

# **Government – Opposition in Bicameral Negotiations: Decision-Making in European Union’s Codecision Procedure**

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## **Abstract**

The existing literature on divided government often investigates the effects at the aggregate level, e.g. comparing the number of adopted laws or average decision-speed in periods of unified and divided government. This paper takes a different approach. It presents a model of how the involvement of members of opposition parties in the European Parliament (EP) influences when legislation is adopted in the bicameral system of the Codecision procedure the European Union (EU). Relying on statistical evidence, the paper shows that the involvement of opposition parties has a counter-intuitive effect. Their involvement makes it more, not less, likely that the Council will see its common position being successfully adopted.

## **Introduction**

The increased involvement of the European Parliament (EP) in EU legislative politics has created a rich literature ranging from the effect on policy-outcomes and institutional balance of power between the Commission, Council and the EP (Crombez 1996; 1997; 2001; Garrett 1995; Garrett and Tsebelis 1996; Laruelle 2002; Moser 1997; Scully 1997; Steunenberg 1994; 1997; Tsebelis 1994; 1997; Tsebelis and Garrett 2000) and decision-speed (Golub 1999; Schulz and König 2000) as well as institutional developments inside the EP (Hix, Kreppel, and Noury 2003; Hix, Noury, and Roland 2004; Kreppel 2002; Kreppel and Hix 2003; Murray 2004). Yet, nobody has so far investigated how the involvement of opposition parties represented in the EP influence legislative politics in the Union. Here, the focus is on adoption of codecision legislation. After the reform of the Codecision procedure in the Amsterdam treaty, which came into effect in May 1999, legislation can be adopted in either the first reading in the Council, second reading in the EP, second reading in the Council, or in the Conciliation Committee. An agreement between the Council and the EP is needed in order for codecision legislation to be adopted. Does the identity of the representative responsible for drawing up the position of the EP (the rapporteur) has an effect on when legislation is adopted?

The effect of involving the opposition in the legislative process is not only of interest for students of the European Union. There exists a rich literature on the effect of divided government, mainly in the US context (e.g. Alesina and Rosenthal 1995; Binder 1999; Born 1994; Brady and Volden 1998; Cheibub 2002; Coleman 1999; Covington and Barga 2004; Edwards III, Barrett, and Peake 1997; Elgie 2001; Epstein and O'Halloran 1996; Fiorina 1992; 1996; Ingberman and Vilani 1993; König 2001; Krehbiel 1998; Martin 2001; Mayhew 1991; Weatherford 1993). However, the existing literature on divided government has

focused on effects at the aggregate level, e.g. comparing the number of adopted laws, voting behaviour, or average decision-speed in periods of unified and divided government. This body of literature have been criticised on theoretical, methodological and empirical ground. This paper hence takes a different approach. It draws on the findings that only a limited number of representatives are involved in the process of shaping any one policy (Hall 1996). It presents a model of how the involvement of members of opposition parties in the European Parliament (EP) influences when legislation is adopted in the bicameral system of the Codecision procedure the European Union (EU).

The next section reviews the literature on role of the EP rapporteur in codecision legislation. Section two presents the theoretical model. Section three presents the statistical model used to test the hypotheses and describe the data. In section four, the results are presented. The findings are discussed in section five.

### **The role of the rapporteur**

The European Parliament has a well-developed committee system (Bowler and Farrell 1995). The privileged actors are the committee chairs, the party group coordinators and the rapporteur. While the committee chairs do not seem to be as dominant as their colleagues in the US Congress, they are nevertheless important actors (Wurzel 1999). Several observers also highlight the role of the party-group coordinators, in particular when allocated reports amongst committee members from the same party group (Corbett, Jacobs, and Shackleton 2000; Kreppel 2002). Nevertheless, on an individual piece of legislation, the appointed rapporteur can be understood as an agent, if not the agenda-setter, inside the Parliament (Tsebelis 1995; Wurzel 1999). It has been suggested that previous experience increase the likeliness of an MEP being appointed the role as a rapporteur, while long service in the

legislature does not seem to have an impact (Bowler and Farrell 1995). The take-up of reports amongst MEPs from different nationalities or parties is not always proportional to their share of the legislature. The characteristics of the rapporteurs do not mirror the composition of the institution as a whole (Kaeding 2004; Mamadouh and Raunio 2001; 2003). There are also some indications that the national party are more eager to encourage their MEPs to get involved in their policy process than it is in office at the national level, compared to when it is in opposition (Messmer 2003; Whitaker 2001).

In sum, the existing research on the role of the rapporteur has mainly focused on how she is selected. Some research addresses how it may influence the policy outcome, but this literature is either purely theoretical or based on a few case studies (Neuhold 2001; Tsebelis 1995). What seems to be missing is a testable model of how the choice of rapporteur influences likeliness of the Council and the EP agreeing on a new policy at a particular stage of the procedure. Such a model would also allow us to address the wider question of how divided government influences decision-making in general.

### **A model of Codecision bargaining**

This section presents a game-theoretic model of the codecision procedure.

*The stages:*

1. Player 1 is the agenda-setter in the European Parliament (EP), the rapporteur. Her ability to select proposal for consideration by the qualified majority pivot in the Council of Ministers, player 2, is only constrained by her ability to find support for her proposal from a simple majority in the EP. Hence, for the purpose of this game, we understand the 1<sup>st</sup> reading in the EP as closed rule.

2. Player 2 accepts or rejects the offer from player 1. If he rejects, he makes an offer to Player 3, the absolute majority pivotal party in the EP. Player 2 is constrained in his opportunities to choose an offer to player 3 by the qualified majority requirement. The requirement is the same both for accepting player 1's offer as for proposing an offer to player 3. The decision of player 2 is decided by open rule subject to a meeting the oversized majority threshold. If neither the offer from player 1 nor any potential offer to player 3 receives the necessary support, the game ends. For the purpose of this game, the Council is made up of 7 actors, where the majority requirement is 5/7. Player 2 is hence the 5/7<sup>th</sup> pivotal government.
3. If player 2 presents a proposal to player 3, the latter compares the offer with the outcome of the final stage in the procedure, also under closed rule.
4. The final stage of the Codecision procedure, the Conciliation committee, is simplified as a pure split-the difference between player 1's offer to player 2 and player 2 offers to player 3.

*Payoffs:*

All players receive payoffs as a function of proximity to the agreed policy  $q$ , where  $0 < q < 1$ , such that  $u_i(q_i) = \frac{(1-q)}{q}$  where  $i=1, 2, 3$ . If no policy change is agreed, the players receive the policy payoffs from the existing policy. The policy space is a Euclidian space, where the vector of the different positions of the actors can be normalised between 0 and 1.

*The backward induction solution with complete information:*

1. Player 3 compares the proposal from player 2 with the midpoint of the offers from player 1 and 2. She then chooses the proposal that is closest to her ideal policy position.
2. Knowing this, player 2 will make sure that his offer to player 3 is marginally closer to player 3's ideal point than the midpoint between player 1 and 2's proposals.
3. Having full information, player 1 is also able to make this calculation. She will hence propose to player 2 something that makes him marginally better off than what he can successfully offer player 3, taken the need for an oversized majority support both to accept the offer and to make an alternative offer to player 3 into consideration.

