

**WP4**  
**Political leadership, European institutions and  
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**Losing out on substance but winning procedurally?  
The European Parliament and accountability in crisis  
legislation**

**(Policy paper on the informal agenda setting power of the  
European Parliament, with particular focus on agenda setting  
power in situations of crisis)**

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## The European Parliament's oversight powers in economic governance

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The EU's response to the European debt crisis has given rise to executive-dominated politics and a weakening of directly elected institutions, such as national parliaments and the European Parliament (EP). The increase in executive powers has led scholars to criticise the EU for moving towards '[executive federalism](#)' and [a state of exception](#), undermining representative democracy.

The EP has largely been absent in key decision-making moments during the crisis, not least because the EU's crisis response represents a patchwork of intergovernmental agreements adopted outside the EU's legal framework, coordination efforts, and secondary EU legislation. Even on crisis legislation where the EP has enjoyed co-decision powers, its role has been constrained to agreeing to increase the discretion of executive bodies instead of playing a central role in the execution of that authority. For instance, within the strengthened excessive deficit procedure of the Six-Pack, the EP cannot determine the area of national competence to be controlled by the EU or the requirements and conditions under which they could be enforced. The EP has however not been an idle bystander to its limited role in economic governance.

*The EP has gained formal oversight powers...*

Some [scholars](#) argue that the EP's limited role in influencing the substance of crisis legislation has partly been compensated by giving it more oversight powers. One example often pointed to is the introduction of the economic dialogue in the Six-Pack and Two-Pack, despite initial reluctance from the Council. The economic dialogue allows the EP to invite the President of the Council, the Commission, the President of the European Council, or the President of the Eurogroup to report on, and explain their decisions taken in the context of the reinforced Stability and Growth Pact and the European Semester. It also makes it possible to invite individual member states, breaching EU rules, to explain themselves.

These new oversight provisions – albeit voluntary in nature – indicate a greater emphasis on input legitimacy in Economic and Monetary Union (EMU), than before the crisis.

Research shows that the EP was successful in gaining more oversight powers because it used a wide repertoire of negotiating strategies. Among others, these include: (1) [exerting public/normative pressure](#) on other institutions (by arguing that deepened integration requires representation); (2) [creating issue linkages](#) between files negotiated at the same time (using its veto powers on one file to exert influence on another file for which its formal consent is not needed), and (3) playing on the urgency of solving the crisis and the difference in time horizons between the EP and the Council to [threaten to delay decisions](#) if its views are not accommodated.

*...But how are the oversight powers used in practice?*

One thing is to acquire new formal oversight powers in the legal text, another matter is how actively and diligently these provisions are used in practice.

My research on the economic dialogue with member states shows that only a fraction of member states qualifying for a hearing (i.e. in breach with reinforced Stability and Growth Pact) actually appear before Parliament's economic and monetary committee (ECON). For instance in 2016, 10 countries were 'eligible' for being invited to a hearing, but only 3 hearings actually took place. Since the economic dialogue came into being in 2012, the ECON committee has held 15 hearings with finance ministers. This relatively low number may reflect both a low acceptance rate of invitations to hearings and/or limited resources and interests of the EP to hold more hearings.

Once appearing before the ECON committee, there is a clear pattern in the engagement levels of MEPs, in terms of the number of MEPs taking the floor. An analysis of 12 of the hearings with finance ministers that have taken place between 2012 and 2016 shows that MEPs are more active in taking the floor when the minister under scrutiny comes from a large member state and his/her country has received financial assistance from the EU.

Furthermore, MEPs from Eurozone countries proportionally asks more questions than MEPs from outside the Eurozone. There is also a clear national dimension to the engagement-levels. MEPs from the same country as the finance minister ask more questions than MEPs from other countries. On average, 61% of MEPs asked questions when they were from the same country but only 33 % of MEPs asked a question that are from a different country to the one being scrutinized. However, there is no significant difference between national MEPs from opposition parties versus those from governing parties. This suggests that there are differences in engagement levels depending on key characteristics of the country under scrutiny and the MEPs taking the floor.

The relatively low level of member states appearing before ECON compared with the number of 'eligible' countries brings to the conclusion that there is scope for making a more active use of the economic dialogue with member states to serve the purpose of a more democratically accountable European Union.

