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Examining the EU Legislative Process

The Relative Importance of Agenda and Veto Power

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ABSTRACT

This comparative case study tries to offer an empirical insight into the explanatory power of competing approaches on parliamentary influence in the cooperation procedure of the European Union. The theoretical debate on the impact of the cooperation procedure has received remarkable attention and centres around the relative importance of parliamentary agenda-setting and veto powers. Our comparative analysis reveals two important conceptual differences among the competing approaches on parliamentary power: first in their focus on the preference profile and, second, in their modelling of the reference point. The empirical findings show that the supranational preference profile characterizes the actor configuration in European legislative politics, at either the dimensional or the issue level of Commission proposals. The competing approaches overestimate supranational agenda-setting power and parliamentary veto power is unlikely to strengthen the pro-integrationist influence.

KEY WORDS

- European Union
- game theory
- institutional analysis
- comparative case study

Competing views on parliamentary powers

The Single European Act modified the decision-making process of European Union (EU) legislation by increasing the European Parliament's (EP) capacity for influence with the introduction of the cooperation procedure in mid-1987. For the first time, this procedure enabled the EP effectively to influence legislative decision-making in most of the areas concerned with bringing about the internal market, in social policy, regional development and research. The cooperation procedure entitles the EP to adopt, reject or amend the common position of the Council, in which the governments of the member states coordinate their legislative interests on Commission proposals. However, the cooperation procedure constrains the parliamentary impact because EP vetoes and amendments can be overruled by Council unanimity. For this reason, parliamentary power is not only conditioned by the necessary support of a Council qualified majority but also threatened by a unanimous overrule of the member states.

From mid-1987 until the end of 1992, just prior to the introduction of the codecision procedure, the Commission initiated about 10% of its legislative proposals using the cooperation procedure. Compared with the standard procedure, the duration of these proposals increased owing to the additional parliamentary participation (Schulz and König, 2000). Regarding parliamentary activities, the EP has notably preferred to use its amendment rather than its veto option (Wessels, 1991). Tsebelis and Kalandrakis (1999) show that less than 30% of parliamentary amendments are insignificant and Kreppel (1999) demonstrates that technical amendments have a greater chance of being adopted. Looking at the empiric, parliamentary influence, Kreppel (2000) finds that the Commission allies itself more frequently with the EP than the Council does, and almost all case studies report effective parliamentary influence in the cooperation procedure (Earnshaw and Judge, 1993; Hubschmid and Moser, 1997; Moser, 2000; Tsebelis and Kalandrakis, 1999). Yet, their conclusions seem to be drawn from different levels of analysis. Some scholars focus on broader dimensional conflicts between the EP, Council and Commission, often located on a scale of more to less integration, whereas others argue that configurations vary from issue to issue (Corbett, 2000: 377; Tsebelis and Garrett, 2000: 26–31).

The theoretical literature on parliamentary power in the cooperation procedure has received remarkable attention. Tsebelis (1994: 128) finds that the EP has conditional agenda-setting power in the cooperation procedure: 'it can make proposals that, if accepted by the Commission, are easier to accept than to modify (only qualified majority being required for acceptance but unanimity, for modification).' According to Steunenberg (1994: 644), the

cooperation procedure appears to produce policy stability, but may limit the agenda-setting power of the Commission because the latter 'must take into account the additional rejection power of the EP' (1994: 654). Moser (1996: 837) also refers to the conditional veto power of the EP: 'it can at best force the Commission to choose a point inside the unanimous win set of the Council.' This conclusion corresponds to Crombez' (1996) emphasis on the EP's veto power. He contends that the Parliament's right to amend proposals does not give it more power than its right to issue non-binding opinions in the standard procedure: 'Only if the EP has informational advantages or if preferences change would it have agenda-setting powers' (Crombez, 2000: 364).

The debate on the power of the EP continues with the introduction of the codecision procedure in 1993 and its modification in 1997.¹ This discussion compares the procedural effects of EU legislative decision-making and considers whether the codecision procedure increases or decreases parliamentary power. However, we still have little knowledge about how the EP might exert power in the cooperation procedure. The major theoretical difference concerns the relative importance of conditional veto and agenda-setting power. Whereas Steunenberg (1994), Crombez (1996) and Moser (1996) (in the following S-C-M) conclude that the EP has only conditional veto power over Commission proposals in the cooperation procedure, Tsebelis (1994) and Tsebelis and Garrett (2000) (in the following T-G) focus on the second stage of parliamentary participation. They assert that the EP has conditional agenda-setting power by virtue of its ability to amend Commission proposals. Previous empirical contributions were unable to settle this debate because they did not test the competing approaches in a comparative manner.²

This study improves previous research on the power of the EP in two respects. First, in order to reveal the theoretical difference between conditional agenda-setting and vetoing, we outline the interaction between different preference profiles and the conclusions on parliamentary powers drawn from the competing approaches in a two-dimensional policy space. Many spatial analyses of EP power simplify the policy space by assuming it is one dimensional. This simplification allows for the identification of equilibrium solutions, which are seldom found in two- or multi-dimensional policy spaces. However, higher-dimensional policy spaces may crucially affect the agenda-setting and veto powers of the legislators when majority voting is applied (see also, Moser, 2000).

Second, we empirically examine the predictiveness of the competing approaches using a comparative case study on parliamentary influence in the cooperation procedure. Rather than examining the predictive power of the competing approaches, previous case studies on Commission proposals report outcomes and conclude that these are induced by the powers of the actors. We

gathered information on the ex ante policy positions of all member states, Commission and EP for a set of proposals which were decided in the cooperation procedure. To test the explanatory power of the competing approaches we derive their predictions and compare them with the final outcomes published in the Official Journal.

Our comparative analysis reveals two important conceptual differences between the competing approaches in their focus on the preference profile and in their modelling of the reference point. First, T-G primarily refer to a supranational scenario – the Commission and the EP share the most integrationist view – whereas other scholars emphasize the dissimilarities between both supranational actors. Second, S-C-M perceive the status quo as the agenda-setter's reference point, whereas T-G use a reference point that compares the solution of a unanimous Council against its qualified majority. The conclusion might, however, depend on the level of analysis because all approaches can be applied either to the issue level or to broader structural dimensions of Commission proposals. We thus apply the competing approaches on parliamentary power to both levels of analysis.