FIGURE 1 HERE

Hence player 1's problem amount to finding a  $q^*$  that:

$$\max u_1(q^*) = u_2(q^*) \succ u_2(q') \succ u_2(q'') \cap u_1(q^*) \succ u_1(q'')$$

where  $q'$  is a policy player 2 can propose to player 3 and  $q''$  is the payoff from continuing with the current policy. If there exists such a  $q^*$ , then the game will end with player 2 accepting the offer from player 1 under complete information.

Several authors have criticised the complete information assumption in EU legislative politics. Tsebelis (1994) argues that complete information only exist in the latter stages of the game. Instead of assuming completeness of information is a function of the stage in the procedure, it could be a function of communication channels available to the different types of players. Focusing on player 1, we assume that the governing type has better information about the ideal policy location of player 2 than the opposition type. This can be modelled as follows:

1. Player 1, the agenda-setter in the EP chosen at random with a positive probability of  $p$ , where  $0 < p < 1$ . The EP consists of  $n$  legislators, of which  $g$  come from governing parties and  $o$  from opposition parties, where  $g + o = n$ . The proportion of MEPs from governing parties is  $g$ , while the proportion of MEPs from opposition parties is  $1-g$ . Then,  $p(g)$  gives the proportion of times the agenda-setter in the EP comes from a governing party,  $P1_G$ , while  $p(1-g)$  gives the proportion of times she comes from an opposition party,  $P1_O$ .
2. There exist two types of player 2, type A and type B. Type A's ideal policy is  $q'$ . Type B's ideal policy is  $r$ , where  $q' \neq r$ . Player 1 only knows the type of player 2 if he comes from a governing party. The known probability of type A is  $\rho$ , while the probability of being type B is  $1-\rho$ , where  $0 < \rho < 1$ .

FIGURE 2 HERE

We then see that  $P1_G$  will choose a  $q^*$

$$\max u_1(q^*) = u_2(q^*) \succ u_2(q') \succ u_2(q'') \cap u_1(q^*) \succ u_1(q'')$$

When player 2 is type A, where  $q'$  is a policy player 2 can propose to player 3 and  $q''$  is the payoff from continuing with the current policy when player 2 is type A and

$$\max u_1(q^*) = u_2(q^*) \succ u_2(r) \succ u_2(q'') \cap u_1(q^*) \succ u_1(q'')$$

Where player 2 is type B, where  $r$  is a policy player 2 can propose to player 3.

The optimising problem for  $P1_O$  is different. She has two options. Option 1:

$$\max u_1(q^*) = u_2(q^*) \succ u_2(q') \succ u_2(q'') \cap u_2(q^*) \succ u_2(r) \succ u_2(q'') \cap u_1(q^*) \succ u_1(q'')$$



or, option 2, a mixed strategy of maximising

$u_1(q^*) = (\rho)u_2(q^*) \succ u_2(q') \succ u_2(r) \succ u_2(q''), (1 - \rho)(u_2(q^*) \succ u_2(r) \succ u_2(q') \succ u_2(q''))$  subject to  $\rho$ .

We can see that as the difference between  $q'$  and  $r$  increases, the payoff of option 1 decrease for  $P1_O$ . As the difference between  $\rho$  and 0.5 increases, the payoff of playing a mixed strategy increases as well. Hence,  $P1_O$  chooses option 1 if

$$|r - q'| - |\rho - .5| \leq 0 \text{ She chooses option 2 if } |r - q'| - |\rho - .5| \geq 0$$

Only if  $P1_O$  prefers option 1 to option 2 will her behaviour lead to identical observed outcome in terms of when legislation is adopted compared to  $P1_G$ . When this is not the case, we expect  $P1_O$  to be involved more often in legislation that ends at a later stage than  $P1_G$ . We are now ready to state hypothesis 1:

Hypothesis 1: *If the European Parliament's rapporteur comes from a governing party, legislation is more likely to be adopted in the first reading in the Council than if the rapporteur comes from an opposition party.*

As  $P1_O$  cannot distinguish between type A and B of player 2, she will be more likely to propose sub-optimal offers which increases the probability of player 2 being able to reject her offer and make a successful proposal to player 3. This gives us two additional hypotheses:

Hypothesis 2: *If the European Parliament's rapporteur comes from an opposition party, legislation is more likely to be adopted in the second reading in the Council than if the rapporteur comes from a governing party.*

Hypothesis 3: *If the European Parliament's rapporteur comes from a governing party, legislation is more likely to be concluded in the conciliation committee than if the rapporteur comes from an opposition party.*

Two further insights can be drawn. First, rapporteurs from opposition parties are less able to maximise their payoff. Hence, player 2, the pivotal Council voter receive on average a higher payoff on legislation when player 1 comes from a opposition party than when she comes from a governing party unless the legislation goes to the final stage of the procedure, the conciliation committee. Second, as the outcome of the conciliation committee is the midway point between the initial offer from player 1,  $p^*$  and player 2's offer to player 3,  $p'$  or  $r$ , player 1 increases her payoff the further from player 2's position her initial offer is. This holds under the condition:  $u_1 | p^* - p' | > u_1(p'')$ ,  $u_2 | p^* - p' | \geq u_2(p'')$ ,  $u_3 | p^* - p' | > u_3(p')$  when player 2 is type A

and  $u_1 | p^* - r | > u_1(p'')$ ,  $u_2 | p^* - r | \geq u_2(p'')$ ,  $u_3 | p^* - r | > u_3(r)$  when player 2 is type B.

The condition states that player 1 and 2's payoffs from concluding in the last stage are higher than the payoffs of continuing with the current policy and player 3 prefers conciliation to the offer from player 2, which again means that  $u_3(p^*) > u_3(p')$  if player 2 is type A and  $u_3(p^*) > u_3(r)$  if player 2 is type B.

### **Specification and measurement**

This section specifies the statistical models used to test the hypotheses and presents the variables.

#### *Dependent variable*

The dependent variable is the stage in the procedure when an agreement between the EP and the Council was reached. The variable is labelled *reading*. As the new version of the

codecision procedure, which allowed the negotiations to be concluded in Council's first reading, came into effect in 1999, the data is limited to legislation initiated in 1999 or later. As there is a time lag between initiation of legislation and conclusion of negotiations, it is necessary to have a cut-off point that limit the risk of over-representation legislation agreed in the early stages of the procedure at the expense of legislation adopted at the latter stages. To limit this risk, the cut-off point is set to 31<sup>st</sup> December 2002. Hence, only legislation initiated between 1999 and end of 2002 is included in the data set. The data set excludes legislation where an MEP from Luxembourg acted as the rapporteur, as some of the control variables do not include information about parties from Luxembourg. In total 218 pieces of legislation is included in the sample. To further reduce the risk of the results being driven by year of initiation, the statistical models use robust standard errors adjusted for year of initiation. Table 1 show the breakdown of the legislation by stage in the procedure when legislation was agreed by year of initiation.

#### TABLE 1 HERE

Table 1 shows that the conclusion of codecision legislation is fairly equally distributed across the different stages in the procedure. However, some variance exists between the different years of initiation.

