

Explaining the European Parliament's gains in the EU Constitution

Giacomo Benedetto · Simon Hix

Received: 7 September 2006 / Revised: 27 October 2006 /
Accepted: 19 February 2007 / Published online: 5 April 2007
© Springer Science + Business Media, LLC 2007

Abstract The Constitutional Treaty, like each set of reforms since the Single European Act, would constitute another incremental increase in the European Parliament's powers. But the Parliament did not get everything it wanted. What we do in this paper is investigate why the European Parliament tends to 'win' in some areas but not in others. We consider five possible explanations and test these theories by looking at the issues the Parliament promoted in the constitutional negotiations and the factors that determined whether the Parliament was successful or not in a particular area. We find that the Parliament gains power in areas where the governments delegate new powers to the EU and are uncertain about the consequences of this delegation. We also find that public support for the Parliament played a role in the extension of the Parliament's powers in the Constitution.

Keywords European Parliament · EU Constitution · Delegation · Democratic deficit

1 Introduction

The European Parliament was meant to be one of the major winners of the proposed European Union (EU) Constitutional Treaty, which was signed by the heads of government and state of the EU member states in October 2004. For example, the Constitution, if implemented, would establish the co-decision procedure as the 'Ordinary Legislative Procedure' (OLP) of the EU. This would mean a significant extension of the legislative powers of the Parliament, to include inter alia the

G. Benedetto (✉)
Royal Holloway, University of London, Egham, Surrey TW20 0EX, UK
e-mail: giacomo.benedetto@rhul.ac.uk

S. Hix
London School of Economics and Political Science, Houghton Street, London WC2A 2AE, UK

common agricultural policy and all policies in the ‘area of freedom, security and justice.’

Nevertheless, the European Parliament did not get everything it wanted. For example, despite demanding that it be given the right to elect the President of the European Commission, this power was not included in the Constitution. Under the proposed new procedure, the European Council would maintain its agenda-setting power (by a qualified-majority vote), in that it would be able to make a ‘take-him-or-leave-him’ bid to the Parliament. Hence, in practice, this would not change the institutional status quo established by the Nice Treaty.

Overall, where the European Parliament is concerned, the Constitution can be seen as a continuation of a trend that started with the Single European Act: where in each Treaty reform the Parliament’s powers were increased, but were not increased as far as the Parliament had proposed. For example, in the Single European Act (1987), the governments established the co-operation procedure, which gave the Parliament a right of ‘conditional agenda-setting’ but did not put the Parliament on equal-footing in the legislative process with the Council (Tsebelis 1994; cf. Crombez 1996). Similarly, in the Maastricht Treaty (1993), the governments introduced the co-decision procedure, but maintained a right of the Council to make a unilateral proposal to the Parliament if the conciliation committee broke down (Tsebelis 1996; Crombez 1997). Then, in the Amsterdam Treaty (1999), the governments reformed the co-decision procedure to create a more genuine bicameral system, but did not extend the procedure to cover some sensitive policy areas, such as immigration and asylum policies. And, in the Nice Treaty (2003), the governments lowered the threshold for electing the Commission President (from unanimity to a qualified-majority), which significantly increased the Parliament’s influence in this process, but increased the qualified-majority threshold in the Council, which moderately reduced Parliament’s influence in the legislative process (cf. Tsebelis and Yataganas 2002).

In other words, the package-deal in the Constitution is the continuation of a general trend, of incremental increases in the power of the European Parliament. What we do in this paper is investigate why the European Parliament tends to ‘win’ in some areas but not in others. The first part of the paper discusses five explanations of the growing power of the European Parliament and what factors each theory expects should determine the gains made by the Parliament in the Constitution. The second half of the paper then analyzes what issues the European Parliament promoted in the Convention on the Future of Europe and the Intergovernmental Conference which negotiated the Constitution and what factors determined whether the European Parliament won or lost on each issue.

2 Five Explanations of Increasing European Parliament Powers

Despite a vast literature on European integration and the delegation of powers to the European Commission and the European Court of Justice there has been surprisingly little theoretical work on why the EU governments have increased the powers of the European Parliament. Nevertheless, five sets of propositions are discernable in recent research.

2.1 Public Pressure to Reduce the Democratic Deficit

The standard, 'knee-jerk,' explanation of the growing power of the European Parliament is that the governments have responded to public concerns about the so-called 'democratic deficit' in the EU. This explanation is not attributable to any single scholar, but is widely asserted as the main motive for recent Treaty reforms related to the European Parliament (cf. Pollack 2003). The main assumption behind this view is that as a result of declining public support for the EU since its peak in the early 1990s, growing concerns about the lack of EU accountability, and falling turnout in European Parliament elections, the governments have been forced to respond to the views of their electorates on the issue of the democratic accountability of EU governance, and so have gradually increased the power of the only directly elected body at the European level (the European Parliament).