Our empirical findings show that the supranational preference profile often reflects the actor configuration in European legislative politics, at either the dimensional or issue level of Commission proposals. Both supranational actors, the EP and the Commission, almost always have close pro-integrationist policy positions. At the two-dimensional level, we find a unanimous pro-integrationist Council and solutions, which mostly refer to the unanimous win set of the Council. At the issue level, parliamentary agenda-setting opportunities occur in almost half of the cases, and the EP may veto issues only in a few cases. This indicates that, even though the approaches overestimate supranational agenda-setting power, increasing parliamentary veto power is unlikely to strengthen the pro-integrationist influence. The remainder of this article presents first the competing frameworks, second the data of our comparative case study, and third the empirical analyses at the dimensional and issue level. Finally, we discuss some implications for the further study of parliamentary veto and agenda-setting power.

Same tools – different conclusions on parliamentary powers

The recent history of the EU is a history of treaty reforms. The Single European Act (1987) can be perceived as the starting point of this process for many reasons. It expanded the competencies of the former European Communities and it introduced the cooperation procedure, which offered the EP the

possibility to influence EU legislative decision-making effectively. From a scientific point of view, the introduction of the cooperation procedure initiated a debate on the powers of the EP that centres around the relative importance of conditional agenda-setting and veto power. Compared with the standard procedure in European legislation, the cooperation procedure introduces a second reading. The first reading corresponds to the standard procedure: Commission proposal, opinion of the EP, opinion of the Economic and Social Committee if applicable, and then examination by the Council.

The first reading leads not to a Council act, but to a Council common position. This is adopted by a qualified majority or, if the Council amends the Commission proposal without the latter's agreement, unanimously. The second reading enables the EP to express an opinion on this common position, and the Council then makes a final decision after possible intervention from the Commission. Three possibilities need to be distinguished:

1. if the EP does not express an opinion or approves the common position, a qualified majority in the Council is sufficient to adopt the proposal;
2. if the EP rejects the proposal with an absolute majority,³ the Council must make a unanimous decision to adopt the act concerned;
3. the EP may, with an absolute majority, propose amendments, which are re-examined by the Commission. If the Commission incorporates these amendments, the Council can adopt the re-examined proposal by qualified majority. If the Commission decides not to agree with the parliamentary amendments, the Council can still adopt them by unanimity.

This procedural provision has provoked different conclusions regarding the powers of the EP.⁴ All authors agree that the first possibility reveals the incompleteness of effective parliamentary involvement because the Council can proceed by adopting a Commission proposal without EP support.⁵ They also agree that the EP has only conditional powers because a unanimous Council can still overrule either a parliamentary veto or its amendment. The authors disagree in their evaluation of the reasons for this conditionality. S-C-M infer that the Commission foresees parliamentary amendments, but a parliamentary veto can be effective if a qualified majority of the Council and the Commission are more supportive of changing the status quo than the absolute majority of the EP. If a unanimous Council and the Commission are more supportive, the EP cannot veto legislation because of the Council's power to overrule. This is why S-C-M call the parliamentary veto conditional. According to T-G, the EP may exert conditional agenda-setting power if the Parliament can propose an amendment that improves a qualified majority against a unanimous Council. If both supranational actors, the Commission

integrationist preference. Both figures provide the necessary technical information for making predictions on parliamentary agenda-setting and veto power. A common feature is to conceive a Council of seven member states that decide according to a 5/7 qualified majority. In both figures, all seven member states and both supranational actors are supposed to have identifiable ideal points in the policy space. To consider the relative importance of parliamentary agenda-setting and veto power under different conditions, we vary the location of the EP's ideal point: the EP is located close to the Commission (ep_1), identical with the second member state (ep_2) and at the status quo (ep_3).

Figures 1 and 2 differ with regard to the location of the status quo. In Figure 1, it is assumed that the status quo is located outside the pareto set of the seven pro-integrationist member states. The pareto set is indicated by the area connecting the ideal points of the seven member states. If the status quo is outside this area, there is at least one alternative that beats the status quo unanimously; if the status quo is inside, it cannot be changed by Council unanimity. In Figure 1, the unanimity win set $U(sq)$ – the set of all alternatives that beat the status quo by a unanimous Council – is defined by the indifference curves of the first ($1(sq)$) and second ($2(sq)$) actors, both located closest to the status quo. The 5/7 qualified majority win set, $Q(sq)$, that is closest to the agenda-setting supranational actors, the EP (ep) and the Commission (cm), is defined by the indifference curves of the third ($3(sq)$) and seventh ($7(sq)$) actors. The qualified majority win set against the unanimity win set $Q(U(sq))$ is determined by the third ($3(U(sq))$) and seventh ($7(U(sq))$) actors. These decisive actors can be identified by the limiting median line of the qualified majority core that is closest to the status quo ($m(q)$). The limiting median lines define the core of the qualified majority (Q-core). The Q-core represents the set of points beating any outside status quo location by a Council qualified majority.

If the EP is located close to the Commission (ep_1), S-C-M predict that the Commission proposes r^*_2 – the point that is still acceptable for a Council qualified majority against the status quo $Q(sq)$. By contrast, T-G would predict r^*_1 , because the parliamentary agenda-setter is restricted by a unanimous Council that may overrule the proposal. The EP proposes an amendment that makes the Commission and the qualified majority of the Council better off than a unanimous Council decision. A second possibility (ep_2) considers the EP as being identical with the second member state, which is closer to the status quo than the supranational qualified majority. S-C-M predict r^*_4 because the Commission has to include a qualified majority and prevent the EP vetoing its proposal. The Commission makes the EP indifferent to the status quo with a proposal that is closer to the Commission's ideal point than any unanimous Council solution. T-G distinguish between two cases when predicting the final

solution inside the unanimity win set of the Council: first, if Article 149.3 is applied, which gives the Commission wide powers of revision, the solution is located at the closest point to the Commission inside the unanimity win set (r^*_{3a}); second, if Article 149.2d is applied, which constrains the Commission to a re-examination of the EP amendments, they predict r^*_{3b} – the point inside the unanimity win set that is closest to the EP and favoured by the EP against a qualified majority solution (Tsebelis, 1994: 137). Finally, a non-integrationist EP can be located at the status quo (ep_3). In this case, all approaches predict the same outcome, r^*_{3a} . The EP prefers to maintain the status quo, but a unanimous Council can overrule a parliamentary vote. Therefore, the Commission will make the proposal that is supported by the unanimous Council and closest to its ideal point.

