



The "Legislative Backbone" keeping the Institution upright? The Role of European Parliament Committees in the EU Policy-Making Process
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Abstract
<p>Over the past five decades the European Parliament (EP) has moved from being a largely consultative assembly to being a genuine co-legislature. The growth in the EP's powers was accompanied by a reevaluation of its Standing Committees. It is in these committees, the "legislative backbone" of the EP, that scrutiny of European Union (EU) legislation takes place. As in the US Congress the "real" work of the Parliament is done in its committees. They have become a key element in the EU policy-making process and make vital contributions to the shaping of legislation.</p> <p>Although these committees play such a major role in the EP, they have rarely been the subject of empirical inquiries. This paper, which is part of a wider project studying the role of committees, intends to fill this gap. In an examination of how legislative acts have been processed by such committees on the basis of interviews and documentary analysis, this paper focuses on the following main questions: 1. How do EP committees operate? 2. How do they interact with other institutions within the EU system of governance? 3. How do they affect the "link" to the EU citizen?</p> <p>From an analytical perspective answers to these questions are important as they help us to understand some characteristics of the EU decision-making process. From a normative perspective our research also tries to answer the question of whether EP committees help increase the EP's accountability to EU citizens.</p>
Kurzfassung
<p>Die Entwicklungsgeschichte des Europäischen Parlaments (EP) ist eine der ständigen Transformation und Weiterentwicklung. Es hat sich von einer relativ machtlosen Versammlung, die von nationalen Parlamenten beschiedt wurde, zum Ko-Gesetzgeber weiterentwickelt. Die Ausschüsse des EPs sind zunehmend in diese legislative Tätigkeit eingebunden. Wie auch im amerikanischen Kongress, findet in diesen Ausschüssen, die als "legislatives Rückgrat" des Parlaments bezeichnet werden, die "wirkliche" Arbeit des Parlaments statt.</p> <p>Obwohl die Ausschüsse eine so wesentliche Rolle im Parlament spielen, sind sie selten Gegenstand von empirischen Untersuchungen. Dieses Paper, welches Teil eines größeren Projekts ist, versucht, diese Lücke zu füllen. Aufbauend auf einer Untersuchung, die sich der Frage widmete wie Rechtsakte in solchen Ausschüssen bearbeitet werden, sollen folgende Fragen beantwortet werden: 1. Wie "funktionieren" EP Ausschüsse? 2. Wie interagieren sie mit anderen Institutionen im europäischen Mehrebenensystem? 3. Inwiefern haben sie einen Einfluß auf die Beziehung des Parlaments zu EU-BürgerInnen?</p> <p>Von einem analytischen Gesichtspunkt aus sind Antworten auf diese Fragen insofern wesentlich, als sie uns helfen, einige Aspekte des EU-Entscheidungsprozesses zu veranschaulichen. Aus einer normativen Betrachtungsweise heraus wird auch versucht, die Frage zu beantworten, ob EP Ausschüsse dazu beitragen, die Verantwortlichkeit des Parlaments den BürgerInnen</p>

gegenüber zu erhöhen.

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1 Introduction [↑]

The fact that the European Parliament (EP) is now commonly seen as a co-legislator with the Council is a relatively new development. For more than three decades it did not enjoy any effective rights of participation in the legislative process. It started out as an assembly with only two major powers: the power to pass a motion of censure against the High Authority (1) and the right to be consulted by the Council on selected legislative proposals. The opinions given in this classical consultation procedure were non-binding.

The 1987 Single European Act (SEA) represented a major step forward for the EP. It marked the beginning of a new triangular relationship between the Council, the Commission and the EP by introducing the co-operation procedure, which improved inter-institutional dialogue significantly, giving the EP the first opportunity to flex its legislative muscles and to make use of its agenda-setting powers.

Building on the positive experiences of the co-operation procedure, the EP's legislative

competencies were extended by the Treaty on European Union (TEU, commonly known as the Maastricht Treaty (1993). Through the introduction of the co-decision procedure the Members of the European Parliament (MEPs) were, for the first time, granted the power of veto in several policy areas. (2)

The Treaty of Amsterdam (1999) strengthened the EP's role considerably, especially as regards its involvement in the legislative process. The co-decision procedure has been extended from 15 to 38 Treaty areas or types of Community action and now applies to new areas within the fields of transport, environment, energy, development co-operation and certain aspects of social affairs. A significant new element in the Amsterdam Treaty is the streamlining of the co-decision procedure. Most importantly, a legislative act can now be adopted at the first reading if either the EP fails to suggest amendments to the Commission proposal or the Council agrees to the changes suggested by the EP.

The increase in the EP's powers was accompanied by a reevaluation of the EP Standing Committees. They have become a key element in the EU policy-making process and can be seen as a vital contribution to the shaping of legislation.

1.1 Scope of the analysis

It might come as a surprise that, although these committees play such a major role within the EP, they have rarely been the focus of empirical studies. This paper, which is part of a wider project studying the role of committees, aims to fill this gap by examining the functioning of these committees and the role they play within the EU policy-making process. (3) The arguments are based on empirical evidence from specific case studies within selected EU policy areas. (4)

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By examining interviews with both MEPs and members of the EP General Secretariat and documentary analysis of how such committees have processed legislative acts, this paper intends to answer the following questions:

1. How do EP committees operate?
 - how have they developed?
 - what are the committees' (formal) powers?
 - who are the key players in committees?
 - what is the significance of political groups within committees?
 - where do MEPs obtain their expertise?
 - of what significance is the fact that committees are generally open to the public?
 - how is consensus reached within these committees?
2. How do they interact with other institutions within the EU system of governance?
 - how do EP committees interact with other institutions throughout the legislative process?
 - how has the relationship between the Council, Commission and EP changed in the co-decision process?
 - what role do they play in the implementing process of EU legislation?
3. Do committees affect the "link" to the EU citizen, is accountability increased, and if so, how?
 - do EP committees contribute to increased accountability of the EP to EU citizens?
 - do the increasingly heavy Committee workloads "weaken the bond with the voter", as less time is available for contact with constituents of the Member State?

- what means do MEPs have for maintaining contact with EU citizens?

From an analytical perspective answers to these questions are important as they help us to understand some of the characteristics of the EU's decision-making process. From a normative perspective our research also tries to answer the question of whether EP committees contribute to increase the EP's accountability to EU citizens.

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2 Mode of operating

The EP Standing Committees have been described as the “legislative backbone” of the EP (Westlake 1994, p. 191). Everything that could conceivably be dealt with by the EP falls under the competence of these committees, which officially examine only questions referred by the Bureau. (5) In the practical political process, incoming legislative proposals go directly to the responsible committee or committees.

2.1 Development of EP committees

Committees have played a central role within the EP from its inception: the Common Assembly had already installed seven committees by 1953. After the direct elections in 1979, 16 standing committees were established. Their number gradually increased to 20 by 1999. At that point there was a growing feeling, however, that the number of committees should be reviewed with the main objective of distributing the new legislative obligations resulting from the Amsterdam Treaty more evenly (Corbett; Jacobs; Shackleton 2000, p. 105)

The number of EP Standing Committees was subsequently reduced from 20 to 17 after the June 1999 elections. They each cover a particular area or policy field of the EU's activities and now have been reshuffled for the purpose of:

- merging issue clusters (external economic relations has been merged with "industry and research and the Committee on Regional Policy now deals with policies concerning transport and tourism),
- emphasising new priorities (e.g. equal opportunities now has a more prominent role in the Committee on Women's Rights and the same is true for human rights in the Committee on Foreign Affairs),
- ensuring greater committee oversight.

