

# **Role of political affiliation across the European institutions in the dynamics of the EU legislative process**

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## **Abstract**

This paper addresses a question of the impact of party political affiliation on the pace of the legislative process of the European Union.

The analysis is based on a dataset of all legislative proposals initiated by the European Commission between May 2004 and June 2009 and reported by EU-oriented news services, and contains the party political affiliation of the Commissioner(s) responsible for the legislative proposal, respective rapporteur(s) in the European Parliament and Presidency of the Council or the Council as a whole for the months between the adoption of the proposal and the final adoption – rejection or withdrawal of the act. We hypothesise that closer the political affiliation of the actors involved, shorter the length of the legislative process.

In effect, the paper aims to contribute to study of importance of political ties and cleavages in the European integration.

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## 1. Introduction and research design

This paper represents a first step in a research project aiming to examine the impact of different factors, notably of political affiliation, at the inter-institutional dynamics of EU legislative process. In this paper we examine the impact of left-right political position of key actors on the length of co-decision procedure.

Of course, there are other factors that play an important role in influencing the length of the European decision-making in general, such as divergence in Member States' positions, voting rules in the Council, participation of the EP (König 2007).

Hoever, the relevance of political party affiliation and political positions in EU decision making has been suggested and studied by many researches and for various European institutions as a whole, mostly concluding that partisan or left-right cleavages might not always be the most prominent ones, but often playing some role in the decision-making. (For inter-institutional account see e.g. Hix 1999, 2008, Lindberg, Rasmussen & Warntjen 2008, for the European Parliament Lindberg 2008, Rasmussen 2008 etc.) However, most of the research is focused on voting cleavages or coalitions, e.g Raunio 1997 , Hix et al. 2006 for the EP, Mattila 2004, Hosli 2007, Hageman & Hoyland 2008, Hosli, Mattila & Uriot 2009 for the Council.

We try to look at the importance of the left-right cleavage from a slightly different perspective. If indeed the left-right political position plays a role, we would expect that greater differences in political positions among the key actors negatively influence the length of the legislative process. Similarly, recent studies focused on partisan linkages between the EP and the Council in the co-decision procedure conclude that partisan linkages might help reduce the length of legislative process. Hoyland (2006), after having examined all the proposals initiated between 1999 and 2003, shows that conclusion of the Council-EP negotiations takes place earlier if the EP rapporteur comes from a national party that is a member of a government coalition. Rasmussen (2008) who examined all the first readings in codecisions between May 1999 and April 2004 shows the chance of early conclusion of the legislative process is increased if the EP rapporteur and the Council Presidency are of the same party family.

In this paper, we take into account distance in left-right policy positions and hypothesise that

*the greater the distance in political positions among the key actors involved, the longer the legislative process will take.*

As indicated above, in the first phase of this project we decided to focus on co-decision, as it is the legislative procedure where the actors are relatively equal and all can be seen as veto players as both the EP and the Council can reject the proposal and the Commission can withdraw the proposal. However, as only the EP and the Council are the actors who actually adopt or reject a legislative proposal, we were also interested in distance of political positions of representatives of these two institutions.

We decided to measure political positions of key actors always present in the triologue, which usually are (a) the EP rapporteur for the dossier, (b) a representative of the Council Presidency (e.g. President of the COREPER) and (c) the representative of the Commission, usually the Director, Director General or the Commissioner responsible for the proposal (Reh 2008), although others may be involved. As some research points out that Presidency often acts as a broker rather than an advocate of its own positions (Tallberg 2004) or has limited influence over the outcome of Council decision-making by timing of Council's work (Thomson 2008), we also used the data on the average Council left-right position in place of the data on Presidency position.

Policy position of party political actors can be measured in different ways. It is possible to distinguish between four principle sources of data (overview provided by Warntjen, Hix and Cormbez 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, 2001; Klingemann et al. 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: 164–6; 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. Castles and Mair 1984; Laver and Hunt 1992; Benoit and Laver 2006). 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 (Poole 2005; Hix et al. 2007).

In this paper we have decided to measure the policy position on the left-right axes of the actors and the distance between them according to expert survey data provided by Benoit and Laver (2006).

We decided to test in this first round only those legislative proposals that were reported on by media, as we expect those to be more publicly and politically attractive and therefore more likely to be disputed along left-right cleavage.