#### *Statistical models*

Hypothesis 1 is tested using both two binary logistic models (with and without dummy variables for year of initiation), comparing agreeing in Council's first reading with agreeing in any of the following reading, and two multi-nominal log models (also with and without dummy variables for year of initiation). While binary logistic regression models are well

known, it might be useful to explain the logic of a multi-nominal log model. Multinomial logit regression works like a normal binary logistic regression, except that all different outcomes are compared against each other. Hence, in a model with three alternative outcomes, outcome A is compared to outcome B, outcome B to outcome C, and outcome C to outcome A. Although it is technically more complex, it can essential be thought of as a series of binary logistic regression, comparing all possible outcomes (Long 1997). As the difference between A and C is given by the difference between A and B plus B and C, it is possible to use one of the categories as a baseline comparison category. A potential problem with this kind of analysis is that the number of parameters might get very large relatively fast.

The structure of the model is:

$$\Pr(y_i=1 \mid \mathbf{x}_i) = 1 / (1 + \sum_{j=2}^J \exp(\mathbf{x}_i \boldsymbol{\beta}_j))$$

$$\Pr(y_i=m \mid \mathbf{x}_i) = \exp(\mathbf{x}_i \boldsymbol{\beta}_m) / (1 + \sum_{j=2}^J \exp(\mathbf{x}_i \boldsymbol{\beta}_j)) \quad \text{for } m > 1$$

Here,  $y$  is the dependent variable with  $j$  nominal outcomes. The categories, while not assumed to be ordered, are numbered 1 to  $j$ .  $\Pr(y = m \mid \mathbf{x})$  gives the probability of observing outcome  $m$  given  $\mathbf{x}$  (Long 1997: 152-4). The data are pooled over 4 years. The reference outcome is termination in the first reading. As mentioned, there are some differences in the frequency of the different outcomes between legislation initiated in different years, which is causing some problem with heteroskedasticity. This is solved by adjusting the standard error for clustering on year of initiation (Croux, Dhaene, and Hoorelbeke 2003; Zorn 2001; 2003).

If a multinomial model is used when the data can in fact be ordered, the result is a loss of efficiency, as all the data are not used. However, if an ordered logit regression is used when

the data cannot in fact be ordered; the results may be biased or nonsensical. Biased or nonsensical results are more problematic than a loss in efficiency, so ordered logit regression should only be used if there is no question about the order in the data (Long 1997: 149).

An ordered logic model is not appropriate here. It may seem obvious that it is possible to order the different stages of the Codecision procedure. It starts with the first reading, then the second and ends in Conciliation. However, the different majority requirement for concluding the procedure at the various stages does not follow this order. To conclude the procedure in the first reading in the Council, it is necessary for a simple majority in the Parliament and a qualified majority in the Council to agree. To conclude the legislation in the second reading in the Parliament, it is sufficient that a blocking minority in the EP prefers the position of the Council, as an absolute majority is needed to pass amendments. To conclude in the second reading in the Council, a qualified majority in the Council has to accept all the amendments passed by an absolute majority in the EP. Finally, in order to pass legislation in the Conciliation Committee it is sufficient that a simple majority from the parliament and a QMV majority in the Council agree, which is identical to the requirement for passing legislation in the first reading.

### *Independent variables*

The key explanatory variable in the model presented above is the status of the national party of the rapporteur. Does she come from a governing or an opposition party? The rapporteur is coded as being from a governing party if her party sat in government at the national arena at the start of the year when the legislation was initiated. Table 2 presents a list of the parties holding office at the national arena during the period of investigation.

## TABLE 2 HERE

As we can see from the table, the national governments, hence also the Council of Ministers, were dominated by parties belonging to the Party of European Socialists (PES). To give an initial indication of the effect of the rapporteur coming from a governing party, table 3 reports the cross-tabulation of the reading the legislation was adopted by the governing status of the rapporteur.

## TABLE 3 HERE

From the table we see that legislation ends more often in the first reading when the rapporteur is from a governing party than when she is from an opposition party. It also seems to suggest that it is a lot more likely that legislation will be adopted in the second reading in the EP if the rapporteur comes from an opposition party. Finally, rapporteurs from governing parties are more likely than those from opposition parties to bring the those pieces of legislation the EP amended in their second reading to conciliation, rather than seeing the Council accepting their suggestions in the Council's second reading (21/20 for rapporteurs from governing parties vs. 24/33 for rapporteurs from the opposition).

### *Control variables*

*Experience* is a continuous variable counting the number of times the rapporteur has already acted as a rapporteur under the Amsterdam version of the Codecision procedure. The predicted sign is negative when comparing termination in the first reading in the Council with all other outcomes. An alternative measure of experience is incumbency, i.e. whether the rapporteur was a member of the 4<sup>th</sup> Parliament. Data from Corbett et al (2000) is used to

identify which rapporteurs were also members of the 4<sup>th</sup> EP. The variable, *incumbent*, is a dummy, which takes the value 1 if the rapporteur is an incumbent and 0 if not. The predicted sign of the coefficient is the same as for experience.

Nominate scores on the revealed ideal policy location of all MEPs in the first half of the 5<sup>th</sup> Parliament is used to locate each rapporteur in the EP policy space (Hix, Noury, and Roland 2004). I use the absolute distance from the centre on the first dimension as a measure of the rapporteurs' location vis-à-vis the rest of the EP<sup>1</sup>. The variable is labelled *absolute*. The prediction is that rapporteurs who are located centrally in the policy space will have a better chance of seeing their report passing the absolute majority hurdle in the second reading.

There are two types of potential conflicts between the European Parliament and the Council of Ministers that may arise in the Codecision procedure; policy-content and institutional balance. The latter may arise in the form of oversight of the implementation through the choice of comitology procedure (Ballmann, Epstein, and O'Halloran 2002; Franchino 2000; 2001; 2004; Hix 2000). It may be easier for the Parliament to unite, i.e. find an absolute majority; on issues related to institutional balance than policy-issues that divide the EP along the left-right dimension (Hix 2001; Kreppel 1999; Kreppel and Hix 2003). However, some parties in the EP are more interested in strengthening the role of the EP than others. The absolute majority requirement in the second reading to pass amendments to the common position of the Council presents a demanding hurdle for the rapporteur. The ability of the rapporteur to find the necessary support not only depends on the issue at hand, but also on the base of support he can rely on. The core of this base is the national party. The bigger the national party is, the more votes behind his recommendations in all of the stages of decision-

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<sup>1</sup> The data can be found at <http://personal.lse.ac.uk/HIX/HixNouryRolandEPdata.HTM>

making in the Parliament; in the Committee, in the party-group week and in the plenary. A variable measuring the number of MEPs in the same party as the rapporteur is included. The variable is labelled *partysize*. The effect could be both ways.

If loyalty exists along national, rather than party lines, the same logic should hold for the number of MEPs from the same country as the rapporteur. The number of MEPs per country corresponds very closely with number of votes in the Council, thus the variable *countrysize* captures both national support beyond the national party and the effect of the number of votes the country although not necessarily the party, commands in the Council. The effect of country size might go both ways.