The 17 Standing Committees of the European Parliament (1999-2004)

1. Foreign Affairs, Human Rights, CFSP
2. Budgets
3. Budgetary Control
4. Citizens' Freedoms & Rights, JHA
5. Economic & Monetary Affairs
6. Legal Affairs & the Internal Market
7. Industry, External Trade, Research & Energy
8. Employment & Social Affairs
9. Environment, Public Health & Consumer Policy (6)
10. Agriculture & Rural Development
11. Fisheries

12. Regional Policy, Transport & Tourism
13. Culture, Youth, Education, Media, Sport
14. Development & Co-operation
15. Constitutional Affairs
16. Women's Rights & Equal Opportunities
17. Petitions

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The EP's committee structure does not correspond to any particular model. The Foreign Affairs, Human Rights, CFSP committee is, according to Westlake, clearly modelled on its equivalent in the United States Senate, but has far fewer powers (Westlake 1994, p. 135). Its Committee on Economic and Monetary Affairs corresponds much more closely to the German *Arbeitsparlament* model. Due the fact that the EP is - as the only directly elected trans-national parliament – a “sui generis institution”, the EP committees have their own distinctive characters and styles, determined by their functions, active members and chairmen.

2.2 (Formal) powers of committees

When they meet in the two weeks following the plenary session, the committees prepare the work of the EP. The parliamentary committees, combining practical and theoretical expertise, have formal powers such as:

- posing oral questions to the Council and the Commission;
- posing questions to external experts; (7)
- proposing resolutions following statements made by the other Community institutions;
- proposing amendments to the Parliaments plenary agenda.

The most important powers of the EP committees are however connected to the legislative process, in which:

- the EP can put requests to the Commission for legislative proposals(8) which must be based on reports initiated by an EP committee;
- all legislative proposals and other legislative documents must be considered in committee, where the bulk of the legislative process subject to all legislative procedures takes place, from the proposal of amendments to the scrutiny of the Councils common position. The Council and the Commission are required, to provide information to the EP about their proposals and intentions once each month. The work of the committees then consists of drawing up reports and opinions on proposals for legislation which build upon formal consultations of the EP with the Commission and the Council (or on the EP's own initiative).

The formal powers and responsibilities of each of the EP's 17 Standing Committees are laid down in an annex of the EP Rules of Procedure. (9) These stipulations are extremely vague, giving rise to competence disputes, i.e. conflicts over which committee should be declared responsible. Notable committees in this context are the Committee on the Environment, Public Health and Consumer Policy and the Committee for Agriculture and Rural Development, a striking example being their dispute over the allocation of proposals on food safety (interview with Member of EP Committee Secretariat, November 2000). (10)

Individual committees are not necessarily equal in prestige or strength. Though committees such

as the Foreign Affairs committee might not possess strong formal powers, their seats are highly sought after by Members of the EP (MEPs). In this context one must add, however, that committee responsibilities include EU enlargement, where the EP has formal powers and plays an increasing important role. (11) The Budgets Committee, which deals with an area where the EP has been allocated formal powers since the 1970s, has a similarly high amount of prestige (Corbett, Jacobs, Shackleton 2000, p. 106; 113). The committees' size (between 20 and 65 members) and importance also depends increasingly on the powers the EP possesses in particular areas. For instance, the co-decision procedure has made certain committees such as the Environment Committee and the Transport Committee important actors in the adoption of EU legislation. (12)

2.3 Key players in committees

We generally found that committee proceedings are to a great extent shaped by key players in the committee: committee chairmen, vice-chairs (13), and rapporteurs, whose role is generally well known, and also draftsmen of opinion, shadow rapporteurs and committee co-ordinators.

The formal officeholders within each committee are its chairmen and three vice-chairmen. The chairman presides over the meetings of the committee, speaks for it when sensitive votes are held in plenary and can contribute considerably to shaping legislation. The role of the vice-chairmen is mainly to stand in for the chairman when he/she is not available. Once a committee has decided to draw up a report or an opinion it nominates a rapporteur (when the committee bears primary responsibility) or a draftsman (when it has to give an opinion for another committee) (Corbett, Jacobs, Shackleton 2000, p. 108, 117).

Apart from the official officeholders the group co-ordinators play an important role. Each political group selects a co-ordinator who is responsible for allocating tasks to the group members as its main spokesperson. The so-called shadow rapporteurs are appointed by opposition political group (s), mainly to monitor the work of the rapporteur.

EP committees are composed on a cross-party basis and the composition process is organised in various ways: by political groups, through procedural rules, and by way of bargaining. Assigning leadership positions within committees is formally based on the d'Hondt procedure, whereby political groups have the choice of which committee they want to chair in an order determined by the size of the group. (14) The individual assignment of positions - such as chairmen and vice-chairmen - is then part of a bargaining process, which is somewhat mysterious (interview with Member of EP General Secretariat, November 2000). The chairs and vice-chairs' terms of office are two and a half years. The whole process is repeated halfway through the five-year term of the EP. The individual (both full and substitute) members are chosen by the political groups with the aim of ensuring that each committee reflects the overall political balance among the groups in the EP.

The pivotal role of the committee chairmen, a position that has been described as a "prized office for MEPs" (Hix 1999), can be illustrated by the contrasting examples of two different directives. Although the committee chairs were heavily lobbied in both cases, especially by industry, the outcome was highly different. In the first the committee chairman was unable to present a coherent case due to the external influence and the committee "rocked back and forth" (interview with MEP, November 2000). In the second case the chairperson was also the target of intense lobbying, but did not allow herself to be swayed and was able to achieve a cohesive position

within the committee. The role of the vice-chairs clearly seems to be of lesser importance: "He/she is just someone who sits in when the chairperson leaves the room" (interview with MEP, November 2000).

The selection of rapporteurs and draftsmen is normally decided within the individual committees by a system, which is more or less the same in all committees. Each political group has, according to its size, a quota of points. The group co-ordinators then discuss reports and opinions to be distributed, decide how many points each subject is worth and make bids on behalf of their group, the bids based in theory (but not always in the practical political process) on the relationship between the number of points already used by the group and the original quota (Corbett, Jacobs, Shackleton 2000, p. 117). This means that small groups can save up points for a dossier to improve their chances at being assigned a prestigious topic (interview with Member of EP General Secretariat, November 2000).

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The appointment of rapporteurs seems to be based on two equally important factors: expertise and political prestige. In a majority of the cases studied, MEPs had been working in the respective sector and outside the EP for a number of years and therefore were able to gain profound specialised knowledge, thereby contributing to effective and efficient problem-solving ("output legitimacy") (Scharpf 1970; Schmidt 2000). The increased familiarity of rapporteurs with particular policy areas and issues increases the amount of specialisation, which in turn can lead to an increase in the confidence of non-committee members (MacCárthaigh 2001).

Expertise is of course not the only factor, which plays a role, as the respective MEP needs support from the political group and the allocation of positions has to be evenly distributed among national delegations (if possible).

This system of rapporteurship is not free from weaknesses. Certain MEPs become more and more knowledgeable about certain topics by obtaining a wide range of information and interacting with others, for example members of other institutions such as the Commission. This leads to a somewhat one-sided view with little exchange of information among the different committees (interview with MEP, February 2001).