There are some significant problems with this argument. For example, widespread public concern about the democratic deficit did not arrive until the early 1990s (in the process of ratifying the Maastricht Treaty), and so emerged after the two major increases in the powers of the European Parliament (in the Single European Act and the Maastricht Treaty). Furthermore, although voters may perceive that there is a democratic deficit in the EU, the incentives for governments to respond to these concerns are actually rather small. European issues, in general, and the issue of the EU democratic deficit, in particular, are practically absent from national election campaigns. Hence, governments are unlikely to increase the power of the European Parliament—especially if this reduces their own power in the Council—for marginal, if any, electoral benefit.

Nevertheless, if the governments did respond to citizens' concerns about the democratic deficit in the negotiations on the Constitution, then the European Parliament should have been able to secure support from the governments for the issues the citizens saw as reducing the democratic deficit, such as increasing the transparency of the legislative process or increasing the accountability of the Commission.

2.2 Intergovernmental Perspective: A Pro-parliament Coalition of States

In stark contrast to the rather naïve claims of the 'democratic deficit' school, a more prosaic perspective on the powers of the Parliament is derived from Moravcsik's (1998) 'liberal intergovernmental' theory of European integration. This approach sees all major institutional changes in the EU as the product of a careful bargain between the key member states, to promote their individual and collective economic interests and other socio-economic preferences. A group of member states, notably Germany, Italy and Belgium and usually backed by the European Commission, have always argued in Treaty negotiations for increasing the powers of the European Parliament. The assumption of these states is that increasing the Parliament's powers would promote further European integration, which would in turn promote their interests. They also expect that increasing the power of the European Parliament would lock-in certain centre-left policy preferences, such as more EU social and environmental regulation, as there tends to be an in-built centre-left majority in the

European Parliament. For example, the European Parliament did well in the Amsterdam Treaty negotiations because three successive Council Presidencies (Italy, Ireland, and the Netherlands) and a coalition of centre-left governments were in favour of increasing the Parliament's powers (esp. Moravcsik and Nicolaïdis 1998, 1999). Convergent policy preferences between the Parliament and the German government, as well as Germany's more generous representation within the European Parliament compared to the other large member states, provided Parliament with an important ally in Bonn (Beach 2005: 142). A shift in power from the Commission to the Council as well as to Parliament has also been consistent with the intergovernmental preferences of member states that have accepted increased powers for the Parliament. The development of comitology or the proposed creation of a permanent Council presidency would be good examples of this.

One flaw in this argument is that the median member of the European Parliament is not necessarily so pro-integrationist or left-wing (cf. Hix 2005). In fact, since the 1999 European elections, the median member of the European Parliament has been considerably less integrationist and less left-wing than the median government in the Council. As a result, in the process of making legislation in the 1999–2004 period, the European Parliament tended to water-down high EU regulatory standards proposed by the pro-integration and centre-left majorities in the Council and the Commission.

Nonetheless, if the liberal-intergovernmentalist interpretation applies to the negotiations on the Constitution, then the European Parliament should only be successful when it is backed by a large coalition of member states, and in particular by the key pro-parliament actors in the negotiations.

2.3 Member States Need to Control and Legitimize Delegation to the EU

A third explanation has been developed in a recent book by Rittberger (2005). Rittberger makes two related points. Firstly, he argues that new delegation creates a legitimacy deficit by undermining the prerogatives of domestic legislatures. Secondly, he claims that national governments are also concerned about protecting themselves from the unintended consequences of delegation to a supranational and unaccountable authority. Only the first of these points is related to the question of the democratic deficit discussed above. Empowering the European Parliament satisfies these two concerns. For example, increasing the power of the European Parliament over the Commission—as when the member states established the censure procedure in the 1951 Treaty of Paris—forces the Commission to act in a transparent way, and reduces the policy freedom of the Commission and its predecessor, the High Authority. Similarly, adding the European Parliament to the legislative process increases the number of times legislation is scrutinized, which provides a check against the Commission's monopoly of initiative. It also adds a further veto-player to the legislative process and so guarantees policy outcomes, when governments may otherwise find themselves outvoted under QMV. This is consistent with one of the key theories of Beach (2005) in explaining the growth in power of supranational institutions, which matter when they can bridge gaps in cases of technical or legal

complexity, particularly when the governments are divided among themselves. So, from this perspective, in the Single European Act, the governments introduced the co-operation procedure in parallel with delegating agenda-setting powers to the Commission and extending the use of qualified-majority voting in the Council.