All other things being equal, the bigger the party group, the more likely it is that the rapporteur will be able to find an absolute majority for her second reading amendments. However, since no party group is large enough to command an absolute majority by itself, support from other party groups will be necessary. Rapporteurs from the more centrally located parties, the EPP, PES and the liberal ELDR are more likely to have an advantage in terms of finding loyal support for their amendments, given both the size and location of the former two, and the central location of the ELDR. Four dummy variables, *PES Green*, *ELDR* and *Small* compare the effect of belonging to any of these four party groups to membership of EPP, the biggest party group. *Small* refers to rapporteurs from GUE/NGL, EDD, UEN and non-attached members. The prediction is that rapporteurs from all party groups will have a harder time than rapporteurs from the EPP in finding the necessary majority in the second reading. Rapporteurs from the EPP would thus be more likely than those from other party groups to end up in Conciliation or to see their amendments being adopted in the second



reading in the Council. Table 4 shows a cross-tabulation of the stage when the institutions agreed by party groups.

TABLE 4 HERE

Table 4 shows that while the PES in total concluded almost twice as many codecision reports in the period under investigation as the PES (99 vs. 52), they concluded almost just as many pieces of legislation in the first reading (24 vs. 22). We also see that the liberals tend to end up in conciliation relatively frequently (on 10 of 25 pieces of legislation, compared to 18 of 99 for EPP and 7 out of 52 for PES).

If there is dissent over the issue of European integration in the party of the rapporteur, she will be wary of provoking any reactions from the national party that may be at the expense of her the seat come the next elections, either to the national parliament or to the EP (Hix 2004). She will thus only seek reports on issues where the party is able to unite, and attempt to take the legislation all the way to Conciliation in order to make the most out of it. *Dissent* is a measure of the internal dissent in the party over European integration. *Position* aims to capture the party's overall orientation of the party leadership towards European integration. Most of the existing literature would predict pro-integrationist rapporteurs either to seek conclusion in the first reading in order to get "some Europe today", or fight legislation all the way to Conciliation to show that they are concerned with the institutional balance between the Council and the EP. *Saliency* is the relative importance of this issue in the party's public stance. The same prediction as for *position* should also hold here. *EP* is the position of the party leadership on strengthening the powers of the European Parliament. The same prediction as for *position* and *saliency* applies. The data on parties' attitudes towards

European integration is taken from Marks and Steenbergen (2004). Unfortunately, data on parties from Luxembourg is missing from the dataset. Legislation on which an MEP from Luxembourg acted as rapporteur had thus to be excluded from the analysis.

A committee chair writes reports that the committee has agreed to produce, but which none of the party-coordinators are willing to commit their group to write (Corbett, Jacobs, and Shackleton 2000). These reports may be rather uncontroversial. It is thus necessary to control the effect of the rapporteur being the chair of the committee. This dummy variable is labelled *chair*. It takes the value 1 if the rapporteur is a chairman and 0 if not. If the rapporteur is a committee chair, the prediction is that it will be concluded in the first reading in the Council, or in the second reading in the EP. It should not go to Conciliation.

Some parties might be more active than other parties in general, regardless of policy position. Scarrow (1997) found that MEPs from Germany and the UK were more interested a career at the European level than French and Italian MEPs. Hence, it might be necessary to introduce a control variable for the general level of activity amongst MEPs from the different parties and member states. The variable *attendance* is included, testing the effect of average level of attendance in plenary session of the national delegations to the different party groups<sup>2</sup>. The prediction is that rapporteurs from more active national party delegations are more likely to see the Council accepting their proposal in the first reading, or end up in Conciliation. Finally, dummy variables controlling for the effect of the different years are included using 1999 as the reference category.

TABLE 5 HERE

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<sup>2</sup> The data was taken from [www.europarlament.net](http://www.europarlament.net) in May 2004.

## Results

Table 5 shows the results of the logistic and multinomial logit models. The reported values are odds-ratios (logistic) and relative risk ratios (multinomial logit). The key finding is that rapporteurs from governing parties are more likely than rapporteurs from opposition parties to conclude the negotiations with the Council at the first possible stage, the first reading in the Council. Governing rapporteurs are more likely to propose an offer that a qualified majority in the Council prefer to the status quo and are unable to amend, than rapporteurs from opposition parties. This finding holds across all specifications of the model. The probability of agreeing in the first reading increase by at least 52% compared to agreeing in any other reading when the rapporteur being from a governing party rather than an opposition party. Comparing finishing in Council's first reading to finishing in the second reading in the EP, being a rapporteur from a governing party, rather than from the opposition, doubles the chances of concluding the negotiations in the first stage. Hence, both the first and the second hypotheses are supported. However, there is only partial support for hypothesis three. It has a statistical significant effect when dummy variables for year of initiation are included, but fail to meet the conventional significance level of .05 then those dummy variables are not included. The effect is nevertheless the predicted direction. Substantively, the probability of agreeing in conciliation rather than in EP's second reading doubles if the rapporteurs is from a governing party, rather than an opposition party in the model when dummies for year of initiation are included. Overall, there is support for the theoretical predictions. Whether the rapporteur comes from a governing party or an opposition party influence the stage in which codecision negotiations are concluded between the EP and the Council.

The effect of the EP's rapporteur being from a governing party on when legislation is agreed can be illustrated by comparing the predicted probabilities of the rapporteurs from the two groups. Figure 3 shows a kernel density plot of the probabilities of bicameral agreement in the first reading by the governing status of the rapporteur.

FIGURE 3 HERE

From figure 3 we see that rapporteurs from opposition parties have a mean probability of less than .22 of seeing the Council of Ministers adopting the proposal from the EP in its first reading. The corresponding mean for rapporteurs from governing parties is over .37. We can also see that the density, the relative number of rapporteurs with a given probability is continuously higher for rapporteurs from governing parties for any predicted probability level higher than .25. The spread of the probability distribution is also wider for rapporteurs from governing parties.

TABLE 4 HERE

Figure 4 shows a kernel density plot of the probability of the Council successfully proposing its common position, causing legislation to be adopted in EPs second reading. Comparing the probabilities of rapporteurs from governing and opposition parties, we see an almost mirror image of the probability plot for agreeing in Council's first reading, shown in figure 3 above. However, the difference is even clearer here. The probability density plot for rapporteurs from governing parties peak at .23 and falls sharply towards .5. The probability density plot of ending in EP's second reading is much more dispersed amongst the rapporteurs from the opposition. For probability values of .3 and above, the density of rapporteurs form opposition

parties is a lot higher than the density for rapporteurs from governing parties. This suggests that it is more likely that the legislation will be adopted in EP's second reading if the rapporteur comes from an opposition party than from a governing party. Hence, it is more likely that the pivotal government in the Council will get its way if the rapporteur comes from an opposition party.

FIGURE 5 HERE

Since there was not a significant difference between rapporteurs from governing and opposition parties when it came to finishing negotiations in the second reading in the Council, we move on to compare the probability density plot for government and opposition rapporteurs with regards to concluding the negotiations in conciliation. These density plots are reported in figure 5. Unlike the two previous density plots, which approximated positively skewed bell-curve distributions, the probability density plots for ending up in the conciliation committee approximates Poisson distributions with the large majority in both groups obtaining a probability of less than .2. The means are quite similar, about .2 for rapporteurs from governing parties and .17 for those rapporteurs representing opposition parties. We do however see that amongst rapporteurs obtaining a predicted probability of more than .4 of ending up in conciliation, governing party rapporteurs make up the majority.