# **Losing out on substance but winning procedurally?**

## **The European Parliament and accountability in crisis legislation**

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### *Abstract*

Recent studies have found that the European Parliament (EP) had limited substantive influence on the European Union's response to the European debt crisis. It has been argued that Parliament compensated this loss by expanding its procedural power in crisis legislation; that is, its ability to hold the implementing institutions to account. In this study, we systematically assess the nature of parliamentary accountability and the conditions under which the EP has been successful at increasing its oversight powers. We do so by using new data on the accountability provisions included in concluded economic and financial legislation, scrutinized by the EP between 2009 and 2016. We find that Parliament has been more likely to gain oversight powers in crisis legislation, package deals, and salient legislative files. Our findings provide a more nuanced picture of Parliament's inter-institutional gains and losses in recent years and add to our understanding of the EP's account-holding role.

### **1. Introduction**

The Lisbon Treaty is often hailed as the treaty that put the European Parliament (EP) on an equal legislative footing with Council of the European Union. While that is certainly true, the period following the entering into force of the treaty has also been characterised by a limited role for the EP in decision-making and implementation in the European Union (EU)'s response to the financial and economic crisis (e.g., Fasone 2014; Fabbrini 2013, Puetter 2012; Rittberger 2014). The regulatory framework put in place to deal with the effect of the crisis is fragmented in nature, presenting a mix of international treaties, EU secondary legislation under either ordinary or special

legislative procedures, and coordination measures. A number of measures taken to help crisis-ridden countries constitute international agreements outside the EU's legal framework, giving a limited role, if any, to the EP. This includes the European Stability Mechanism (ESM), European Financial Stability Facility (EFSF), the Fiscal Compact, and the Single Resolution Fund (SRF).

The sovereign debt crisis has boosted the powers of both supranational and intergovernmental executive bodies. For example, the economic governance system emerging from the Six- and Two-Pack legislative packages has increased executive powers (e.g., the Commission) well beyond what was envisaged in the Lisbon Treaty. This has happened without a corresponding increase in the political accountability towards the EP and national parliaments, (Rittberger 2014; Poptcheva 2012). Even where the EP has been granted co-decision powers, it is given limited powers in the implementation of legislation once adopted.

The EP has not, however, been an idle bystander to its dwindling powers as it has been successful in introducing a range of provisions in EU legislation to hold implementing bodies to account, such as the so-called economic dialogue (e.g., Bressanelli and Chelotti 2016). Yet, we know little about the form that these accountability provisions take and the variation in the presence of the provisions. How do the implementing bodies render account to the EP? Are accountability provisions primarily introduced on files responding to the financial and economic crisis, or is the variation driven by other factors? In this paper, we examine the form of, and variation in, accountability towards the EP in all the EU's economic and financial legislation introduced in the seventh EP term (2009-2014). This includes 76 legislative acts adopted by legislative procedure (cf. Article 289 of the Treaty of the Functioning of the European Union, TFEU), which were proposed by the Commission in the seventh EP term and finalised (i.e., appearing in the Official Journal of the EU) in either the seventh or eighth term. We distinguish between so-called *absolute accountability* and *relative accountability*, whereby the former refers to the total number of accountability provisions towards the EP in the final legislation, and the latter to the number of accountability provisions that have been added to the Commission proposal in the legislative process. We think of the latter as provisions that Parliament has 'gained' in the negotiating process.

We find that a range of accountability provisions are incorporated in the final acts, including the possibility to invite implementing bodies to a hearing in the EP, the obligation to report on the application and implementation of an act, to justify positions taken in writing, and to provide information upon request. However, overall levels of formal accountability tend to be low for most acts, with a small number of acts – in particular, the Six-Pack and the Two-Pack – including a large number of provisions. As regards the variation in degrees of absolute as well as relative accountability, our findings show that crisis legislation is, as hypothesised, associated with more accountability. Levels of absolute and relative accountability are also higher when legislation is more salient and when it is part of a package deal.

The paper proceeds as follows. In the next section, we theorise why crisis legislation may be associated with higher degrees of accountability. Subsequently, we describe how we define and operationalise accountability. Then we present the findings of our analysis of the factors accounting for varying degrees of absolute and relative accountability across EU acts. In the last section, we summarise and discuss our findings.

## **2. Crisis, parliamentary powers and accountability**

The focus on promptly solving the European debt crisis has not always given the EP pride of place. Instead the EU's response to the crisis is generally regarded to have increased the role of governments and supranational executive institutions (e.g., the Commission and the European Central Bank, ECB) (Fabbrini 2013; Puetter 2012). The European Council has largely set the legislative agenda during the crisis; for example, by establishing the framework of the Six-Pack, the Fiscal Compact, and the European Stability Mechanism. It also plays a crucial role in areas where fiscal capacity is required at the EU-level. Supranational agencies' supervisory powers are pronounced in areas of policy coordination such as the Excessive Deficit Procedure (EDP) and the Macroeconomic Imbalance Procedure (MIP). With the Two-Pack, for example, the Commission not only monitors member states' compliance with the EU's deficit and debt criteria *ex post*, but it also assesses member states' draft budgetary plans *ex ante*. The Fiscal Compact further strengthens the Commission's role by ensuring national

compliance with the balanced budget ‘golden rule’, and by allowing for the monitoring of national enactment of the corrective mechanisms.