Once a committee has been selected to give an opinion, the draftsman of opinion has to be appointed. One must note, however, that the position of draftsman seems not to be as sought after as that of rapporteur as it is considered to be more of a secondary activity and "not so important in horse trading". At the same time, it is seen as a way to mark out one's territory when the opinion can co-exist with or even be integrated into the report (interview with MEP, November 2000). One way to maximise one's influence as a draftsman is to combine posts, i.e. to be a member of the committee which provides the opinion, the responsible committee and the conciliation committee. This combination provides MEPs with an opportunity to obtain comprehensive insight into all the debates concerning the directive.

2.4 Significance of political groups within committees

If committees are the legislative backbone of the EP, the political parties are its "lifeblood" or the "institutional cement pasting together the different units of the Parliament" (Williams 1995, p. 395). Each party group in the EP represents a very "heterogeneous collection of established groups and temporary alliances" (Raunio 2000, p. 242). Eight political groups are represented in the EP (and a number of non-aligned members) for the legislative period of 1999-2004. In the

elections of June 1999 the PES lost more than 30 seats while the EPP-ED gained 52 and now holds (with 233 seats) a 53-seat majority over the PES. It must be pointed out, however, that these two large political groups together hold more than 66 % of all EP seats. In comparison the European Liberal Democratic and Reformist Group (ELDR), which is the third strongest party within the EP, has only 50 members, i.e. 8 % of the seats (EU Committee of the American Chamber of Commerce in Belgium 1999, p. 13).

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Political groups play a pivotal role within the EP in general and also within EP committees in particular. (15) As mentioned above the political groups have created positions such as shadow rapporteur and group co-ordinator with the overall aim of increasing their influence on committee proceedings.

Although the position of shadow rapporteur is not described in the EP Rules of Procedure, he or she can play a very important role. This position is filled by MEPs from the opposed political groups, in any case from the two large groups, EPP-ED and PES. (16) The main task of the shadow rapporteur is to gain insight into the work of the rapporteur and inform other members of their political group of the progress of deliberations/negotiations, giving them recommendations and drawing up amendments. The creation of this position was a reaction to the fact that dossiers are often so highly technical that MEPs not dealing with the proposal directly are unfamiliar with the details of the issue at stake.

The political function of the group co-ordinator can be described as the “*porte parole*, watchdogs” for their party, ensuring that the political group is “moving along the same track” (interview with MEP, November 2000). In most groups the committee members elect the co-ordinators, and they allocate tasks to the members of their own group. Once a report has been allocated to a group, it is often the co-ordinator that plays a decisive role in choosing the rapporteur from among the group members. The co-ordinators also aim at enhancing the influence of their political group by keeping track of the voting behaviour and attendance of their members.

Committee co-ordinators can also play a central role in communicating the interests of the political group to the other institutions, notably during conciliation. The co-ordinators of each group meet (normally after a committee meeting) to distribute rapporteur-ships and discuss the committee’s future agenda and political problems before they are discussed in committee.

Political groups have their own staff, in which the total number of employees to which a group is entitled, is linked to the group’s size and based on the number of languages used in the group. Within the larger groups between two to three staff members observe and follow the work done by each committee, whereas one official might be responsible for observing the work of three or four committees in smaller groups (Raunio 2000). The staff performs a variety of functions within the groups. One very important aspect is to follow and to prepare the committee proceedings and to support the rapporteur i.e. the shadow rapporteur in their political work. The concrete tasks this involves varies from committee to committee. In the Committee on Agriculture and Rural Development the respective administrator is for example responsible for drawing up voting lists, whereas in the environment committee the Political Group Staff would only bring the voting lists into a readable form. When trying to co-ordinate their positions or exchanging views the rapporteur might in selected cases not negotiate with the shadow rapporteur but with the responsible administrator. It is the administrators who *inter alia* try to identify conflictual issues between the political groups or the national delegations and try to find positions that would meet with a majority in committee and in plenary. In this quest they also interact closely with the group co-ordinators (interview with Member of Political Group Secretariat, June 2001).

It is evident that political groups within the EP have found ways maximising their influence within the committees. The extent to which this influence is exerted differs according to the size of the groups, based on differing (personal- and material) resources.

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2.5 Significance of expertise and openness of committee debates

EP committees can draw on a growing pool of expertise. The EP Committee Secretariat is attributed great importance when it comes to supporting the rapporteur or draftsman of opinion in the performance of their task. By assisting the individual MEPs and the committees, the officials help increase the functional capacity of the EP. The committee staff not only provides scientific and technical information, but also gives advice on “political” issues. Of course, the extent to which the political actors themselves rely on the Secretariat’s input is at their discretion.

Apart from the Committee Secretariat interest groups are another valuable source of information. Their input does not have to be requested: "They stand on your doormat all the time anyhow; you can not imagine the amount of paper sent by the lobbyists, it makes you want to hide" (interview with member of EP Committee Secretariat and MEP, November 2000). Lobbyists increasingly see the EP as an important arena for the representation of interests. MEPs act as far as possible as representatives of the "European people", even if they are elected by local constituencies. They have to integrate interests with relevance to Europe as a whole and are therefore contacted by actors working within the myriad of networks to be found in the EU system of multi-level governance (Benz 2001, p. 7). Wessels reports that average MEPs have roughly 109 contacts with interest groups from the national and supranational level each year. In total this amounts to some 67,000 contacts and interest groups annually (Wessels 1999, p. 109).

Our case studies support the view that contact with lobbyists has become part of the daily business of committee members. In all matters studied, such as the directive on open network provisions to voice telephony, the SOCRATES Programme, the directive on broadcasting activities or the directive on equal treatment without discrimination and the drinking water directive to name just a few - we found lobbying to be a pertinent feature. The interest groups varied from sector to sector, with industry associations being very active in areas such as the directive on landfills, the broadcasting directive and the Fifth Framework Programme. NGOs played an important role in areas such as the prevention of racial discrimination and the drinking water directive.

Virtually all interview partners saw lobbying as a two-way street with the lobbyists trying as far as possible to influence parliamentarians with their position and the MEPs regarding the lobbyists as “unintentional support” by providing an analysis of the Commission’s ideas and by highlighting key points and possible areas of controversy (interview with MEP, February 2001). Some MEPs have also established their own network of experts, which they are comfortable dealing with, for example the telecommunications sector or the field of health and safety at work.

On top of that come the national governments that contact “their” MEPs and provide them with position papers intended to influence the identification of preferences. Here again the extent to which each opinion is taken into account is at the discretion of the individual political representative.

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A striking development in the EP's activities is a great increase in the organisation of public hearings by the committees. These hearings can serve a number of purposes: they can facilitate the identification of or familiarisation with a particular issue, assist a committee in the scrutiny of draft legislation, and facilitate identification of preferences. A notable example is the drinking water directive (June 1995): a public hearing, involving a wide range of experts and interested parties, was conducted on the revision of this directive. (17) The main conclusion reached was that there is an urgent need to review the existing series of directives and decisions on water quality. As a result of this hearing specific deficits and problems within this context were identified and methods of reform were proposed.

In contrast to other institutions, notably the Council and Commission, EP committee meetings are open to both representatives of other institutions and the general public. There is, however, an exception to this rule: committees may decide to divide the agenda for a particular meeting into items which are open and those which are closed to the public. (18) Committees represent an opportunity for contact between various institutions. The EP insists that representatives of the Commission attend committee meetings to present their institution's view. The Council Presidency is also invited. Seats in the EP committees are reserved for Council representatives. Officials of the Council Secretariat are present at committee sessions, taking notes and recording votes for a report to the Council. This tactic can contribute to shaping the Council's negotiating position with the EP. The EP has tried to induce Council representatives to voice their opinions at committee meetings, but the latter refuse to do so at this stage. The EP is not admitted to Council deliberations, not even to those of Council working parties, nor does it participate in the Commission's deliberation process (interview with member of EP General Secretariat, November 2000).