#### *Interpretation of the other variables*

While the distinction between government and opposition with regards to finishing in the first reading rather than in the second (and for in the case of the logistic model subsequent readings) is the only finding that is robust across all specifications of the model some of the control variables showed up as significant in some of the specifications.

Starting with the logistic models, we see that only three other variables (ignoring the dummies for year of initiation) are significant at the 5% significance level, salience, party size and PES. If the rapporteur comes from the PES it is more likely that the legislation will be adopted in Council's first reading than if she comes from any other party. The predicted increase in probability is over 70% if the rapporteur comes from PES rather than EPP, when the year of initiation is not controlled for. When the year is controlled for, the effect is even stronger. Party size has a small negative effect on the probability of ending the negotiations in Council's first reading. The salience the national party of the rapporteur attaches to European integration seem to make it less likely that legislation will be adopted in the first reading. However, this finding is not robust when controlling for year of initiation nor does it re-appear in any the multi-nominal models, so we should not make too much of it.

In the multi-nominal model, where the different stages are compared to ending in the EP's second reading, more variables appear statistical significant and robust against the introduction of dummy variables for year of initiation the legislation. We see that rapporteurs from bigger parties are more likely to see legislation ending in the second reading in the EP than in any other reading, although not statistical significant at the 5% significant level when compared to ending up in conciliation. An extra MEP from the same party as the rapporteur increases the chances of concluding the negotiations in EP's second reading with about 6-8%, holding everything else constant. Rapporteurs from larger member states seem to be more likely to see the Council accepting EP's proposal in their first reading. The effect in terms of change of probability is about 3% per additional MEP. Rapporteurs from the Green party group or from the smaller party groups like UEN, EDD and GUE/NGL seem to either see the legislative negotiations ending in EP's second reading as the common position of the Council

is adopted, or in the conciliation committee. When the rapporteur is the committee chair, it is very unlikely that the negotiations will continue beyond EP's second reading. Rapporteurs with previous experience with the new version of the codecision procedure seem to be less likely to end up in conciliation than those with no previous experience.

## **Discussion**

This section discusses the findings and their implications. The key insight that can be drawn from this study is that factors associated with EP's rapporteur have a systematic impact on which stage of the codecision procedure the Council of Ministers and the European Parliament conclude the legislative negotiations. These factors seem to be linked to information about the position of the pivotal government in the Council. The better access to information the rapporteur from the EP has, the more likely it is that she will act as if she has perfect information about the position of the Council.

The key source of this information is the national party of the rapporteur. If she is a member of a governing party, represented in the Council, she will be in a better position to offer the Council a proposal which the pivotal government will prefer to the current policy and is unable to amend to something more preferable. When the pivotal government in the Council amend the initial proposal from the EP, a rapporteur from a governing party is more likely to see the negotiations continuing all the way to the conciliation committee than the case is for rapporteurs from parties not represented in the Council.

The second source of information about the position of the pivotal government in the Council seems to be the party group. Rapporteurs from the PES, the party group represented in the majority of the national governments in the period under investigation seems to be better

equipped to find a proposal that Council is willing to adopt in its first reading than rapporteurs from other parties. Rapporteurs from the Greens or the smaller party groups (EDD, UEN and GUE/NLG) are perhaps the least able to pitch their proposals optimally. Their proposals seem to be amended by the Council, and normally the EP fails to amend the common position of the Council in EP's second reading.

The third source of information seems to be experience. It is not so much length of service in the European Parliament that matters, but experience with the new version of the codecision procedure, either as rapporteur on previous codecision legislation or as the committee chair. This experience seems to reduce the likeliness of the legislative process continuing beyond the second reading in the EP.

Of these three sources of information, the national party seems to be the most important at least in terms of its effect on the stage legislation is adopted. The involvement of parties from the opposition causes legislation to be adopted at a later stage, possibly also resulting in policy outcomes that are further away from the ideal policy of EP's rapporteur.

Three findings of this study can be highlighted. First, the involvement of members of the opposition in policy-making seems to slow the process down. The legislative process seems to be less likely to finish at the earliest possible stage when the opposition is involved. This may be because members of the opposition only get involved in controversial legislation, which may in turn be less likely to be adopted in the first reading in the Council.

Second, the pivotal government in the Council is more likely to see his ideal policy adopted if the rapporteur is from the opposition. By involving the opposition more, the pivotal governing



party strengthen his position. The reason is that rapporteurs from opposition parties have less information about the position of the pivotal government in the Council than rapporteurs from governing parties. Whereas rapporteurs from a governing party can obtain information from their national party leadership, who sits in the Council, this source of information is not open to rapporteurs from opposition parties to the same extent.

Third, the delaying effect the involvement of members of the opposition has is not necessary down to diverging preferences, although we find partial evidence in support of this view. More likely, it is down to asymmetric information. Actors whose information approximates perfect information are more likely to be able to find their optimal initial proposal, while those with less information are not.

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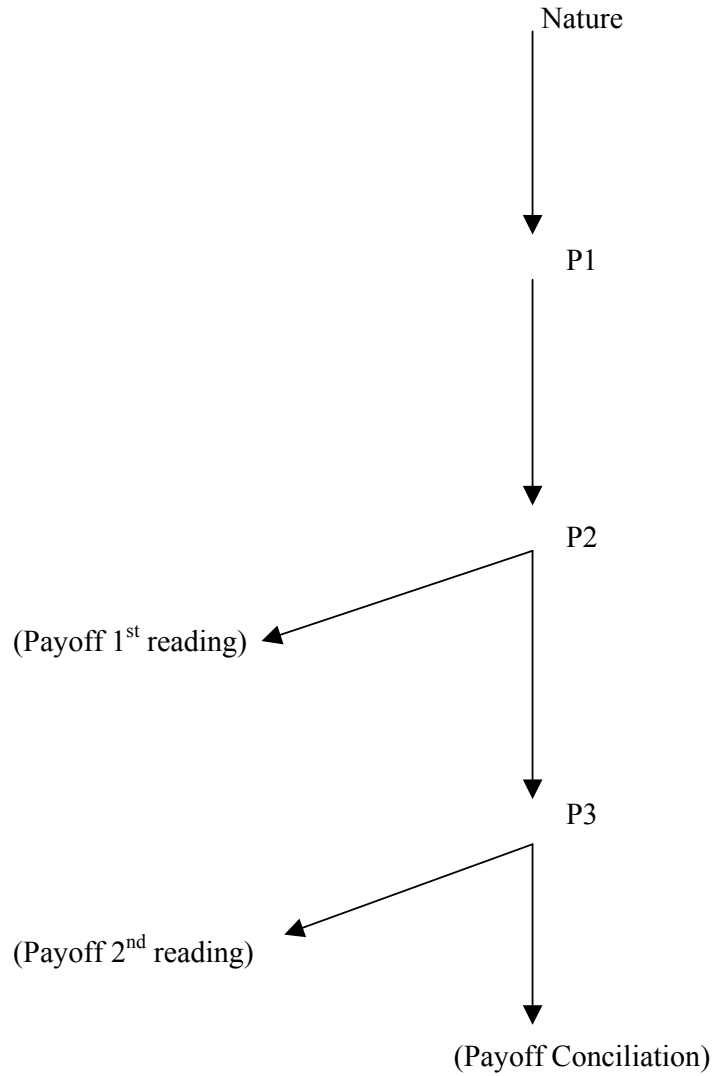
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Figure 1