The Achilles’ heel of the EU’s new economic governance is its gap in the political and legal accountability as it makes parliamentary and judicial review of policy decisions challenging (Dawson 2015). For instance, the EP has no formal role in the European Semester for economic policy coordination in which national budget plans are scrutinised *ex ante* by the Commission to prevent excessive macroeconomic and fiscal imbalances. Instead, the EP’s role in the process is limited to publishing an own-initiative report on the Annual Growth Survey (AGS) and issuing an opinion on the Commission’s employment guidelines (Alcidi, Giovannini, and Piedrafita 2014).

While the EU’s economic governance has become significantly more prescriptive, this has not been mirrored in an extension of the EP’s powers. Several academics have, therefore, called the democratic credentials of the EMU’s economic governance into question. In the words of Chalmers, “the high levels of policy prescription emerging from supranational institutions, question the extent to which insulating the EP from economic governance can be as easily justified as it was before the crisis began” (2012, p. 692). The new mode of governance during the European debt crisis raises questions about political accountability and if the EU’s economic governance may not need the shadow of democratic hierarchy to be legitimate in the eyes of the electorate (Héritier and Lehmkuhl 2011).

The EP has been (and still is) acutely aware of the parliamentary democratic deficit in economic governance. It has on several occasions used its own-initiative reports to call for more parliamentary accountability in the EU’s economic governance (see for instance European Parliament 2015). It has also successfully pushed for increased parliamentary oversight powers in EU economic governance. Qualitative research on the Two- and Six-Pack negotiations suggests that the EP was partly compensated with “institutional rewards” for what it lost in substance (Bressanelli and Chelotti 2016, p. 521). For instance, the EP was successful at introducing the economic dialogue – a new inter-institutional mechanism ensuring a forum for democratic accountability in economic policy coordination. This dialogue enables MEPs to invite the President of the Council, the Commission, the President of the European Council, or the President of the Eurogroup to report on, and explain their decisions taken in the context of the Stability

and Growth Pact and the regulations on macro-economic imbalances. It also makes it possible for Parliament's Committee on Economic and Monetary Affairs (ECON) to invite individual member states which have fallen foul of the rules to explain and justify their (in-)actions.

While accountability provisions, like the economic dialogue, may be regarded as symbolic victories, it does highlight that the EP has been acutely aware of, and successful in, obtaining greater oversight powers over executive bodies in EU crisis legislation. There are good reasons to expect that this is not only a feature limited to the Two- and Six Pack, but also a characteristic of the EU's economic and financial crisis legislation more generally. Viewed through functionalist and normative spectacles, we expect parliamentary accountability to be more extensive in EU crisis legislation than non-crisis legislation.

From a functionalist perspective, the assignment of new powers to supranational bodies constitutes a form of delegated authority, which may lead to a stronger accountability relationship between the EP (the accountability forum) and the executive bodies (the agents). The EP represents an accountability forum, but not strictly speaking a principal, because it has not delegated its own authority to executive bodies and it does not stand to directly benefit from the delegation. For instance, the strengthening of the Commission's powers in the surveillance of national budgets and the ECB's right to exert oversight over financial institutions would not have been a task otherwise assigned to the EP, although the EP, together with the Council, can change the mandate of executive bodies where it enjoys co-decision powers. The relationship between a forum and an agent is essentially another type of delegation if a 'single chain of delegation' is absent (Busuioc 2013, p. 274; Schillemans and Busuioc 2015). Regardless of this difference, the central problem of forum-agent relationships is the agent's compliance post-delegation. Delegation may result in agency losses, such as bureaucratic drift; that is, the difference between the intended and the actual decisions of an agent (e.g., Kiewiet and McCubbins 1991). The high level of discretion of executive bodies in the EU's crisis management creates a situation with increased information asymmetry between the EP and executive bodies, leaving the EP at an informational disadvantage. This may increase the risk of agency drift and slippage. The EP can hone in executive bodies and alleviate the information asymmetries by pushing for enhanced



accountability in crisis legislation. The implicit assumption is that the forum cares about the performance of the actor it monitors and holds to account. This may of course not be the case in practice as legislators may display little interest in scrutinising agents (see Schillemans and Busuioc 2015).