The empirical reality suggests that this approach cannot explain all cases of the extension of the Parliament's powers. For example, in the Maastricht Treaty the governments did not extend the co-decision procedure to cover all areas where qualified-majority was extended or all new EU competences, such as in the new Justice and Home Affairs pillar.

However, if the aim of the governments in the negotiations on the Constitution were to provide a check on delegation to the EU level, then this explanation would predict that the European Parliament would gain powers in areas of 'new delegation' to the EU level, for example by establishing that the Ordinary Legislative Procedure would be used in all areas where qualified-majority voting would be used in the Council.

2.4 Strategic 'Power Grab' by the European Parliament

A fourth explanation focuses on the ability of the European Parliament to interpret the Treaty provisions to influence the agenda of subsequent Treaty reforms (Hix 2002). Specifically, the European Parliament can influence how Treaty reforms related to its powers operate in practice. In implementing Treaty reforms, in its Rules of Procedure, the Parliament will try to maximize its influence by forcing the member states to accept its interpretation of the rules. If the member states refuse, the European Parliament can play 'hard-ball,' refusing to cooperate with the governments until they accept its interpretation. The Parliament is able to do this because the leaders in the Parliament (who are invariably re-elected) have longer time-horizon than the governments, and so are prepared to lose on short-term policy issues to make long-term institutional gains. In the next round of Treaty reforms the Parliament consequently proposes to reform the Treaty to bring the de jure rules of the Treaty into line with the de facto operation of the previous rules. The governments are prepared to do this, as they will secure collective efficiency gains from clearer rules while suffering no redistributive consequences relative to the existing practical operation of the Treaty.

For example, the European Parliament pursued exactly this strategy following the Maastricht Treaty. First, in the operation of the co-decision procedure, the Parliament refused to accept that the Council was able to re-propose its 'common position' in a take-or-leave-it proposal to the Parliament after a breakdown of the conciliation committee. Second, in the operation of the Commission investiture procedure, the Parliament interpreted its right to be 'consulted' on the choice of the Commission President as a right of veto. The Amsterdam Treaty then amended the Maastricht rules to bring them into line with the de facto reality, by removing the unilateral action of the Council in the third reading of the co-decision procedure and by formally recognizing that a nominated Commission President must pass a confidence vote in the Parliament. Parliament's decision to play 'hard-ball' on codecision and the Commission investiture was accompanied by a moderate list of demands at the

1996–1997 IGC concerned with extending QMV and codecision and increasing EU competence in the social sphere and Justice and Home Affairs, all of which were accepted by the governments at Amsterdam (Beach 2005: 123).

One problem with this theory is that the governments should wise-up to the Parliament's strategic manipulation of the Treaty rules. Hence, once the Parliament has used its discretion in one period (for example between the Maastricht and Amsterdam Treaties), the governments are likely to try to prevent the Parliament from exercising the same degree of discretion in the next period, for example by defining the provisions in the Treaty more carefully.

However, if this theory applies to the agreement on the Constitution, and the Parliament was able to strategically manipulate the institutional reform agenda in the implementation of the Amsterdam and Nice provisions, then this explanation would predict that the governments accept Parliament reform proposals that lead to collective efficiency gains (with no redistribution consequences between the Council and the Parliament) or would bring the *de jure* rules in the Treaty into line with current *de facto* practice. In neither case are there any expected redistribution consequences. Of course, it is not only governments that might act against their *de jure* interests for the sake of efficiency and accountability: the EP opted for a variant of the Ordinary Legislative Procedure for deciding the EU's Annual Budget in place of the existing but complicated procedure that gives it more power (Benedetto and Hoyland 2007).

2.5 European Parliament Wins When It is United

Finally, Kreppel (1999, 2002) has argued that the European Parliament is most successful when it is united. Her theory mainly applies to the EU legislative process, where the Parliament is more likely to secure amendments to legislation if the main political groups vote together. However, Kreppel's ideas might also apply to the process of Treaty bargaining, especially when combined with the ideas from in the previous approach. Unlike the other explanations, this theory does not treat the European Parliament in an anthropomorphic way: as a single actor, with properties akin to an individual political actor. Instead, Kreppel specifies the conditions under which the European Parliament is able to act in an anthropomorphic way. Hence, the European Parliament is more likely be able to force the governments to accept its interpretation of the Treaty rules if the main political groups inside the European Parliament have a united position. A united Parliament is also more likely to be successful if it can propose a solution when the national governments are divided (Beach 2005: 16).

One problem, however, is that if there is a large majority of member states in favour of a particular Treaty reform then there may also be a large majority in the European Parliament in favour of the reform. Hence, the predictions of this explanation and the liberal-intergovernmental explanation might be observationally equivalent.