The Codecision game with perfect information

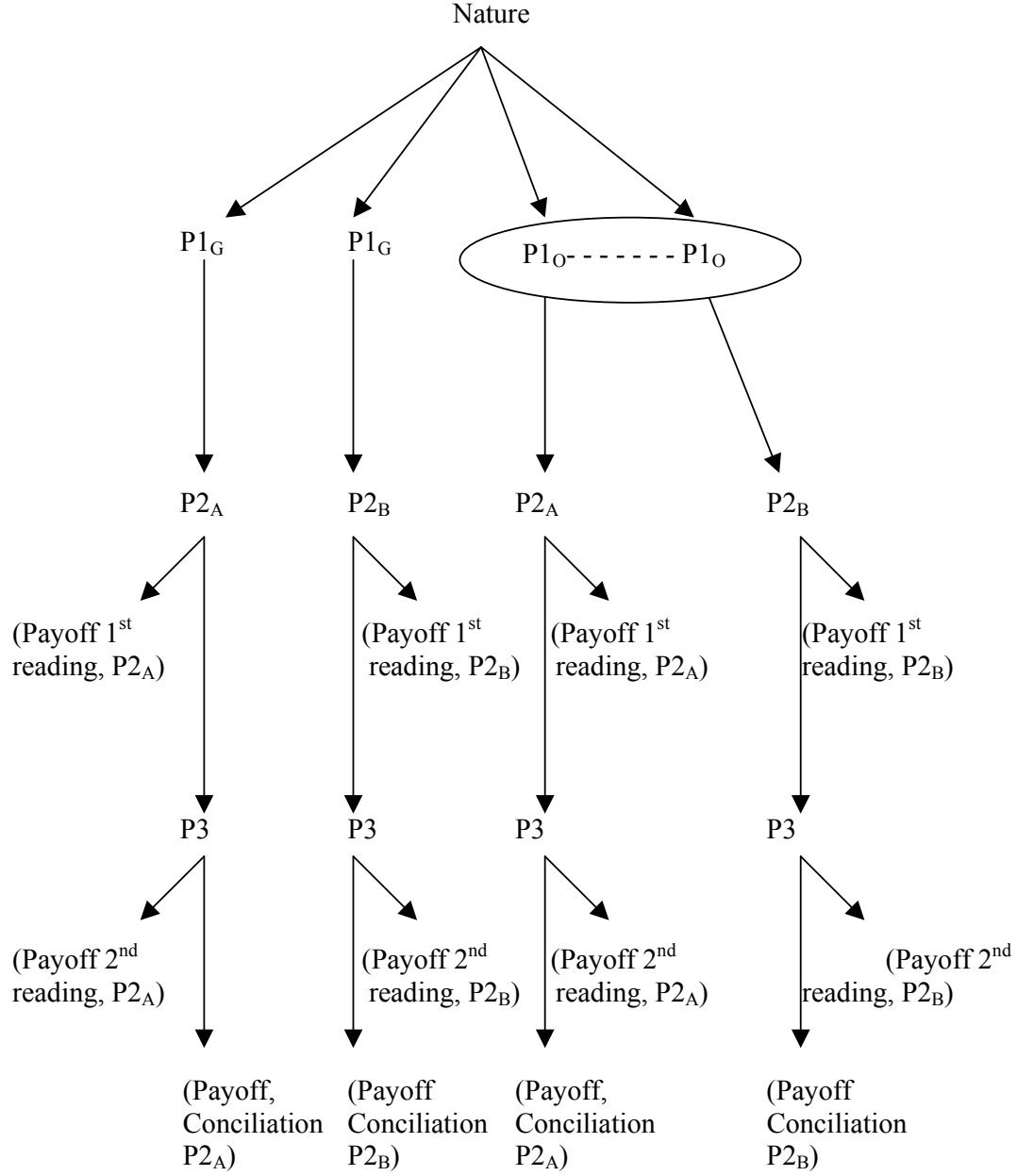


Payoff 1<sup>st</sup> reading =  $u_1(q^*) = u_2(q^*) \succ u_2(q') \succ u_2(q'') \cap u_1(q^*) \succ u_1(q''), u_3(q^*)$

Payoff 2<sup>nd</sup> reading =  $u_2(q') = u_2(q^*) \prec u_2(q') \succ u_2(q'') \cap u_3(q') \succ u_3(|q' - q^*|), u_1(q')$

Payoff Conciliation =  $u_3(|q' - q^*|) \succ u_3(q') \cap u_2(|q' - q^*|) \succ u_2(q''), u_1(|q' - q^*|)$

Figure 2  
The Codecision game with asymmetric information



Payoff 1<sup>st</sup> reading  $P2_A = u_1(q^*) = u_2(q^*) \succ u_2(q') \succ u_2(q'') \cap u_1(q^*) \succ u_1(q''), u_3(q^*)$   
 Payoff 2<sup>nd</sup> reading  $P2_A = u_2(q') \succ u_2(q^*) \succ u_2(q'') \cap u_3(q') \succ u_3(|q' - q^*|), u_1(q')$   
 Payoff Conciliation  $P2_A = u_3(|q' - q^*|) \succ u_3(q') \cap u_2(|q' - q^*|) \succ u_2(q''), u_1(|q' - q^*|)$   
 Payoff 1<sup>st</sup> reading  $P2_B = u_1(q^*) = u_2(q^*) \succ u_2(r) \succ u_2(q'') \cap u_1(q^*) \succ u_1(q''), u_3(q^*)$   
 Payoff 2<sup>nd</sup> reading  $P2_B = u_2(r) \succ u_2(q^*) \succ u_2(q'') \cap u_3(r) \succ u_3(|r - q'|), u_1(r)$   
 Payoff Conciliation  $P2_B = u_3(|r - q^*|) \succ u_3(r) \cap u_2(|r - q^*|) \succ u_2(q''), u_1(|r - q^*|)$

Table 1  
Cross tabulation, adoption stage by year of initiation

	Council 1 <sup>st</sup> reading	EP 2 <sup>nd</sup> reading	Council 2 <sup>nd</sup> reading	Conciliation	Total
1999	11	13	2	7	33
2000	16	19	21	22	78
2001	12	19	16	14	61
2002	20	10	14	2	46
Total	59	61	53	45	218

$X^2=24.07$   $p=.004$  Cramer's V = .1918

Table 2 Governing parties in the 15 EU member states 1999-2002, as of 1 January each year

