

# Role of Political Affiliation across the European Institutions in the Dynamics of the EU Legislative Process

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**Abstract** This paper addresses the question of the impact of party political affiliation on the pace of the EU legislative process. It hypothesizes that the codecision process should be faster if the key actors from the European Commission, the European Parliament and the Council are closer on the left-right policy scale or share affiliation to the same political family. The hypotheses are tested on the data covering the period of five years, from May 2004 to June 2009. While closeness on the left-right policy scale did not prove to have any effect, the findings show that if all three main actors, or at least the EP rapporteur and responsible Commissioner, come from the same political family, the codecision-process is indeed faster. The paper thus aims to contribute to the study of importance of party political ties and left-right cleavages in the EU decision-making.

**Keywords** European decision-making, co-decision, left-right cleavage, party political affiliation  
**JEL classification** D72, H1

## 1. Introduction

Speed of the legislative decision-making and relevance of various factors that might influence it have been studied in the last decade in the context of the EU decision-making (Farrell and Héritier 2004, 2009; Rasmussen 2008, 2011; Reh et al. 2011; Shackleton and Raunio 2003). It is a broad question; the speed of the decision-making and the stage at which the process is finished is not simply a matter of how long the process takes, but also relates to the efficiency of decision-making, balance of power within and between the institutions. The question thus has broader democratic connotations (for an overview of arguments see Rasmussen 2011). While these studies focus mostly on the so called early agreements, i.e. conclusion of the codecision procedure at the first reading or sometimes first or second reading, this paper focuses solely on the length of the decision-making.

We focus on co-decision as it is the legislative procedure where the actors are relatively equal and all can be seen as veto players (Tsebelis 2002), even if only the European Parliament and the Council can actually adopt or reject the proposal.

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There are of course many factors that can influence the speed or final stage of the decision-making process. Such factors include the divergence in Member States' positions, voting rules in the Council, or, in case of different legislative procedures, participation of the EP (König 2007), character of the file, working relationship between co-legislators (Rasmussen 2007), time the procedure/codecision has been in use (Reh et al. 2011), country of origin of co-legislators, urgency, rapporteur's national party being in national government (Rasmussen 2011), etc.

However, this paper focuses solely on the relevance of political party affiliation for the duration of decision-making in which all three main EU institutions, the European Commission, European Parliament and the Council, represented by their functionaries and negotiators at the political level, are involved, i.e. the codecision process.

Relevance of political party affiliation can be examined in terms of closeness on the main cleavage dimension (usually left-right), which has also been designated as political coherence (Rasmussen 2007) or political congruence (Klüver and Sagarzazu 2011) by some authors; or simply in terms of affiliation to the same or different political party of political family.

The role of political parties in the EU has been studied extensively, mostly concluding that partisan or left-right cleavages might not be the most prominent ones, but often play some role in the legislative process (Lindberg et al. 2008; Lindberg 2008; Rasmussen 2008) or decision-making in the Council (e.g. Hagemann and Hoyland 2008; Tallberg and Johansson 2008; Wonka 2008). Moreover, the importance of partisan politics and the left right cleavage in European institutions and their decision-making seems to be increasing (Gabel and Hix 2002; Hix et al. 2007; Kreppel and Tsebelis 1999; McElroy and Benoit 2007; Tsebelis and Garrett 2000).

Most of the research on the relevance of party political affiliation in the European decision-making is focused on voting cleavages or coalitions, mostly done on the European Parliament (Hix et al. 2007; Raunio 1997) and on the Council (Hagemann and Hoyland 2008; Hosli et al. 2009; Mattila 2004). However, some researchers also focus—just as we do—on the legislative process as a whole and the way the decision-making is influenced before the final decision is taken, regardless of the final result.

