

What is the real effect of “early agreements” on the potential impact that the European Parliament has on the final legislative outcome within the Codecision legislative procedure?

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Abstract

Amsterdam treaty gave both EU legislative institutions the opportunity to decide legislation on first reading. During the last legislative term (2009-2014) this practice has been highly appreciated by the EU legislative bodies and above 85% of the EU legislation has been decided through early agreements. This thesis examines the effect of early agreements on the potential impact that the European Parliament (EP) is able to make on the final legislative outcome. The theory used in this study is the theory of the New- institutionalism and more precisely historical institutionalism and rational choice institutionalism. In order to assess what effect the early agreements have on the ability of the EP to make an impact on the final legislative outcome two carefully selected cases have been compared, using the method of amendments examination. The first case is decided on conciliation committee while the second one is decided on first reading. The comparison of both cases is based on four factors derived from the body of literature – coherence, expertise, sensitivity to time limitation and sensitivity to failure of an agreement. The qualitative analysis of the data shows that early agreements have positive effect on the ability of the European Parliament to make an impact on the final legislative outcome.

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Abbreviations

ACP- Africa, Caribbean and Pacific

AFET- Committee on Foreign Affairs

AGRI- Committee on Agriculture

ALDE- Alliance of the Liberals and Democrats in Europe

BUDG- Committee on Budget

DCI – Instrument for development cooperation

EC- European Commission

ECOFIN- the Council configuration for financial affairs

EP- European Parliament

EPP- European People`s Party

EU- European Union

FEMM- Committee on women`s right and gender equality

INTA- Committee on international trade

LIBE- Committee on Civil liberties, justice and home affairs

MEP- Member of the European Parliament

MFF- Multiannual Financial Framework

QMV- Qualified majority voting

S&D – The European Parliament party group on socialist and democrats

TFEU – Treaty of Functioning of the European Union

Introduction:

The European Parliament (EP) is one of the two legislative institutions of the European Union (EU) and at the same time is the only one directly elected by the European citizens since 1979.

In 2009, only two years after the end of the Eastern enlargement and in the beginning of seventh legislative term for the EP, the Lisbon Treaty turned into force. It has made the role of the European Parliament and the Council of the European Union (the Council) in the decision-making process equal by laying down the co-decision legislative procedure as an ordinary (Costa, Dehousse, Trakalova, 2011: 1). After the Lisbon revision, 85 areas of the European legislation are decided through the ordinary legislative procedure (EP, 2012a: 5). As a result of the extending the scope of Codecision some unintended consequences have emerged such as slowing down the legislative process (Häge and Kaeding, 2007). In addition, the Treaty of Amsterdam gave the Council and the European Parliament the opportunity to decide the legislation on first reading (Ruiter and Neuhold, 2012: 537) and this opportunity became a norm (EP, 2014a). The so called early agreements being almost entirely informal (Farrell and Heritier, 2003) and secret (Reh, 2013) raised a range of questions about their legitimacy and the accountability of the legislative bodies.

But they also set the questions about the role of the European Parliament in these informal negotiations. Being the only directly elected European institution it has struggled for more and more power since 1979 and has won the battle with the Lisbon Treaty that gave it the power to be an equal footing co-legislator. However, the format of these informal negotiations gives rise to the doubts about the real impact of the European Parliament on the legislative outcome. Therefore, it is necessary to be tested whether the European Parliament is equally influential by the formal and informal procedure with respect to its real impact on the final outcome. By comparing the final outcomes of two legislative acts- one for the formal and one for the informal procedure- this study will answer the question is there any difference by the impact of the EP on the final legislative outcome by both procedures.

Chapter 1: Problem Analysis

This chapter will discuss the development of the co-decision procedure and the growing trend of the early agreements in the legislative process. Attention will be paid to what are the advantages and problems related to the early agreements and how the issue this study addressed is academically and socially relevant.

1.1. Development of the co-decision procedure

The co-decision legislative procedure was introduced with the Maastricht Treaty in 1993. Its introduction was motivated by the desire of politicians to overcome the “democratic deficit” (Farrell and Heritier, 2003: 6) that has increased after the change of the voting rules in the Council and adoption of the qualified majority voting (QMV), since the control of national parliaments has been reduced (Rittberger, 2005 in Thomson and Costello, 2013: 1025). It was supposed that involvement of the European Parliament in the legislative process of the European Union will enhance the transparency and accountability (Farrell and Heritier, 2003: 6). Additionally, citizens would have a direct channel to influence and control the European Union decision-making process, because the European Parliament is the only institution directly elected by them (Thomson and Costello, 2013: 1025). This would bring the EU closer to the people and would contribute to the legitimacy of the European institutions and legislative process in general. With the introduction of the co-decision, there was a distribution of power from the Council to the European Parliament, since the later one became a co-legislator (Thomson and Costello, 2013: 1027).

In its first version, the co-decision had three stages (readings). If the Council cannot adopt all of the European Parliaments` amendments on second reading, than the conciliation committee has to be constituted between the second and third reading. The conciliation committee consisted from equal number representatives of the European Parliament and the Council and representatives of the Commission. The aim is a “joint text” to be adopted that is a compromise between the positions of both institutions (Häge, 2011: 21). However there is a consensus among the authors that the first version of the co-decision (Co-decision I) was in favor of the Council, rather than to empower the European Parliament (Crombez, 1996; Tsebelis and Garrett, 2000, Thomson and Costello, 2013:1025), because according to the Maastricht Treaty, if both institutions cannot reach a consensus (joint text), the Council could reintroduce its common

position on third reading and to adopt it by unanimity (Häge, 2011: 21; Cygan, 2013: 100). In addition, when established in 1993 the co-decision (I)¹ had covered very limited number of policy areas. The Treaty revision from Amsterdam (1999) has brought number of changes, followed by changes of the Nice Treaty (Costa, Dehousse, and Trakalova, 2011: 1).

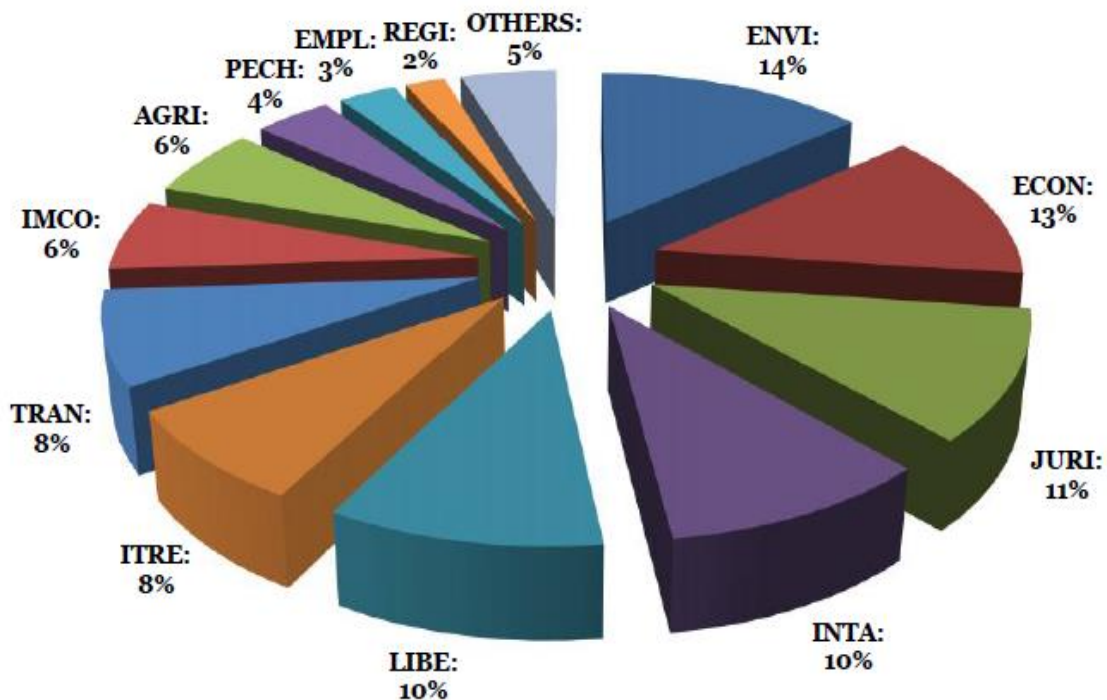
Firstly, changes have been made to the last stage of the procedure. According to the new version (Co-decision II), if a consensus has not been achieved within the conciliation committee, than the legislative act failed (Häge, 2011: 21). If a consensus has been reached, then the act has to be approved by the plenary in the European Parliament and by the Council. Additionally, the Treaty revision has extended the scope of the co-decision to policy areas previously covered by the cooperation procedure (Häge, 2011: 21). The scholar community is united around the opinion that the co-decision II has empowered the European Parliament and it has become, on theory, equally powerful co-legislator together with the Council (Thomson and Costello, 2013: 1025).

According to the revised version of the co-decision, (TFEU, art. 294), the Commission has to submit its legislative proposal to the European Parliament and the Council. The European Parliament has to adopt its position on first reading and to send it to the Council. The Council can approve it (then the act becomes a legislation) or reject it (then it has to adopt its own position and motivation for rejection of the EP's position and to send them to the European Parliament). Then within three months the European Parliament can adopt, reject or amend the Council's first reading position. If being amended, within three months the Council can approve or not the European Parliament's amendments. If the Council does not approve them, "*the President of the Council, in agreement with the President of the European Parliament convene a meeting of the conciliation committee*" (TFEU, art. 294, 8b). The conciliation committee is composed by equal number representatives of the EP and the Council and their task is to reach a compromise on a joint text within six weeks. If such a compromise could not be reached, the proposed act cannot be adopted. The proposed act shall be deemed not to have been adopted in case that a joint text has been adopted within the conciliation committee, but the plenary and the Council do not vote in favor of it (TFEU, art. 294).

¹ In the body of literature the co-decision procedure introduced with the Maastricht Treaty is called Co-decision I, while the revised co-decision procedure with the Amsterdam Treaty Co-decision II (Kasak, 2004: 242).

Observation of the procedure in the European Parliament Legislative Observatory show that the whole procedure with all its stages takes about two years. With extending the scope of the co-decision the amount of legislative acts covered by it has increased significantly and as a result the process became slower (Häge and Kaeding, 2007). On Figure 1 it can be seen which committees are most often involved in the co-decision legislative procedure. The data is valid for the last parliamentary term (2009-2014).

Figure 1 : Distribution of Codecision files adopted from July 2009 until October 2013 by Parliamentary committees



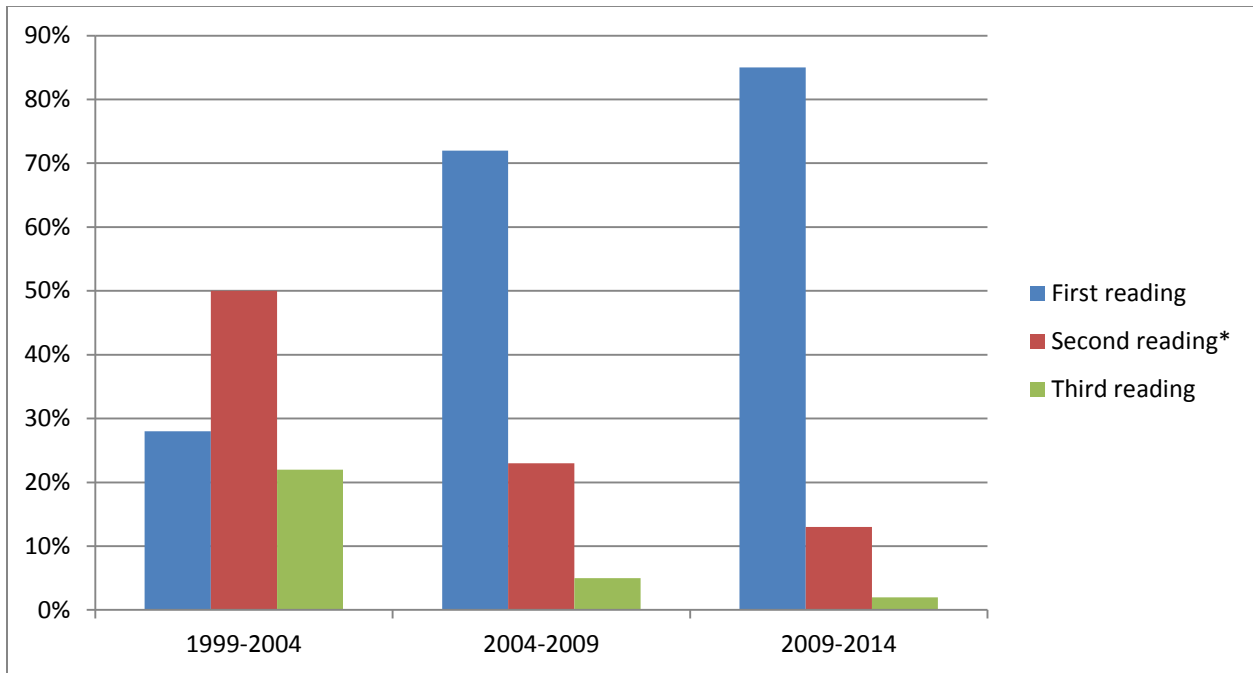
Source: The figure is taken from the European Parliament, Conciliations and Codecision Secretariat Conference report, "20 Years of Codecision", 5th November, 2013

With the Amsterdam Treaty, both legislative institutions were given the opportunity to accelerate the process by adoption the legislative act on first reading (Ruiter and Neuhold, 2012: 537).