To sum up, in the event of a unanimous Council, the approaches differ in their predictions when the EP either has the same pro-integrationist preference as the Commission or favours less policy change. The different concept of the reference point is crucial in determining the solutions. According to T-G, the unanimous overrule restricts the power of a pro-integrationist agenda-setter in both cases, whereas S-C-M regard the reference point as being identical to the status quo. Moreover, a non-integrationist EP has no effective veto power in this scenario, but a less integrative EP may limit the extent of policy change.

In the second scenario, shown in Figure 2, we present a so-called supportive Council. It is assumed that only a qualified majority is pro-integrationist and prefers a supranational policy change. In this figure, there is no unanimity win set $U(sq)$. The 5/7 qualified majority win set, $Q(sq)$, that is closest to the supranational actors, EP (ep) and the Commission (cm), is again defined by the indifference curves of the third ($3(sq)$) and seventh ($7(sq)$) actors. These decisive actors are again identified by the limiting median line closest to the status quo. If the EP is located close to the Commission (ep_1), all approaches predict the same outcome, r^*_1 . The supranational actors propose r^*_1 – the point that is still acceptable for a Council qualified majority against the status quo $Q(sq)$. Envisioning a less integrationist EP (ep_2), S-C-M predict r^*_3 because the Commission has to include a qualified majority and prevent the EP from vetoing its proposal. This means that the Commission makes a proposal that is closest to its ideal point and makes the EP indifferent. T-G predict r^*_2 , the point closest to the EP, which is acceptable for a qualified majority and to the Commission. This corresponds to the application of Article 149.2d.

Finally, a non-integrationist EP (ep_3) can effectively veto legislation and maintain the status quo. This solution of r^*_4 is predicted by all approaches.

Summing up, in the event of a supportive Council, the approaches make

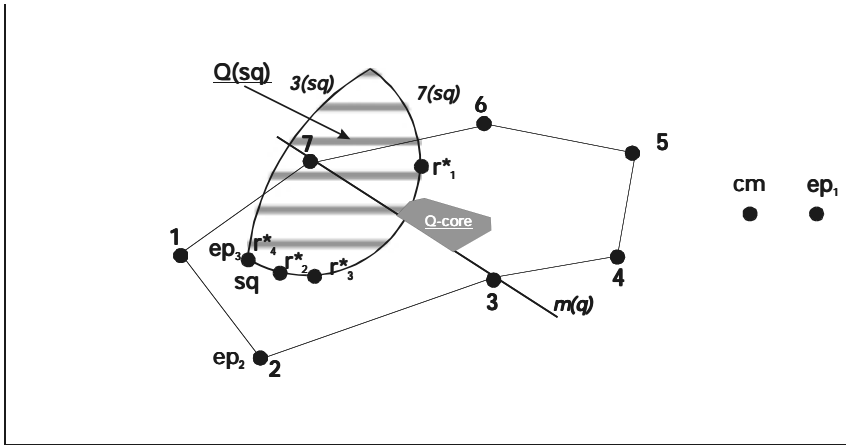


Figure 2 Competing approaches to EU decision-making assuming a supportive Council.

Concept

1–7: ideal points of the seven member states; cm: ideal point of the Commission; ep₁₋₃: different locations of the ideal point of the European Parliament; sq: location of the status quo.

Methodology

Q(sq): qualified majority win set; 1–7(sq): indifference curves of decisive actors to sq; Q-core: core of the qualified majority of member states; m(q): limiting median line of the qualified majority of member states.

Models

r*₁: prediction by S-C-M and T-G if ep₁; r*₂: prediction by T-G if ep₂; r*₃: prediction by S-C-M if ep₂; r*₄: prediction by S-C-M and T-G if ep₃.

the same predictions when the EP either has the same preference as a pro-integrationist Commission or does not favour any policy change. All approaches use the same reference point but differ in their prediction in the event of a less integrationist EP.

Regarding our findings in both figures, we can hardly say whether a pro-integrationist policy change is induced by the agenda-setting power of the EP or the Commission if the supranational preference profile applies. The approaches predict the same outcome for a non-integrationist EP, because it will not propose amendments and will reject any policy change. To conclude, our comparison shows that the competing approaches raise two empirical questions: First, which preference profile applies to EU legislative politics? Second, is the reference of the agenda-setter defined by the status quo or by a unanimous Council?

Of course, all approaches also consider other preference profiles. However, Tsebelis (1994: 133) states that the most frequent profile is the supranational scenario: the Commission and the EP have close pro-integrationist

ideal points, because they are supranational actors and because the Commission is politically responsible to the EP. Crombez (1996: 208) prefers to locate the EP according to a left–right space, where the Commission is located further to the right. In the examples of M, S and TG, the EP and the Commission may have quite different preferences. Whether the supranational, the left–right, or any other preference profile applies to Commission proposals remains an empirical question. In the following, we briefly present our data on four Commission proposals for the study of the competing approaches.

A comparative case study of four Commission proposals

Before entering into the analysis, a few remarks should be made concerning the selection of cases, the identification of issues, dimensions and actors' policy positions on them. All approaches define their actor set according to formal procedural provisions linking the Commission, the members of the Council and, in the event of the cooperation procedure, the EP. They also share the concept that the member states of the Council have different ideal points. All approaches use spatial analyses that require the identification of these actors' ideal points. Identifying ideal points means that each actor has to choose over an n -dimensional issue space.⁶ The authors commonly suppose that EU legislative decision-making can be sufficiently explained by linking the formal procedural provisions for EU decision-making to the relative location of actors' ideal points and the status quo. Owing to their common framework we are able to examine the explanatory power of the competing approaches in a comparative manner. For this empirical analysis, the selection of cases, the measurement of the ideal points and their linking with the formal provisions raise a number of questions.