More specifically, relevance of party political affiliation or left-right position for the length or final stage of the decision-making has been already suggested by several studies examining data on multiple periods. Rasmussen (2007), examining the five years before the 2004 Enlargement, found evidence that an early-agreement is more likely if the Council Presidency was from the same party family as the EP rapporteur. She attributed this result to the increased likelihood of higher levels of mutual trust, political understanding etc., not just similar policies on the same issues (Rasmussen, 2007, p. 13). Reh et al. (2011), examining ten years between mid-1999 and mid-2009, found only modest evidence that smaller absolute distance between the policy position of the EP's rapporteur and the policy position of the party of national minister responsible for the dossier in the Council increases the likelihood of an early agreement. Klüver and Sagarzazu (2011), analysing all legislative proposals between 1979 and 2009, show that greater policy distance between all three legislative bodies slows down the decision-making process.

Therefore, we assume it is suitable to consider the possible impact of the political party affiliation regardless the stage at which the process was concluded, although even here the actors that are active at the first stage may prove to be more relevant than others. This of course also leads to differences in research design and operationalisation if compared with previous studies.

## 2. Hypotheses

Before we can formulate the hypothesis on how the political affiliation influences the length of the codecision procedure, some important features of the codecision have to be taken into account.

The codecision procedure has been developing since its introduction in the Maastricht Treaty. The Amsterdam Treaty has introduced the most important innovation into the procedure—it allowed the decision-making to be concluded at the first reading, which later became common practice. Indeed, the portion of the codecision cases concluded at the first reading increases (Rasmussen 2011; Shackleton and Raunio 2003), accounting for 72% of all acts passed in 2004–2009 parliamentary term (Reh et al. 2011) as does the average length of the first reading, especially for the more salient proposals (Toshkov and Rasmussen 2011 also found out that important cases concluded in the first reading can take even longer than second and third reading conclusion).

There are two important factors to this. First, rules for the first reading differ from the rules for the second and third readings in terms of timing and deadlines—the first reading can take an unlimited amount of time, while the deadlines for taking positions in second and third reading are rather strict (three or maximum four months in the second reading and six or maximum eight weeks in the Conciliation Committee as well as in the third reading). This means that factors active at the time of the first reading will influence the total length of the process (regardless of the number of readings) much more than factors active at the time of second and third readings, even if these occur.

Second, the introduction of the conclusion of codecision at the first reading has led to increase of informal decision-making in the so called trialogues (Farrell and Héritier 2004; Reh et al. 2011). Trialogues are meetings between the three institutions—the European Commission, European Parliament and the Council—that pre-negotiate the agreements on legislative proposals later to be formally approved by these institutions. Relevance of the factors active at the first reading for the total length of the codecision combined with the trialogue practice means that factors active in trialogues will be key for the length of the process. Actors participating in the trialogues vary, but the key actors representing the three institutions are always present. These are (i) the Commissioner responsible for the file representing the Commission, (ii) the EP rapporteur(s) for the dossier representing the EP and (iii) the Presidency representing the Council. Of course, depending on the issue, the Commissioner may be assisted or represented by various high-level Commission officials, shadow rapporteurs from the Parliament as well as representatives of the Council Secretariat or other Member States may be also present.

Presidency's importance is not only in its role in trialogues, but also in its role in the Council itself—in its leader and administrative role, where the Presidency shapes the agenda, designates priorities and prepares detailed agendas of meetings of the Council and its working bodies (Thomson 2008).

In the context of our research question, this means political affiliation of the main actors representing the three institutions in trialogues is the main factor in determining how the political affiliation influences the length of the decision-making.

There are two basic ways how to think about relevance of the political affiliation: policy distance on a left-right scale and affiliation to the same/different political party or, in the case of the EU, political family. The first approach has been used by Reh et al. (2011), the second by Rasmussen (2011). As the political affiliation is the only factor examined in this study, we decided to test both approaches.

Of course, there is a question of how to measure policy distance between three actors—the most simple and reasonable way is to take into the account the distance between the two most extremely placed actors; the position of the third actor, which falls between positions of the two extreme actors, is absorbed by those extremely placed actors (Tsebelis 2002; the approach also used by Klüver and Sagarzazu 2011).

Therefore, we hypothesize that:

H1: *The length of the codecision procedure increases with greater distance on the left-right policy scale of the two of the three key actors who are situated on more extreme points on this scale.*

H2: *The length of the co-decision procedure decreases if the key actors are affiliated to the same political group in the European Parliament.*

In other words, party politics matter and closeness of the key actors on the left-right policy dimension and/or affiliation of the key actors to the same political party family facilitate and therefore speed-up the codecision process.