By providing a venue for the institutions to interact during the legislative process, the EP has an opportunity to integrate the views of the other actors, especially that of the Commission, to a greater extent than is the case with the other institutions.

The differentiated structures within the EP are advantageous as regards the input of interests, as they provide an opportunity for a large number of actors to forward proposals. Thus, the process of policy-formation within the EP is open to a plurality of interests (Benz 2001, p. 2).

According to several interviewees the "usual suspects" attend committee meetings: members of interest groups and NGOs, especially those who are based in Brussels and have a special interest in a certain topic. Their interest is mainly of a professional nature and occasionally stems from the fact that a highly publicised issue such as the BSE crisis is on the agenda. Members of the media are also present but normally only at highly publicised hearings on controversial topics. (19) National issues still dominate the media coverage within the Member States: "the media is nationally orientated, extremely interesting things are happening in this parliament, but they go completely unreported." (interview with MEP, June 2001) The presence of "normal citizens" is a rather accidental affair, for example in the form of visitor groups at committee meetings.

Committee documents are also rather freely available, and even draft reports can be obtained. The Rules of Procedure provide that unless a committee decides "otherwise its documents shall be made public." (20)

2.6 Searching for a consensus in committees

Obviously, due to the national and political heterogeneity of the EP, the parliamentary committees are in some cases divided on certain issues. Majorities in the EP are usually negotiated for the topic in question rather than permanent. Therefore we often found that disagreements in committee are very issue-specific, making it difficult to draw general conclusions.

One example of a disagreement in committee would be the broadcasting directive, where the committee was apparently split along two lines: whereas some MEPs adhered to the view that the broadcasting industry needs subsidies, other MEPs held the opinion that regulation of broadcasting must be loosened. Apparently these differences were based at least in part on national perspectives and traditions. We have found no clear evidence relating to how these conflicts were resolved. We often noted, however, that it is the committee chair that plays a very integrative role in achieving a consensual atmosphere within committee. In cases where the role of the chair was described as rather weak we found that conflicts were aggravated and in certain cases not resolved. Group co-ordinators have been identified by all interview partners as the main force in the quest to establish unity within the respective political group, by finding a balance between interests of the political groups and those of the national delegations. Interaction between the different group co-ordinators is very intense, going far beyond the formal co-ordinator meetings, where informal meetings take place at least once a week and the exchange of e-mails also increasingly plays a role. However in some exceptional cases it is the national delegations that dominate the agenda within committee and plenary. (21) In these cases where national divisions and interests are very pronounced the role of the co-ordinator is circumscribed and subsequently comparatively weak.

In the case of the dossier on racial and ethnic discrimination, the committee was apparently divided due to the divergent opinions of the political groups, notably as regards the question of shifting the burden of proof to the defendant. Although rapporteur and shadow rapporteur reached an agreement, this consensus was not supported by all the members of one of the larger political groups within the EP. The EP's opinion was nevertheless formed *inter alia* with the support of members of the smaller party groups (interview with MEP, February 2001). This directive is a good example of how committee membership provides a real opportunity for smaller political groups to have a say in the formation of legislation (the rapporteur was appointed by the Greens/EFA). (22)

In several other cases we found very little controversy within the committee. One example would be the Community action programme in the field of education, SOCRATES. The committee seems to have been more or less united due to the basic conviction that the EP must stand united in this area if the policy goals are to be achieved. "It was based on common sense, everyone wants to support students". "There were no divergent opinions no one wanted to allocate less money to the programme or even scrap it." (interview with MEP, November 2000 and official of General, June 2001).

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Another example where consensus was reached with ease would be the directive on open network provisions on voice telephony in 1994, when the decision to block this directive was not only supported within the committee, but found an overwhelming majority in plenary. A series of factors led to this veto: the post-Maastricht procedures were new and untried, there was no inter-institutional agreement on comitology, and the EP was not to be involved in the implementation of the directive as demanded. (23)

By offering an arena for deliberation, not available in plenary sessions, EP committees contribute

to sustaining the EU multi-level system of governance. They are microcosms of the larger assembly, where conflicts can be resolved with less difficulty. One must consider the fact that the desire for consensus runs very deep and is entrenched in the Treaties, according to which the EP has to muster for example absolute majorities in the co-operation, co-decision and certain assent procedures. It has to also be underlined that the achievement of consensus within the EP is fostered by the way this particular institution works: MEPs have joint experiences independent from political affiliation: "they have to wait at the airport together and drink a coffee while waiting for the planes when they are delayed, which they always are. On top of that comes the particular lunacy of Strasbourg, where MEPs sometimes have to stay in the same hotel. There is a certain anthropology of getting along within the EP." (interview with Member of EP Committee Secretariat, November 2000).

3 Interaction of EP committees with other EU institutions [↑]

The relationship between the EP and other institutions on the European level has evolved significantly with the introduction of first the co-operation and later the co-decision procedures. Co-operation marked an end to the old bipolar relationship between Council and Commission and the beginning of a triangular relationship in which the EP's legislative input was limited at the outset, though it gradually increased later (Westlake 1994, p. 137).

This paper will not focus on the role of EP committees in co-operation, as this procedure has mainly been limited to provisions linked to the Economic and Monetary Union (EMU). Instead it will focus on co-decision after Amsterdam, a process which is in constant evolution and change.

3.1 Interaction with other institutions throughout the legislative process during co-decision [↑]

The introduction of the co-decision procedure by the Treaty of Maastricht has been regarded as a major step forward for the EP and "the cause for parliamentary democracy" at the EU level (Shackleton 2000, p.325). The new Treaty provision (24) has established the principle of direct negotiation between the Council of Ministers and the EP committees.

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When the Amsterdam Treaty took effect these contacts were intensified, particularly as a result of the possibility of concluding the procedure at first reading. Both institutions have paid close attention to the "Joint declaration on the practical arrangements for the new co-decision procedure" of May 1999, which encourages appropriate contacts with the aim of "bringing the legislative procedure to a conclusion as quickly as possible". (25)

Every Council Presidency is in contact with the responsible EP committee, and the respective Minister approaches the committee to present the priorities of the Presidency's programme and also illustrates the respective achievements at the end of the six-month period. Previous to the Treaty of Amsterdam the relationship between the Council and the EP was, at least at first reading, not co-ordinated.

The Council had in several cases reached a political agreement before the EP gave its opinion, waited "basically out of courtesy", and then put forward the common position without taking the EP's view into account (interview with MEP, November 2000).

Intensive contact between the EP and the Commission is prevalent even at the very early stage of

the procedure. Unless a case of particular urgency prevails, a certain amount of time is allocated to discussion within a committee before a draft report is drawn up. As part of this process of exchanging views in a committee, a Commission representative will attend committee meetings, clarifying issues and outlining the Commission's position. Normally the Commission is represented by the desk officer who drafted the proposal; in selected cases the desk officer is accompanied by his/her head of division.

However, even after Amsterdam there are no clear procedural guidelines for the first reading. The most controversial question is how to mandate the representatives of the EP for negotiating with the Council. Another open question is which members of the Council and EP hierarchy should meet with whom. The EP sees the possibility of reaching an agreement at the first reading as a means of speeding up the procedure, but not something that should be accepted at any cost.