In order to avoid interferences from other parliamentary procedures, the period of this study is limited to the time after the introduction of the cooperation procedure in 1987 and prior to the introduction of the codecision procedure in 1993. However, the original case selection was guided by examining the characteristics of EU decision-making rather than the powers of the EP. To identify the major characteristics of EU decision-making, data were gathered on all Commission proposals from the beginning of the 1980s to the mid-1990s from the Celex database. Statistical analysis of the more than 5000 proposals showed that EU decision-making is primarily determined by the voting rule of the Council, the inclusion of the EP and the particular instrument (Schulz and König, 2000: 664). Further analysis revealed that the supranational status of legislation has a significant impact, whereas historical time

has no significant effect on EU decision-making (König, 2001). This means that modifying existing EU legislation facilitates decision-making, while the year of initiation is unlikely to influence our findings.

Six cases were originally selected that covered most of the significant characteristics of EU decision-making. Two of the six proposals do not interest us here because they were decided according to the standard procedure under Council unanimity. The four remaining proposals of this study provide for the cooperation procedure and vary with respect to their instrument (regulation versus directive) and their supranational status (existing versus new legislation): the Commission initiated in the co-operation procedure a new directive on Pregnant Women (8792/90 COM) in November 1990 and another on Working Hours (8073/90 COM) in October 1990, as well as a directive on Subcontracting (7322/91 COM) in August 1991 and a directive (5786/89 COM) and a regulation (5909/90 COM) to change the Free Movement.

Furthermore, we consider the level-of-analysis problem of our comparative case study. Some scholars contend that actors have to decide on 'some policy issue which can be represented by a one-dimensional outcome space' (Steunenberg, 1994: 644). Crombez (1996: 202) also assumes that the policy is one-dimensional, but he adds that policy issues naturally involve more than one dimension. Corbett (2000: 377) points out that there are many cleavages within the Council and within the EP on particular issues, which offer several (dimensional) combinations. We will try to approach this level-of-analysis problem by testing the competing approaches at both the issue and the dimensional level. Data were collected using document analysis that captures the delegates' (ex ante) statements from the Council working groups' minutes.⁷ The Council minutes contain information on all statements from member state delegations made during the negotiations; the data from the Commission and the EP stem from their official opinions. Even though the Commission, the EP and the member states can hardly be conceived of as being unitary their (likely inconsistent) collective choices are reported as the legislator's preference when delegates start negotiations. One question is whether these statements express the strategic or sincere positions of the actors. Another question is whether actors may change their position during the negotiation process owing to informational deficits. In the case of the Council minutes, we coded the last statement of an actor as being his or her sincere ideal position. In future research, we will examine the reasons for the (in)stability of actors' positions over time.

To identify the policy space, we define an issue as a controversy on a particular item between at least two actors or a statement from an actor that differs from the status quo. This means that issues have at least two policy positions ranging between 0.0 and 1.0. Our data contain information on the

ideal positions of the 12 member states, the Commission and the EP as well as on the status quo and the final outcome. In the case of new legislation, the status quo is located at 0.0, whereas modifying legislation implies that the status quo can be located at any position. The four proposals differ quite substantially in their number of issues. The proposal on Free Movement consists of 22 issues, Subcontracting of 14 issues, Pregnant Women of 18 issues and Working Time of 24 issues. Over all these 78 issues, the EP and the Commission have identical ideal points in 83% of all cases. This seems to support the notion of a supranational scenario, if both would prefer changing the less integrationist status quo. All approaches focus on a supportive and a unanimous Council. A supportive Council is found in 47% of all issues, and Council unanimity exists in 12% of all issues. In order to determine the dimensionality of each Commission proposal we aggregate their set of issues using multi-dimensional scaling.⁸ In the following we will test whether and how the competing approaches predict the outcomes.

Decision-making at the issue and dimensional level

The competing approaches illustrate their conclusions in one- or two-dimensional policy spaces. We therefore start our comparative analysis by presenting the two-dimensional policy space of the four proposals. Subsequently, we will turn to our issue-by-issue findings.⁹ We use multi-dimensional scaling to aggregate the issues of each proposal.¹⁰ For all proposals, we obtained a reasonable fit for two-dimensional solutions (Kruskal's stress is below .2). This facilitates the comparative view on the explanatory power of the approaches at the dimensional level. All figures show the qualified majority win set $Q(sq)$ and the unanimity win set $U(sq)$ of the Council. They also illustrate the Q-core that represents the set of points beating any outside status quo location by a Council qualified majority. The limiting line of the Q-core closest to the status quo ($m(q)$) allows us to identify the decisive members. In order to test T-G's predictions, we must depict the indifference curves of these decisive members against $U(sq)$. We label the outcomes with r^* and also indicate each authors' predictions.

Figure 3 shows the configuration of the Subcontracting proposal. The indifference curves of Greece ($g(sq)$), Spain ($e(sq)$) and the United Kingdom ($u(sq)$) demarcate the unanimity win set $U(sq)$. Since the status quo is located outside the Q-core, there are several Council qualified majority winning coalitions that prefer to change the status quo. The winning coalition closest to the Commission is formed by Germany (d), Greece (g), France (f), Belgium (b), Portugal (p), Ireland (ir), Luxembourg (lx), Italy (i) and the Netherlands

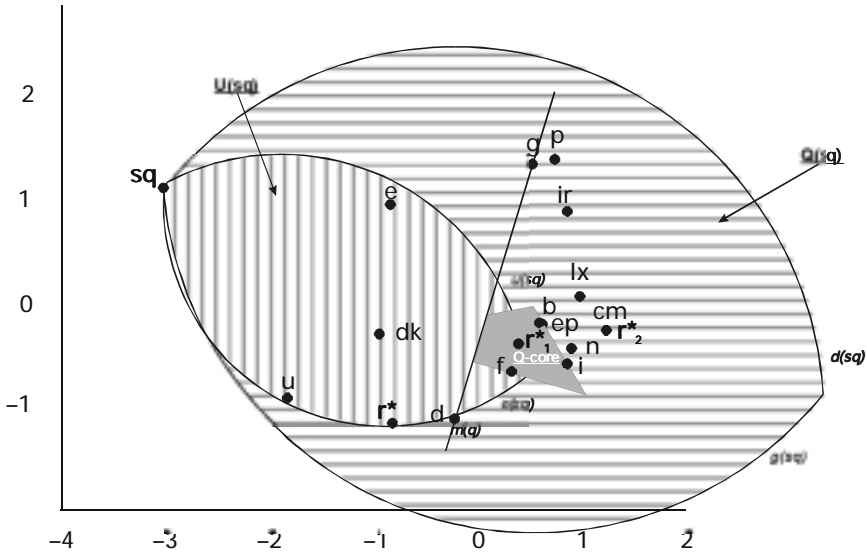


Figure 3 The dimension configuration of the Subcontracting proposal.