### **3. Research design, operationalization and data**

Datasets used to test our hypotheses were produced using the main Prelex-based dataset created for the project *Eastern Enlargement and the Patterns of Decision-Making in the EU*, which contains information on the inter-institutional decision-making in the EU in the period from May 2004 to June 2009, including the data on the length of the decision-making process and the key actors involved, i.e. the Commissioner(s) responsible and EP rapporteur(s). We sorted out all the codecision cases, ending up with 485 different legislative proposals.

Moreover, to test the first hypothesis, we decided to create further subset of these data. As the left-right policy distances are relatively small (most of the key actors come from “centrist” groups), and not all issues are disputed primarily on the left-right bases, we decided to include only more salient or publicly and politically attractive proposals. We operationalised this by media coverage on drafting, discussing and adopting legislative proposals.

We chose Euractiv and Financial Times, as these do report on EU affairs regularly. Euractiv is an EU-oriented website with news and analysis and Financial Times is known as one of the national quality newspapers with best coverage of EU affairs. We decided to include in our analysis only those legislative proposals that were reported on in a specific article dealing primarily with that proposal by both selected media at least once or at least twice by either one of them. Thus we arrived at a dataset consisting of 115 cases. For the purpose of testing the first hypothesis, we also discarded all the proposals that were adopted by Commission in 2008 or 2009 and where the process was not finished by July 7, 2010, resulting in 95 remaining cases. We further discarded 4 cases with missing value for Commissioner's or EP rapporteur's positions, given the fact that they were independents or not members to any party. We thus created a subset to test the first hypothesis, consisting of 91 cases.

The dataset containing all codecision cases was then supplemented with data on political affiliation to one of the political groups in the European Parliament; the dataset containing salient codecision cases was supplemented with data on the distance of key actors on the left-right dimension. These were operationalised as follows.

Commissioners are usually politicians with membership of certain national political party, which has its MEPs in one of the political groups. Commissioners that are affiliated to a certain group are also usually listed on the website of the group. In the 2004–2009 term there was only one Commissioner that has no party political affiliation and was thus marked as non-attached. In 281 cases there was just one Commissioner responsible for the file for the duration of the decision-making. For the rest of the cases, two or more Commissioners were either co-responsible, or the proposal was re-assigned to a different Commissioner during the codecision procedure. In cases where at least one of the Commissioners had different party affiliation, we qualify the affiliation of the Commissioner as “mix”. There were 125 such cases. Four proposals were assigned to a non-attached commissioner (Janez Potocnik). Commissioners affiliated with the Group of European People's Party-European Democrats were responsible for 212 proposals, Commissioner affiliated with the Group of the Party of European Socialists (PSE) were responsible for 85, and Commissioners affiliated with the Group of Alliance of Liberals and Democrats for Europe (ALDE) for 59 proposals.

Political affiliation of EP rapporteurs is determined by their official membership to the EP political groups. Rapporteurs from the EPP-PD group were responsible for 214 proposals, rapporteurs from PSE for 132, rapporteurs from ALDE for 76, rapporteurs from the Group of The Greens-European Free Alliance for 19, and rapporteurs from the Group of European United Left-Nordic Green Left for 10 proposals. Rapporteurs from other groups were responsible for 10, and non-attached rapporteurs for 3 proposals.

Political affiliation of the Council Presidency raised another methodological question. Since the Presidency is held only for six months, and codecision process often takes longer to conclude, it was important to decide which Presidency is “the most crucial” for speeding up the process. Reh et al. (2011), for example, considered the Presidency at the time of conclusion of the agreement. However, the difference in our research questions (length of the process versus early agreements) calls for a different approach. As our question is not ‘at what stage’, but simply ‘when’, and lack of activity

or pushing for agreement by the first Presidency can amount up to six months of “lost time”, we think the Presidency in office at the beginning of the codecision is the most crucial in giving the impetus and speeding up the process. To account for differences in timing (at the beginning/end of the Presidency, which influences how much time the Presidency actually has to provide such impetus, but also because of the decline in pace at the end of each Presidency because of the summer or Christmas holidays), we consider ‘second’ Presidency in cases where the legislative proposal was adopted by the Commission less than a month before the end of the first Presidency.