Nevertheless, if this explanation applies to the agreement on the Constitution, then the greater the level of consensus on a proposed reform in the European Parliament, the more likely this reform will be implemented in the Treaty reform—controlling for the level of consensus amongst the member states.

3 The EU Constitution: What the Parliament Wanted, What It Got, and Why

3.1 Variables

To analyze the European Parliament's 'successes' and 'failures' in the negotiations on the Constitution we looked at all the issues the European Parliament proposed (via its sixteen full delegates and sixteen substitute delegates) to the Convention on the Future of Europe and whether these proposals were eventually included in the Constitution. Table 1 summarizes the 37 issues we identified. As the Table shows, not all these issues affected the European Parliament directly. Nevertheless, the European Parliament was less successful with reform proposals that had a direct effect on the Parliament's powers (such as the coverage of the Ordinary Legislative Procedure) than on proposals that were largely unrelated to the Parliament's powers (such as a single EU Foreign Minister). This perhaps suggests that when advocating changes that were not directly related to its powers, the European Parliament only focused on relatively non-controversial issues. For these purposes, we count a request by the Parliament as a 'success' if it resulted in a new power appearing in the eventual Constitution signed at Rome in October 2004. Of course some of these cases of 'success' may also have been luck for the Parliament.

Table 1 Thirty-seven issues supported by the European Parliament

| Issues on which the EP 'succeeded' | Issues on which the EP 'failed' |
|--|---|
| <i>Direct effect the European Parliament</i> | |
| OLP for asylum, immigration & criminal law | EP should elect Commission |
| OLP for budget | Electoral college for Commission |
| OLP for CAP | OLP for tax harmonization |
| OLP for commercial policy | QMV + Assent power for Multiannual Budget |
| Ability to extend OLP | Assent power for ECJ appointment |
| Assent for comitology | Assent power for EU treaties |
| Assent for all treaties with third countries | Assent power for own resources |
| Assent for enhanced cooperation | Assent power for CFSP |
| Passarelle to move to QMV from unanimity | Passarelle to move to 5/6 maj. from unanimity |
| Smaller commission | EP to submit treaty amendments |
| Citizens' initiatives | Cap on number of MEPs at 732 |
| Council legislating in public | |
| Council double majority voting rule | |
| Greater transparency (e.g. access to documents) | |
| Convention for future Treaty revisions | |
| <i>No direct effect on the European Parliament</i> | |
| Discard pillars | Constitutional revision by 5/6 govts. |
| Single treaty | Single EU president |
| Enhanced cooperation for ESDP | Single legislative council |
| Foreign minister | |
| Incorporation of charter | |
| Legal personality | |
| 'Social market' as an EU objective | |
| Yellow Card for national parliaments | |

OLP Ordinary Legislative Procedure, *QMV* qualified-majority voting, *CAP* Common Agricultural Policy, *CFSP* Common Foreign and Security Policy, *ESDP* European Security and Defence Policy

To analyze the determinants of the success/failure of the Parliament's reform proposals we estimate a simple logistic regression model. The dependent variable in the model is a simple dummy variable, which takes the value 1 if the Parliament was successful on the issue and 0 otherwise.

To test the expectations of the five approaches, we use six types of independent variables. First, we use one variable to test the expectations of the democratic-deficit explanation. *Public support* is a dummy variable which captures whether a proposal by the European Parliament was supported by EU citizens. We derived the positions of the public from the data in the Eurobarometer survey from Autumn 2003 (EB60 and EB60.1). Nine questions in the Eurobarometer survey related to specific constitutional reform issues. For example, the survey asked citizens how the Commission should be chosen/elected, or whether national parliaments should play a greater role in scrutinizing EU legislation. For these questions, if a majority of people across Europe supported a proposed reform issue the variable is coded 1, otherwise zero.

Second, we use two variables to test the expectations of the liberal-inter-governmentalist explanation. *MS support* is a continuous variable which measures the overall consensus amongst the governments on an issue, and is coded as the proportion of member states that supported the European Parliament's position on the issue in question. *Commission support* is a dummy control variable which is a proxy for the position of the pro-European Parliament member states, and is coded 1 if the EU Commission supported the Parliament's position and zero otherwise. We include this variable, to control for the fact that the Commission might support similar treaty changes to the European Parliament. Without this variable, we would not be able to identify the impact of the European Parliament independently of the impact of the European Commission. The data for these variables was put together from the dataset of the Domestic Structures of European Integration (DOSEI) project and from the submissions of the governments and the Commission to the Convention and Intergovernmental Conference.¹