In some selected cases we found that interviewees saw the lack of formal guidelines for the first reading as giving the EP "a strong hand, as you can create your own conventions". Given that the negotiations are based on trust between the institutions, substantial progress can be made, especially in the resolution of technical issues. There are no time limits during the first reading, as all those involved view it as a period for discussion, for gathering expertise, laying down their respective positions, and clarifying (mainly) technical questions.

Once the Council has adopted a common position it is returned to the EP for a second reading. (26) At this stage the EP may adopt the Council's common position as is, or it may choose not to act, reject it outright or adopt amendments with an absolute majority. (27) When discussing amendments the pivotal role of the rapporteur and the committee chair is again apparent, as it is up to them to try to find the necessary majorities and defend the position of the committee.

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As of June 1999 one can observe in the newly elected EP that the unofficial "grand coalition" comprising the Party of European Socialists (PES) and the European People's Party & European Democrats (EPP-ED) is no longer an "unwritten deal". An example would be the directive on truck emissions (28) : none of the amendments proposed were approved in plenary (interview with Member of EP Committee Secretariat, November 2000). Given the fact that the EP is unable to find the necessary majorities to push through its amendments the position of the EP is weakened vis-à-vis the Council insofar as the Council's common position remains unchanged.

On the other hand if the EP successfully adopts amendments to the common position, the Commission will then voice its opinion on these amendments and submit them to the Council for a second reading. (29) In the best case scenario the Council adopts all of the EP's amendments and the act is adopted as thus amended. Failing that, the matter is automatically referred to the conciliation committee.

The Council and the EP delegate an even number of members to this committee (15 each and 15 deputies). (30) The Commission is also represented and usually led by the relevant Commissioner. The Commission's role has evolved constantly within the practical deliberation process, being described as that of an "honest broker" who facilitates agreements between the institutions and is highly efficient but "not as glorious" (interviews with MEPs, November 2000; February 2001). Given the fact that one or two civil servants normally accompany each Council representative and several advisors support each member on the EP's side, more than 100 people can be present when the committee meets.

Within the conciliation procedure a process of exchange has developed where both sides are open

to make concessions, but at a price that differs according to each set of negotiations (Shackleton 1999, p. 331). The procedure has evolved significantly since its introduction by the Maastricht Treaty, “where a lot was not written down” and even the basic procedural issues were not always clear: “No one was even sure when EP and Council should meet” (interview with MEP, February 2001).

An example for how the relationship between the Council and the EP in conciliation has changed since the mid-1990s would be the SOCRATES programme, where in 1994 the Council held the view that the EP should have no say over the budget, whereas at the end of the 1990s this has become to be perceived as being normal (interview with MEP, November 2000).

An example of the changes that can be pushed through by the EP in conciliation is the Fifth Framework Programme for Research and Technology. This seemed to be a rather unpromising case for influence of the EP, as it was an area where the Council had to agree unanimously. In this context the Spanish government insisted that the common position contain an element which became known as the “guillotine clause” whereby any budgetary allocation agreed upon for the new programme would be subject to a review linked to the results of the negotiations on the Agenda 2000 revision of EU funding. These negotiations also made other delegations reluctant to contemplate a significant increase beyond the common position, which allocated 14 billion euros to the programme. At the second reading the EP voted for a figure of 16.3 billion euros and thus the institution’s goals were more than 2 billion euros apart when they entered the negotiations. Remarkably an agreement was reached in conciliation in November 1998: after long negotiations, the Institutions agreed on a figure just short of 15 billion euros, thereby “providing for a share of the spoils” (Corbett; Jacobs; Shackleton 2000, p. 19).

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An example for a very quick conclusion of the conciliation procedure is the end of life vehicle directive, for which conciliation was opened and concluded on the same day. Two factors seem to have contributed to this fact: on the one hand the preparatory work of the triologue and on the other the rapporteur dropping his demand that the burden of costs be removed from the manufacturer (as this was turned down by the EP in a second reading).

The negotiators delegated by the EP to the conciliation committee face a particular challenge: they have to ensure that the compromise achieved in conciliation will be supported in plenary. In this respect the EP delegation can look back on a series of successful negotiations in conciliation, as only one proposal failed to be carried through in plenary, namely the directive on biotechnology patents. (31)

Considering the problems of conciliation (a very large group is involved, mandatory presence of at least one minister, etc.), the so-called triologue meetings are of great significance during its preparation. These sessions, which are part of neither the Treaty nor the EP Rules of Procedure, have been created to an extent under the motto “necessity is the mother of invention”. They were a response to the gap left in the Treaty between the Council’s second reading and convention of the conciliation committee.

The Treaty provisions (32) do not stipulate what, if anything, should happen after the Council has given its view on the EP’s second-reading amendments and before the delegations meet in the conciliation committee. During the first year and a half after the Maastricht Treaty came into effect, there were occasional bilateral contacts between Council and EP, but no structured dialogue. As a result both institutions (with the support of the Commission) attempted to find compromises in a room, which could hold over 100 persons. Only in the second half year after the

Treaty came into effect was the conclusion finally drawn that this was not an efficient forum for institutional dialogue and that conciliation needed to be prepared by a smaller group (Shackleton 1999, p. 333). The first formal triologue dates back to the negotiations on SOCRATES and “Youth for Europe” under the German Presidency. They did not become the usual practice, however, until the Spanish Presidency in the second half of 1995. Triologue meetings have now become a standard feature of the conciliation process, with each side being able to negotiate more freely and openly than is possible in conciliation.

In light of the smaller number of persons taking part in trialogues, namely

- the vice-president concerned;
- the chairman of the responsible EP committee;
- and the rapporteur

(being the main actors on the EPs side, with Council, EP and Commission delegating at the most 30 persons (33)), arranging for this kind of meeting normally poses fewer problems at lower costs.

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What also has to be highlighted is that the inclusion of EP vice-presidents (34) in the triologue negotiating team is a new development. This possibility was introduced in 1999 with the objectives of improving effectiveness and continuity, and creating a basis of confidence with the Council.

A large percentage controversial issues are already solved at the level of the triologue and only have to be “rubber-stamped” in conciliation. The positive role of the triologue is illustrated by the directive on end of vehicle life. The EP adopted a total of 32 amendments at second reading. In a series of triologue meetings, compromises were reached regarding a considerable number of amendments (such as exemption of vintage cars from the scope of the directive, official registration of collection points, and stricter safety and environmental requirements for re-used spare parts). What is remarkable is that a triologue was held on the same day the conciliation procedure was opened (23 May 2000) and ended just half an hour beforehand.

Research conducted on the effect the co-decision procedure has on the EP committees has shown that co-decision has led to a structural concentration of the bulk of the workload on only three out of 20 (after 1999 - 17) Permanent Committees. The three committees, which dealt with the majority of the draft legal acts submitted under co-decision were:

- Committee on the Environment (36.7 %); (35)
- Committee on Economic and Monetary Affairs and Industrial Policy (25.9 %);
- Committee on Legal Affairs (16.9 %).

These three committees handled almost 80 % of all procedures concluded until the end of June 1999, which proved to be very time-consuming for committee members. The concentration of co-decisions on these three committees was primarily due to the use of the legal bases concerned. Since most of the procedures were based on Art. 95 TEC, the majority of the concluded co-decision procedures were handled by the three committees mentioned above.

As regards the amount of time needed to conclude a co-decision procedure, the analysis reflects that the Committee on the Environment – with the heaviest co-decision burden of all committees

– stabilised the amount of time required for adoption. The Committee on Economic and Monetary Affairs and Industrial Policy and the Committee on Legal Affairs have even reduced the time needed for the adoption of legislative acts considerably since co-decision was introduced in 1993 (Maurer 1999, p. 29).