## **2. Data description**

The data we used are based on the Prelex database, archives of Euractiv and Financial Times and policy positions of European political parties and national political parties as defined by Benoit and Laver (2006) and calculated for national governments by Hosli and Uriot (2009)

We used the Prelex to create a larger database on inter-institutional decision-making in the period of first five years after the Eastern Enlargement, also coinciding with the term of the sixth European Parliament. We derived a subset of this database for the purpose of this paper, containing all proposals subjected to the co-decision procedure. It includes (a) identifications of all proposals (COM number, inter-

institutional number, name of the proposal, type of the proposal (directive, regulation etc.), (b) dates related to the process (adoption by the Commission, transmission to the EP and Council, final adoption of the act), where the length of the legislative process was calculated using the MS Excel 360Days function, and (c) actors responsible for the proposal, i.e. Commissioner responsible, Directorate General responsible and rapporteur(s) in the European Parliament.

Moreover, as explained above, we decided to include only those proposals that were reported on by news services in relation to drafting, discussing and adopting them. We chose Euractiv and Financial Times, as these do report on EU affairs regularly (Euractiv being an EU-oriented websites and Financial Times known as one of the national media with best coverage of European affairs). We decided to include in our analysis only those that were reported on by both selected media at least once and at the same time at least twice by either Euractiv or Financial Times.

The dataset thus created was completed by adding information on left-right political position of actors involved in the legislative process. As indicated above, we have selected the Commissioner responsible for the legislative act concerned, the respective rapporteur(s) in the European Parliament and presidencies of the Council of European Union in the course of legislative process, in parallel test replace with the Council as a whole (equally in the course of legislative process). Each of these three 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 either the 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&Benoit 2010.<sup>2</sup>

The left-right political position of the Council and the Council presidencies was calculated as average of left-right political position of governments of the Member States that held the Council presidency in respective periods. We did not include presidencies that covered less than a month of the given legislative process. The political position of the Council was calculated as simple average of political positions of the governments. (We decided not to use weighted average with weights being the votes in the Council, because of the consensual nature of Council deliberations, however, the difference would be rather marginal in any case.) The data on left-right political position of governments were kindly provided by Hosli, Mattila and Uriot (as used in Hosli, Mattila and Uriot 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).

Thus we arrived at a dataset consisting of 115 cases. We 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 (independents). The final dataset for analysis thus consists of 91 cases.

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<sup>2</sup> It has to be mentioned that the political positions were calculated for the fifth European Parliament 1999 - 2004, which may cause certain imprecision into our analysis (especially in case of the EPP in the 5<sup>th</sup> Parliament and EPP-ED in the 6<sup>th</sup> Parliament).

### 3. Analysis and results

To test our hypothesis, we used SPSS to calculate correlation between the distance in left-right political position (independent variable) and the length of process measured in days (dependent variable).

Four tests were run, where the distance in left-right political position was defined as

(a) the greatest distance between left-right political positions of any two actors out of the Commissioner responsible – EP rapporteur(s) – Presidency(-ies) triad,

(b) the greatest distance between left-right political positions of any two actors out of the Commissioner responsible – EP rapporteur(s) – Council triad (to avoid any negative impact the mediating nature of the Presidency's role in the Council might have on the importance of its own political position);

and, to include only representatives of those actors who actually decide on the (non)adoption of a legislative proposal

(c) the distance between left-right political positions of the EP rapporteur(s) and the Presidency (-ies),

and, (d) the distance between left-right political positions of the EP rapporteur(s) and the Council.

The results of all four tests are presented below in the form of charts.

Chart 1. Correlation between the greatest distance between left-right political positions of any two actors out of the Commissioner responsible – EP rapporteur(s) – Presidency(-ies) triad and the length of the process