Third, we use one variable to test what may be surmised from Rittberger's theory that member states increase the Parliament's powers to control the effects of the delegation of new powers to the European level or to the Commission. *New delegation* is a dummy variable which is coded 1 if the European Parliament is asking for power in an area where the Commission would be granted new powers or where qualified-majority voting would be extended in the Council, and zero otherwise. For example, where the Parliament asked for the Ordinary Legislative Procedure to be used in the area of immigration and asylum (where the Council was also proposing to move from unanimity to qualified-majority voting in this area), we coded this as in issue where the power of the Parliament would be increased in parallel with the delegation of new powers at the European level. In contrast, where

¹ The empirical data were gathered by the DOSEI project in the autumn of 2003 and in January 2004. These included in-depth interviews with key actors in the negotiating teams of the 25 national governments as well as the European Commission and European Parliament. The interviews allowed us to ascertain the preferences of the 27 institutions present in the negotiations. The content of the own-initiative resolutions and reports passed by the European Parliament during the period of the Convention and IGC of 2002–2004 were also analyzed, as were the submissions of MEPs to the Convention.

the Parliament asked for the Ordinary Legislative Procedure to be used for the Common Agricultural Policy where the Council already decides by QMV, we did not code this as the Parliament requesting power in an area of newly delegated powers.

Fourth, we use two variables to test the expectations of the 'strategic power grab' explanation. On the one hand, *de facto* is a dummy variable which is coded 1 if the proposed reform would bring the Treaty rules into line with the existing operation of the Treaty in the particular area, and zero otherwise. For example, the Parliament asked for the Ordinary Legislative Procedure to be used for the adoption of the annual budget, for which there would be no net redistributive effect between the EU institutions compared to the way the existing annual budgetary procedure has been implemented by the EU institutions (cf. Benedetto and Hoyland 2007).

On the other hand, *efficiency* is a dummy variable which is coded 1 if the proposed reform would increase the collective (pareto-) efficiency of the EU as whole and have little short-term redistributive consequences, and zero otherwise (where there would be clear redistributive consequences for one member state or EU institution). For example, the Parliament asked for Council meetings to be held in public when it is acting as a legislature, which presumably does not benefit any one member state or group of member states systematically across all policy areas, but does increase the accountability of the system as a whole. In contrast, the Parliament asked for the use of the Ordinary Legislative Procedure in the area of agriculture, which would significantly increase the power of the Parliament relative to the Council in this area, and hence be a redistribution of powers between these two institutions rather than a collective efficiency gain for both actors.

Fifth, we use one variable to test the expectation that the Parliament is more successful when it is united. *MEP support* is a continuous variable which is calculated as the proportion of MEPs who were in favour of the proposal when the issue was discussed in the parliament, measured at the level of the European political groups.

Sixth, to control for the importance the European Parliament attached to an issue we include a variable, *Salience*, which measures the salience of the issue of the Parliament. As a proxy for the importance the Parliament places on an issue we use the number of documents submitted by the European Parliament's delegates to the Convention that mentioned the issue.

3.2 Some Descriptive Relationships and Measurement Issues

Table 2 shows the correlations between all the variables. There are some significant relationships between the independent variables, but there does not seem to be much evidence of multicollinearity. Interestingly, the correlation between the proportion of MEPs who support an issue and the proportion of member states who support an issue is only 0.259.

One concern might be that there is a difference between the position of the Parliament as a whole and the position of the Parliament's 32 delegates and substitute delegates in the Convention. Figure 1 consequently shows the proportion of MEPs and Parliament delegates who supported each issue, and whether the

Table 2 Correlations between variables

| | Success | Public support | MS support | Com. support | New deleg. | De facto | Efficiency | MEP support | EP salience |
|----------------|---------|----------------|------------|--------------|------------|----------|------------|-------------|-------------|
| Public support | 0.145 | 1.000 | | | | | | | |
| MS support | 0.736 | -0.029 | 1.000 | | | | | | |
| Com. Support | 0.181 | -0.306 | 0.406 | 1.000 | | | | | |
| New delegation | 0.192 | -0.174 | -0.028 | 0.174 | 1.000 | | | | |
| De facto | 0.183 | 0.064 | 0.318 | 0.274 | -0.148 | 1.000 | | | |
| Efficiency | 0.312 | 0.329 | 0.427 | 0.034 | -0.249 | 0.146 | 1.000 | | |
| MEP support | 0.404 | -0.037 | 0.259 | 0.143 | 0.135 | 0.237 | 0.308 | 1.000 | |
| EP salience | 0.301 | 0.430 | 0.170 | 0.201 | 0.008 | 0.268 | 0.504 | 0.257 | 1.000 |

Pearson correlation coefficients.

Parliament was successful or not on the issue. In general, there is a strong relationship between these two measures.