	1999	2000	2001	2002
Austria	SPÖ/ ÖVP	SPÖ/ ÖVP	ÖVP + FPÖ	ÖVP + FPÖ
Belgium	CVP + PSC + SP + PS	VLD + PRL/FDF + SP + PS + Ecolo + Agalev	VLD + PRL/FDF + SP + PS + Ecolo + Agalev	VLD + PRL/FDF + SP + PS + Ecolo + Agalev
Denmark	SD + RV	SD + RV	SD + RV	V + KF
Germany	SPD + Die Grünen	SPD + Die Grünen	SPD + Die Grünen	SPD + Die Grünen
Finland	SDP + KOK + SFP + VAS + VIHR	SDP + KOK + SFP + VAS + VIHR	SDP + KOK + SFP + VAS + VIHR	SDP + KOK + SFP + VAS + VIHR
France	PS + PCF + PRS + MDC + Verts	PS + PCF + PRS + MDC + Verts	PS + PCF + PRS/PRG + MDC + Verts	PS + PCF + PRS/PRG + MDC + Verts
Greece	PASOK	PASOK	PASOK	PASOK
Italy	DS + PPI + RI + UDR + PDCI + FV + SDI	DS + PPI + RI + PDCI + FV + D + Udeur	DS + PPI + RI + PDCI + FV + D + Udeur + SDI	FI + AN + LN + CCD + CDU
Ireland	FF + PD	FF + PD	FF + PD	FF + PD
Luxembourg	CSV + LSAP	CSV + DP	CSV + DP	CSV + DP
Netherlands	PvdA + VVD + D66	PvdA + VVD + D66	PvdA + VVD + D66	PvdA + VVD + D66
Portugal	PS	PS	PS	PS
Spain	PP	PP	PP	PP
Sweden	SAP	SAP	SAP	SAP
UK	LP	LP	LP	LP

**Austria** SPÖ: Social Democratic Party of Austria; **ÖVP**: Austrian People's Party; **FPÖ**: Freedom Party of Austria **Belgium** Agalev: (Flemish) ecologists; **CVP**: (Flemish) Christian People's Party; **Ecolo**: (Walloon) ecologists; **FDF**: (Brussels) Democratic Front of Francophones; **PRL**: (Walloon) Liberal Reformist Party; **PS**: (Walloon) Socialist Party; **SP**: (Flemish) Socialist Party (from 2001, SP.A); **VLD**: Flemish Liberals and Democrats; **Denmark** **KF**: Conservative People's Party; **V**: Venstre, "Left", or Liberal Party; **RV**: Radical (Left-Social) Liberal Party; **SD**: Social Democracy in Denmark; **Germany** **SPD**: Social Democratic Party; **Die Grünen**: The Greens **Finland** **KOK**: national Coalition Party; **SDP**: Finnish Social Democratic Party; **SFP**: Swedish People's Party in Finland; **VAS**: Left-Wing Alliance; **VIHR**: Green League **France** **PS**: Socialist Party; **PCF**: French Communist Party; **PRS**: Radical Socialist Party (then PRG); **PRG**: Radical Party of the Left; **MDC**: Citizens Movement; **les Verts**: The Greens; **Greece** **PASOK**: Panhellenic Socialist Movement **Ireland** **FF**: Fianna Fáil; **PD**: Progressive Democrats; **Italy** **DC**: Christian Democracy; **FI**: Forward (Forza) Italy; **LN**: Northern League; **AN**: National Alliance; **CCD**: Christian Democratic Center; **CDU**: United Christian Democrats; **PPI**: Italian People's Party; **RI**: Italian Renewal; **UDR**: Democratic Union for the Republic; **FV**: Federation of Greens; **PDCI**: Party of the Italian Communists; **SDI**: Italian Democratic Socialists; **Udeur**: Union of the Democratic European Reformers; **Luxembourg** **CSV**: Christian Social People's Party; **LSAP**: Luxembourg Socialist Workers' Party; **DP**: Democratic Party **Netherlands** **CDA**: Christian Democratic Appeal; **PvdA**: Labour Party; **VVD**: People's Party for Freedom and Democracy; **D66**: Democrats 66; **Portugal** **PS**: Socialist Party; **Spain** **PP**: Partido Popular **Sweden** **SAP**: Social Democratic Labour Party **United Kingdom** **LP**: Labour Party: Source: <http://www.terra.es/personal2/monolith/00europa.htm>



Table 3

Cross tabulation, adaptation stage by governing party status of EP's rapporteur

	Council 1 <sup>st</sup> reading	EP 2 <sup>nd</sup> reading	Council 2 <sup>nd</sup> reading	Conciliation	Total
Opposition	25	40	33	24	122
Government	34	21	20	21	96
Total	59	61	53	45	218

 $X^2=7.69$   $p=.053$       Cramer's V = .1878

Table 4

Cross tabulation, adaptation stage by governing party status of EP's rapporteur

	Council 1 <sup>st</sup> reading	EP 2 <sup>nd</sup> reading	Council 2 <sup>nd</sup> reading	Conciliation	Total
EPP	24	27	30	18	99
PES	22	10	13	7	52
ELDR	5	5	5	10	25
Green	4	7	2	7	20
GUE/NGL	1	4	1	2	8
Non-attached	0	6	1	0	7
EDD	3	2	1	0	6
UEN	0	0	0	1	1
Total	59	61	53	45	218

 $X^2=40.39$   $p=.007$       Cramer's V = .2485

Table 5

Logistic (1<sup>st</sup> reading Council compared to all other readings) and multinomial logit (ML) models of adoption stage of codecision legislation (compared to ending in EP's 2<sup>nd</sup> reading) (z-scores in brackets) \*= p.value < .05

	Logit 1 Odds ratios	Logit 2 Odds ratios	ML 1 <sup>st</sup> reading 1 Relative risk ratios	ML 1 <sup>st</sup> reading 2 Relative risk ratios	ML 2 <sup>nd</sup> reading Council 1 Relative risk ratios	ML 2 <sup>nd</sup> reading Council 2 Relative risk ratios	ML Conciliation 1 Relative risk ratios	ML Conciliation 2 Relative risk ratios
Government	1.84 (4.94)*	1.52 (2.52)*	2.27 (4.08)*	1.95 (5.67)*	.95 (-.06)	.93 (-.12)	1.62 (1.57)	1.96 (2.18)*
Experience	1.18 (1.46)	1.11 (.60)	1.09 (.87)	.97 (-.18)	1.00 (-.03)	.88 (-1.01)	.72 (-1.98)*	.71 (-1.67)
Absolute Nominate	1.96 (1.03)	3.33 (1.40)	2.70 (1.59)	5.24 (2.20)*	1.96 (.38)	2.77 (.58)	1.25 (.09)	1.41 (.15)
Committee chair	1.32 (.47)	1.55 (.55)	.34 (-1.54)	.45 (-.86)	.00 (-44.39)*	.00 (-48.69)*	.09 (-3.44)*	.11 (-4.31)*
Incumbency	.83 (-.45)	.80 (.38)	1.13 (.25)	1.03 (.06)	1.58 (1.22)	1.03 (.06)	1.44 (1.15)	1.53 (1.29)
Position on Europe	1.08 (.33)	1.28 (1.18)	1.12 (.33)	1.40 (1.18)	.74 (-.59)	1.40 (1.87)	1.29 (.74)	1.21 (.66)
Salience of Europe	1.60 (2.07)*	1.31 (1.00)	1.13 (.25)	1.03 (.06)	.74 (-.59)	1.03 (.06)	.37 (-1.38)	.37 (-1.37)
Dissent over Europe	.78 (-1.23)	.76 (-1.30)	.46 (-.56)	.70 (-.73)	.49 (-2.93)*	.70 (-.73)	1.60 (.780)	1.53 (.65)
Role of EP	.79 (-.52)	.65 (-1.15)	.69 (-.78)	.55 (-1.66)	.87 (-.39)	.55 (-1.66)	.75 (-.72)	.86 (-.42)
Country size	1.02 (1.62)	1.02 (1.47)	1.03 (2.34)*	1.03 (2.11)*	1.03 (1.74)	1.03 (2.11)*	1.00 (.33)	1.00 (.31)
Party size	.96 (-2.37)*	.96 (-1.85)	.92 (-2.50)*	.92 (-1.97)*	.94 (-2.67)*	.92 (-1.97)*	.98 (-.62)	.98 (-.67)
Attendance in plenary sessions	1.06 (1.44)	1.07 (1.54)	1.08 (1.70)	1.11 (1.78)	1.03 (1.49)	1.11 (1.78)	1.00 (-.04)	1.00 (-.11)
ELDR	.64 (-1.19)	1.02 (.10)	.79 (-.52)	1.34 (.41)	.71 (-.34)	1.34 (.41)	3.02 (.61)	2.67 (.54)
Green	.52 (-.73)	.68 (-.49)	.18 (-2.00)*	.23 (-2.02)*	.07 (-3.55)*	.23 (-2.02)*	.74 (-.32)	.55 (-.67)
PES	1.71 (2.23)*	2.53 (6.20)*	1.27 (1.54)	1.66 (1.13)	1.05 (.05)	1.66 (1.13)	.50 (-.72)	.36 (-.95)
Small party groups	.64 (-.78)	.66 (-.76)	.15 (-2.21)*	.14 (-1.89)	.03 (-13.31)*	.14 (-1.89)	.24 (-1.55)	.19 (-1.76)
Year 2000	-----	.59 (-3.36)*	-----	1.48 (1.98)*	-----	1.48 (1.98)*	-----	2.41 (4.19)*
Year 2001	-----	.55 (-4.15)*	-----	1.04 (.25)	-----	1.04 (.25)	-----	1.56 92.67)*
Year 2002	-----	2.34 (3.24)*	-----	6.77 (7.34)*	-----	6.78 (7.34)*	-----	.53 (-1.92)
N	215	215	215	215	215	215	215	215
Pseudo R <sup>2</sup>	.0748	.1205	.1250	.1783	.1250	.1783	.1250	.1783
Log pseudo - likelihood	-116.88	-111.11	-259.25	-243.47	-259.25	-243.47	-259.25	-243.47