1.2. Establishment of the early agreements

The statistic shows the opportunity for first reading agreement was highly appreciated by both institutions. For the last three legislative terms of the European Parliament, the percentage of legislative acts adopted on first reading has increased dramatically, reaching at the end of the 7th term 85%, as can be seen on Figure 2 (EP, 2014a). This opportunity has led to the establishment of the institution of the 'early agreements'.

Figure 2 Figure N: Developing of first reading agreements



Source: The data is collected from European Parliament, Conciliations and Codecision Secretariat Conference report “20 Years of Codecision”, 5th November, 2013; Conciliations and Codecision Statistics on concluded Codecision procedures by signature date. The graph is made by the author of this study.

*The second reading column includes as well the “classical second reading”, as the “early second reading” agreements.

Originally the institution of the ‘early agreements’ was established as informal instrument for negotiations before the conciliation committee in order the Council and the European Parliament to reach a compromise agreement at the last stage (Farrell and Heritier, 2003: 7). However, they have occurred within a trilogue between the Council, the Commission and the European Parliament, where strong rules have shaped the process and guaranteed transparency and accountability from the negotiation team (Farrell and Heritier, 2003: 7). In addition, at least on theory, the balance of powers, established with the Amsterdam Treaty, has been preserved due to the rules of the procedure (Farrell and Heritier, 2003: 21). The Amsterdam Treaty gave European legislative institutions an opportunity to organize a trilogue within informal meetings where to reach an agreement on the given dossiers just before the first reading in the European Parliament (Farrell and Heritier, 2003: 19). The difference between the former ‘early agreements’ and the current ‘early agreements’ is that by the latter there are no written rules and the information for the process within the trilogue is not publicly accessible.

In order to define the problem that will be addressed by this study it is necessary first to explain the construction of these informal trilogues – how they happen, who participate, who has the leading role and why this approach is criticized by the scholars.

When the Commission submits the legislative proposal to the Council and the European Parliament, within the EP, the dossier is allocated to the committee responsible, where the rapporteur is assigned. The rapporteur is the one who works on the EP's position and coordinate the process on the side of the EP (MEP, Interview, 1st of April, 2014, Brussels). The committee responsible decides whether or not to request for informal procedure and the decision is taken by the Council Presidency and the responsible committee (MEP, Interview, 1st of April, 2014, Brussels). While the formal political process includes all the legitimate decision-makers, these informal meetings are restricted and Reh (2013) argues that it is not publicly known who the participants are and how they have been chosen to represent both institutions (Reh, 2013: 6). Actually, it is known who participates in the trilogue, at least, EP's representatives. Although these informal meetings are not structured by “*codified rules*”, some clarifications have been made with the introduction of *rule 70 in the Rule of Procedure* (EP, 2014, b). As a not written rule the rapporteur, the shadow rapporteurs and the coordinators of the party groups (all of them are publicly known from the beginning of the procedure), plus some administrative staff participate on the side of the EP. In addition, if an associated rapporteur is assigned, he/she also takes part in these informal trilogues. On the side of the Council participants are representatives of the Council Presidency. The Commission officials are also presented. The overall number of participants is about 60 people (MEP, Interview, 1st of April, 2014, Brussels)². Because there are no formal rules, each rapporteur decides for him/herself how to lead the negotiations. Some of the rapporteurs divide the process into two stages- technical and political- in order to agree as much as possible on the base of technical expertise and only highly sensitive political questions to remain for the final stage. The trilogue starts when the European Parliament and the Council compose their still unofficial positions (MEP, Interview, 1st of April, 2014, Brussels, a). On the base of these positions a four-column working document is drafted, where the preferences of the actors are included (EP, 2013 a: 23). The rapporteur is given a mandate to lead the negotiations and regularly report to the working group within the committee and to the chair of the committee

² The MEP has significant experience in trilogues as a rapporteur and shadow rapporteur. Additionally he was main rapporteur for the MFF 2014-2020.

what is the progress on the negotiations (MEP, Interview, 1st of April, 2014, Brussels). However, there is no public information about the informal trilogues, the positions of both institutions and compromises made by them. The information is accessible to the rest of the MEPs who do not participate in the trilogues, but only if they are searching for it (MEP, Interview, 1st of April, 2014, Brussels, b).

Even if reached during the informal meetings, the agreement has to be formalized through the official channels, that means the EP and the Council have to vote in favor or against the already agreed compromise position (MEP, Interview, 1st of April, 2014, Brussels, b). The European Parliament and the Council have to adopt their official positions. But here arises another problem. Being reached during an informal trilogue, most often the agreement is not discussed in the plenary. Even if the MEPs formally have the right to suggest additional amendments during the first reading, according to Rasmussen and Schackleton (2005) they face “*strong political pressure not to open again the question*” (Rasmussen and Schackleton, 2005 in Reh, 2013: 7). Hence, on the one hand participants in the trilogue are very limited number, defending unclear for the most of the MEPs position during the informal meeting and on the other hand during the “discussions” and voting in the plenary MEPs *de facto* are not allowed to require changes or discuss it broadly, but just to trust the rapporteur (Reh, 2013: 8). Farrell and Heritier (2003) share the opinion that using the above mentioned circumstances larger member-states can use their influence in the EP, which comes from the huge number of MEPs they have (most often in both biggest parties), in order to manipulate the legislative process in a “*non-accountable and non-democratic fashion*” (Farrell and Heritier, 2003: 8). In other words, early agreements change the relationship between Council and Parliament. This statement is enhanced by the argument that to huge extent the pivot actor who decide whether a legislative dossier to be adopted by early agreement or by the formal procedure is the Council Presidency. Hence, it seems like „*the European Parliament is used just as an “instrument for reaching Presidency priorities”*” as soon as possible, due to the time limitation of the Presidency (Farrell and Heritier, 2003: 9). In addition, MEPs argue that on this first stage of the negotiations, both institutions are more flexible (MEP, Interview, 31st of March, 2014, Brussels). However, significant role play the Council’s voting rules. If on a given dossier a blocking minority has been formed in the Council or in case of unanimity and some of the member states (especially some of the more powerful member states) are not liable to compromise, it can be expected that the European Parliament

will be more flexible, because for the rapporteur it is easier to form a huge majority, (MEP, Interview, 1st of April, 2014, Brussels, a).

Furthermore, institutionalization of the early agreements and broadening the scope of the co-decision procedure, have led to involvement of more committees in the negotiation process, or the so called associated committees (Farrell and Heritier, 2004). Judge and Earnshaw (2010) argue that early agreements empowered some of the actors at the expense of the others (Judge and Earnshaw, 2010: 55). The so called “relais” actors, who are direct involved in the informal negotiation process gain significant advantages at the expense of the other members of the committees and mostly in comparison with the rest of MEPs (Farrell and Heritier, 2004: 1190). As a result, the asymmetry between participants in the trilogue and the rest of the committee and MEPs has increased. In addition, due to the mechanism of reports allocation, small party groups are not equally represented in these informal negotiations, (Yordanova, 2010: 98). All these changes in the institutional set might lead to emergence of conflicts among the European Parliament that gives advantages to the Council for maneuvering.

1.3. Research question

The small number of relais actors who participate in the trilogue, together with the lack of formal rules and procedure that to regulate the bargaining process and impossibility of the society and the most of MEPs to follow the negotiation process, set the question about the legitimacy. However, the more important question that can be addressed here is about the ability of the EP to defend its interest and to make an impact on the final legislative outcome. On the one hand there is no publicity; on the other hand, it turns out that the European Parliament is more flexible than the Council. Moreover, the lack of rules and publicity might increase the chance of member-states to influence at least MEPs who represent their country. In addition, it is expected the involvement of more committees in the process to create conflicts among them. Inclusion of the Council preferences in the position of the EP on first reading makes it difficult to identify what are exactly the preferences of the EP and are they incorporated in the final outcome. All the arguments presented above lead to the central research question:

“What is the real effect of early agreements on the potential impact that the European Parliament has on the final legislative outcome within the Codecision legislative procedure?”

To find the answer of this question, it is necessary firstly to define what does it mean the European Parliament to have an impact on the final outcome within the co-decision. Second, what are the factors that have influence on this impact? Furthermore, whether and how the early agreements have changed the values of these factors? Are there some conditions out of the informal meetings that have an impact on the EP`s role?;

1.3.1. Sub-questions:

1. What are the factors that have influence on EP`s impact?
2. How do early agreements change the rules of the procedure?
3. Does this change lead to shift in the value of these factors?
4. What is the influence of this shift on the potential impact that the EP has on the final outcome?

The first two questions will be answered in the following two chapters, while the answers of the last two will be sought after the empirical part of the study and by analysis of the results.

It is necessary to be clarified that the scope of this study is limited and it does not aim to test the overall influence of the European Parliament on the European integration and development of the European Union institutional system. The major goal is to assess the relative ability of the European Parliament to make an impact on the final decision outcome within both formal and informal institution of the co-decision and to assess whether the informal institution has an effect on this ability.

1.4. Relevance

1.4.1. Academic Relevance

Since its adoption in 1997, the opportunity for reaching an agreement on first reading, (Kasak, 2004: 242) has attracted the attention of a number of academic researchers. However, most of them focus their attention on the consequences for the intra-institutional rules, the reasons for emerging of such agreements and to what extent they have accelerated the procedure.

Although the existing body of literature has made a significant contribution for the better understanding of this new trend in the EU decision and policy-making, it does not answer the question how the early agreements affect the European Parliament`s ability to influence the decision-making process and to make an impact on the final legislative outcome. Scholars do not

address the issue on whether the EP performs better within the informal trilogues at first reading rather than within the formal co-decision procedure. This research will try to make up for this gap and to contribute to the public administration body of literature by examining whether the impact European Parliament is able to make on the final legislative outcome is equal by the formal and informal institution of the Codecision and whether the early agreements has an effect on it.

1.4.2 Practical relevance

Being the only direct elected European institution, the European Parliament has been subject of analysis for many years. It presents itself as the institution that insists on more transparency and accountability and the instrument of the European society to influence the EU decision-making process. Furthermore, since 1979 onwards, the European Parliament has requested for more power in the EU decision-making process that would have positive effect on the overcoming the democratic deficit in the EU.

The analysis and measurement of different factors that have influence on the EP's ability to make an impact on the final legislative outcome would help European Parliament to identify the strong and weak points of its behavior during these informal negotiations and to improve its positions. Last but not least, the results might be considered as a departure point of the EP's think-thanks for further and more precise research on what it is necessary to be improved and what is further necessary to be done in order the European Parliament to be considered as an equal footing co-legislator. The results of this study are addressed to the European Parliament and aims to contribute its better performance during the informal trilogues before first reading in the future. Therefore, concrete recommendations to the European Parliament will be formulated at the end of the study.

Chapter 2: Theoretical framework

This paper will try to analyze the effect of the early agreements on the EP's impact on the legislative outcome by elaborating the new-institutionalism theory and more precisely through a collaboration between two of the new-institutionalism approaches- the rational choice and historical institutionalism.

2.1. New-institutionalism theory

The major assumption of the new institutionalism is that "*the institutions matter*" (Bulmer, 1998: 268). Bulmer (1998) using Keohane's assumption extends the existing definition of institutions claiming that they are constructed on the base of "*persistent and connected*" set of rules (formal and informal) that "*prescribe behavioral roles and create expectations*" (Keohane 1989:3 in Bulmer, 2006: 368). However, it is necessary to be highlighted that the "new-institutionalism" is not a single scientific approach, but in fact, within this theory there are three different approaches that have been developed throughout the years- historical institutionalism, rational choice institutionalism and sociological institutionalism (Hall and Taylor, 1996: 5).