However, there are two interesting outlying issues. First, the issue of an electoral college for electing the Commission President (composed of national MPs and MEPs) was backed by a large proportion of the Parliament’s delegates but only a

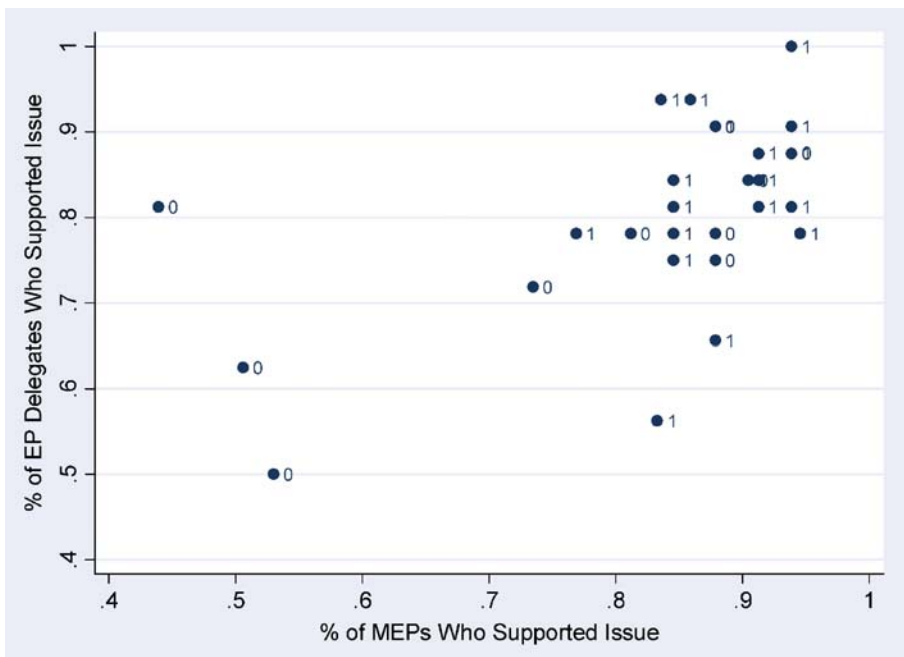


Fig. 1 Consensus in the European parliament? (1 = EP succeeded on the issue, 0 = EP failed on the issue)

on these issues. However, there was a second group of issues on which there was high level of consensus in the European Parliament and only moderate support amongst the member states. The Parliament was generally more successful on these issues.

Finally, Fig. 3 shows the relationship between the level of consensus inside the European Parliament, the level of salience of the issue for the Parliament, and whether the Parliament won or lost on the issue. There is very little relationship between these variables. In other words, there is little evidence that the European Parliament acted strategically to place more emphasis on issues it expected to lose.

3.3 Statistical Results

Table 3 presents the results for two specifications of the model: one without the *EP salience* control variable, and the other with this variable included. The table reports four sets of statistics for each model: (1) the coefficients from the logit model; (2) the significance of these coefficients, as shown by the *p*-values; (3) the marginal effect of a unit change in each independent variable on the probability of that the European Parliament was successful, holding all other independent variables at their mean, as shown by the *dy/dx* column; and (4) a standardized beta-coefficient, which we calculated by estimating a linear-probability-model with the same specification as the logit model. These beta statistics provide an assessment of the relative importance of each of the independent variables in explaining change in the dependent variable.