3.2 Role of EP committees within the implementation process

Another important issue is the process of implementing legislation. EP committees play only a marginal role in the system of comitology. Comitology is a short-hand term for the process by which certain powers of implementation are delegated to the Commission (by the Council and in co-decision by Council and EP). The comitology committees are composed of representatives of Member State governments and as such are not democratically elected (Bradley 1997).

Ever since installation of the first comitology committees, the EP has put forward far-reaching demands as regards its involvement in the comitology system. Translating them into political science terms, they could be summarised in the following manner (Hix 2000):

1. clear definition of legislative and executive matters so that the executive authority would be strictly responsible for implementing measures;
2. when implementing acts have been adopted by way of co-decision in the legislative process, the EP should be put on an equal footing with the governments of the Member States;
3. limitation of the executive powers of the Member State governments (at least to a certain extent);
4. the right of the EP to examine all draft implementing acts before they are adopted with the implementation timetable;
5. the right of the EP to veto legislation before it is implemented.

However, the EP enjoys the following limited rights in the practical political process (according to the Comitology Decision of 1999 (36) and a respective agreement concluded with the Commission (37)):

- It is to be informed by the Commission on a regular basis about comitology procedures. To that end, it is to receive, at the same time and on the same terms as committee members, the draft agendas for committee meetings, the draft measures submitted to the committees for implementation of basic instruments adopted through the co-decision procedure, the results of voting and summaries of the meetings, and lists of the authorities to which the persons designated by the Member States belong.
Furthermore, the Commission agrees to forward to the EP, for information purposes and at the “request of the parliamentary committee responsible”, specific draft measures for implementing basic instruments not adopted according to the co-decision procedure but which are of particular importance to the EP. Pursuant to the judgement of the Court of First Instance of the European Communities of 19 July 1999, (38) the EP may request access to minutes of committee meetings (Art. 7 of the Decision). Confidential documents will be processed in accordance with internal administrative procedures drawn up by each institution with a view to providing all the requisite guarantees.
- According to Article 8 of the Comitology Decision, the EP may indicate, in a resolution setting out the grounds on which it is based, that draft measures for implementing a basic instrument adopted by the procedure provided for under the co-decision procedure exceed the implementation powers provided for in that basic instrument. The EP must adopt such

resolutions in plenary and will have a period of one month in which to do so, beginning on the date of receipt of the final draft of the implementing measures in the language versions submitted to the Commission. (39) Following adoption of a resolution by the EP, the Commission member responsible must inform Parliament or, where appropriate, the parliamentary committee responsible, of the Commission's intention (European Parliament, Committee on Constitutional Affairs, 2000).

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Interviewees stated that the topic of implementation is much discussed in committee "comes up every time" (interview with member of Committee Secretariat, February 2001). The topic is increasingly on the EPs agenda: "It used not to be a concern, but is increasingly an issue. We have 17 directives in the sector of health and safety but accidents are not declining. Something is wrong. Directives are not enforced or not respected." (interview with MEP, February 2001).

The problematique goes beyond the question what type of comitology committee should be installed, but more in the direction of **following up** the implementation of decisions. The new Comitology Decision and the resulting inter-institutional agreement seem to have settled the dispute of Council and EP of which type of comitology committee should be installed to implement decisions. The EP is, however, demanding enhanced scrutiny rights in the process of implementing programmes. An example would be the Community action programme on social exclusion (40), where the EP wanted to be associated in the implementation of the programme: the EP pressing for the involvement of the target group, i.e. the socially excluded, in the study programme.

An aspect underlined by several interview partners is that the EP is pressing for comprehensive **information rights**, i.e. the correct implementation of Art. 7 of the Comitology decision. These documents are to be sent to the EP in a readable form, so "that we can see immediately what is the basic legal act setting up the committee" (interview with member of General Secretariat). Since about one year the Commission sends the documents to be forwarded to the EP by email to DG I (Sessional Services) of the Secretariat General. DG I then refers the document in question to the responsible committee. At the same time the documents are also put on an internal EP server known as CIRCA, which is accessible to all parliamentary staff.

The practical implementation of Art. 7 is complicated by the fact, however, that it distinguishes between documents which are forwarded to the EP:

- for information purposes, where the EP has no influence and those;
- where the EP has scrutiny rights, can exercise a "droit de regard". Here the EP has a right to intervene, but only has a month to do so. This is a very short period given that the document needs to be translated and committee meeting(s) must precede the adoption of the EP resolution in plenary. For the practical political process this means that EP committees are under pressure to spot almost immediately after receipt of the draft measures that these exceed the implementation powers provided for the basic instrument.

In order to avoid that the EP be flooded with documentation the Commission has recently agreed with the EP only to send by email those documents where the EP has certain scrutiny rights, can exercise a "droit de regard". The EP can, however, put the request to the Commission to receive any other surplus information under Art. 7. of the Comitology Decision: "this is a problem of principle, we are flooded with paper, so want to be able to keep an eye on what is happening, but it should not become an obsession." (interview with member of General Secretariat) In order to maximise the EP's scrutiny powers members of the Committee Secretariat are alerted to the fact

whether the implementation powers have been exceeded. The issue is also discussed at co-ordinator meetings and at committee meetings as the EP has to find a common position very quickly, if it deems that the implementation powers have been exceeded.

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It is important to point out that since the entry into force of the new Comitology Decision, the EP has exercised its "droit de regard" only once. In order to facilitate the scrutinising of implementing acts the EP plans to put the documents it has been forwarded by the Commission on a web-site, to be accessible by a selected public such as interest groups.

In our research we have identified three committees currently being very adamant about the correct application of the Comitology Decision of 1999: the environment committee, the culture committee and the Committee on Employment and Social Affairs. In the field of culture the committee currently follows the strategy of the environment committee by drawing up implementation reports ("rapports de suivi") concerning the implementation of the following programmes:

- Youth 2000;
- SOCRATES;
- Culture 2000.

These programmes have great impact on the lives of individuals who in selected cases hold MEPs accountable for their smooth and efficient implementation. The Commission is held accountable by the EP committees for the implementation of the budget of specific programmes, where monthly and quarterly figures have to be revealed. Furthermore all committees studied try to supervise the transmission of documents that have to be submitted to the EP according to the new Comitology Decision.

4 Link to EU citizens: the problem of accountability and responsibility

For this study the concept of accountability is defined in two ways: First, to be accountable is seen to be in a position of stewardship and thus to be called to answer questions about one's activities and administration. This is closely linked to ensuring a certain degree of openness and transparency within the decision making process. Choices and debates have to be broken down in such a way that citizens are able to understand them and have a certain degree of insight into decision-making processes. Second, to be accountable is perceived as being "censurable" or "dismissible" (Bealey 1999, p. 2; Lord 1998).

Due to the fact that they are directly elected, the members of the EP are directly accountable to their electorate. However, the electoral procedures of the EP are disputable as regards the principle of political equality. (41) Concerning accountability, it is also doubtful whether electors are adequately informed about the EP's activities, and they seem to have insufficient motivation to monitor the EP by participating in elections: the average turnout of 49 % in the 1999 EP elections speaks for itself. (42)

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The process by which a majority is reached and the complex EU decision-making procedures are not transparent and sometimes rather difficult to describe and understand. European parties fail to organise reliable factions and the relationships between the EP and other EU institutions, in particular the Council, are difficult to comprehend. One of the problems the EP is currently facing is that the EP does not have the authority of a legislature. As a co-legislator together with the Council, it cannot be held accountable for decisions it makes on its own (Benz 2000, p. 16).