Note: Multi-dimensional scaling, Euclidean distances, Kruskal's stress = .18423

Concept

b: Belgium; dk: Denmark; d: Germany; e: Spain; f: France; u: United Kingdom; g: Greece; i: Italy; ir: Ireland; lx: Luxembourg; n: Netherlands; p: Portugal; cm: Commission; ep: European Parliament; r*: result; sq: status quo.

Methodology

Q(sq): qualified majority win set; U(sq): unanimity win set; $n(sq)$: indifference curve of decisive actor to sq; Q-core: core of the qualified majority of member states; $m(q)$: limiting median line of the qualified majority of member states.

Models

r^*_1 : prediction by T-G; r^*_2 : prediction by S-C-M.

(n). The Commission is located inside this win set and, consequently, S-C-M predict that the Commission can successfully realize its ideal point. Regarding the prediction of T-G, there is no qualified majority of the unanimity win set against the status quo $Q(U(sq))$. Accordingly, the prediction by T-G is a point within $U(sq)$, eventually closest to the Commission. Comparing the distances of their predictions, T-G are closer to the outcome r^* than are S-C-M.

Figure 4 shows the configuration of the Pregnant Women proposal. Spain ($e(sq)$) and Italy ($i(sq)$) demarcate the unanimity win set $U(sq)$. The status quo is again located outside the Q-core and several Council qualified majority coalitions prefer to change it. The qualified majority win set closest to the Commission is determined by Italy ($i(sq)$), France ($f(sq)$) and the United Kingdom ($u(sq)$). However, the indifference curves of the United Kingdom

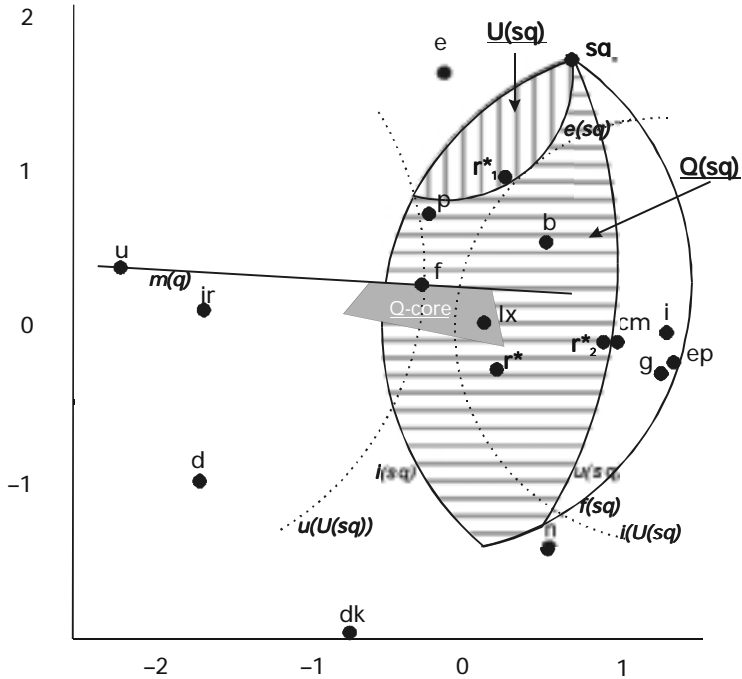


Figure 4 The dimension configuration of the Pregnant Woman proposal.

Note: Multi-dimensional scaling, Euclidean distances, Kruskal's stress = .19263.

Concept

b: Belgium; dk: Denmark; d: Germany; e: Spain; f: France; u: United Kingdom; g: Greece; i: Italy; ir: Ireland; ix: Luxembourg; n: Netherlands; p: Portugal; cm: Commission; ep: European Parliament; r*: result; sq: status quo.

Methodology

Q(sq): qualified majority win set; U(sq): unanimity win set; $n(sq)$: indifference curve of decisive actor to sq; $n(U(sq))$: indifference curve of decisive actor to U(sq); Q-core: core of the qualified majority of member states; $m(q)$: limiting median line of the qualified majority of member states.

Models

r^*_1 : prediction by T-G; r^*_2 : prediction by S-C-M.

(u) and of Italy (i) tangent to U(sq) do not intersect. As a result, there is again no qualified majority that prefers anything to the unanimous Council. For this reason, T-G predict the outcome inside U(sq), eventually closest to the Commission. S-C-M forecast an outcome that is inside Q(sq) and closest to the Commission. Their prediction is less distant from the outcome r^* .