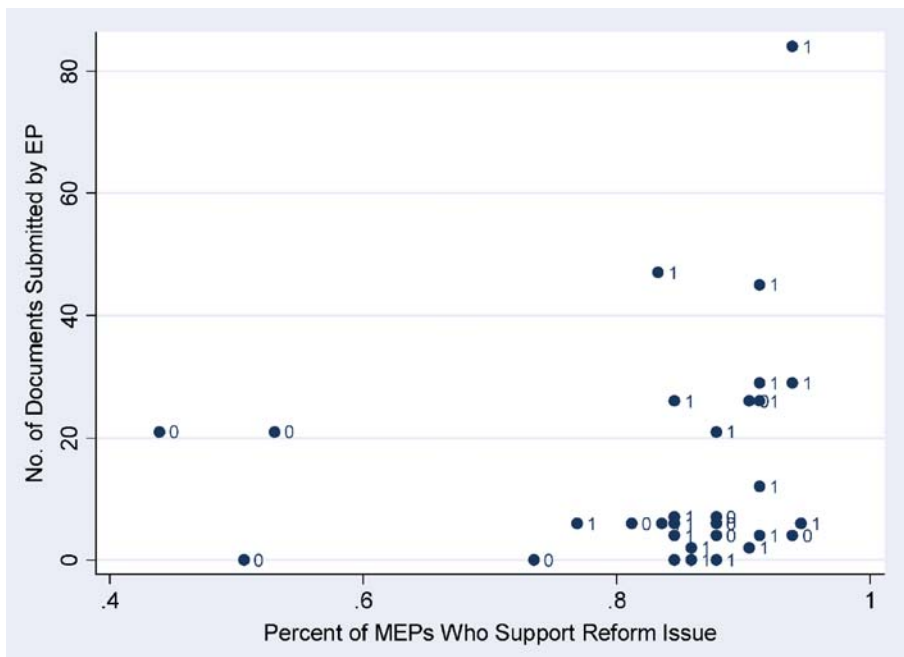


Fig. 3 European parliament consensus and issue salience

Table 3 Determinants of the European Parliament's Success in Treaty Negotiations

| | (1) | | | | (2) | | | |
|--------------------------|---------|-----------------|--------|-------------------|---------|-----------------|--------|-------------------|
| | coef. | <i>p</i> -value | dy/dx | beta ^a | coef. | <i>p</i> -value | dy/dx | beta ^a |
| Public support | 3.842 | 0.001 | 0.218 | 0.214 | 2.873 | 0.177 | 0.007 | 0.103 |
| MS support | 16.282 | 0.002 | 2.041 | 0.804 | 32.614 | 0.000 | 0.165 | 0.848 |
| Com. support | -3.304 | 0.079 | -0.202 | -0.129 | -9.956 | 0.001 | -0.019 | -0.185 |
| New delegation | 3.659 | 0.101 | 0.229 | 0.204 | 11.426 | 0.003 | 0.032 | 0.171 |
| De facto | 0.342 | 0.867 | 0.041 | -0.062 | 4.154 | 0.078 | 0.019 | -0.110 |
| Efficiency | 0.008 | 0.997 | 0.001 | -0.112 | -4.266 | 0.022 | -0.112 | -0.209 |
| MEP support | 15.223 | 0.009 | 1.908 | 0.244 | 19.478 | 0.032 | 0.098 | 0.229 |
| EP salience | | | | | 0.376 | 0.011 | 0.002 | 0.248 |
| Constant | -17.403 | 0.000 | | | -27.523 | 0.010 | | |
| Observations | | | 37 | | | | 37 | |
| Pseudo <i>R</i> -squared | | | 0.772 | | | | 0.862 | |

Dependent variable = success of EP (1,0). Method: logit, with robust standard errors (and *p*-values).

^a A linear probability model is estimated for the calculation of the betas.

Starting with Model 1, the main findings are as follows. Looking at the significance of the independent variables, the evidence suggests that support by particular actors for an issue was more important than the specific nature of the reform issue. The European Parliament was more likely to get what it wanted if it was backed by public support, if a large majority of the member state governments supported a Parliament's proposal, or if there was broad support for a proposed reform amongst the MEPs. However, support from the Commission did not seem to have an effect (in the expected direction).

In contrast, if the Parliament argued for increased powers in areas where new powers were delegated to the EU, or if the Parliament proposed to bring the Treaty into line with existing de facto practices, or if the Parliament proposed a Treaty reform to increase the collective efficiency of the EU institutions, it did not have a statistically significant effect on the success of the Parliament.

The substantive magnitude of the effects, as shown by the dy/dx and beta statistics, show that the level of member state support for a proposal was the overwhelming factor in determining whether the Parliament was successful in its proposed reforms. The level of support amongst the member states has almost four times the substantive effect on whether a proposal by the Parliament was adopted into the Treaty as the other two significant variables (*public support* and *MEP support*). This is not surprising considering the fact that unanimous agreement amongst the member state governments is required for all Treaty reforms. Nevertheless, what is more surprising is that, beyond the basic intergovernmental effect of the member state support, the level of public support, whether the issue relates to a new area of delegation to the EU, and the level of MEP support both explain about 20% of the variance in whether an issue backed by the European Parliament ended up in the Constitution.

Turning to model 2, the European Parliament was more successful on the issues about which it cared most, as shown by the significance of the *EP salience* variable. But, adding this variable changes the results: the *public support* variable is no-longer statistically significant, while the *new delegation* and de facto variables become so.