The *historical institutionalism* sees the conflicts for "*scarce resources*" among rival groups as the ground for the politics. At the same time they lead to privileges for some groups at the expense of the others within the polity and economic structures (Hall and Taylor, 1996: 6). Furthermore, the structuring of the collective behavior and the distinctive outcome have been seen as a result of the institutional organisation of the political economy (Hall and Taylor, 1996:6), while the state is "*the complex institutional set*" that has influence on the final outcome of the group conflicts. Institutions are presented as a set of "*formal or informal procedures, routines, norms and conventions embedded in the organizational structure*" implemented by formal organization (Hall and Taylor, 1996: 6). Historical institutionalism addresses the problem with the unequal "*access to the policy process*" (Hall and Taylor, 1996:7). By structuring the access of political forces to the political process, the institutional norms and rules shape the actor's behavior (Bulmer, 1998: 370). Using the example with the interaction between the Council and the European Parliament, Bulmer argues that the access to the policy process at supranational level is not equal to all of the actors but it gives privileges to the national governances (Bulmer, 1998: 374). Hall and Taylor (1996) assume that the "*asymmetrical relations of power gives some actors more power at the expense of other over the creation of*

new institutions“ (Hall and Taylor, 1996: 9). According to this approach, the social causations is path-dependent and therefore the same operative forces will not generate the same results everywhere because they will be influenced by features inherited from the past (Hall and Taylor, 1996: 9). At the end, historical institutionalism defines the role of the institutions as part of the causal chain, where significant role plays also the socioeconomic development and the diffusion of ideas (Hall and Taylor, 1996: 10). Using the historical institutionalism it will be explained “*the way in which the institutions structure the policy process*” (Bulmer, 1998: 374) and how the participation to the political process at EU level has been redistributed through the co-decision procedure.

Rational choice institutionalism presumes that the development of the organisations aims to reduce the transaction costs. The rational choice scholars focus their attention also on the “*cross-national coalition behavior, the development of political institutions and the intensity of the ethnic conflict*” (Hall and Taylor, 1996: 11). According to them, political actors have a set of preferences and because their behavior is oriented toward achieving as many as possible of these preferences they behave strategically (Hall and Taylor, 1996: 12). However, the individual’s behavior is defined not only by the preferences, but also by the current circumstances. Therefore, it is driven by a calculus for the individual success and is affected by the expectations for the others’ behavior under the given circumstances. That is why with the same preferences but under different circumstances one behaves differently (Immergut, 1998: 7). According to Immergut (1998), the preferences of the actors shape their behavior in the bargaining process but also lead to conflict among the political opponents. Based on the arguments above, it can be colligated that these conflicts based on the collective preferences, defined by certain circumstances, emerge between organisations as collective political actors, part of common institutional set and shape the interaction between them. Hence, the interactions between the organisations defined by the rule of the game shape the final political outcomes. The rational choice institutionalism sees the politics as a result of the “*collective action dilemmas*”, where the “*institutions guarantee the complementary behavior of the others*” and make individuals able to take collectively superior course (Hall and Taylor, 1996: 12). At the end, rational choice scholars argue that the institutional creation can be sustainable if only provides more advantages to the relevant actors than the other already “existing institutions” since it is a “*voluntary agreement*” (Hall and Taylor, 1996: 13).

Through the rational choice approach it will be explained what is the relationship between the individual's preferences, behavior and final political outcome (Immergut, 1998: 12). At the end, the role of the institution in the creation of preferences will be observed and how different circumstances affect the ability of the European Parliament to influence the final outcome.

According to *Sociological institutionalism*, institutional forms and procedures used by the modern organisations are “*culturally specific practices*” which emerge as a result of the “*transmission of cultural practices more generally*” (Hall and Taylor, 1996: 14). Sociological institutionalism aims to explain the differences across nations by creation of new institutions and what is leading by choosing a “specific set of institutional forms” (Hall and Taylor, 1996: 14). This approach fleshes out the definition of institution by the “*symbol system, moral templates and cognitive scripts*,” (Hall and Taylor, 1996: 14). At the end, the new practices adopted by the organisations aim to enhance the legitimacy of the organisation and its participants but not to improve the effectiveness (Hall and Taylor, 1996:15). However, this approach is not applicable to this study, since its focus is not on the culturally specific practices or how such practices are diffused across nations.

It is important for the purposes of this research to make a distinction between “institution” and “organization”. As the theory defines the institution as a set of rules and procedures (Hall and Taylor, 1996: 6), it cannot be considered as a collective body. Therefore, the collective bodies that will be examined will be defined as “organisations”. Only for the purposes of this research the European Parliament (EP) and the Council of the European Union (the Council) will be considered as “organisations” that operate within institutional framework.

2.2. Changing of inter-organizational institution of the decision-making

The rational choice institutionalism says the political outcome is a result from the interactions and conflicts that emerge between the political actors. But they behave strategically in order to achieve as many as possible of their goals (Hall and Taylor, 1996: 12). Their strategy has been formulated on the basis of expectations for others' behavior (Immergut, 1998:7). At the same time these expectations have been created in the virtue of information regarding the factors that would have effect on the others' ability to realize their preference in the bargaining process (Immergut, 1998:7). According to the historical institutionalism, political decisions are result

from different factors that origin as well from the system`s settlement, as from circumstances that emerged as part of the struggle for power (Immergut, 1998: 26).

Therefore, in order to be able to assess the real effect of the early agreements on the EP`s potential impact on the final outcome it is necessary to identify those factors that influence its ability to realize its preferences on the one hand and that might have been subject to changes on the other hand. The rational choice institutionalism says that even with the same preferences, actors behave differently under different circumstances (Immergut, 1998). Hence, it is necessary to be tested to what extent the new circumstances have effect on these factors. Factors subject of this study have to be defined by the body of literature as decisive for the EP success and simultaneously to be affected by the shift brought by the early agreements.

The existing body of literature (Farrell and Heritier 2003; Farrell and Heritier 2004; Farrell and Heritier 2005; Häge and Kaeding 2007; Hix and Hoyland 2011; Ruiter and Neuhold 2012; Burns 2013) has identified four factors that have influence on the impact the European Parliament makes on the final legislative outcome within the co-decision procedure. The first couple of them refer to the intra-organisational setting of the European Parliament, while the second one - to the inter-organisational circumstances.

Hix and Hoyland (2011) have proven that the coherence among the European Parliament is decisive for its ability to make an impact on the final outcome. The information about the level of coherence among the individual political actors within the collective body helps the political opponents to create expectations and to develop their strategy (Hix and Hoyland, 2011). The second factor that influences the European Parliament`s ability to make an impact is the expertise it has. According to Häge and Kaeding (2007) the resources of the European Parliament, with respect to personnel staff and respectively expertise, because of the committees (Burns,2013: 988) give it the more advantages in the bargaining process in comparison with the Council (Häge and Kaeding , 2007: 357). According to the MEPs and Council representatives, that have been interviewed, the more expert the European Parliament is, the stronger impact on the final legislative outcome it has.

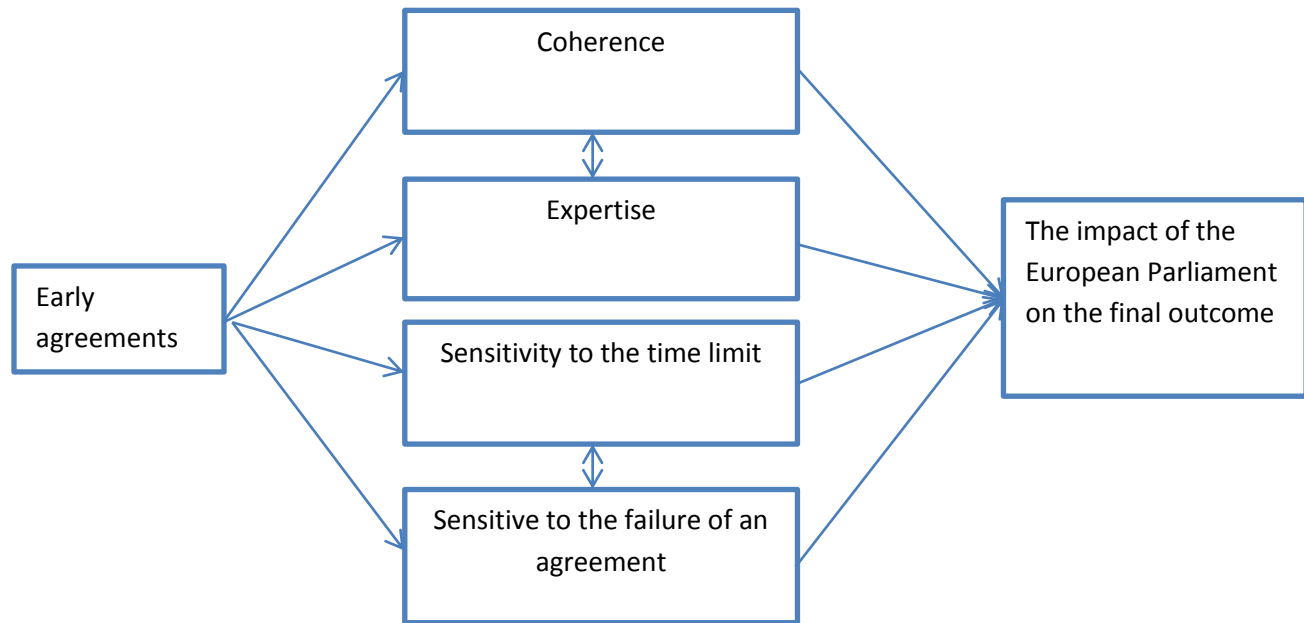
The coherence and expertise are two of the decisive factors for the ability of the EP to make an impact. Both of them are related to the transformation of individual preferences into collective

preferences. According to Immergut (1998: 7) it is not possible to explain the collective decisions by analysis of the individual preferences, but it is necessary to analyze the mechanism for their transformation. Within the EP decision-making, individual preferences can grow up to party group`s preferences, committee`s preferences, than to EP`s preferences. In order to become EP`s preferences a coherence among different committees and party groups has to be established. In addition, the high level of coherence allows the full expert capacity to be implemented. Because of the complicated mechanism of transformation it is necessary to trace out how the early agreements influence the coherence on the one hand and expertise of the negotiation team on the other hand.

The second couple of factors refer to the inter-institutional circumstances. The bargaining process within the co-decision is executed by the Council Presidency and the European Parliament, but both organisations do not have equal time perspectives. Farrell and Heritier (2005) argue that the time horizon of the organisations matters. They have proven that the longer time horizon gives advantages in the bargaining process (Farrell and Heritier, 2005: 279). Furthermore, they argue that the accountability of the organisations also matters when it comes about their role in the legislative process. The lower accountability of the organisation makes it less sensitive to possible failure of an agreement, but the lower sensitivity gives it more advantages in the bargaining process (Farrell and Heritier, 2005: 279).

As already discussed above, these four factors are divided into two groups – referring to the intra-organisational setting on the one hand and inter-organisational circumstances on the other hand. Furthermore, they have been selected on the base of theory`s assumptions regarding policy formulation and the final outcome. The factors are selected in order to present the system settlement different circumstances that have emerged. There is strong relationship between the factors in each of the groups, but there is no relationship between both groups. For example, the coherence is decisive for exercising of the expertise. If the team is not able to agree on common positions or is not able to communicate effectively, the expertise would not be useful and applicable.

Figure 3 Flow chart



At the same time, there is similar relationship between the time sensitivity and failure sensitivity. The limited time term of Council Presidency means higher risk of failure, considering the duration of the legislative process. Figure 3 illustrates the relationship between the early agreements and the impact of the European Parliament, through the factors that will be used in order to measure the effect of changes.

In the next paragraph the differences between formal and informal procedure will be explained and how they refer to the selected factors. The first two specifics of the early agreements are related to the inter-organisational relations and might have impact on the last two factors, while the second two are related to the intra-organisational setting of the European Parliament and might be related to the first two factors.

In contrast to the formal procedure where the Treaties have established as well the steps of the process and the time horizon, as the role of each of the collective bodies, by the informal procedure there are no written rules and no time limitation (Hage and Kaeding, 2007: 344). This specific of the early agreements might have influence on the value of the sensitivity to failure and time limit sensitivity.

Furthermore, while by the formal procedure, the responsibility for preparation of the European Parliament's position is delegated exclusively to the leading committee and respectively to the main rapporteur (Burns, 2013), by the informal procedure it is shared between the leading committee, associated committee (in case such is assigned) and opinion giving committees (Burns, 2013). By the formal procedure, after the first reading, for the rapporteur it is not mandatory to take into consideration the opinion of the shadow rapporteurs and opinion giving rapporteurs by preparation the European Parliament's position (Personal Interview, MEP, 1st of April, 2014, Brussels). In addition, in the formal trilogues of the conciliation committee, the European Parliament delegation is led by the rapporteur who has the leading role and negotiates the European Parliament's position. Contrary to that, by the informal procedure not only the main rapporteur, but also the shadow, the opinion giving and associated rapporteurs can participate in the trilogues that after all is led by the main rapporteur (Personal Interview, MEP, 1st of April, 2014, Brussels). Most often however, opinion-giving committees chose not to join into the trilogues but only to contribute to the EP's position through their reports (Personal Interview, MEP, 1st of April, 2014, Brussels).

According to the historical institutionalism any change of the institutional set leads to changes in the whole system (Pierson in Gorges, 2001: 156). Therefore, it can be expected that the early agreements change the circumstances of the bargaining process. In order to assess the effect they have on the ability of the EP to make an impact on the final legislative outcome, it is necessary to be tested whether and how the new circumstances influence the value of the above factors on the one hand, and the relationship between them on the other hand.