From a normative perspective, the crisis measures have put into sharp relief the deficiencies in the EU's policy output, which raises questions about the democratic legitimacy of the EU's policies and actions. The EU's economic and monetary union (EMU) has always given priority to the delivery of results (output legitimacy) over its democratic representativeness (input legitimacy). Since its inception in 1999, the underlying assumption of the EMU's design has been that its success is enough to secure its legitimacy. Limited parliamentary involvement in EMU is, therefore, not new (Alcidi, Giovannini and Piedrafita 2014). However, the assumption that Brussels and Frankfurt know what is best is challenged when economic policies do not deliver. This has provided the EP with a window of opportunity for change by using the shortcomings in the EMU's output legitimacy to push for parliamentary oversight provisions in legislation to increase input legitimacy. The Commission and the Council may also have a number of vested interests in increase accountability towards the EP as the only directly elected EU institutions to recover citizens' trust in the political system under crisis conditions. Increased accountability in crisis legislation provides an institutional setting (the Parliament) within which political accountability can be discharged publicly. The economic dialogue, for instance, highlights the deliberative dimension of political accountability, where implementing institutions can publicly give reason for their decisions (Weale 2011, 63).

Based on the considerations above, this should affect the overall levels of accountability that are introduced in legislation as well as the number of provisions that are gained by the Parliament in the legislative process. This leads us to formulate the following two hypotheses:

- H1:* Eurozone crisis legislation includes more accountability provisions to the EP than non-crisis legislation
- H2:* The number of accountability provisions to the EP that are added during the legislative process is higher in crisis legislation than in non-crisis legislation.

*Other explanations: Veto powers and linked arenas*

From a power-political perspective, the EP can, in the negotiations with the Council, also play on the urgency of addressing the crisis swiftly and on the difference in time horizon between the EP and the Council in order to strengthen its oversight powers over implementing institutions. As the EP is less sensitive to policy failures and has a longer time horizon than the Council, it can credibly threaten to delay or veto a policy proposal unless its views are accommodated (Hix 2002). However, this requires MEPs to have the power to veto legislation (Farrell and Héritier 2003). The EP's track record shows that it is not afraid of utilising its veto powers to set a precedent and gain more powers in the long run (Héritier 2007; Hix 2002; Rittberger 2005). We expect the EP to be in a stronger position to push for improved accountability provisions in crisis legislation when its consent is needed to pass legislation. Also, we expect the Commission to anticipate the EP's response to proposed legislation by introducing more accountability provisions to the Parliament in the first place. In other words, we expect both relative and absolute accountability to be affected by the presence of veto powers of the EP. Thus, our hypotheses are:

- H3:* Legislation adopted under procedures, which give Parliament veto powers includes more accountability provisions to the EP
- H4:* The number of accountability provisions to the EP that are added during the legislative process is higher in legislation adopted under procedures which give Parliament veto powers

When assessing the extent to which the EP is involved in the process of drafting an act, it is important not only to pay attention to the formal legislative procedure (co-decision or not), but to also take into consideration the question whether legislation is negotiated individually or as part of a package. Indeed, it has emphasised that the EP can use its power in so-called "linked arenas" (Héritier 2012). The EP can use its formal veto powers in one arena (piece of legislation) to gain more powers in another linked arena where it has no formal powers. This can be done when two or more related dossiers are negotiated at the same time either separately or as part of a package, as it allows the EP to create a link between the dossiers under negotiation. The EP can

credibly threaten to scupper negotiations in the arena where it does enjoy formal veto powers if the Council does not give in to its demands in the related arena, where the EP does not hold formal powers. We expect this to affect absolute as well as relative accountability levels. Hence:

*H5:* Legislation negotiated as a package includes more accountability provisions to the EP

*H6:* The number of accountability provisions to the EP that are added during the legislative process is higher in legislation negotiated as a package deal

### **3. Data and operationalisation**

To test our hypotheses, we created a new dataset of legislative financial and economic acts proposed by the European Commission in the seventh parliamentary term (EP7) and finalised in either seventh or eighth term. We only focus on legislation that has been scrutinised by EP's ECON Committee as the responsible committee. The focus on acts introduced in the seventh term (2009-2014) allows us to compare acts that were initiated in response to the European debt crisis – which set off in the second half of 2009 – to acts that were proposed for other reasons. Our focus on the ECON committee enables us to analyse the role of 'crisis' while holding constant the responsible committee, the policy area and the experience and policy-making practices of EP committees, as ECON has been responsible for both crisis and non-crisis legislation.

Using the EP's Legislative Observatory (OEIL), we selected all procedures which the ECON committee was responsible for, and which the different EU legislative bodies were involved in (i.e. legislative acts under Art. 289 TFEU). As we are interested in the accountability provisions in the final act, we excluded files which were withdrawn by the Commission and non-concluded files (by February 2017). This led to a dataset consisting of 76 files, including 60 ordinary legislative procedures (COD; the former co-decision procedures), 14 consultation procedures (CNS), and 2 consent procedures (APP). Most of the files were concluded within EP7; some were only finalised in EP8.