One way of interpreting this, given the way we measure the *EP salience* variable (by counting the number of documents submitted by the Parliament on an issue) is that the MEPs mobilized on the issues that had most public support, and so adding this variable washes out the effect of public opinion. Conversely, the European Parliament did not try to lobby very hard to increase its powers in the areas of new delegation to the EU level (such as using the Ordinary Legislative Procedure where qualified majority voting would be used in the Council), or where the Constitution would bring the Treaty into line with the existing *de facto* practice, as these two sets of issues already had broad support amongst the member states. For example, the Parliament lobbied hard for a ‘social market’ statement to be included in the Treaty, which was favoured by the Socialist–Christian Democrat coalition in the Parliament, but which was only supported by just over 50% of the member states, and was accepted as part of the Constitution. However, this amounted to a rhetorical success for the Parliament, carrying no *de facto* cost for the de-regulatory governments.

4 Conclusion

In sum, the results suggest that perhaps the best way to understand why and when the European Parliament is successful in Treaty reforms is to combine the current explanations of the increasing powers of the Parliament. On the one hand, a standard intergovernmentalist explanation, whereby the European Parliament only gains if it is supported by a large majority of member states, goes a long way towards explaining when the European Parliament gained power in the Constitution. But, one problem with this approach is that it cannot explain why a large majority of governments would support increasing the powers of the European Parliament in the first place, as this usually means a reduction in the collective powers of the governments in the Council—for example, in the establishment and extension of the Ordinary Legislative Procedure. This introduces the European Parliament as an additional veto player, given that QMV allows for losing governments to be outvoted. At Maastricht, the move to codecision and QMV was linked to entrenching the powers of the Council in other areas, notably comitology. Codecision and the Ordinary Legislative Procedure have not therefore been a simple one-way route away from intergovernmentalism.

This is where the other explanations come in. The governments are most likely to back an institutional reform proposal from the Parliament if this relates to an area where the governments are delegating new powers to the EU level and are uncertain about the consequences of these powers, for example by establishing that the Ordinary Legislative Procedure should be used in all areas where a qualified-majority is used in the Council. Also, where the European Parliament is united in support of a reform proposal and lobbies the governments to support its proposal, it is more able to persuade the governments that this proposal should be accepted, particularly the governments of those states that are either well represented in the European Parliament or have convergent policy preferences with it.

Finally, public concerns about the democratic deficit do appear to have played a role in the drafting of the Constitution, independently of the formal support for these

issues by the member state governments. Public support for an issue was significant in determining which of the European Parliament's issues eventually made it into the Constitution.

References

- Beach, D. (2005). *The dynamics of European integration: Why and when EU institutions matter*. Basingstoke: Palgrave.
- Benedetto, G. & Hoyland, B. (2007). The reform of the EU annual budgetary procedure: Existing rules, the Convention proposal and the Intergovernmental Conference, 2002–2004. *Journal of Common Market Studies*, 45(3), in press.
- Crombez, C. (1996). Legislative procedures in the European community. *British Journal of Political Science*, 26(2), 199–218.
- Crombez, C. (1997). The co-decision procedure in the European Union. *Legislative Studies Quarterly*, 22(1), 97–119.
- Hix, S. (2002). Constitutional agenda-setting through discretion in rule interpretation: Why the European parliament won at Amsterdam. *British Journal of Political Science*, 32(2), 259–280.
- Hix, S. (2005). Neither a preference-outlier nor a unitary actor: Institutional reform preferences of the European parliament. *Comparative European Politics*, 3(2), 131–154.
- Kreppel, A. (1999). What affects the European parliament's legislative influence? *Journal of Common Market Studies*, 37(3), 521–538.
- Kreppel, A. (2002). *The European parliament and supranational party system*. Cambridge: Cambridge University Press.
- Moravcsik, A. (1998) *The choice for Europe: Social purpose and state power from Messina to Maastricht*. Ithaca, NY: Cornell University Press.
- Moravcsik, A., & Nicolaïdis, K. (1998). Keynote article: Federal ideals and constitutional realities in the treaty of Amsterdam. *Journal of Common Market Studies. Annual Review*, 36, 13–38.
- Moravcsik, A., & Nicolaïdis, K. (1999). Explaining the treaty of Amsterdam: Interests, influence, institutions. *Journal of Common Market Studies*, 37(1), 59–85.
- Pollack, M. A. (2003). *The engines of European integration: Delegation, agency, and agenda setting in the EU*. Oxford: Oxford University Press.
- Rittberger, B. (2005). *Building Europe's parliament: Democratic representation beyond the nation state*. Oxford: Oxford University Press.
- Tsebelis, G. (1994). The power of the European parliament as a conditional agenda-setter. *American Political Science Review*, 88(1), 128–142.
- Tsebelis, G. (1996). Maastricht and the democratic deficit. *Aussenwirtschaft*, 52(1/2), 29–56.
- Tsebelis, G., & Yataganas, X. (2002). Veto players and decision-making in the EU after nice: Policy stability and bureaucratic/judicial discretion. *Journal of Common Market Studies*, 40(2), 283–307.