2.3. The relationship between institutions, preferences, behavior and final outcome

When decide to engage or not informal negotiations, the political actors compare the advantages and disadvantages and the expected outcome (Häge and Kaeding 2007: 347). The rational choice institutionalism says that the individual's preferences together with certain circumstances shape the actor's behavior (Immergut, 1998: 2). Even with similar preferences, one behaves differently under different circumstances. The difference in the behavior might become a reason for conflict among the individuals, which conflict can grow up to conflict within the collective body. Here a decisive role plays the institutional organisation, rules and norms (Hall and Taylor, 1996: 6).

From the perspective of the EP as a collective body such conflicts can emerge generally on two dimensions. The institutional set of this organization divides the actors on the political scope on the basis of their political preferences into different party families (party groups) - from the left wing to the right wing. It is expected that the preferences of the left parties are different from the preferences of the right parties and hence a conflict seems possible.

The second dimension of division is based on expertise, since the institutional set divides the European Parliament on expert committees. Because one committee unites political actors from the different wings of the political scope (EP, 2014 c) it is possible conflicts to emerge within the committee on the basis of political preferences. When it comes about the legislative procedure the leading role in the preparation of the EP's official position is delegated to the committees (Farrell and Heritier, 2004) because of their expertise. Because by the early agreements, more than one committee is involved in the process – one leading and a number of associated and opinion-giving committees (Burns, 2013: 989), conflict can emerge also among different committees on the basis of expertise.

This institutional structure affects the collective behavior of the organisation and shapes the expectation for the outcome (Hall and Taylor, 1996: 6). Because by the co-decision legislative procedure the final outcome depends on the preferences and interactions among both leading organisations – the Council and the European Parliament, signals given by the European Parliament, create expectations in the Council for the possible final outcome (Hix and Hoyland, 2011). If Tsebelis` (2012) assumption “*the more veto players there is the more difficult it is the status quo to be changed*” (Tsebelis, 2012:38)³ will be translated into “the less veto players the higher consensus”, it can be expected delegation of the leading role to the committees, contributes for the overcoming of political differences and consequently enhances the chance for consensus among the party groups. This expectation would be reliable in respect to the formal procedure, where this responsibility is delegated mainly to one committee. However, with the involvement of more committees to the process by the informal procedure, the number of potential veto players has also increased. Following Tsebelis (2012:23) again, it can be expected that with involvement of more committees by the informal procedure, the level coherence of the

³ The book is co-authored with Tomas König, Sven-Oliver Proksch and George Tsebelis “Reforming the European Union: Realizing Impossible, but for the purpose of this paper is used only the chapter written by Tsebelis, therefore only his name is cited within the text

European Parliament's negotiation team might be decreased. Because for the Council it is relatively easy to gain information about the potential conflicts among the committee members or among different committees, since the information coming from the EP is publicly accessible, it can create expectations for the final outcome and to behave strategically in order to maximize the accomplishment of its preferences. If the Council finds a space for maneuvering because of conflict among the negotiation team, this would give advantages to the Council in the negotiation process, referring back to the theory.

Figure 4 Relationship between number of committees involved, rapporteurs and expertise

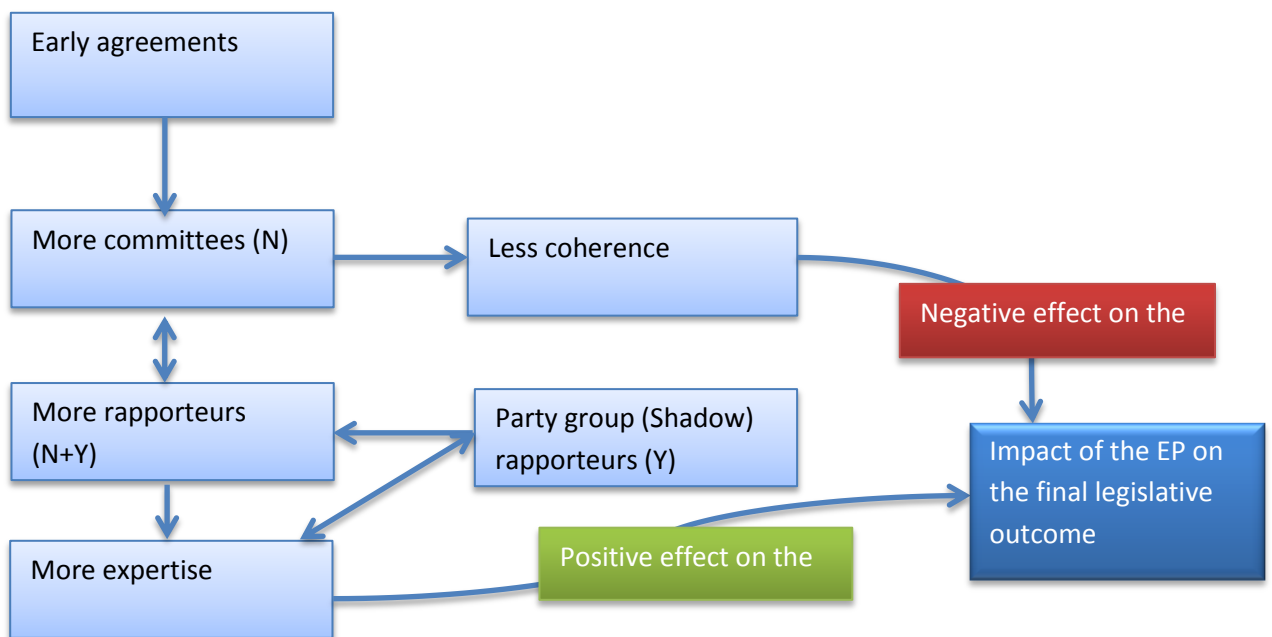


Figure 4 traced out the interaction between the first two factors and the possible effect they would have on the EP's impact in case they are influenced by the early agreements. It aims at making the relationship between the factors, presented in Figure 3 clearer.

The theory says that not only the political actors' preferences define their behavior and respectively the final outcome, but also some additional factors, defined as circumstances (Immergut, 1998). In contrast to the expertise and coherence which origin is the intra-organisational settlement of the European Parliament, the following factors originate from the institutional set of the EU law.

Farrell and Heritier (2005) have identified the time horizon and the sensitivity to the failure of the political actors as decisive factors that have influence on the ability of the European Parliament to shape the final outcome (Farrell and Heritier, 2005: 279). Each Council Presidency has limited time horizon of six months. However, it sets some priorities in its agenda and aims to achieve them. Most often Council Presidency priorities are political, and if it fails with their implementation it would be accountable as well to the rest of the member-states which it represents during these six months, as at domestic level (Farrell and Heritier 2005: 279). In contrast, the time horizon of the European Parliament is five years and the level of its accountability is relatively lower, since it is not accountable at domestic level (Farrell and Heritier 2005: 279).

Therefore, a possible failure of an agreement may not have the same consequences for the European Parliament as for the Council. Because there is no time frame defined by the informal institution (Ruiter and Neuhold, 2012: 538), EP could use its time horizon`s advantage to delay the process, if the Presidency is not liable to accept its preferences. Moreover, if not being satisfied with the results from the bargaining process the EP can decide not to reach an agreement in advance, but to set the dossier to the formal procedure, which is possible option by the informal trilogues (Häge and Kaeding, 2007: 347). Such situation development would mean failure of an agreement and failure to the Presidency`s priority.

In the following chapters it will be tested to what extent the value of these factors has been changed due to the institutionalization of the early agreements and does this change have some effect on the ability of the EP to make an impact on the final legislative outcome. It will be examined whether the arguments of the New-institutionalism theory are relevant and whether they can explain the potential changes.

Chapter 3: Research Design

In this chapter the dependent and independent will be defined and method of inquiry will be chosen. The chapter is constructed as follows: first the variables subject of the study will be defined. On the basis of the theory presented in the previous chapter hypothesis will be derived. In order to test them in the next chapters the method of inquiry will be selected and a model of measurement will be created. Further, the cases subject of analysis will be selected and indicators defined.

3.1. Identifying variables

The *dependent variable* that will be examined in this research is the EP's potential impact on the final legislative outcome. The ability of the EP to make an impact on the final legislative outcome will be tested by both the formal and informal institution of the Codecision. It is necessary to be clarified that the aim is not to test how early agreements affect the final legislative outcome itself but only the ability of the EP to make an impact on it. The final outcome will be used as an instrument in order to assess the effect of the early agreements on the EP's potential impact – its ability to influence and shape the final outcome. The external validity of the study might be reduced because the potential impact will be measured only for the given policy and not on the legislative process as a whole. However, the internal validity will be enhanced because it will be measured to what extent the EP is able to shape the final outcome and how many of its substantive preferences have been adopted at the end. To be able to assess the real effect of the informal legislative institution it is necessary firstly to define what does it mean European Parliament to have an impact on the final outcome. For the purposes of this research the definition of Weber used by Thomson and Costello (2013) provides the best explanation: “*The power is the potential a person or a group has to realize their own will in a social action even against the resistance of others*” (Weber 2007[1914]: 247 in Thomson and Castello, 2013). From the perspective of the legislative organisation it means its “*ability to shape and influence the decision outcomes in legislative decision-making*” (Thomson and Hosli, 2006: 394). Therefore, the European Parliament would have an impact on the final legislative outcome if it is able to realize its most important preferences even against the “resistance of” the other legislative body – the Council. It will be tested whether the ability of the EP to realize its most important preferences is equal both by the formal and informal institution of the co-decision. Hence, the *independent variable* that will be tested is the early agreements.

There are five variables that will be controlled in order the validity of the measurement to be enhanced: the time framework of legislation, the type of adopted final document, the capability of the negotiation team, the area of competence and the voting rules. However, considering the complicated structure of the European legislation there might be other external factors that have an effect on the shaping of the the final outcome. When it comes about financial issues, the financial and debt crisis in Europe might also have an effect. When it comes about the geo-political decision it is expected that the geo-political interest of the member-states also have an impact.

3.2. Hypothesis:

Proceeding from the theory elaborated in the previous chapter and factors identified on the basis of existing body of literature, four hypotheses can be derived. The informal trilogues occurred between the negotiation team of the EP, representatives of the Council Presidency and representatives of the Commission (Roederer-Rynning and Greenwood, 2014: 4). These trilogues might be considered as a test for the real power of both legislative bodies since during the early trilogues there is no formal institution to codify them but they are almost “entirely informal” (Farrell and Heritier, 2003: 8). The success might be a matter of ability to defend the preferences and to maintain the circumstances. However, despite all the changes they have brought into the inter- and intra-institutional settlement it is possible they do not have any influence on the ability of the EP to make an impact on the final outcome. Therefore, the null hypothesis that can be formulated in order to strengthen the validity of measurement states:

H0: The early agreements do not have any effect on the ability of the European Parliament to influence the final outcome within the co-decision.

However, the possible effect of changes they have brought should be considered. Involvement of more than one committee and respectively more rapporteurs in the process enhances its reliability because of the broader expertise. Since each committee is specialized in a given policy area (Burns, 2013), involvement of more committees in the process leads to extending the expertise of the negotiation team. Such extension is important because the European policies are connected to each other and a change in one policy, leads also to changes in the other policies. Furthermore, it enhances the accountability and transparency of the process because more committees mean more members to have access to the negotiation process. In addition, shadow

rapporteurs represent their political party preferences, sharing also their expert opinion on the given issue but also extending the political representation and enhancing the validity of the negotiations.

On the other hand following Tsebelis (2012) it can be expected that involvement of more committees increases the number of possible veto players and might have some consequences for the level of coherence among the negotiation team. It can be expected that the lower level of coherence among the negotiation team due to the more committees involved by the early agreements, would give the other collective legislative body – the Council- broader space for maneuvering and hence to have negative effect on the ability of the EP to make an impact on the final outcome.

Referring back to the historical institutionalism, it seems like the expertise and coherence have influence on the access of the actors to the policy process on the one hand and on the way the policies have been structured on the other hand. Having in mind that the coherence and expertise of negotiation team are two of the factors that have influence on the EP's ability to make an impact on the final outcome within the co-decision and considering the different circumstances by the institution of the early agreements, two hypotheses can be derived:

H1: The less coherence among the negotiation team, the less impact EP has on the final outcome

H2: The more expertise among the negotiation team, the more impact EP has on the final outcome

Observation of the European Parliament Legislative Observatory shows those six months are relatively short period for the adoption and implementation of a legislative act. If a legislation is decided by the formal procedure, it seems almost impossible the final outcome to be adopted within 6 months, because on average it takes between 21 and 31 months for second reading (Roederer-Rynning and Greenwood, 2014: 3). Therefore, it can be expected that being restricted in terms of time frame, the Council Presidency prefers the informal institution. At the same time, considering the advantage of its longer time horizon, the European Parliament can use the sensitivity of the Council Presidency to a possible failure to “*extract political concessions*” (Häge and Kaeding, 2007: 348). On the basis of the arguments above two hypotheses can be derived.