Furthermore, there is no European government that can be held accountable to the EP. The EP has to give its vote of approval to the Commission and to the Commission President. It can also force the entire Commission to resign by vote of censure. The EP thus has the power to vote the Commission out of office.

However, it is not the EP but the European Council that selects the President and the members of the Commission. Thus the composition of the executive is not based on the results of European elections. Changes to the Treaties do not have to be ratified by the EP, nor are members of the EP present at Intergovernmental Conferences held with the aim of Treaty reform (Raunio 2000, p. 231).

What has also become apparent is that the EU in general and the EP in particular, relies on "informal politics." As has been reflected by this study, complex forms of inter-institutional bargaining make it difficult to pinpoint what decisions were taken by whom. Major decisions are taken in smaller groups (such as the trilogue) that allow for the achievement of consensus with other institutional actors such as the Council. The conclusion of complex (package) deals obscures, however, who has won or lost on particular issues.

The situation is complicated by the fact that MEPs are like members of any national parliament confronted with a fundamental conflict of roles, namely that of the competent co-legislator versus the representative of the interests of the people who elected him/her. The former requires (often rather technical) expertise and knowledge and complicated negotiations within the committee and with representatives of the EU institutions. The latter requires constant contact with the EU citizens. With the growth in the EP's legislative tasks, the burden of committee work will require more time and effort of MEPs, making it more difficult to tend to the interests of the "potential voter".

The evidence from the interviews carried out so far suggests that at least some MEPs are aware of this conflict. They see the need to become specialists on certain issues and at the same time stay in contact with their constituencies, where it is common practice of MEPs to spend up to three days per week in their own constituencies. Visitor groups are seen as another way to maintain contact with citizens and provide them with an opportunity to get acquainted with their MEP and the work of the EP. It is not unusual for an MEP to meet with one or two visitor groups every week. In this way accountability is guaranteed to a certain extent as MEPs are accountable insofar as they can answer questions about their activities. This is, however, not done on a systematic basis. Nor do voters have a clear insight who was responsible for which decision as decision-making procedures are not only highly complex, but involve a varying set of actors.

5 Concluding remarks [↑]

The real power of the EP is at least partly based on the work of its committees. They play a vital

role in shaping EU legislation. This becomes apparent when taking a concluding look at what EP committees achieve: (43)

1. **Economisation of operation:** EP committees make processing of a growing workload possible and benefit from an increased familiarity with the subject. Committees play a vital role in the EP's quest to cope with its increasing legislative workload. This increased burden for (selected) committees has not led to a slowing down of the decision-making process.
2. **Information acquisition:** This increased familiarity of committee members with particular issues leads to increased specialisation, thereby strengthening the confidence of non-committee members in the work of the committee. We have found that the EP committees constitute an important arena for the communication of interests. MEPs can draw on a growing pool of expertise from members of the Committee Secretariat on the one hand and representatives of interests groups or NGOs on the other.
3. **(Partisan) co-ordination:** Committee members are selected on a cross-party basis and through various means: through the political groups, procedural rules, and bargaining. The political groups within the EP have found various means to maximise their influence within committees, for example by appointing shadow rapporteurs and group co-ordinators. Committees nevertheless provide an arena for the political groups to deliberate in order to find the necessary majorities, something not possible in plenary sessions.
4. **Input of (smaller) political groups:** In certain instances committee membership provides a real chance for representatives of smaller political groups such as the Greens/EFA to take part in the shaping of legislation, by appointing the rapporteur for example.
5. **Consensus-building:** The EP committee structure can contribute to consensus-building by providing an arena for detailed deliberation, which is not possible in plenary. We found that divisions in committees are very issue-specific, and it must be noted that the committee chair very often plays an integrative role.
6. **Publicity:** Committee meetings are generally open to the public (44) and also the media. Committees allow members and committee chairs in particular to generate publicity, at least when controversial topics such as the BSE crisis are on the agenda.

Beyond this categorisation, which provides an overview of how EP committees operate, we want to draw other, somewhat more normative, conclusions. The EP and its Standing Committees operate in a very different environment than the committees in national parliaments, a main difference being the lack of a European government directly accountable to the EP and the unique forms of decision-making in the multi-level system of European governance. In this process of interaction with other EU institutions, notably the Council and the Commission, the EP committees play a vital role. Committee-based division of labour brings order and structure into the EP's work environment.

Committees provide personnel and structural resources which strengthen the negotiating position of the EP vis-à-vis the Council, for example in the co-decision process. Key players in committees such as group co-ordinators, chairmen and rapporteurs not only contribute to cohesion and coherence within committees, but play a vital role in finding effective solutions to problems, thereby increasing the committee's output substantially. We have found that key players are often appointed due to their expertise in the particular policy area, which is sometimes gained through work within the industry prior to their parliamentary career. This and the fact that they can draw on a growing pool of expertise enhances their standing vis-à-vis other institutions. In our research we also found that political actors who have acquired experience with these very specific forms of inter-institutional negotiations are appointed to deal with co-decision, thereby contributing to the

level of trust and coherence, especially during conciliation. This is illustrated by the negotiations which dealt with the SOCRATES programme, the revision of the directive on open network provisions regarding voice telephony (where the rapporteur was re-appointed), and the Fifth Framework Programme.

Committees increase accountability of the EP insofar as their meetings are generally open to the public and committee documents such as draft reports are rather freely available. Committee members also try to strengthen the link to EU citizens by meeting visiting groups and spending a large part of the working week (as well as the weekend) in their constituencies, i.e. Member States. Furthermore committees enable effective communication of relevant (citizen) interests to those involved in the process of governance. Contact with lobbyists has generally become part of the daily business of committee members.

Despite these positive aspects, EP committees can do little to alleviate general structural deficits regarding accountability and legitimacy within the multi-level system, such as the lack of a European government, which is directly accountable to the EP.

Annex: Methodology and Case studies

Research was conducted in **two steps**: the collection of documentary analysis followed by interviews with MEPs and members of the General Secretariat of the EP.

1) During the first step an effort was made to draw a general picture of how the EP in general and EP committees in particular function on the basis of **documentary analysis**. Committee structures and processes vary significantly from one policy arena to another and, in order to be able to reach general conclusions, analysis must be cross-sectoral. Five politically sensitive sectors were selected for analysis:

- Telecommunications
- Environment
- Research and Development
- Culture
- Social Affairs

In each of these sectors up to four directives (45) were chosen for case studies. The selected directives fulfilled the following conditions for the most part:

- they were representative of the legislation adopted in the sector;
- they have passed through the system since January 1998 (to ensure that identification of the relevant actors was still possible);
- Council working parties, EP committees and comitology committees were involved in their adoption and implementation.

2) The interview partners for the **structured interviews** were chosen on the basis of their involvement in the selected case studies. Where possible we tried to interview the respective rapporteur and/or members of committees that had to give an opinion. The comparative aspect of our study was strengthened for two main reasons: although we tried to conduct our interviews with MEPs working in the sectors selected for analysis, we sometimes interviewed members who were representatives of committees not covered in our study (due to the fact that a number of them changed portfolios after the elections) but who had previous experience in this sector. This broadening of the analysis was compounded by the fact that the draftsmen for opinion were in

selected cases delegated by committees falling outside the five sectors selected for examination.