### *Relative and absolute accountability*

We define formal accountability (our dependent variable) as the degree to which implementing bodies are obliged to offer information on, and explanation of, their conduct to the EP, and may be sanctioned or rewarded for this conduct (cf. Koop 2011, p. 216). Rather than treating accountability as a dichotomous concept (absent versus present), we consider accountability as a matter of degree, being ordinal in nature. Implementing bodies can be accountable to the EP to various degrees ranging from not accountable at all to highly accountable. This means that the ability for the account-holder to sanction the account-giver does not need to be formally present for accountability to be rendered. In fact, the EU's economic and financial acts provide the EP with limited formal tools to sanction implementing institutions.

Our dependent variables – absolute and relative accountability to the EP – have been created following a number of steps. First, for each file, we made an inventory of provisions in the final acts, which require different implementing bodies to render account to the EP. That refers to providing the EP with information and explanation of their conduct, and to potentially face sanctions or rewards because of their conduct. Table 1 shows the frequency of the different accountability provisions in the 76 files included in our study. The table clearly highlights the multitude of account-giving obligations in the 76 legislative acts.

**Table 1:** Accountability provisions in the legislative act

Accountability provision vis-à-vis EP	Presence (N°)	Presence (%)	Total
1. Commission to send review of legislation	52	68.4	76
2. Commission to report on its activities	48	63.2	76
3. Commission subject to hearings	11	14.5	76
4. Council/European Council subject to hearings	7	9.2	76
5. Member states subject to hearings	7	9.2	76
6. Council/European Council to report on its activities	3	4.0	76
7. Commission to communicate its position	2	2.6	76
8. Commission to send information upon request	1	1.3	76
9. Council/European Council to communicate its position	1	1.3	76

As the table demonstrates, we focus on three types of actors that need to render account to the EP: (1) the Commission, (2) the Council/European Council, and (3) member states. Most provisions concern the Commission, as a supranational implementing body. The most common accountability provision requires the Commission to submit to the EP a periodical review of the efficiency and effectiveness of the legislation (68.4 percent). Provisions requiring the Commission to report on its activities, usually the implementation of a file, are also very common (63.2 percent). In 11 legislative acts (14.5 percent), we found provisions allowing the EP to “hear” the Commission, while the Council and member states are subject to hearings in Parliament in 7 legislative acts (9.2 percent). Other accountability provisions are rare, such as provisions requiring the Council to report on the implementation of a legislative act (4 percent), provisions requiring the Commission and the Council to communicate their position on specified issues (2.6 and 1.3 percent, respectively), and requirements for the Commission to provide the EP with information upon request (1.3 percent respectively). In order to be able to use a single measure of absolute and relative accountability in our analyses, we created indices by adding up the number of provisions included in the legislation (absolute accountability) and added to the act in the legislative process (relative accountability). Hence, our measures are in practice count variables.

#### *Explanatory and control variables*

Let us then turn to the operationalisation of our explanatory variables. First, to test our hypotheses 1 and 2 on the European debt crisis, we created a dummy variable *crisis*, which takes the value of 1 when the explanatory memorandum of the file, included in the OEIL- database, indicates that the act is a response to the European debt crisis. Second, to test hypotheses 3 and 4 on EP involvement, we used the variable *co-decision*. We have created a dummy variable, which takes the value of 1 for co-decision files, and 0 for other files. As set out in Section 2, we expect acts to include more accountability provisions when adopted under the ordinary legislative procedure than under other types of procedures (consultation, consent and non-legislative procedures). Ordinary or co-decision files allow the EP to act as co-legislator, granting it veto powers in the process. Under these conditions, the EP is in a better position to have (accountability) provisions added to the legislation, and we also expect this to be anticipated by the Commission when it drafts legislation. Similarly, we expect levels of accountability to be

higher in legislation negotiated as part of a package. Hence, our variable *package deal* takes the value of 1 for files that are part of package deals, and 0 for other files.