H3: The less sensitive the EP is to the time limitation, the more impact EP has on the final outcome

H4: The less sensitive the European Parliament is to failure of an agreement, the more impact it has on the final outcome

3.3. Qualitative analysis

The aim of this study is to examine what is the real effect of the early agreements on the potential impact of the European Parliament on the final legislative outcome by the Codecision procedure. Using the concept of Thomson and Hosli (2006) and Thomson and Castello (2013), it was already defined what it means the European Parliament to have an impact on the final legislative outcome. Therefore, a comparison will be made between the impact of the European Parliament within the formal and informal legislative institution. It will not be measured which of both legislative collective bodies- the European Parliament or the Council- is more influential in general. However, the ability of the Council to implement its preferences will be discussed to the extent to which these preferences are controversial to the European Parliament's preferences and prove the inability or ability of the EP to defend its positions. In general, it will not be examined whether the Council or the Parliament is more powerful, but it will be measured the ability of the European Parliament to make an impact on the final legislative outcome during the formal and informal legislative institution of the co-decision.

Therefore, a model of measurement of the relative impact of the European Parliament in the legislative process of the co-decision institution has to be created. Some authors measure this ability through quantitative analyses. They examine the total number the EP's amendments successfully implemented in the final legislative, considering all of them as equally important (Häge and Kaeding, 2007: 350). Of course, this is possible and reliable means of measurement, since it presents the overall results of the European Parliament for a given number of legislative dossiers. However, the observations of amendments suggested by the EP shows that not all of them have an equal importance. Some of them, for example, are amendments to the recitals, while others are amendments to the articles in the main body of the text (Häge and Kaeding, 2007: 350). Considering the fact, that the recitals is not legally binding, it is expected such amendments to be easier implemented, because the possible consequences of them would be

reduced due to their legal status (Häge and Kaeding, 2007: 350). Further observation shows that even the amendments made to the main body of text are not equally important, since some of them only reformulate the order of the words, but preserve the sense of the text, while others change the text in general (MEP, interview, 1st of April, 2014, Brussels). Moreover, not all of the amendments made by the European Parliament are equally important for the organisation itself. That means although the European Parliament is able to produce over 1000 amendments for a given dossier, it prioritizes its goals pointing some of the amendments as highly important and others that are negotiable as part of a “package deal” (MEP, interview, 1st of April, 2014, Brussels). Therefore, for the purposes of this study it would be more appropriate to apply a qualitative approach of analysis where cases will be carefully selected on the basis of given criteria that cover the factors related as well to the independent as to the dependent variable. For that purpose small-N approach will be used, examining only two cases that will be as similar as possible to all of the other factors, except those whose influence will be examined. The unit of analysis will be the amendments made by the EP for both cases.

3.4. Measurement of the European Parliament`s impact on the final outcome

In order to examine whether the early agreements have an effect on the ability of the EP to shape the legislative outcome, two cases will be compared using the method of amendments examination by Tsebelis and Kalandrakis (1999). Amendments will not be measured quantitatively, but qualitatively. It will be examined to what extent the final outcomes correspond to the European Parliament`s preferences and how many of the important amendments, suggested by the European Parliament have been introduced in the final act. Since we compare European Parliament`s impact within both institutions of the co-decision (formal and informal), the ability will be measured by comparison of the final outcome. It will be considered that the early agreements have an effect on the impact that the European Parliament makes on the final outcome if there is shift with more than 30% in the number adopted amendments in comparison with their number within formal procedure. If it were a quantitative analysis, it would be estimated the significance of the results based on the separate levels of significance of each coefficient in the regression model - either 10, .05 or .01 level (Sykes, 1986). However, this is qualitative analysis and the significance is defined on the basis of the model created and the overall results.

Additionally, it will be measured whether the early agreements have an effect on the values of the factors, identified as determinant for the ability of the European Parliament to make an impact on the decision-making and whether such change has a direct ratio with the percent of adopted amendments at the end. General concept for what it means powerful European Parliament will not be created since it would request to change the focus of the study and to compare the role of the European Parliament vis-à-vis the Council. Moreover, it would be necessary to focus not only on the ordinary decision-making procedure, but also on the entirely work of the EP.

Consequently, it is necessary a concept for classification of the amendments by importance to be created on the one hand, and a concept for classification by their adoption on the other hand. For that purpose the model of Tsebelis and Kalandrakis (1999) will be used. They have created criteria for classification of the amendments as they divide them with respect to their relative importance on a five-ranking scale. Their model is created to test the influence of the European Parliament by the cooperation procedure in the Environmental policy. First, they have classified the overall amount of amendments suggested by the European Parliament as accepted and rejected (Tsebelis and Kalandrakis, 1999: 129). However, they have not found this approach for a reliable measurement and have classified the amendments according to their importance and level of acceptance. The reason is they hold the opinion the European Parliament is influential if it brings some substantive change. Thus, the focus of their study is on the amendments that bring such change (Tsebelis and Kalandrakis, 1999: 129). The evaluation of the amendments` importance they have made is based on three major principles (Tsebelis and Kalandrakis, 1999: 130):

- The impact that amendments have on different dimensions affected by the legislation. However they consider that actors involved in the process have different perceptions for the importance of the provisions depending on their profile. Therefore, they consider the impact in all dimensions involved.
- They consider that qualitative evaluation is to some extent subjective approach. Therefore they try to minimize possible errors in “*the direction of underestimating the importance of amendments*” adopted in the final text by conservative estimation of EP’s influence (Tsebelis and Kalandrakis, 1999: 130).

- The classification considers only the importance of the amendment “*relative to the scope and impact of the legislative initiative in which it was introduced*” and not to different legislative initiatives. The aim is to be evaluated the influence of the EP relative to the scope of the given initiative (Tsebelis and Kalandrakis, 1999: 130).

Using committee reports, debates, analyses of the given legislation and Commission’s documents, they evaluate the importance of the amendments as “*insignificant, significant, highly significant, important and highly important*” (Tsebelis and Kalandrakis, 1999: 130). According to their classification “insignificant” are those amendments that aim to enhance the clarity of the already existing text without to have “*any substantive legal implications for the final legislative outcome*” (Tsebelis and Kalandrakis, 1999: 130). As “significant” they define amendments that bring some substantive changes to the legislative outcome, without to change the scope of the proposal and that are “*comparably of secondary importance*”. “Highly significant” are amendments that introduce “*substantive change*” to the legislative proposal that is clearly measurable, such as modification of the time framework, introducing requirements for additional costs and so further (Tsebelis and Kalandrakis, 1999: 130). This study is interested mostly in the last two ranks of the scale- the “important” and “highly important” amendments, because they introduce not only substantive changes, but also would change the scope of the final legislative outcome if being adopted. Tsebelis and Kalandrakis (1999) argue that such amendments if being adopted would “*imply serious consequences relative to the impact of the overall legislative initiative*” (Tsebelis and Kalandrakis, 1999:130). They have “*reserved the highly important one for cases of considerable alterations of the scope of legislation*” (Tsebelis and Kalandrakis, 1999:131).

This classification refers to amendments of the main body of text. For the amendments introduced in the recitals of the legislative act, the approach that will be applied here is a bit different than those used by Tsebelis and Kalandrakis (1999). They classify these amendments “*one category lower*” than the complementary amendments in the text, that are related to the amendments in the preamble (Tsebelis and Kalandrakis, 1999:131). With some of the amendments to the preamble of the legislative act, the EP aims to incorporate the given text to the main body of the text in order to become legally binding (Interview, MEP, 31st of March 2014, Brussels). Such amendments will be classified as important, because it is expected that to

some or another extent they would change the scope of the act. On the other hand, amendments in the recitals that only aim to change the formulation of the text in the preamble and are not related to complementary text in the main body of text will be considered as insignificant, because they cannot lead to a change of the scope of the act. Recitals` text may only be used by the European Court of Justice to “*apply a teleological interpretation of the legislation*” (Tsebelis and Kalandrakis, 1999: 131). A detailed classification of the amendments made by the European Parliament in regard to both selected cases can be found in Appendixes A, B and C.

This research will concentrate only on the “*important*” and “*highly_important*” amendments, because through their success or non-success it can be assessed the real ability of the organisation to realize its preferences and to make an impact. The study of Tsebelis and Kalandrakis (1999) has already proven that the European Parliament is able to implement insignificant and significant amendments with relatively high success (Tsebelis and Kalandrakis, 1999: 133). But they also have argued that such success cannot prove the ability of the European Parliament to make an impact on legislative process because these amendments do not bring any substantive change to the scope of the legislation. Therefore, in order to be more precise when compare the impact of the European Parliament within the formal and informal procedure, this study will be concentrated only on those amendments that lead to substantive changes and may shift the scope of the act.

In order to clarify what does it mean “*adopted*”, since most of studies consider not rejected amendments as adopted, and measure the success of the EP by the adoption rates of its amendments, Tsebelis and Kalandrakis (1999) have created a five-ranking model that aims to evaluate the level of adoption. They held the opinion that the already existing model of adoption measurement misses some important details (Tsebelis and Kalandrakis, 1999: 128). Besides they have made a general remark, that it is reliable to count the amendments only in case the “*information transmission*” between the legislative organisations is not completed, because the existence of amendments supposed that information different actors have to the other`s preferences is incomplete (Tsebelis and Kalandrakis, 1999: 128). The aim of the informal trilogue is both legislative organisations to reach an agreement, finding the compromise text that to be submit for first reading. Therefore, it is supposed that the final report present to the plenary is not reliable source for counting amendments, since it includes also the preferences of the Council. Therefore, for counting the original amendments suggested by the EP in first reading, the first

committee report, together with opinion-giving committees` reports and shadow rapporteurs will be taken. Tsebelis and Kalandrakis (1999) have determined five categories of adoption success (Tsebelis and Kalandrakis, 1999:128). Amendments adopted as they were suggested in their mass they consider as “*fully adopted*”. Amendments for which over 50% of the proposed substantive provisions are adopted they consider as “*largely adopted*”, while those for which less than 50% of the substantive provisions are adopted “*partially adopted*” (Tsebelis and Kalandrakis, 1999:128). The fourth category they determine is the so called “modified text”. This category refers to amendments that lead to some changes but which text has been changed and clear assessment for their success cannot be made. For the purpose of this paper, an amendment that has been modified but has preserved the main preference of the European Parliament will be considered as “*largely adopted*”. Rejected according to Tsebelis and Kalandrakis (1999) are those amendments that have not been incorporated in the final adopted text of the legislative act (Tsebelis and Kalandrakis, 1999: 128). Detailed classification of the adoption of amendments for the both selected cases can be found in Appendix A, B and C.

It will be considered that the early agreements have an effect on the impact the European Parliament makes on the final outcome if within the informal procedure, the percentage of “*fully*” or “*largely adopted*” “*important*” and “*highly important*” amendments is at least 30% lower or higher than their percentage within the formal procedure.

Table 1 Model for classification of importance and adoption of the amendments

Adoption Importance	1= fully adopted	2= largely adopted	3= partially adopted	4= modified	5= rejected
1	Highly important	Highly important	Highly important	Highly important	Highly important
2	Important	Important	Important	Important	Important
3	Highly significant	Highly significant	Highly significant	Highly significant	Highly significant
4	Significant	Significant	Significant	Significant	Significant
5	Insignificant	Insignificant	Insignificant	Insignificant	Insignificant

Source: The model is taken by the study of Tsebelis and Kalandrakis (1999) and modified for the purposes of this study

3.5. Case- selection

In order the research to be reliable and valid it is necessary the cases that will be used for testing the effect of the independent variable on the dependent to be very carefully selected on the basis of criteria corresponding to the already identified factors related to the variables. For the purpose of this study two cases will be selected. They should be as similar as possible regarding all the other factors except those which effect will be tested. In order to be possible to assess the effect of the early agreements on the impact the European Parliament makes on the final legislative outcome, the results from formal and informal procedure should be compared. Therefore, it is necessary one of the cases to be a dossier decided by the informal, while the other by the formal institution of the co-decision. Since the factors identified as determinant for the success of the EP refer to the bargaining process, attention has to be paid to the fact that within the formal co-decision there is bargaining only within the frame of the conciliation committee. The conciliation committee is often preceded by formal trilogue where the positions of the three organisations are discussed and attempt a compromise to be reached is made, (Farrell and Heritier, 2004: 1197). This, it is necessary the dossier representative for the formal procedure to be decided on the last stage of the procedure- through a conciliation committee. In order to be tested to what extent the time limitation and the sensitivity to agreement failure have impact on the political actors` behavior and who benefits more during the bargaining process – the Council or the European Parliament- the case decided within the informal procedure has to be included in the Council Presidency agenda , while the other should not. The selection of cases on the basis of these criteria will allow to test whether the European Parliament has an advantage when the Council is time limited and more sensitive to the failure.

