i>									
International relations experience in AFET	47 (59)	37 (43)	16 (18)	7 (9)	6 (10)	3 (9)	3 (8)	3 (5)	122 (161)
Legal expertise in JURI	18 (21)	5 (12)	3 (6)	0 (4)	0 (2)	1 (1)	1 (2)	1 (2)	29 (50)
Legal expertise in AFCO	15 (21)	6 (15)	3 (6)	0 (3)	1 (2)	0 (3)	1 (2)	2 (3)	28 (55)
Medical education in ENVI	10 (44)	2 (29)	3 (16)	0 (10)	3 (8)	1 (6)	0 (6)	1 (2)	20 (121)
Natural sciences and engineering educ. in ENVI	7 (44)	4 (29)	3 (16)	3 (10)	3 (8)	1 (6)	0 (6)	0 (2)	21 (121)
Natural sciences and engineering educ. in ITRE	12 (38)	8 (29)	2 (12)	1 (6)	1 (6)	0 (1)	1 (3)	1 (4)	26 (99)
Transport experience in TRAN	6 (35)	3 (27)	1 (12)	3 (6)	0 (6)	1 (6)	1 (4)	0 (5)	15 (101)
Economics expertise in BUDG	15 (40)	9 (29)	4 (12)	0 (4)	1 (2)	2 (2)	1 (2)	1 (4)	33 (95)
Economics expertise in CONT	8 (25)	4 (15)	4 (8)	1 (4)	1 (4)	2 (4)	1 (1)	0 (2)	21 (63)
Economics expertise in ECON	20 (39)	12 (26)	5 (12)	1 (4)	1 (4)	3 (3)	1 (3)	2 (4)	45 (95)

Note: The total number of members with respective column category with or without respective interests of expertise is displayed in brackets.

Abbreviations: AFET: Foreign Affairs; DEVE: Development; INTA: International Trade; BUDG: Budgets; CONT: Budgetary Control; ECON: Economic and Monetary Affairs; EMPL: Employment and Social Affairs; ENVI: Environment, Public Health and Food Safety; ITRE: Industry, Research and Energy; IMCO: Internal Market and Consumer Protection; TRAN: Transport and Tourism; REGI: Regional Development; AGRI: Agriculture; PECH: Fisheries; CULT: Culture and Education; JURI: Legal Affairs; LIBE: Civil Liberties, Justice and Home Affairs; AFCO: Constitutional Affairs; FEMM: Women's Rights and Gender Equality; PETI: Petitions; EPP-ED: Group of European People's Party (Christian Democrats) and European Democrats; PSE: Socialist Group in the European Parliament; ALDE: Group of the Alliance of Liberals and Democrats for Europe; G/EGA: Group of the Greens/European Free Alliance; EUL/NGL: Confederal Group of the European United Left – Nordic Green Left; IND/DEM: Independence/Democracy Group; UEN: Union of Europe of the Nations Group; na: Non-attached members