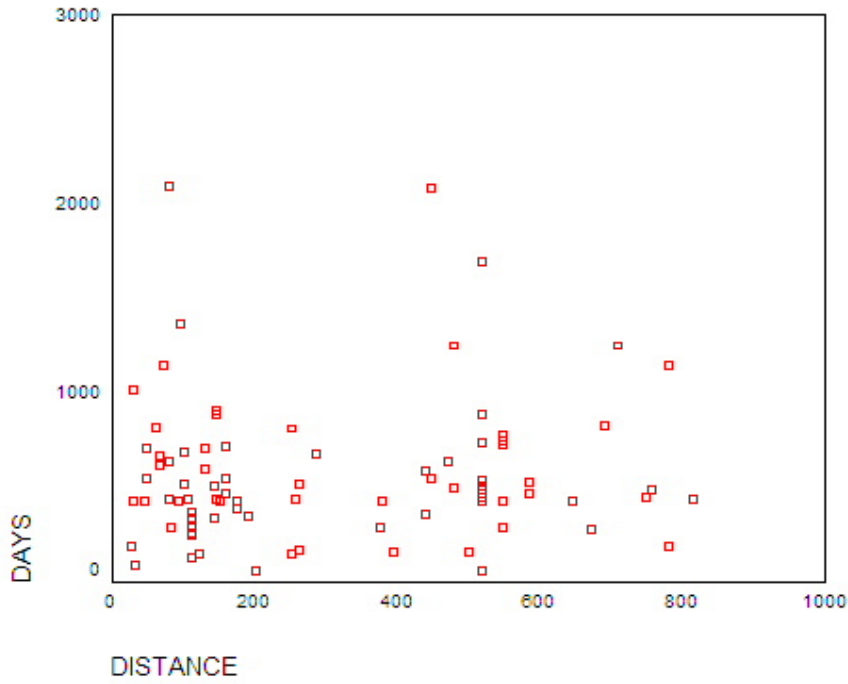


Chart 2. Correlation between the greatest distance between left-right political positions of any two actors out of the Commissioner responsible – EP rapporteur(s) – Council triad and the length of the process

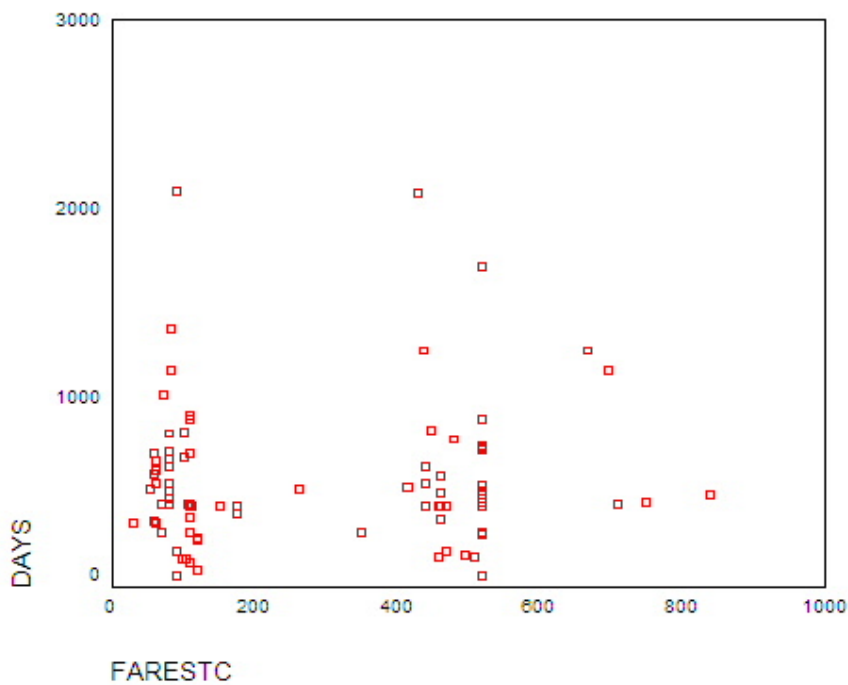


Chart 3. Correlation between the distance between left-right political positions of the EP rapporteur(s) and the Presidency (-ies) and the length of the process