According to the existing body of literature, the other two factors that have influence on the ability of the EP to make an impact on the final outcome and need to be tested are the “expertise” and the “coherence”. In order the measurement of their influence to be valid and reliable, it is necessary for the case representative for the informal institution more committees to be involved, while for the case representative for the formal institution only one leading and one or two opinion-giving committees to be involved. Such difference in regard to the number of involved committees will allow testing to what extent the higher expertise gives advantages to the European Parliament in the bargaining process and to what extent the involvement of more committees have an effect on the coherence of the negotiation team. Respectively, it will be

tested to what extent the factor coherence is decisive for the impact of the EP by the informal institution. The data will be additionally enriched with empirical data, gained through structured interviews with Members of the European Parliament and representatives for COREPER I and II.

In summary, one of the cases has to be decided through early agreements before first reading. It has to be included in the Council Presidency agenda and more than two committees have to be involved in the process. The other case has to be decided through conciliation committee, has not to be part of the Council Presidency agenda and no more than two committees has to be engaged.

In order the effect of these four factors and their influence on the EP's ability to make an impact to be tested, five other factors should be controlled. With respect to them, the selected cases have to be as similar as possible in order to enhance the internal validity of the measurement by ensuring all other equal circumstances, except those which effect will be tested. Firstly, it is necessary to define the same time frame for both cases. That means they have to be chosen from the dossiers adopted within one single parliamentary legislative term. For the purpose of this study the last parliamentary term- the 7th (2009-2014) will be observed. The data from the EP Legislative Observatory show that within the 7th parliamentary term there is clear rising trend of deciding the legislation through the informal institution.

Because some authors argue that bargaining success depends also on the type of the legislative act (Ruiter and Neuhold, 2012: 546) it is necessary both cases to represent the same type of legislative act- either regulation or directive. In addition, the same authors argue that the success in the bargaining process depends also on the policy area. Some of the European policies that have longer policy tradition such as the Common agricultural policy are more difficult to be changed and the negotiations are more difficult than in other policy areas that are not so sensitive for the member states. Therefore, in order to control this variable it is needed both cases to represent the same policy area in order to be equally sensitive to the negotiation parties. In addition, it is desirable to have the same legal base in the European law.

Another important factor that has to be controlled is the capability of the leading committee to lead the negotiations and to prepare the position of the European Parliament. The best means of control would be for the both cases the same rapporteur to be responsible. However, considering all the other factors that have to be covered by the case selection, it seems almost impossible to

comply with this condition. Thus, the efforts will be concentrated on the leading committee. Both cases have to be assigned to the same leading committee. Since the dossiers will be chosen from the legislative base of the last legislative term, selecting cases engaged with the same leading committee means that at least one of the members of the negotiation team will be the same, namely the chairman of the committee. Some authors (Farrell and Heritier, 2003) argue that one of the “alais actors” during the bargaining process is exactly the committee chairman, but still less important than the rapporteur.

Last but not least, the voting rules within the Council play an important role regarding the behavior of the political actors as a collective body. For example, it can be expected in case of unanimity the Council to be less flexible than in case of qualified majority voting (Personal interview, MEP, 1st of April, 2014, Brussels; Rasmussen, 2011: 53). By unanimity every single country is a possible veto player. Consequently, each agreement reached within the trilogues – no matter formal or informal- which position on the scope is away from the position of the given country can easily be blocked. Therefore, the selected cases have to be controlled as regard to the voting rules and for both of them the rules have to be the same- either unanimity or qualified majority voting.

In summary, both cases have to be chosen from the database of the last parliamentary term 2009-2014. They have to be the same type of document, to have the same legal basis in the Treaties and both dossiers to be allocated to the same leading committee.

Covering of all these criteria regarding the case selection regarding, significantly limits the choice. The EP Legislative Observatory data base (EP, 2014 d) show that 4025 dossiers have been adopted during the last term . However, only 641 of all have been decided through ordinary legislative procedure. 411⁴ of them have been completed at the end of April. Hence, the point of departure is those 411 legislative acts adopted during the last legislative term. As it was already mentioned, the first dossier has to be decided at first reading through early agreement, while the second one has to be decided through conciliation committee.

⁴ This data are taken on 20th of April 2014 from the European Parliament Legislative Observatory. At the end of May 2014 the number of completed dossiers decided by Ordinary legislative procedure has increased to 453. However at this moment the cases has already been selected and the analysis has started.

The data show that 350 out of 411 legislative acts have been decided on first reading, but only 8 were decided on conciliation committee. More extensive research on these eight pieces of legislation shows that some of them do not meet the criteria, because the negotiations have started in the previous legislative term – 2004-2009. When exclude these dossiers only five cases remain that were subject to a conciliation committee. Four of them are regulations and one is a directive. Observing the criteria for leading committee it can be seen that for two out of four regulations, have been assigned to the Development committee. Foreign Affairs and International Trade committees were responsible for the other two cases. Considering the fact that issues related to the EU foreign affairs are sensitive both organisations and often accompanied by additional circumstances and conditions such as crisis and are and, it does not seem appropriate to focus this study on such dossier. Therefore, three options remain to choose- two from Development and one from International trade committee.

Although it seems the scope of legislative acts decided on first reading to be relatively large, when engage them to the criteria and limit the scope to the both committees responsible – Development and International trade - the number of possible choices has been reduced to 37 and only 30 of them regulations. The negotiations for two of them have started in the previous legislative term; thus they have to be excluded. When additionally apply the condition to have the same legal basis as the dossiers decided on conciliation committee and to be included in the Council Presidency agenda the scope is limited to four appropriate dossiers adopted on first reading- three of them assigned to the International trade committee and one to the Development committee.

In summary, the final range of appropriate cases is limited to two options. The first possible option is to compare the final outcomes of Regulation 2011/1341 decided on conciliation committee and Regulation 2014/233 decided on first reading. Both of them have been assigned to the Development committee and have the same legal basis – TFEU, art. 209. Regulation 2014/233 is included in the agenda of the Cypriot Council Presidency, since it is related to some extent to the new Multiannual Financial Framework (MFF).

The second possible option is to compare the final outcomes of Regulation 2011/1338 decided on conciliation committee with one of the three regulations being decided on first reading under

the responsibility of the International trade committee that meet the other criteria- Regulation 2012/978; Regulation 2011/1230 or Regulation 2012/765

Since the first option is more appropriate as regards to the committees` participation and the case decided on first reading is sensitive and important for the EU, the cases that will be examined within this study are: Regulation 2011/1341 Financing instrument for development and cooperation: banana accompanying measures and Regulation 2013/233 Financing Instrument for development and cooperation 2014-2020.

Table 2 Case selection

Procedure	Case	Time frame	Legal Basis	Committee Responsible	Rapporteur + Party group	Number of Shadow rapporteurs	Opinion-giving Committees involved	Associated committee	Number of amendments
Early agreement	Regulation 2014/233	07/12/2011-15/03/2014	TFEU 209-p1	Development	Thijs Berman, S&D	6	5 (4 opinions provided)	0	487
Conciliation Committee	Regulation 2011/1341	17/03/2010-30/12/2011	TFEU 209-p1	Development	Charles Goerens , ALDE	0	3 (only one has given an opinion- 1 opinion-giving rapporteur)	0	45

Source: the data is taken by the European Parliament Legislative Observatory. The table is composed by the author.

3.6. Operationalization

3.6.1 Measurement of indicators

This sub-chapter aims to explain how the measurement will occurred. In order to assess the influence of the above mentioned factors, indicators for measurement will be identified. .

3.6.1.1. Coherence

Coherence within the leading committee (coherence among different party groups)

The easiest way to measure the coherences within EP is by comparing the vote of the MEPs in the plenary on a given number of dossiers. Although highly reliable and valid, this approach would be possible if the attention was focused on the plenary coherence and not on the committee coherence. In view of the fact that there are no records of the committee voting it is not possible to examine the individual MEP's behavior and to find out which party group has deviated from the position of the committee (Settembri and Neuhold, 2009: 132). However, an attempt to examine the party behavior and to test the committee coherence can be made by comparison of the shadow rapporteurs' reports (if applicable) with the rapporteur's report tabled for voting. This is possible because of the constitution of the committees because they are some kind of mirror to the plenary. The seats' proportion within the committee is a reflection of the plenary seats (EP, 2014 b; Burns, 2006: 236). Furthermore, each party group has a coordinator within the committee whose main task is to ensure that the party members will vote along with the party preferences. On the other hand, for the most of cases, each party group assigns a shadow rapporteur (Thomson and Costello, 2010: 222). However, each party group decides to assign or not a shadow rapporteur (Settembri and Neuhold, 2009: 141).

Hence, on the one hand the coordinator ensures the party members will vote in the same way. On the other hand, the shadow rapporteur presents and tries to influence the final outcome along with the party preference. Consequently, it can be identified in case of non-cohesion which party group has voted against the committee position by comparing preferences of the party with the text in the final report. If the number of committee members who voted against the text corresponds to the number of members who presents the given party in the committee it might be possible to identify the party behavior. However, because these would be indirect evidence we cannot be sure whether there is a conflict among the parties or just some of the members have not been in favor of the draft report.

For the purpose of this research the committee will be considered as a coherent if above 2/3 of the members presented voted in favor of the report. In case of coherence the position of shadow rapporteurs and different party groups will not be examined. At the end, the influence of the coherence will be measured by comparison of the percentage of the successfully adopted

amendments by the criteria defined above for both cases. The result of this measurement would only play a supportive role for testing the first hypothesis.

Coherence among committees involved in the process

With extension the scope of the co-decision legislative procedure and institutionalization of the informal procedure, a new phenomenon has been met. There are cases, which scope includes the competences of more than one committee. And while in past there was only one leading committee (Burns, 2013: 989) nowadays for such cases the given dossier is allocated to a leading and associated committee by the Conference of Committee Chairs (Burns, 2006: 237). Furthermore, when it comes about informal trilogues, besides the leading and associated (if being assigned) committees, also opinion-giving committees, represented by the opinion-giving rapporteurs take part in the process (Interview, MEP, 1st of April, 2014, Brussels). Therefore, it will be tested whether the involvement of more committees by the informal procedure lead to less coherence among the negotiation team. In order to be examined the impact of the coherence, it will be tested is there a direct ratio between the percentage of important and highly important adopted amendments with the level of coherence among the negotiation team. The coherence itself will be measured by comparing reports, amendments and opinions made by the committees involved. It will be considered the negotiation team is coherent, if all the committees share similar opinion regarding the important and highly important amendments. Such measurement has of course some limitations since we cannot be sure to what extent such a compromise is actually reached, because we have access only to the official meetings documents and not to the informal where it is supposed such a consensus to be reached.

3.6.1.2. Expertise

According to the body of literature the expertise of the negotiation team has an impact on the ability of the political actors to defend their preferences and consequently to influence the final outcome. Measurement of expertise is a complicated process because it can be tested from different perspectives. An expertise can be measured through level of education, professional experience and so further. With respect to the European Parliament, the expertise is supposed to be measured from the perspective of the committees (Burns, 2013). Since the members of the European Parliament chose for themselves which committee to join, it is expected they to make their choice on the basis of their personal expertise and professional experience (EP, 2014 e).

Therefore, it will not be measured the expertise of the individual participants in the committee neither in the negotiation team but will create more general picture. The expertise of the European Parliament negotiation team will be measured through three indicators.

Number of involved committees and opinion-giving rapporteurs

Since it is common known that each of the Parliament's committees is specialized in a given policy area. At the same time, the European policies are connected to each other and one policy issue may affect the development of other policies (Burns, 2013). Thus involvement of more committees might contribute to the development of more sustainable and competent position. Furthermore, it increases the number of rapporteurs engaged because each committee involved has to assign a rapporteur. Opinion-giving rapporteurs prepare reports and participate in the informal trilogues (MEP, 1st of April, 2014, Brussels). Therefore, it will be measured whether the number of committees involved has influence on the European Parliament's impact. It will be tested whether the higher number of involved committees leads to higher percentage of adopted "highly important" and "important" amendments. If such presumption is correct it can be expected that within informal procedure the EP has an advantage, since by conciliation committee only the leading committee participates in the formal trilogue and prepare an opinion, while the opinion-giving committees are only consulted.

Number of shadow rapporteurs

There are number of studies that examine the rapporteurship allocation and on what base the rapporteur has been chosen (Settembri and Neuhold, 2009: 129). Some of them have proven that mainly the rapporteurship is allocated to representatives of the both biggest parties (Yordanova, 2010: 98) while the smaller parties have been restricted. Furthermore, Yordanova suggests that party coordinators within the committees prefer to allocate the rapporteurship to those party members who are loyal to the party and vote along with its preferences (Yordanova, 2010: 99). Hence, such behavior set the question whether the rapporteurs are chosen on the basis of their expertise or on the basis of their political belongings. Moreover, there are evidences in the literature that often shadow rapporteurs are more competent in the given area than the rapporteur, but they come from the smaller party families (Yordanova, 2010: 99). If this statement is correct, the participation of shadow rapporteurs is crucially important not only for the party representation but also for the expertise of the negotiation team. Therefore, by comparison of the

final legislative outcomes it will be tested is there a direct ratio between the number of shadow rapporteurs and the result of the negotiations – higher number of shadow rapporteurs, higher percentage of adopted important and highly important amendments. The measurement will be comparable, between both cases. Primarily definition about “low” and “high” number of rapporteurs involved will not be fixed.