For the second hypothesis, we identify the party affiliation of the Presidency as the affiliation of political party in government. In cases of coalition governments, we take into account only the political affiliation of the political party which had a majority of government ministers. In cases where no such majority was found in a coalition government, we consider such Presidency mixed in terms of party affiliation. There were in total ten EU Council Presidencies during the 6th European Parliament term. 150 proposals were initiated under the Presidencies with mixed political affiliation, 233 were initiated under EPP-ED Presidencies, and 97 proposals under PSE Presidencies.

For the first hypothesis, decision on operationalization of policy distance had to be made. Measuring policy distance of party political actors can be done in different ways. It is possible to distinguish between four principal sources of data (overview provided by Warntjen et al. 2008). The first of these sources are statements of political actors, being it party manifestos or speeches. The most comprehensive dataset on the political positions of actors is provided by document analysis, namely the Comparative Manifesto project (CMP) (Budge et al. 1987; Budge 2001; Klingemann 2006). Another document analysis approach to estimate political positions is based on a comparison of the frequency of words in different texts (Kleinnijenhuis and Pennings 2001; Laver et al. 2003).

A second method is to ask ‘experts’ (usually political scientists) to estimate the location of political parties in a variety of policy dimensions (e.g. Benoit and Laver 2006; Castles and Mair 1984; Laver and Hunt 1992). A third method is to use opinion poll data, where survey respondents were either asked to place parties directly on a given issue continuum (e.g. the ubiquitous left-right dimension) or their self-placement was combined with a question on their partisan affiliation (Mair 2001). A fourth method is to study the behaviour of actors (e.g. voting behaviour in the legislature) to infer their political position (Hix et al. 2007; Poole 2005). In this study, we decided to measure the policy position of the actors on the left-right scale and the distance between them according to expert survey data provided by Benoit and Laver (2006), which have also been used by others in similar research (Rasmussen 2007; Reh et al. 2011).

Each of the three key actors was rated on the scale 0–20, where 0 is extreme left and 20 is extreme right. The political position of Commissioners was determined by their affiliation to one of the political groups in the European Parliament (which was EPP, EPS, ALDE, or independent). The position of parliamentary rapporteurs was based simply on their membership of one of the political groups. The data on left-right positions of the EP political groups were taken from McElroy and Benoit (2007, 2010). The data on left-right political position of governments were kindly provided by Hosli,

Mattila and Uriot (as used in Hosli et al. 2009) who calculated it as weighted average of the left-right positions of national government parties (the weights being the number of ministers from a given party in the government), where the positions of national political parties are taken from Benoit and Laver (2006). More details on computing the left-right political position of the key actors can be found in the Appendix.

We thus operationalised two independent variables. The independent variable for the first hypothesis is the distance in left-right political position between the two most extreme actors on the scale 0–20. The independent variable for the second hypothesis is binary variable indicating the affiliation of the actors to the same political family, or lack thereof.

The depended variable is the length of the process for each proposal measured in days. It was calculated using the MS Excel 360Days function for the dates of the adoption by the Commission and the final adoption of the act.

#### 4. Analysis and results

We thus use 91 cases to test the first and 485 cases to test the second hypothesis. To test the first hypothesis, we calculated a Pearson's correlation between the distance in left-right political position (independent variable) and the length of process measured in days (dependent variable) between the two most extreme actors of the Commissioner responsible—EP rapporteur—first Presidency triad. The results did not prove any significant relation between the policy distance on the left-right scale of the three key actors and the length of the process,  $r = 0.175$ ,  $n = 91$ ,  $p = 0.097$ .

These findings are opposite to those of Klüver and Sagarzazu (2011) who found such policy distance relevant, but they had the advantage of studying a much longer period covering many terms of office, in which the European institutions were sometimes located at more distanced sides of the spectrum.