Figure 5 illustrates the configuration of the Working Time proposal. The unanimity win set U(sq) is defined by Greece (g), Portugal (p) and the United Kingdom (u). The status quo is outside the Q-core, which means that qualified majority decisions are feasible. However, there is no qualified majority

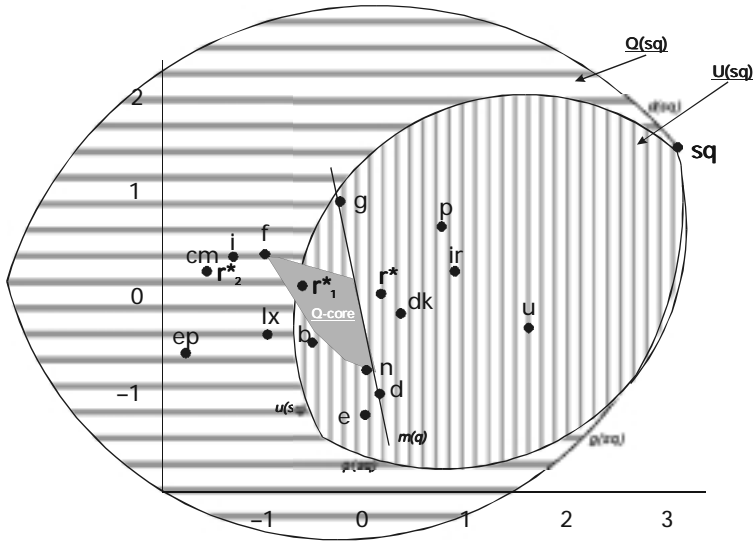


Figure 5 The dimension configuration of the Working Time proposal.

Note: Multi-dimensional scaling, Euclidean distances, Kruskal's stress = .15332.

Concept

b: Belgium; dk: Denmark; d: Germany; e: Spain; f: France; u: United Kingdom; g: Greece; i: Italy; ir: Ireland; lx: Luxembourg; n: Netherlands; p: Portugal; cm: Commission; ep: European Parliament; r*: result; sq: status quo.

Methodology

Q(sq): qualified majority win set; U(sq): unanimity win set; $n(sq)$: indifference curve of decisive actor to sq; Q-core: core of the qualified majority of member states; $m(a)$: limiting median line of the qualified majority of member states.

Models

r^*_1 : prediction by T-G; r^*_2 : prediction by S-C-M.

coalition without members located inside the unanimity win set. Accordingly, T-G predict an outcome inside U(sq), whereas S-C-M foresee the ideal point of the Commission. The prediction by T-G is less distant from the outcome r^* .

Finally, Figure 6 reports the configuration of the Free Movement proposal, which is still pending ($sq = r^*$). By contrast, the existence of both the unanimity U(sq) and the qualified majority win set (Q(sq)) would allow for policy change. The status quo is located outside the Q-core and several qualified majority coalitions exist. S-C-M predict the point inside Q(sq) that is closest to the Commission. T-G prefer a point inside U(sq), eventually closest to the Commission's ideal points.

To sum up, the supranational scenario structures the configuration of our comparative case study at the dimensional level. The EP and the

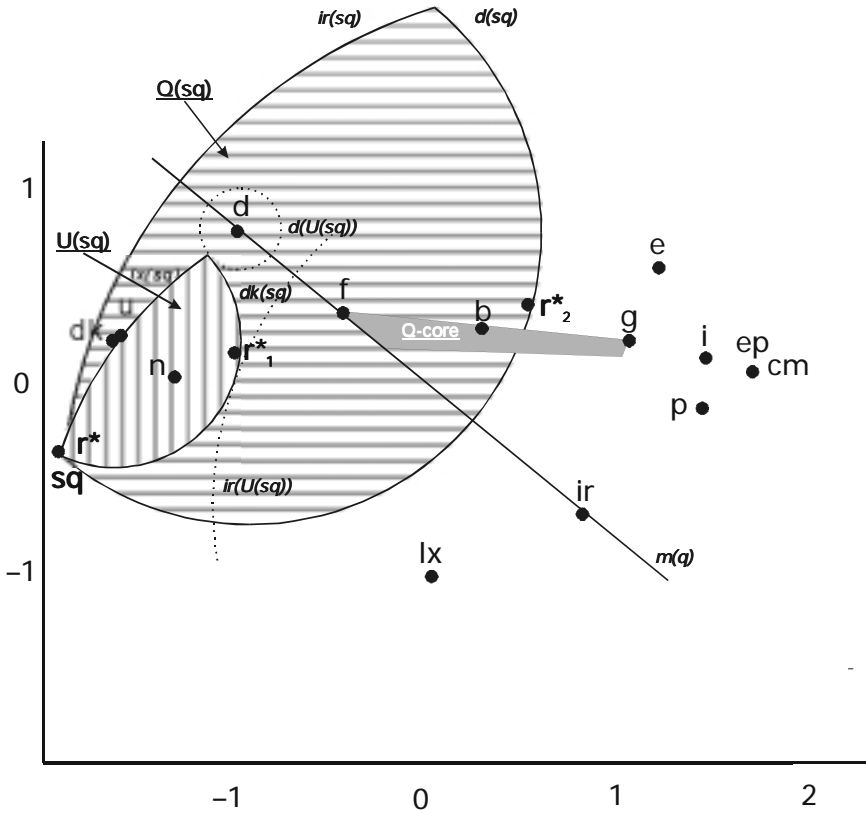


Figure 6 The dimension configuration of the Free Movement proposal.

Note: Multi-dimensional scaling, Euclidean distances, Kruskal's stress = .06724.

Concept

b: Belgium; dk: Denmark; d: Germany; e: Spain; f: France; u: United Kingdom; g: Greece; i: Italy; ir: Ireland; lx: Luxembourg; n: Netherlands; p: Portugal; cm: Commission; ep: European Parliament; r*: result; sq: status quo.

Methodology

Q(sq): qualified majority win set; U(sq): unanimity win set; $n(sq)$: indifference curve of decisive actor to sq; $n(U(sq))$: indifference curve of decisive actor to U(sq); Q-core: core of the qualified majority of member states; m(q): limiting median line of the qualified majority of member states.

Models

r*₁: prediction by T-G; r*₂: prediction by S-C-M.

Commission are furthest from the status quo and their ideal points are quite close together. This confirms T-G's focus on the supranational scenario. The status quo is always outside the Q-core, allowing for policy change by a Council qualified majority. The condition of successful parliamentary amendments is, however, never met. In this event, T-G predict a solution inside U(sq)

which is close to the outcome in two or three of the four cases (depending on how one counts $sq = r^*$). S-C-M predict that the Commission successfully proposes a solution inside $Q(sq)$. Their prediction is fairly close to the outcome of the Pregnant Women proposal, but it certainly overestimates the role of the Commission in the other cases. The dimensional findings clearly show that procedural provisions matter. However, the location of the outcomes indicates that the Council often tends to decide consensually, while the role of the supranational agenda-setters is overemphasized.