Figure 3  
Kernel density plots of probability of legislation being adopted in the 1<sup>st</sup> reading in the Council of Ministers by the governing status of the national party of the EP rapporteur

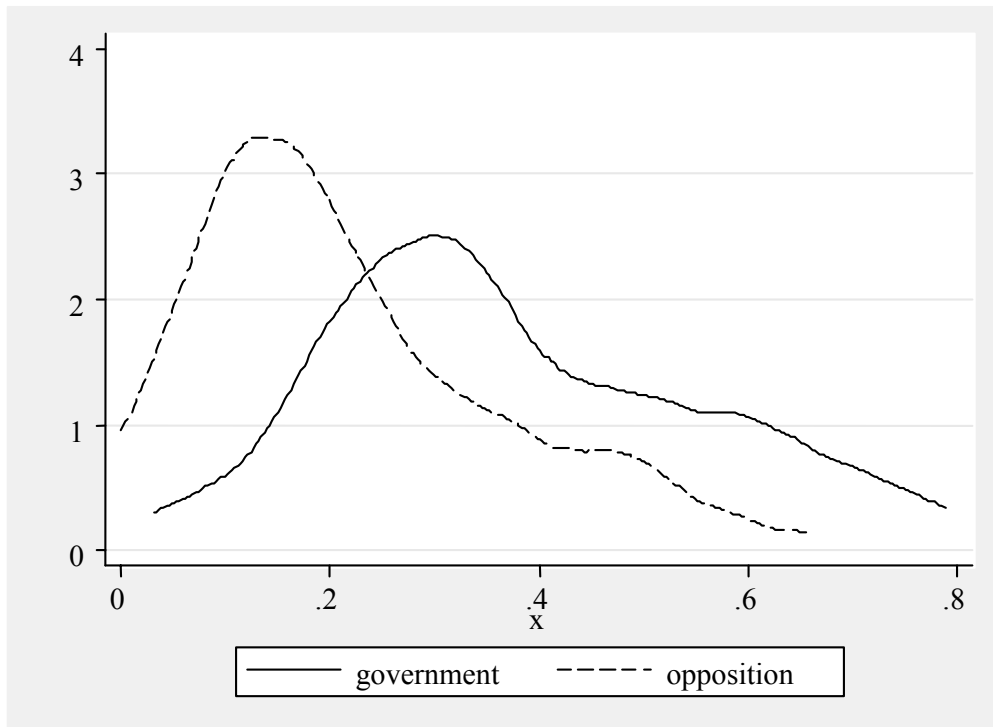


Figure 4  
Kernel density plots of probability of legislation being adopted in the 2<sup>nd</sup> reading in the European Parliament by the governing status of the national party of the EP rapporteur

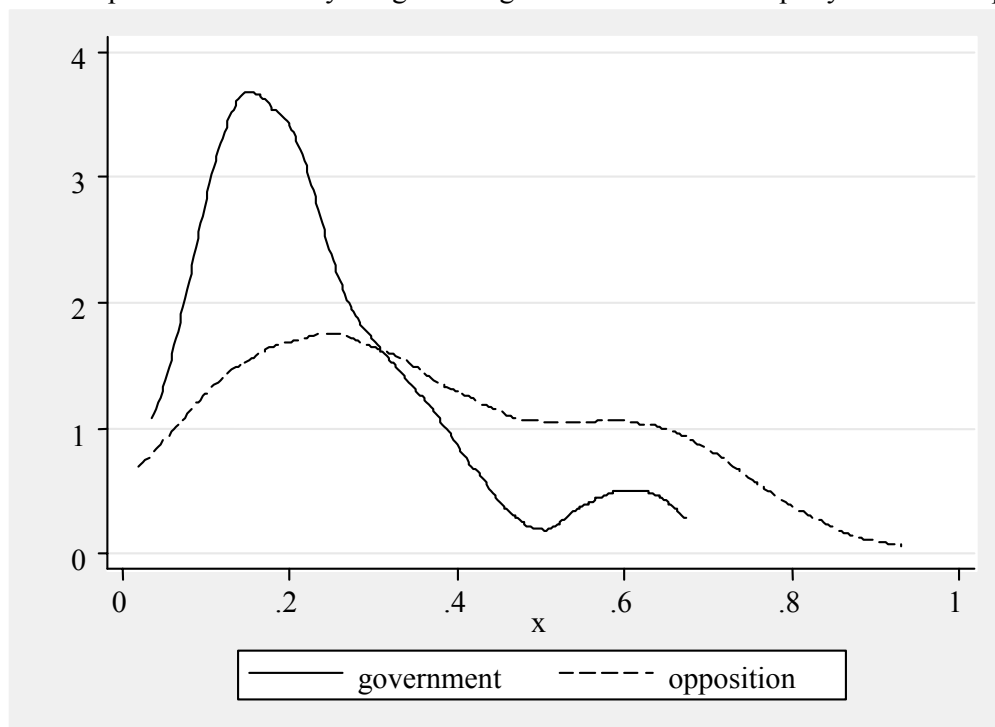


Figure 5  
Kernel density plots of probability of legislation being adopted in the Conciliation Committee  
by the governing status of the national party of the EP rapporteur