Experience of rapporteur

The last indicator that will be used for testing the influence of the expertise is the experience of the rapporteur in parliamentary activities. It will be observed how many times before he/she has been assigned as a rapporteur and as a shadow rapporteur. It will be tested whether the previous experience in trilogues makes the rapporteur more capable to influence the final outcome. This will be measured by comparing the final outcomes of both cases referring to the experience of both rapporteurs and will prove whether such experience is in direct ratio with percentage of adopted “highly important” and “important” amendments suggested by the EP. Attention will also be paid to the parliamentary experience of the shadow rapporteurs.

The next two factors defined previously as an external which influence will be measured are the *sensitivity to time limitation* and *sensitivity to failure of an agreement*.

3.6.1.3. Sensitivity to time limitation

Council Presidency priority

Some authors (Ruiter and Neuhold, 2012; Hage and Kaeding, 2007) who have examined the reasons for deciding European legislation through the “fast track” approach of the informal procedure have found that the “urgency” is a decisive factor, as well as the “failure sensitivity”. Being included to the Council Presidency agenda as a priority, means that the Council will invest significant efforts to the given dossier in order to implement its priorities or at least to reach some progress on time, because it is “politically important” and have to be reached in a short period of time (Ruiter and Neuhold, 2012: 543). In addition, the Council Presidency is aware of the fact that due to its restricted resources in terms of time and personal resources (Häge and Kaeding, 2007: 348) it has to prioritize its goals. It will be measured to what extent being limited by the six-months term of the Presidency, the Council is more likely to make compromises in favor of the EP’s preferences, in order to achieve at least part of its priorities. It will be compared

whether the EP is more likely to implement its preferences on a given dossier when it is included in the Council Presidency agenda compared with the implementation of preferences on a dossier that is not included in the agenda. Such measurement will test the hypothesis that the less sensitive to the time limitation the European Parliament is the more impact on the final outcome it has. The measurement will be made by comparison of the percentage of “highly important” and “important” implemented amendments in both cases.

3.6.1.4. Sensitivity to failure of an agreement

Accountability of member states at domestic level

In addition to the time limitation, possible failure would have dual negative effect for the country which is holding the presidency rotation. Firstly, it would be a signal to the other member states that the given country is not able to reach its priorities and to defend the Council preferences as a collective body. On the other hand, the given country is accountable at domestic level (Hage and Kaeding, 2007). Although the country holding the Council Presidency rotation does not presents the national preferences but those of the collective body (Interview, MEP, 1st of April, 2014, Brussels), each Presidency’s priorities are defined on the basis of topics sensitive for the given country (MEP, 1st of April, 2014, Brussels; Ruiter and Neuhold, 2012: 549). Hence, possible failure means also that the country is not able to defend the national priorities and accountability will be asked on the national level. To be accountable at national level means to be accountable to the national parliaments (Bekkers et al., 2007: 225). It will be measured whether led by the chance of an agreement failure and being more sensitive to it, the Council is more likely to adopt EP’s preferences in order to avoid such failure. Such sensitivity will be measured through observing the importance of the issue to the country holding the presidency- whether the outcome of the given dossier is closely related to the national interest and possible failure would lead to negative consequences for the given country. Having in mind the importance of the issue the final outcomes of both legislative acts will be compared. It will be tested whether the EP has an advantage when the Council is restricted in terms of accountability. The measurement will be made on the basis of comparison the between the percentage of adopted “important” and “highly important” amendments by both cases.

3.6.2. Data Collection

The data needed for the operationalization of the research will be taken from different sources. The qualitative analysis requires using of many and reliable sources in order the validity of measurement to be guaranteed. The main sources that will be used are official documents of the EU institutions. For valid assessment and classification it is necessary the European Commission`s proposals, committee draft reports, Council`s positions, opinion-giving rapporteurs` positions and the final legislative act to be used. It is also important the opinion of the stakeholders to be taken into consideration. Therefore, opinions of the consultancy companies, NGOs and lobby groups will be taken, if applicable. For analysis of the different party groups positions and individual MEP`s behavior, minutes and working documents from committee meetings will also be used.

In order to enhance the internal and external validity of the measurement structured interviews have been taken. On the side of the European Parliament interviews have been taken from two representatives of EPP`s group and one of the S&D group. Invitations were sent to representatives of the ALDE also, but no response has been received. On the side of the Council, three interviews with representative of COREPER I and II have been taken. An attempt has been made representatives of the EC to be contacted. However, no response has been received. Resume of the interviews can be found in Appendix D. Table 3 presents detailed information about the operationalization and data collection for each of the given indicators.

Table 3 Operationalization of factors and indicators

Factor	Indicator	Measurement	Data
Coherence	Coherence among committees involved	Content examination of the opinion-giving and associated committees` reports	Committees working documents; Draft reports; Minutes from committee meetings; Official documents; Interviews;
	Coherence among party groups within the leading committee	Voting within the leading committee; Content examination of shadow rapporteurs` reports	Minutes from committee meetings; Draft reports of shadow rapporteurs; Party group positions.
Expertise	Number of associated and opinion-giving rapporteurs	How many associated and opinion-giving committee has been involved	European Parliament legislative observatory- Document gateway; Official documents
	Number of shadow rapporteurs	How many parties have assigned a rapporteur within the leading committee	European Parliament legislative observatory- Document gateway; Official documents
	Experience of the rapporteur	How much times has he/she been assigned as a rapporteur	European Parliament official website; Profile of the given rapporteur; Reports;
Time limitation sensitivity	Council Presidency priority	Is the given topic included in the Council Presidency agenda - Content examination	Council presidency agenda;
Failure of agreement sensitivity	Accountability to the Council	To what extent the given dossier is important to the Council, out of the Council Presidency	The position of the biggest member-states; Media coverage of the topic; Council official documents
	Accountability at domestic level	Sensitivity at domestic to this topic.	Priorities of the member-states at domestic level in the given policy area; media coverage;

In the following three chapters two cases will be analyzed and a comparison between them will be made. Both of them are subject of the EU development and cooperation policy.

The EU has been involved in the development and cooperation policy since the early years of its creation. In 1957 the Treaty of Rome provided the legal basis for establishing the European Development Fund in order to support the colonies and overseas regions (EC, 2014: 3). The EU external action programmes and development policy have two side effects. On the one hand, the EU contributes to the global efforts for eradication of world poverty and hunger and achieving of MDGs. On the other hand the development and cooperation policy contributes to the position of the EU on the global political stage. Currently, the European Union is the largest donor of development assistance worldwide, aiming at reducing the poverty rate, promoting the human rights, fundamental freedoms, democracy, rule of law, gender equality, solidarity and achieving of Millennium Development Goals⁵ (EC, 2014a). The next chapters will pay attention to one of financial instrument used by the EU for implementation of the development and cooperation policy – the instrument for development and cooperation (DCI). Chapter 4 is focused on DCI 2007-2013 and more precisely its amendment related to the banana accompanying measures. Chapter 5 is focused on the DCI 2014-2020

⁵ Millennium Development Goals has been agreed by all the world countries in 2000, members of the UN. They aim at eradication of poverty and gets HIV/AIDS property, women`s empowerment, improving the education and so further under control by 2015 (UN, 2014) More information can be found at: <http://www.un.org/millenniumgoals/bkgd.shtml> .

Chapter 4 Case I: Instrument for development and cooperation: Banana Accompanying Measures

In this Chapter the case representative for the formal legislative procedure will be examined. In the first two sub-chapters overview of the legislative issue and the negotiation process will be made. Further, the results of the negotiations will be discussed. The chapter will end with analysis of the values of the indicators that have been measured.

4.1. DCI/BAM overview

For more than 20 years, EU has tried to help Africa Caribbean and Pacific (ACP) banana-export countries in their adaptation and adjustment to the global market by supporting the competitiveness and diversification of their economies (EC, 2010a). According to the EC data for this period more than 450 million euros have been provided. Additionally, the European Common Market Organisation (CMO) has ensured preferential access to the EU market for this group of countries. (EC, 2010b: 2). However, since 1994 EU has been challenged by the WTO about this preferential regime (EC, 2010a). During the Doha Round the EU has been engaged with reduction the margin for ACP countries` preferences (EC, 2010b:2). In 2009, it was agreed the preference`s margin of the ACP countries to be reduced by cutting the tariffs for Latin America countries (EC, 2010a). However, the implementation of this agreement would have some negative effect on the ACP countries. Therefore, the Commission has suggested a new ACP Banana Accompanying Measures programme to be created (EC, 2010b: 2). The new programme has to be adopted as part of the already existing DCI (2007-2013) by amending Regulation (EC) No 1905/2006. DCI is part of the financial instruments included in the MFF 2007-2013 as Heading 4 (EC, 2010a). The budget of 190 million euros had to be allocated on the base of clear, primarily given indicators (EP, 2011a).

4.2 Negotiation process:

The Commission proposal has been published in March 2010. Based on article 209 (1) of TFEU it has to be decided under ordinary legislative procedure⁶. The EP has engaged the Development committee to work on the dossier. Within the Council, three configurations have been involved -

⁶ Article 209, par. 1 of TFEU says: " The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt the measures necessary for the implementation of development cooperation policy, which may relate to multiannual cooperation programmes with developing countries or programmes with a thematic approach"

Education, Youth, Culture and Sport; Agriculture and Fisheries and Competitiveness Charles Goerens (ALDE) has been assigned as a rapporteur. According to the information available on European Parliament website, none of the other party groups has assigned a shadow rapporteur. Furthermore, even if three other committees (INTA, BUDG and AGRI) have been invited for opinion, only one of them (BUDG) has provided it. As a result, only two rapporteurs have worked on this dossier- the leading and the opinion-giving rapporteur.

The duration of the negotiation process was about 21 months (March 2010 - December 2011) and covered the presidency mandates of four countries – Spain, Belgium, Hungary and Poland (Council, 2014). On first reading the EP has adopted 21 amendments aiming at enhancement of the effectiveness and transparency of the process by defining clear assessment criteria. The most important amendments aimed at EC to be given the right to adopt delegated acts with respect to the multiannual strategy papers and programme documents (EP, 2010a). That means EP would be given the opportunity to “*exercise the powers of democratic scrutiny*” (EP, 2010a). Delegated acts have been introduced with the Lisbon Treaty (art. 290, TFEU) in order to allow the EC to adopt small changes to the law without to affect the “core” legislation decided by the EP and the Council. According to Treaties, any delegation of power should be decided by the EP and the Council and to be subject of control by both organisations. Furthermore, the Council and the EP can use veto if not being content with the Commission decision (EP, 2010b).

The Council itself has approved 15 of the EP’s amendments. All of them contribute to the “clarification of some substantive aspects of the BAM programme” (Council, 2010). However, the Council rejected amendments referring to the delegated acts, because according to its opinion these acts should be targeted as “implementing” (art. 291, TFEU) instead of “delegated” acts. By “implementing acts” the EP does not have any veto power and the scrutiny is exercised by the comitology system. As a result, both institutions did not reach a compromise on first reading and the EP reintroduced the amendments rejected by the Council, adding three new amendments on second reading. Neither the EP, nor the Council were able to deviate from their preferences and as a result of the unsuccessful negotiations between first and second reading, a conciliation committee has been arranged (EP, 2011a). During the formal trilogue four legislative proposals (DCI, DCI/BAM, ICI+ and EIDHR) have been negotiated as a package (EP, 2011b: 7). After eight formal trilogues a joint text has been signed. However, the amendments referring to the

delegated act has been excluded (EP, 2011a). The EP declares that further improvement of DCI/BAM would not be possible “due to the Council’s rigidity” (EP, 2011b: 7). It has to be highlighted that due to the fact the conciliation committee has been held on a package of legislative dossiers, the EP delegation has been led by the vice-president of the EP Alejo Vidal-Quadras. The formal trilogues have been chaired by him and not by the rapporteur. However, the four rapporteurs took part in the negotiations (EP, 2011b: 8).