At the issue level, Table 1 shows our findings on the predictive quality of the competing approaches. All approaches have a similarly high predictive power on the 78 issues. They correctly predict 79% of the 14 issue outcomes of the Subcontracting proposal and 68% of the 22 issue outcomes of

Table 1 Predictiveness of the competing approaches

| <i>Author</i> | <i>Predictiveness</i> |
|----------------------|-----------------------|
| Subcontracting | |
| Tsebelis and Garrett | .79 |
| Steunenberg | .79 |
| Crombez | .79 |
| Moser | .79 |
| Pregnant Women | |
| Tsebelis and Garrett | .67 |
| Steunenberg | .78 |
| Crombez | .78 |
| Moser | .78 |
| Working Time | |
| Tsebelis and Garrett | .71 |
| Steunenberg | .63 |
| Crombez | .67 |
| Moser | .67 |
| Free Movement | |
| Tsebelis and Garrett | .68 |
| Steunenberg | .68 |
| Crombez | .68 |
| Moser | .68 |
| Total sample | |
| Tsebelis and Garrett | .71 |
| Steunenberg | .72 |
| Crombez | .73 |
| Moser | .73 |

the Free Movement proposal. S-C-M predict the 18 outcomes of the Pregnant Women proposal slightly better (78% against T-G's 67%), and T-G better predict the 24 outcomes of the Working Time proposal (71% against S's 63% and C-M's 67%). In spite of this similarity, the reasons for their high predictive power differ: 38% of the cases accurately reflect T-G's supranational focus, whereas S's emphasis is found in only 17%, C's in 8% and M's in 17% of all cases. Over all 78 issues, the EP could have exerted veto power in only two cases (3%), whereas parliamentary agenda-setting power was possible in 35% of cases. The different approaches correctly predict about half of parliamentary vetoes (1 of 2) and about half of parliamentary agenda-setting (13 of 27). This means that their high predictive power is primarily obtained via cases to which they do not explicitly refer in their debate. Regarding the proposals on Subcontracting, Free Movement and Pregnant Women, the preference profiles seldom meet the conditions for examining relative agenda-setting and veto power. All approaches focus on preference profiles that can be found in the Working Time proposal.

Table 2 takes a closer look at this result regarding the Working Time proposal. There are 24 issues with a status quo location at position 0.0 and with the rightmost Council member (rm CM) located at position 1.0. Like the ideal position of the leftmost Council member (lm CM), the left and right pivots (pivot L and R), the Commission and the EP have varying ideal points in the issue space. At least one of the decisive actors – Council pivot, EP or Commission – prefers the status quo in 13 of the 24 issues. All approaches correctly predict the maintenance of the status quo in 8 of these 13 issues. The decisive actors have the same ideal position on 8 issues, and the approaches predict correctly 6 of them. All approaches fail when the decisive actors prefer a moderate change but the outcome is rather pro-integrationist. The approaches differ, however, in their predictions of other issues of the proposal. The seventh issue – lm CM, EP and pivot L at 0.5 – is correctly predicted by T-G, while S-C-M forecast the outcome of the eighth issue. T-G are also correct, but for different reasons, because the outcome is located within the unanimity win set. The same difference applies to the explanation of the outcome of the eleventh issue. Moreover, the Commission does not keep its gates closed for the twenty-first issue.

Competing approaches and different measurement techniques

This comparative case study has tried to shed some empirical light on whether and how the EP exerts power in the cooperation procedure. Because all

Table 2 Issues of the Working Time proposal

| <i>Issue</i> | <i>Im CM</i> | <i>rm CM</i> | <i>Pivot L</i> | <i>Pivot R</i> | <i>Com</i> | <i>EP</i> | <i>SQ</i> | <i>Result</i> | <i>T-G</i> | <i>S</i> | <i>C-M</i> |
|--------------|--------------|--------------|----------------|----------------|------------|-----------|-----------|---------------|------------|----------|------------|
| 1 | 0.00 | 1.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | + | + | + |
| 2 | 0.00 | 1.00 | 0.33 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 | + | + | + |
| 3 | 0.00 | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | + | + | + |
| 4 | 0.00 | 1.00 | 0.50 | 1.00 | 0.50 | 0.50 | 0.00 | 1.00 | - | - | - |
| 5 | 0.33 | 1.00 | 0.67 | 1.00 | 0.67 | 0.67 | 0.00 | 1.00 | - | - | - |
| 6 | 0.00 | 1.00 | 0.00 | 0.50 | 1.00 | 1.00 | 0.00 | 0.50 | - | - | - |
| 7 | 0.50 | 1.00 | 0.50 | 1.00 | 1.00 | 0.50 | 0.00 | 0.50 | + | - | - |
| 8 | 0.50 | 1.00 | 0.50 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | + | + | + |
| 9 | 0.33 | 1.00 | 0.33 | 1.00 | 1.00 | 1.00 | 0.00 | 0.33 | + | - | - |
| 10 | 0.00 | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | + | + | + |
| 11 | 0.33 | 1.00 | 0.33 | 0.67 | 1.00 | 1.00 | 0.00 | 0.67 | + | + | + |
| 12 | 0.00 | 1.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | + | + | + |
| 13 | 0.00 | 1.00 | 0.00 | 1.00 | 0.00 | 1.00 | 0.00 | 1.00 | - | - | - |
| 14 | 0.00 | 1.00 | 0.33 | 1.00 | 0.00 | 1.00 | 0.00 | 0.00 | + | + | + |
| 15 | 0.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | + | + | + |
| 16 | 0.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | + | + | + |
| 17 | 0.00 | 1.00 | 0.00 | 0.00 | 1.00 | 1.00 | 0.00 | 0.00 | + | + | + |
| 18 | 0.00 | 1.00 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | + | + | + |
| 19 | 0.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 | 1.00 | - | - | - |
| 20 | 0.25 | 1.00 | 0.50 | 0.75 | 0.75 | 1.00 | 0.00 | 0.75 | - | + | + |
| 21 | 0.33 | 1.00 | 0.67 | 0.67 | 0.00 | 0.67 | 0.00 | 0.67 | + | - | + |
| 22 | 0.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | + | + | + |
| 23 | 0.00 | 1.00 | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 1.00 | - | - | - |
| 24 | 0.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 0.00 | 1.00 | + | + | + |