In addition, we included three control variables to capture important features of the files themselves: salience, delegation, and recitals. First, we control if the degree of media salience a proposal has while being negotiated has a bearing on the extent to which accountability provisions are incorporated into legislation. We know from previous research on the accountability of national agencies that agencies dealing with highly salient policy issues are subject to greater political control and more accountability provisions than agencies operating on low salient issues (Dudley 1994; Koop 2011). There are good reasons to think that a similar picture emerges when the EP is trying to control implementing bodies. Time and resources are always short in supply in parliaments. The degree of salience is likely to play a role for MEPs' awareness of and willingness to hold implementing bodies to account. Politicians are expected to be more interested in the activities of implementing bodies, which are tasked with highly salient issues. They are also likely to be more concerned about issues of shirking and misuse of power when delegating powers to implementing bodies on highly salient issues. To assess the importance of salience we use the measure created by Reh and her colleagues (2013), which measures media attention in newspapers in four languages and six member states in the period between the Commission's proposal and the adoption of the final act. We updated this measure for all ECON files introduced in EP7.

Second, the level of accountability included in legislation is expected to be higher when the legislation allows the Commission (and in some cases the Council) to introduce implementing and delegated acts after adoption of the basic legislative act. Our variable *delegation* takes the value of 1 when no implementing or delegated acts are mentioned, 2 when the legislation allows for implementing acts, and 3 when it allows for delegated acts, with or without implementing acts.

Third, we include the variable *recitals*, which is a count of the number of recitals in the Commission proposals (log-transformed as the original data are highly right-skewed). We use the number of recitals as a proxy measure of the level of complexity of the file (cf. Reh et al. 2013), and expect levels of accountability to the EP to be lower when legislation is more complex. The summary statistics of all variables are included in Table A in the Appendix.

#### **4. Analysis**

We use Poisson regression models for our analysis, as our dependent variables are count measures. The use of a count model – and in our specific case the Poisson model – is most appropriate because the assumption of normality of ordinary least square regression is violated and our dependent variables are non-negative counts. As is recommended for Poisson models, we use robust standard errors (Cameron and Trivedi 2009). In terms of interpretation, the regression coefficients in the models represent the change in the response – in this case, the expected (natural) logged count – corresponding to a one unit change in a predictor variable, given the other variables are held constant. The results are presented in Table 2. Models 1 and 3 include our main variables of interest in models for relative and absolute accountability, respectively. In Models 2 and 4, the control variables are added.

**Table 2:** Analysis of relative and absolute accountability

	Relative accountability			Absolute accountability		
	Model 1 Coef (SE)	Model 2 Coef (SE)	Model 3 Coef (SE)	Model 4 Coef (SE)	Model 5 Coef (SE)	Model 6 Coef (SE)
Crisis response	1.40 (0.43)***	1.55 (0.48)***	1.55 (0.48)***	0.60 (0.17)***	0.45 (0.18)**	0.56 (0.19)***
Package deal	1.25 (0.29)***	1.15 (0.28)***	1.25 (0.29)***	0.77 (0.15)***	0.66 (0.13)***	0.72 (0.13)***
Codecision	-0.00 (0.57)	0.36 (0.54)		0.64 (0.44)	0.52 (0.43)	
Salience		0.07 (0.03)**	0.07 (0.03)**		0.05 (0.02)*	0.05 (0.02)**
Delegation		-0.14 (0.14)			-0.00 (0.13)	
Recitals (log)		-0.55 (0.20)***	-0.61 (0.17)***		0.11 (0.13)	
Intercept	-1.80 (0.57)***	-0.22 (0.54)	-0.06 (0.51)	-0.74 (0.40)***	-1.00 (0.45)**	-0.27 (0.18)
McFadden pseudo R <sup>2</sup>	0.24	0.33	0.32	0.18	0.20	0.18
Log pseudo-likelihood	-87.22	-77.39	-78.06	-107.82	-105.32	-107.92
N	76	76	76	76	76	76

*Note:* Poisson coefficients with robust standard errors are reported. \*p<0.10; \*\*p<0.05; \*\*\*p<0.01 (two-tailed)



In a nutshell, our findings suggest that levels of both relative and absolute accountability are higher in *crisis* legislation and in legislation negotiated as a *package*. Furthermore, higher levels of *salience* are associated with higher levels of relative and absolute accountability, while levels of relative accountability are lower when legislation includes more *recitals*.

Let us now have a closer look at the findings. Starting with the variable of main interest (*crisis*), our analyses confirm that levels of accountability are significantly higher in legislation that responds to the European debt crisis, thus confirming Hypotheses 1 and 2. This is the case for relative as well as absolute accountability. Hence, the findings suggest that Parliament has not only been able to gain more oversight powers in the negotiating process, but has also seen higher overall levels of accountability in crisis legislation. We should emphasise that this finding holds regardless of the salience of legislation. Crises often function as a focusing event, sparking intense media and public attention to a previously ignored issue, and making it salient (Jones and Baumgartner, 2005). Salience indeed matters for levels of accountability, as we discuss below, but crisis legislation includes higher levels of accountability even when controlling for salience. This suggests that there are specific dynamics at play in the negotiation of crisis files and that other factors - such as the urgency of crisis files and the EP's potential to delay legislation - have been used effectively to increase accountability. It may also signify that the EP has been 'compensated' for its loss of substantive influence on crisis legislation by gaining more procedural power/oversight powers (Bressanelli and Chelotti 2016, p. 521)