There are multiple explanations this result. First, the data on left-right political positions may not be fine enough to allow us to find a measurable pattern in relation to the length of the process. This problem can also be highlighted by the fact that data on left-right positions slightly predate the 6th parliamentary term; those for the EP groups are based on the 1999–2004 parliamentary term and those for national party positions were collected mostly in 2003.

Second, these may not be the “right” data on left-right policy distance—data on actual policy preferences on specific legislative proposal would be surely more precise. Of course, this would also move the reasoning behind our hypothesis from simple closeness of overall left-right political attitudes as a social facilitator of negotiations to closeness of specific policy preferences as a factor that positions the actors closer to the final compromise at the beginning of negotiations.

Third, the distance in political positions on a left-right scale can still play a role, however, political positions of certain actors, even those not included in our data, may carry more weight. For example, specific actors that have more interest in a given issue that others for various reasons (such as some Member States, specific MEPs etc.), would probably be more active in the decision-making process and thus their left-right

political position should carry more weight in the analysis.

Fourth, other cleavages may have more impact on complexity or length of the legislative process, such pro- vs. anti-integration, net payers vs. net receivers etc. Fifth, certain type of cleavages may play more significant role in certain policy areas. The left-right cleavage could be more important in areas like social policy etc.

To test the second hypothesis, we conducted two-sample *T*-test with unequal variances for three cases. The results of all three analyses are presented in Table 1.

**Table 1.** Actors' affiliation the same political family and the length of the codecision process

Actors analysed	Affiliation	Obs.	Mean	Deg. of freed. (Satterthaite) <i>r</i>	<i>t</i> -statistic	<i>p</i> -value
All three actors	different	437	649.7185	90.2528	4.4092	0
	same	48	479.5208			
Rapporteur and pres	different	346	609.9220	193.3560	-1.6451	0.1016
	same	139	690.0072			
Commissioner and rapport	different	359	654.4986	302.3320	2.2491	0.0252
	same	126	571.2619			

Note: Dependent variable – length.

The results of the first analysis clearly show that if the Commissioner responsible, EP rapporteur and the first Council Presidency responsible for the file are affiliated to the same political family (EP political group), the codecision process will be significantly shorter.

Moreover, as political affiliation of the rapporteur (whose political affiliation is by nature the strongest and the most clear one) and either the Commissioner or the Presidency to the same political family can also prove significant on its own, we also tested for these relations.

The political affiliation of the EP rapporteur and the Commissioner to the same political family also have statistically significant impact on decreasing the length of the codecision procedure, although the results are even better if all three key actors come from the same political family. The affiliation of the EP rapporteur and the first Council Presidency to the same political family did not prove significant.

These results show significance of affiliation of the key actors to the same political family as did the findings of Rasmussen (2007). However, while she found the political coherence between the EP rapporteur and the Presidency<sup>1</sup> relevant for the conclusions of early agreements (the only one tested), our results show that this factor is not relevant for the total length of the codecision. On the other hand, our analysis shows that relations between all three actors and the EP rapporteur and the Commissioner are highly significant.

<sup>1</sup> Rasmussen(2007) says she uses the affiliation of the Presidency at first/second reading; however it is unclear how she deals with cases lasting longer than just one Presidency.



## 5. Conclusions

This paper dealt with the relevance of political affiliation for the length of the decision-making process. We did not find any support for the hypothesis that smaller left-right policy distance decreases the length of the decision-making; however, we did confirm that affiliation of the key actors to the same political family does.

Based on this, we can formulate two main conclusions that complement the existing research on significance of belonging to the same political family.

First, we can now compare our results that examine the length of the decision-making with results of those who investigated the so called early agreements. Comparing our results with those of Rasmussen (2007) would seem to suggest that Presidency has more chance to achieve the final agreement on an “early” stage, i.e. first or second reading, than to considerably speed up the process.

Second, despite the fact that the Commission is officially supposed to be non-partisan, we have shown that political affiliation of the Commissioner responsible for the dossier does matter, and it does help to have the Commissioner and the EP rapporteur from the same political family, even if the Presidency has a different political affiliation. Even if it is the EP and the Council who act as co-legislators in the codecision and have official veto powers, this finding should not be so surprising. After all, Commissioner and EP rapporteur are those actors who have higher chances of remaining responsible for the dossier for the whole duration of the decision-making process.