Notes: Com: Commission; EP: European Parliament; Im CM: leftmost Council member; rm CM: rightmost Council member; pivot L: left pivot; pivot R: right pivot; SQ: status quo; +: correct prediction; -: incorrect prediction

approaches on parliamentary power use spatial analyses, we were able to elaborate on and test their framework in a comparative manner. Regarding their framework, our study reveals two important differences in their approach to examining EU decision-making, namely the preference profile and the conditionality of parliamentary power in the cooperation procedure. For some preference profiles, the competing approaches predict the same outcomes. All approaches predict a maintenance of the status quo if one of the decisive actors prefers it. They also commonly predict policy change if all decisive actors favour a change of the status quo. This allows the specification of hypotheses on legislative outcomes and on the role of supranational actors. The first common hypothesis – the maintenance of the status quo if

one decisive actor favours it – is correctly predicted in 37 of 46 cases. The second common hypothesis – changing the status quo if all decisive actors favour it – has a lower predictiveness, 12 of 20 cases. This means that all approaches overemphasize the likelihood of policy change.

If the EP and the Commission have rather close preferences, the approaches may also predict the same outcome but explain this differently. According to T-G, policy change occurs if the Council is unanimous and no Q(U(sq)) exists, or if the conditions for parliamentary agenda-setting are met. S-C-M suggest that, given a supportive Council, the Commission will successfully propose a policy that can be adopted by a qualified majority of the Council. If the EP is less integrationist than the Commission and the Council qualified majority, the Commission will initiate a proposal that makes the EP indifferent to the status quo in order to prevent a parliamentary veto. In the event of a unanimous Council and a different location of the Commission, we can additionally distinguish between C-M and S, because S has claimed gate-keeping power for the Commission. This would allow the Commission to prevent legislation against a unanimous Council.

All approaches can sufficiently explain outcomes but their predictiveness differs at the issue or the dimensional level. T-G accurately conceive the supranational scenario and they obtain better results at the dimensional level, whereas S-C-M similarly predict issue outcomes. A third of the cases discussed here, however, do not reveal a configuration that is necessary to identify conditional parliamentary agenda-setting, and only a few allow for examining conditional veto power. However, the approaches better predict the other cases. Our conclusion is that both supranational actors commonly favour a pro-integrationist status quo change that is constrained by the unanimous Council. This might also be important for the evaluation of the codecision procedure, which has almost replaced the cooperation procedure with the coming into force of the Amsterdam Treaty.

Comparing both procedures, the crucial question seems to be whether or not the supranational actors have the agenda-setting right rather than which of them is the agenda-setter. If the Commission and/or the EP still have the agenda-setting power in the codecision procedure, the EP has formally gained power by its increased veto right, which cannot be overruled by a unanimous Council. This is important only if the EP or the Council is becoming less integrationist; in the event that the EP remains pro-integrationist but the Council is becoming less integrationist, the EP can veto anti-integrationist legislation, and vice versa. However, if agenda-setting power has been transferred to the conciliation committee, the supranational influence is reduced because the EP shares the power with the Council in the codecision procedure. These ifs demonstrate why it is important to examine the competing approaches on

parliamentary power in a comparative manner. Certainly, much more empirical work needs to be done on the impact of the codecision procedure.

Notes

- 1 For an overview, see the Forum section in *European Union Politics* 1(3), 2000: 363–81.
- 2 Statistics on parliamentary amendments indicate informational asymmetries in the decision-making process, but they cannot locate the preferences of the actors and the status quo (Corbett, 1989, 1995; Kreppel, 1999, 2000; Tsebelis and Kalandrakis, 1999; Tsebelis et al., 2001; Wessels, 1991). These elements were not systematically derived by previous case studies (Earnshaw and Judge, 1993; Hubschmid and Moser, 1997; Judge et al., 1994; Rittberger, 2000).
- 3 Corbett (2000: 378) criticizes the theoretical literature for not distinguishing between absolute and simple majority, but all competing approaches focus on either the second or third possibility of the EP providing for absolute majority voting.
- 4 The debate continues regarding the introduction of the codecision procedure. S-C-M argue that the EP increased its powers because the codecision procedure strengthened the parliamentary veto right, particularly in the modified codecision procedure of 1997. T-G, by contrast, do not deny the increased veto power of the EP in the modified codecision procedure. However, they argue that the EP lost its agenda-setting power, particularly in the codecision procedure of 1993.
- 5 Some conclude that this indicates the democratic deficit in European legislation.
- 6 The preference of an actor i over the issue space X is represented by a function $U_i = U_i(x)$, which defines single-peaked preferences. These preferences are assumed to be Euclidean and distances are presumed to be a symmetric measure for utility.
- 7 There is an ongoing debate in the Party Manifesto group concerning which instrument best applies to the identification of political parties' ideal points (see Laver and Garry, 2000). Experts can provide the necessary data for spatial modelling in terms of cardinal scales, but it often remains dubious how to define an expert. Unfortunately, the reliability of expert data is seldom examined. Compared with experts, systematic document analysis increases the reliability of the data, but the scales are often restricted to a nominal or ordinal level.
- 8 Multi-dimensional scaling techniques deal with the problem of how to find a representation of actors' ideal points in few dimensions for a set of observed similarities (distances) between every pair of N actors' ideal points such that the inter-actor proximities 'nearly match' the original similarities (distances) (Johnson and Wichen, 1992: 602).
- 9 It is unlikely that the issue-by-issue solutions coincide with the two-dimensional solutions. However, we do not know whether the working groups of the Council apply the germaneness rule when negotiating Commission

- proposals. The protocols indicate a negotiation process that starts with the adoption of consensus issues. Afterwards, the actors try to reach agreements on conflictual issues step by step. This explains why the duration of Commission proposals ranges between 1 and 4366 days (Schulz and König, 2000: 659).
- 10 We also employed principal component factor analyses and obtained similar results.

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