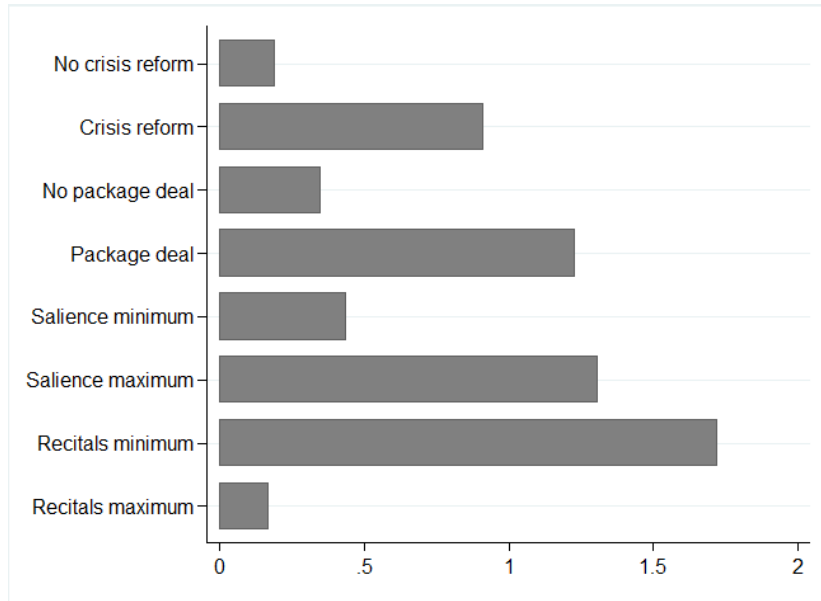
The veto powers of Parliament also seem to matter, but only in the forms of *package deals* (Hypotheses 5 and 6). Having co-decision powers does not make a significant difference for accountability to Parliament, but having de facto veto powers in negotiations on package deals does. This suggests that package deals give Parliament de facto veto powers, whether or not the legislative files formally fall under the co-decision procedure. In other words, de facto veto powers seem to be more important for levels of accountability (both in relative and absolute terms) than de jure veto powers. When negotiating package deals, Parliament tend to gain more accountability provisions, with overall accountability levels also being higher. This is because the EP can use its powers in "linked arena", in which one or more files in a package for which the EP has de jure

veto powers can be taken hostage to obtain more influence on files where the EP does not enjoy formal veto powers.

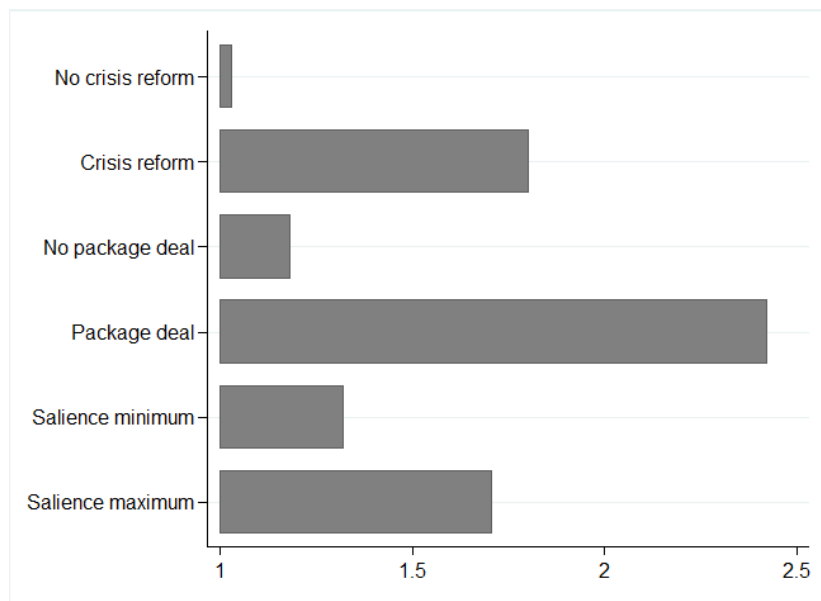
Turning to our control variables, *salience* is of crucial importance. We expected the EP to be more interested in accountability when the issue at stake is considered to be more salient. Our findings suggest that this is, indeed, the case: acts on issues that are more salient include more provisions for accountability to the EP both in relative and absolute terms.