Our findings also point to the strength of the two largest EP groups: EPP-ED and PSE, as only those affiliated to these party families have a chance of finding their counterparts in the other two positions that would share their political affiliation. (Note: There were only nine cases of both Commissioner and EP rapporteur from ALDE in five years.)

Many questions remain. Studies like this one are limited by the number of actors that can be included in the analysis to make it possible. It is clear that there are other important actors that may play crucial roles, especially if we consider increasing informality of codecision practice. These could be actors who find the issue highly salient. They can be affiliated to either of the three institutions, but mainly the EP (MEPs, groups of MEPs, national delegations) and Council (some Member States, or even only some national ministers dealing with the issue). Selecting actors with deeper interests in specific issues could seem logical, but would be almost impossible to operationalise rigorously. Similarly, different weights could be given to actors based on which stage of the legislative process they were active or were in office (see e.g. Thomson 2008 for the influence of starting and finalising presidencies). To answer what are the roles of different other actors in codecision, we will have to turn from quantitative analysis to more qualitative, but intensive studies.

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## Appendix

### Measurement of policy positions

Values of the left-right policy position for each political group in the European Parliament are taken from McElroy and Benoit (2007, 2010) who calculated the positions on the basis of results of an expert survey of the policy positions of European party groups conducted in April-June 2004, and those of expert surveys of the policy positions of European national parties conducted in 2002–03 by Benoit and Laver (2006). Each EP group was scored on a 20-point scale from extreme right policy position (20) to extreme left position (0). The left-right position is an aggregate position calculated from substantive policy positions of the measured parties on (i) increase spending versus reduce taxes; (ii) the relative liberalism of ‘social’ policy; (iii) pro-growth versus pro-environmental policy; (iv) pro-deregulation versus anti-deregulation; and (5) stances towards the scope of EU authority. The values used for political groups of the 6<sup>th</sup> European Parliament (2004–2009) in our analysis are presented in Table A1.

**Table A1.** Values of left-right policy positions of the political groups of the 6th European Parliament

EP Group	Full Name of the Political Group in the European Parliament	Policy Position
ID	Independence/Democracy	17.1
UEN	Union for Europe of the Nations	16.5
EPP-ED	European People’s Party/European Democrats	12.6
ALDE	Alliance of Liberals and Democrats for Europe	11.8
PES	Party of European Socialists	7.4
Greens	The Greens/European Free Alliance	5.1
GUE	European United Left/Nordic Green Left	3.6
NA	Non-Attached	n

Note: Three of the groups held different names in the 5th EP (1999–2004): ID – Europe of Democracies and Diversities (EDD), EPP-ED – European People’s Party (EPP), ALDE – European Liberal Democrat and Reform Party (ELDR).

Policy position of each Rapporteur was identified by his/her official membership to one of the political groups in the European Parliament. In case of proposal were more Rapporteurs from different political groups were responsible a weighted average of their policy positions were used.

Policy position of each Commissioner was identified by his/her informal affiliation (based on their national party membership or their political declaration) to one of the political groups in the European Parliament. In case of proposal were more Commissioners from different political groups were responsible a weighted average of their policy positions were used.

Policy position the EU Council Presidency was calculated as a weighted average policy position of the parties in government of the given country in the given half-year.

**Table A2.** Values of left-right policy positions of EU Council Presidencies

Half-year	Member State	Government's Policy Position
2004b	NL Netherlands	14.21
2005a	LX Luxembourg	10.9
2005b	UK United Kingdom	10.9
2006a	AU Austria	15.15
2006b	FI Finland	10.6
2007a	DE Germany	10.83
2007b	PT Portugal	8.7
2008a	SI Slovenia	13.97
2008b	FR France	14.3
2009a	CZ Czech Republic	11.49

National party positions were taken from Benoit and Laver (2006). Table A2 shows values of policy position for each EU Council Presidency in the period covered by our analysis.