To complement the picture and to obtain more background information, representatives of the EP's General Secretariat and the Political Group Secretariat were also interviewed. They were selected on the basis of their involvement with the cases selected for analysis or because they deal with specific procedural issues such as the conciliation procedure. To date around 30 interviews were conducted (by members of this subproject) involving some of the actors relevant for all the case studies selected for analysis. About 10 interviews are still to be carried out by the end of 2001 to clarify outstanding questions.

Case studies in sectors selected for analysis

I) TELECOMMUNICATIONS

- Open network provision (ONP) to voice telephony. Universal service for telecommunications (Directive 98/10/EC)
- Third-generation mobile communications systems (Decision 99/128/EC)

II) ENVIRONMENT

- Waste management: landfill (Directive 99/31/EC)
- Quality of water intended for human consumption (Drinking water directive) (Directive 98/83/EC)
- End of life vehicles directive (Directive 2000/53/EC)

III) RESEARCH AND DEVELOPMENT

- 5th framework programme, 1998-2002: actions for research and technological development and demonstration activities (Decision, 182/1999/EC)

IV) CULTURE

- Pursuit of television broadcasting activities (Directive 97/36/EC)
- Vocational training: Community action programme 2000-2004, Leonardo da Vinci, 2nd phase of the programme (2000-2004) (Decision 99/382/EC)
- Training, education: Community action programme of exchanges 1995-1999, SOCRATES (Decision 576/98 amended Decision 819/95)
- MEDIA Plus Programme (Decision 2000/821/EC)
- Culture 2000 Programme (Decision 2000/508/EC)

V) SOCIAL AFFAIRS

- Working time for seafarers (Directive 99/63/EC)
 - Working time of mobile workers (2000/34/EC)
 - Safety and health at work (modifies Directive 89/655/EC)
 - Employment and social sector: equal treatment without racial discrimination (Directive 00/43/EC)
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Endnotes

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(1) The forerunner of the European Commission.

(2) Initially only 15 Treaty items were covered by the procedure: articles falling into the policy fields of the internal market, consumer protection, trans-European networks, cultural policy, public health and education.

(3) Governance by Committee, the role of Committees in European policy-making and in policy implementation. This project is carried out in the framework of the research and technological development programme "Improving the Human Research Potential and the Socio-Economic Knowledge Base" of the Fifth Framework Programme for Research, Technological Development

and Demonstration (1998-2000). The duration of the project is 24 months from 01/02/2000. The project is structured into four different subprojects:

1. EP committees, which are the main focus of this paper (Research team: Institute for Advanced Studies and European Institute of Public Administration).
2. Working Groups of the Council (Research team: Université de Rennes I (IEP-Rennes) and Université de Bordeaux (IEP-Bordeaux).
3. Comitology committees (Research team: European Institute of Public Administration and King's College London).
4. The Committee system, legitimacy, citizen's perceptions and acceptance of the EU-system of governance (Research team: European Institute of Public Administration and Institut für Politische Wissenschaft und Europäische Fragen, Universität zu Köln. The first results of this project were presented at the ECSA Seventh Biennial International Conference, Madison, Wisconsin, Workshop: Governance by Committee: the Role of Committees in European Policy-Making and in Policy-implementation, May 31 – June 2, 2001.

(4) An overview of the methodology and case studies is given in the annex of this paper.

(5) The Bureau is composed of the president of the EP, 14 vice-presidents and five quaestors.

(6) For the sake of brevity this committee will hereafter be referred to as the Environment Committee.

(7) Any of the standing committees or subcommittees of the European Parliament may organise a hearing of experts if it considers this essential to the effective conduct of its work on a particular subject (Rule 151 of the Rules of Procedure). Such hearings may be held in public or in camera.

(8) Art. 192 TEC.

(9) Annex VI of the EP Rules of Procedure.

(10) If no solution is found, the issue is passed to the Conference of committee chairmen, where the head of this forum would try to mediate, then it would be passed on to the Conference of Presidents, which is composed of the President of Parliament and the chairs of the Political Groups. This of course slows down the legislative process considerably, an argument that is also put forward by the environment committee itself.

(11) Art. 49 TEU.

(12) See also point 3.1 of this paper.

(13) Each committee has three vice-chairmen.

(14) For an overview how the d'Hondt system works, see: Bainbridge (1998), p. 125.

(15) For an insight into the role of political groups within the EP see: Raunio 2000.

(16) Group of the European People's Party and European Democrats (EPP-ED) and Group of the Party of European Socialists (PES).

(17) Revision of directive 80/778/EEC.

(18) Rule 171 of the EP Rules of Procedure.

(19) Should journalists, film crews or visitors wish to take photographs or film committee proceedings, they must seek prior authorisation via the Head of Division of the committee secretariat who refers the request to the Chairman (European Parliament, DG II 2001).

(20) Rule 172.2.

(21) A good example in this context would be directive on mobile workers.

(22) Greens/European Free Alliance.

(23) On the question of implementation, see point 2.b. of this paper.

(24) Ex-art. 189b TEC; i.e. art. 251 TEC.

(25) OJ C 148, 28.5.1999, p.1.

(26) Within the deadline of three months, after the Council's Common position is made public in plenary. This deadline can be extended to four months (Art. 251, para 2. TEC. The extension of the three-month deadline is stipulated in para 7).

(27) Art. 251, para 2, lit. a, b, c. TEC.

(28) Air pollution of gaseous and particulate pollutants from diesel engines (amend. Directive 88/77/EEC), O.J. L044 16.2.2001,p. 1.

(29) Within the time-span of three months plus one.

(30) Art. 251, para 4 TEC.

(31) OJ L213, 30.06.1998, p. 13.

(32) Art. 251 TEC.

(33) The three vice-presidents of the EP involved in conciliation have asked all three parties (Commission, Council and EP) to limit their delegation to 10 persons (European Parliament, Delegations to the Conciliation Committee 2000).

(34) Three vice-presidents take turns in attending the meetings: Imbeni, Renzo; Provan, James; Ingo, Friedrich.

(35) N = 166 concluded acts.

(36) The Council had laid down the procedures in Council Decision 1987/373/EC of 13 July (OJ L 197, 18.7.1987, p. 33. These have been reformed by way of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23-26).

(37) See: European Parliament, Committee on Constitutional Affairs.

(38) Case T-188/97, Rothmans v Council.

(39) In urgent cases, and in the case of measures relating to day-to-day administrative matters and/or having a limited period of validity, the time limit will be shorter. That time limit may be very short in extremely urgent cases (in particular on public health grounds). The Member of the Commission responsible is to set the appropriate time limit and state the reason for that time limit.

(40) Social exclusion: Community action programme to encourage co-operation between Member States, COD/2000/0157.

(41) Currently the "one person, one vote" principle does not apply to the EP: for example one German MEP represents 820,000 citizens, whereas one MEP from Luxembourg represents 65,000 citizens.

(42) This is the largest drop in turnout since the first EP elections in 1979 (EU Committee of the American Chamber of Commerce in Belgium (1999), p. 11).

(43) These functions have been developed for national parliaments and have been adapted for this study (MacCárthaigh 2001; Shaw, Lees 1979; Döring 1995). Due to the fact that the EP is a "sui generis institution" these functions have been slightly modified: the category of "increased backbench participation" has been omitted. Opposition input has been modified to input of "smaller party groups".

(44) Individuals have access to the premises of the EP, if they specify which committee meeting they would like to attend.

(45) In the field of research and development one "large" case was selected (Fifth Framework Programme for 1998-2002).

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