We also controlled for the *delegation* of more responsibilities and discretion to the Commission (and in some cases to the Council), expecting higher levels of delegation to be associated with higher degrees of accountability. Yet, such delegation does not seem to matter for degrees of accountability when controlling for other variables. In fact, the effect is negative rather than positive, though not significant. Finally, the level of complexity, as measured by the number of *recitals* in legislation, matters, but only for relative accountability. Levels of absolute accountability in legislation do not differ between complex and non-complex legislation, but Parliament gains fewer accountability provisions during the legislative process when legislation is complex. Our analysis cannot tell us about the reason for this. It may be that complex files are, in general, more challenging for Parliament to deal with or that they are of less interest to MEPs because of their complexity. Future research will need to unravel the dynamics of complexity in the legislative process.

As Poisson regression coefficients are rather difficult to interpret, figures 1 and 2 below show the substantive importance of the factors shaping relative and absolute accountability. Figure 1 presents the predicted number of accountability provisions gained during negotiations (i.e. relative accountability – from the Commission’s proposal to the final act). Figure 2 shows the absolute levels of accountability included in final acts for both the minimum and the maximum value on a variable.



**Figure 1:** Predicted number of accountability provisions gained (Model 3)



**Figure 2:** Predicted number of total accountability provisions (Model 6)

## 5. Conclusions and discussion

In this paper, we have addressed the question of whether the EP has been able to win or 'be compensated' in procedural terms in legislation dealing with the sovereign debt crisis – legislation which previous research has characterised as low on parliamentary influence. To answer this question, we used original data on the accountability provisions present in 76 legislative acts introduced during the EP's seventh

parliamentary term and finalised in either the seventh or eight term. Our results show that levels of accountability – both relative and absolute – are indeed higher in crisis legislation. This provides support for the suggestion made by previous research that Parliament has been compensated for its loss in substantial influence on crisis legislation by means of additional oversight powers. We also find that accountability levels are higher in legislation negotiated as part of package deals, which give Parliament *de facto* veto power even if they are not formal co-legislators.

Furthermore, while levels of relative accountability are lower when a legislative file is more complex higher, levels of salience are associated with higher levels of accountability. The latter makes sense theoretically. Firstly, the more importance politicians attach to files, the more likely they are to keep a close eye on implementing bodies. This may be for electoral reasons or because they genuinely care about avoiding agency drift and misuse of power on important files. This finding tallies with previous academic findings on political control of national agencies, where salience also matters for accountability.

What do these findings tell us about the powers of the EP? We have focused on economic and financial affairs as one particular EU policy area. This is a policy area that traditionally goes to the very heart of core state powers and sovereignty, similar to foreign policy, justice and home affairs, and social and employment affairs. The substantive influence of Parliament may be more limited in such areas as the member states have a clear preference to keep control of these areas (Genschel and Jachtenfuchs 2016). Precisely for that reason, it may be ‘easier’ for Parliament to increase its role as accountholder in response to its relative loss of substantive influence in the decision-making on the files. At the same time, our findings may reflect a more general trend in inter-institutional relations in the EU in areas traditionally associated with core state powers. There may be a more general trend towards an increase in Parliament’s oversight role in areas where it participates less in shaping the actual substance of legislation. Future research in other policy domains needs to further investigate this hypothesis to shed light on whether or not our findings can travel to other policy areas.

The findings of this paper also suggest that when international agreements decided outside the EU’s legal framework will eventually be fully integrated in the EU Treaties, as planned for, the EP might be able to reclaim some lost powers. This is most likely to

happen if the measures are salient and/or are subject to package deals. Completing Europe's Economic and Monetary Union is not only a step in the direction of strengthening its output legitimacy, but also its democratic accountability (or throughput legitimacy). However, safeguarding de jure accountability provisions is not a guarantee for actual accountability. The way in which MEPs fulfil their oversight role is equally important. This opens the door for future research to assess whether the EP's formal oversight powers are actually used carefully in practice, by actively monitoring and demanding answers from executive bodies.

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## Appendix

**Table A:** Summary statistics

Variable	Mean	SD	Min	Max	N
Absolute accountability	0.19	0.18	0	0.8	76
				9	
Relative accountability	0.91	1.52	0	7	76
Crisis	0.62	0.49	0	1	76
Co-decision	0.79	0.41	0	1	76
Package	0.29	0.46	0	1	76
Media salience	1.89	3.21	0	15	76
Delegation	2.20	0.95	1	3	76
Recitals (original)	42.4	35.5	4	170	76
Recitals (log-transformed)	3.38	0.92	1.3	5.1	76
			9	4	