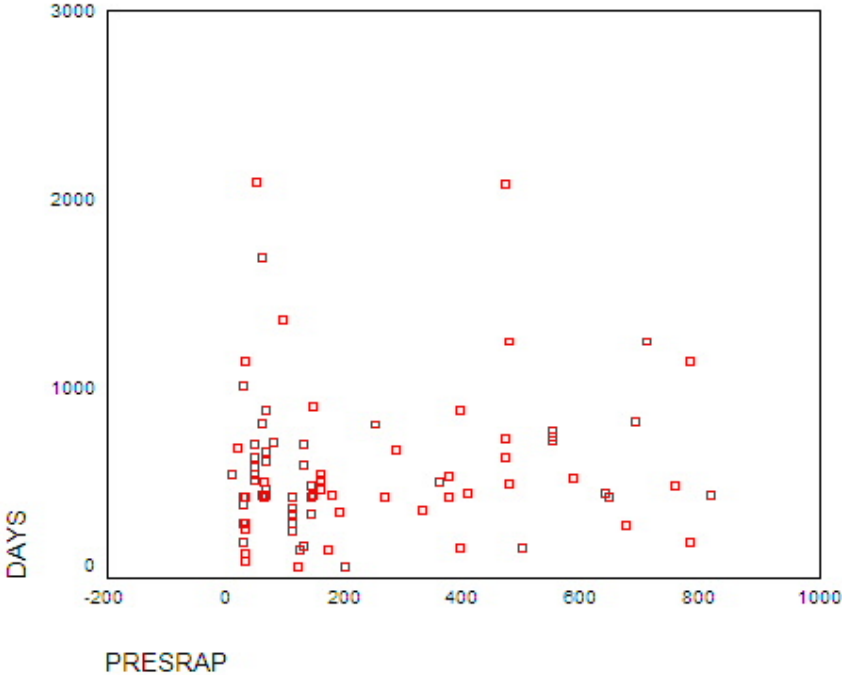
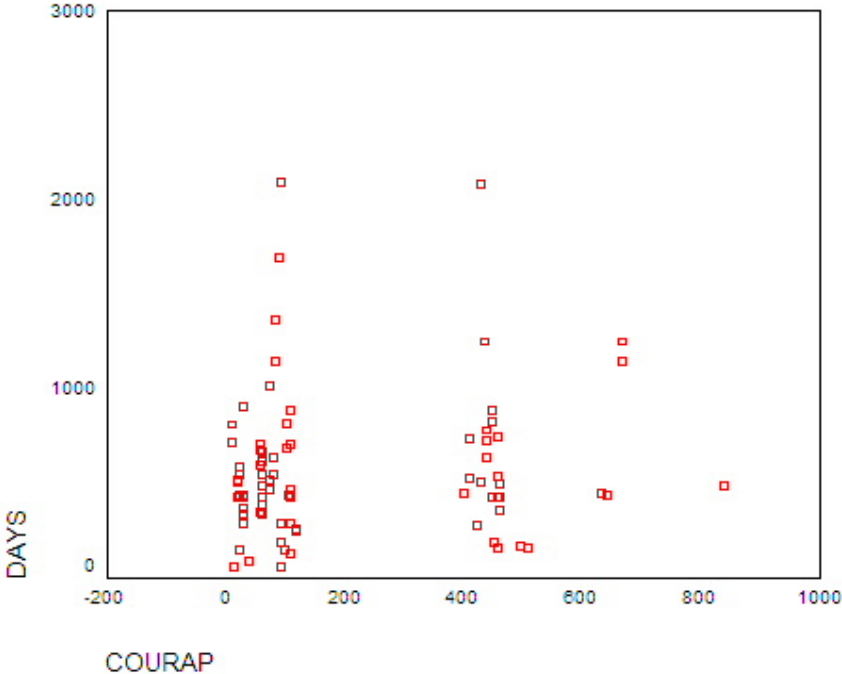


Chart 4. Correlation between the distance between left-right political positions of the EP rapporteur(s) and the Council and the length of the process



Clearly, the data shows no correlation between the distance of political positions of selected actors and the length of the process, which would falsify our original hypotheses. We need to search for other explanations.

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.

Second, these data may not be precise enough, as the data on left-right position we use are unfortunately not updated, since those for the EP groups are based on the 1999-2004 parliamentary term and those for national party positions were collected mostly in 2003. Moreover, due to the long duration of the legislative process, several actors of different political position get involved, which results in averages that make the left-right distance too insignificant.

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 so far, may carry more weight. For example, the first presidency that deals with the proposal may be more important as it is the one that does (or does not) launch the decision-making process in the Council. Specific actors, that have more interest in a given issue than 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.

Third, other cleavages may have more impact on complexity / length of the legislative process, such as pro- / anti- integration, net payers / net receivers etc.

Fourth, certain type of cleavages may play more significant role in certain policy areas. The left-right cleavage would probably be important in areas like social policy etc.

#### **4. Conclusions**

This paper represents only a first step in our research of conditionality of the length of legislative process. The test we have conducted on our data has showed as there is no correlation between left-right party political position and length of the legislative process, leaving us without sufficient explanations. There are several possibilities of how to proceed.

Extending the data set to all legislative proposals under co-decision in the given period would not only expand the data set but also remove the possible bias created by the case selection used in this paper, although we still agree with the logic behind our original decision. Expanding the data set would also enable us to create useably large policy-specific subsets, thus allowing us to test the relevance of the left-right cleavage only on some policies, as suggested above. Testing of other cleavages, such as the pro-/anti-integration or net payers/receivers cleavage would also be a logical next step.

Including other actors than those tested in this paper would be more problematic, especially regarding the selection of such actors. Selecting actors with deeper interests in specific issues could seem logic, but would be almost impossible to operationalize rigorously, and could be probably done only on the basis of a very extensive qualitative research, and even then only for a rather limited subset of



legislative proposals. On the other hand, different way of coding the political affiliation could be introduced. For example Rasmussen (2007-10) in her research in early agreements only distinguishes whether the key negotiators (i.e. presidency and rapporteur) are from the same party or not, regardless of left-right preferences of those parties.

It would also be possible to limit the period tested only to the first reading, which would limit the number of actors involved only to those who were decisive in the given period. Similarly, different weights could be given to actors based on which stage of the legislative process they were active / in office (e.g. for influence of starting/finalising presidencies see Thomson 2008).

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