4.3. Results of the negotiations:

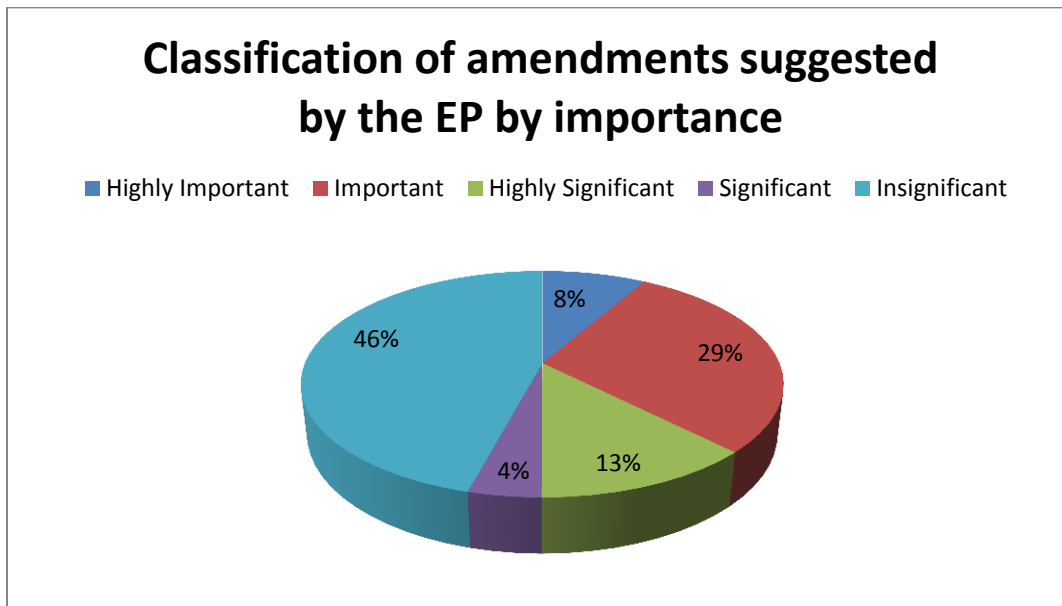
On the basis of the research and examination of official documents, media coverage and stakeholders’ opinion as well as on the basis of impact assessment 9 out of 24 have been classified as important and highly important. If being adopted they would change the scope of legislation. The more detailed classification can be found in Appendix A. In general, as important and highly important amendments has been classified those of them that, refer to the delegated acts. If adopted, they would change the scope of legislation by introducing additional political actor in the decision-making process. The tables below (table 4 and table 5) present the results of negotiations classified by level of adoption and level of importance. Table 4 presents the percentage of adoption by importance, while Table 5 the overall level of adoption. On the horizontal of Table 4, it can be traced out what is the percent of adoption by five ranking scale on each type of amendments. On the vertical of Table 5 it can be traced out what is the overall level of adoption and which type of amendments hold the highest share of the given level of adoption

Table 4 Percentage of amendments by importance

	Fully adopted	Largely adopted	Partially adopted	Modified	Rejected	Totally
Highly important	0 (0%)	0 (0%)	0 (0%)	0 (0%)	2 (100%)	2 (100%)
Important	0 (0%)	0 (0%)	0 (0%)	0 (0%)	7 (100%)	7 (100%)
Highly significant	2 (66.6%)	0 (0%)	0 (0%)	1 (33.3%)	0 (0%)	3 (100%)
Significant	1 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	1 (100%)
Insignificant	10 (90.9%)	1 (9.1%)	0 (0%)	0 (0%)	0 (0%)	11 (100%)
Totally	13	1	0	1	9	24 (%)

Source: The table is composed by the author on the base of own assessment of the amendments` importance. The classification is made on the base of primarily described criteria, using the model of Tsebelis and Kalandrakis (1999)

Figure 5 Classification of amendments by importance



Source: The chart is composed by the author on the base of own assessment of the amendments` importance. The classification is made on the base of primarily described criteria, using the model of Tsebelis and Kalandrakis (1999)

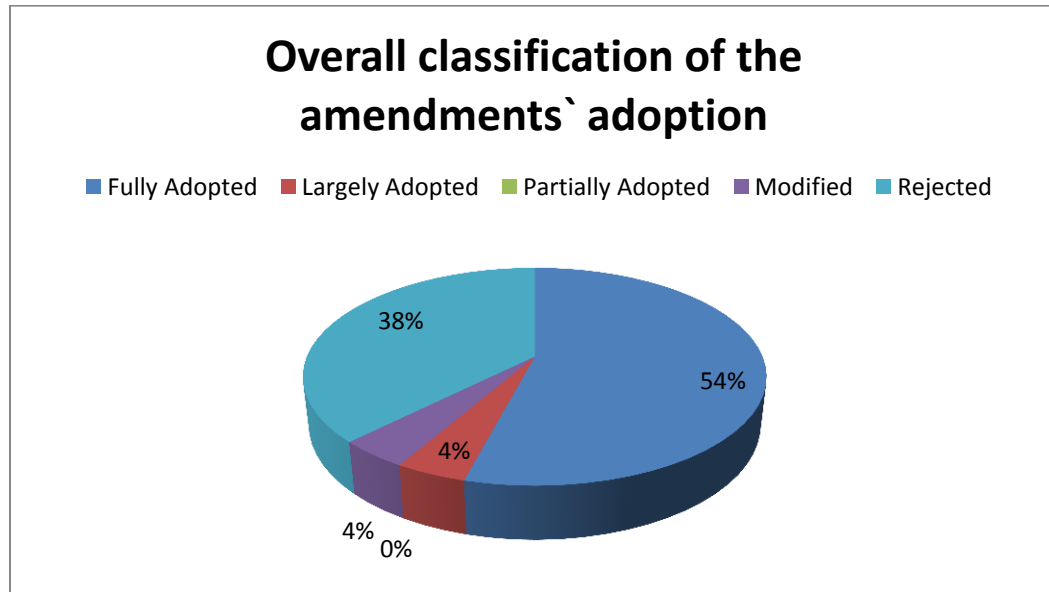
The analysis of the data presented, shows that 50% of amendments suggested by the European Parliament have been classified as insignificant or significant. Of them, 100% have been fully or largely adopted. As it was explained in Chapter 3, such result is expected, because as insignificant and significant are classified amendments, either part of the non-legal binding part of the text, or aiming at improvement of the text without to bring any substantive change. As highly significant amendments have been classified 13% of all. They bring some substantive change into the legislation (changes in the time frame or introduce some details), but do not have impact on the scope. None of them has been rejected, but 33.3% have been modified; 66.6% have been fully adopted. Figure 6 shows the classification of amendments by importance in percentages. It can be seen that 37 % of all amendments have been classified as important and highly important. That means over 1/3 of EP's amendments aim significant change to the legislative proposal and its scope.

Table 5 Percentage of amendments by adoption

	Fully adopted	Largely adopted	Partially adopted	Modified	Rejected	Totally
Highly important	0 (0%)	0 (0%)	0 (0%)	0 (0%)	2 (22.2%)	2
Important	0 (0%)	0 (0%)	0 (0%)	0 (0%)	7 (77.8%)	7
Highly significant	2 (15.3%)	0 (0%)	0 (0%)	1 (100%)	0 (0%)	3
Significant	1 (7.7%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	1
Insignificant	10 (76.9%)	1 (100%)	0 (0%)	0 (0%)	0 (0%)	11
Totally	13 (100%)	1 (100%)	0 (100%)	1 (100%)	9 (100)	24

Source: The chart is composed by the author on the base of own assessment of the amendments` adoption. The classification is made on the base of primarily described criteria, using the model of Tsebelis and Kalandrakis (1999)

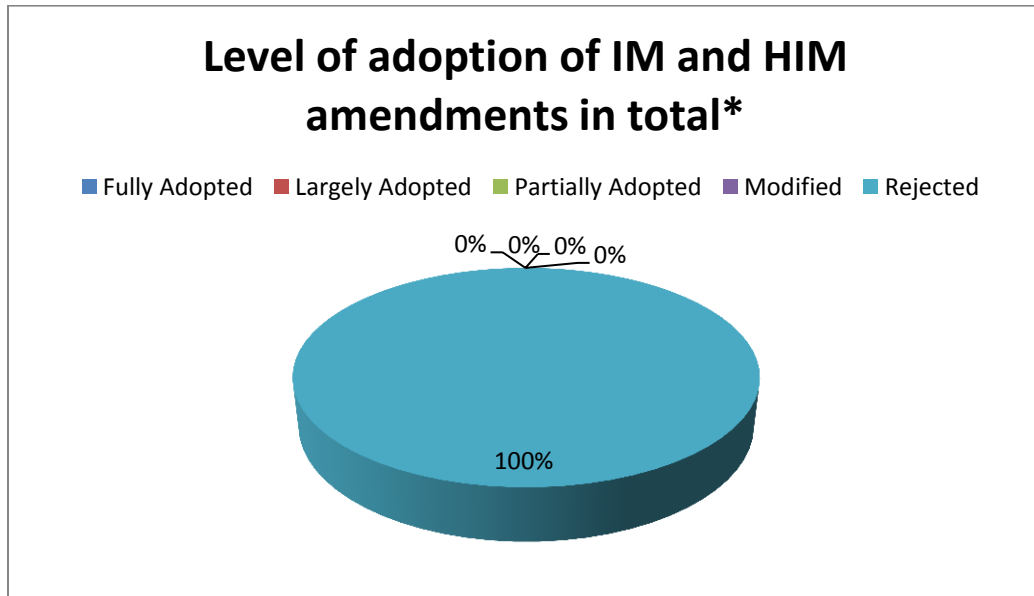
Figure 6 Classification of amendments by adoption



Source: The chart is composed by the author on the base of own assessment of the amendments` adoption. The classification is made on the base of primarily described criteria, using the model of Tsebelis and Kalandrakis (1999)

When it comes about the overall level of adoption, it seems like the EP has succeed in the negotiation process, because 54% of suggested amendments have been fully adopted and 4% largely adopted, while only 38% have been rejected. Such statement might be correct if the method of the research, used in this study was not qualitative. More comprehensive look into figure 8 and table 5 shows 100% of all rejected amendments have been classified as important and highly important. Therefore, the success of the EP with respect to the criteria set in chapter 3, namely the level of adoption of important and highly important amendments, is 0%.

Figure 7 Level of adoption of IM and HIM amendments



Source: The chart is made by the author on the base of the amendments` assessment.

*In this chart the percent of important and highly important amendments is count as a single percent. The full amount of amendments subject to this analysis is 9 (100%) - 2 highly important and 7 important

The analysis of the data gained on the basis of primarily defined set of criteria shows that in the given case, the EP was not able to defend its preferences. EP did not have any impact on the legislative process, because none of the important and highly important amendments has been adopted. The result of analysis confirms the arguments used by the selection of the method of inquiry and statement of Häge and Kaeding (2007) that assessment of overall number of adopted amendments cannot be considered as relevant, since the level of importance also matters (Häge and Kaeding, 2007: 350).

4.4. Indicators:

Referring back to chapter 2, four factors that exert influence on the EPs ability to make an impact on the final outcome have been identified- the coherence and expertise of the negotiation team and time limit and failure sensitivity of both organisations. In Chapter 3 for each of them, indicators for measurement have been assigned. The coherence should be measured among members of the leading committee and among committees involved. The given case, however, requires also coherence among the delegation to the conciliation committee to be measured, because it was led by the vice-president of the EP and not by the rapporteur. This circumstance

means a new negotiation team has been created during the last stage of the procedure. With respect to the coherence among the leading committee, the data show it has been achieved.

Firstly, none of the other parties has assigned a shadow rapporteur but decided to trust the main rapporteur. Secondly, on first reading, within the committee 36 members voted in favor of the report and 2 against, without abstentions (EP, 2010a). On second reading the committee voted unanimously in favor of Charles Goerens` report (EP, 2011b). When it comes about the coherence among the committees involved, the analysis shows amendments suggested by the BUDG committee have not been taken into account by composing EP`s position. However, they were not relative to the important and highly important amendments made by the EP. According to the measurement of indicators described in Chapter 3, the coherence among committees involved should be measured with respect to the important and highly important amendments. Therefore, it can be concluded that coherence has been achieved as well within the leading committee, as among committees involved.

Nevertheless, the situation is different with respect to the Delegation to the conciliation committee. Observation of the Debates` of the European Parliament in November 2011 minutes shows the chair of the delegation and the four main rapporteurs hold controversial opinion. While the chair of the delegation declared “the overall result is satisfactory to Parliament” (EP, 2011d: 78), the rapporteur Charles Goerens publicly said he “finds the outcome extremely unsatisfactory” and will not support the compromise agreement (EP, 2011d: 79). The conclusion drawn from these minutes is that during the conciliation committee`s trilogues coherence among the negotiation team has not been reached. Moreover, it seems like the chair of the delegation did not present himself as an ambitious negotiator, because the EP did not achieve anything else different than what has been achieved on first reading (EP, 2011d: 80).

The second important factor that requires attention is the expertise. According to Chapter 3, the expertise should be measured through three indicators- number of involved committees and respectively opinion giving and associated rapporteurs, number of shadow rapporteurs and parliamentary experience of the rapporteur. According to the data presented above, only one opinion-giving rapporteur has been involved. The main rapporteur has not been supported by any shadow and associated rapporteurs. In spite of all, his professional experience gives added value to the negotiation team. Charles Goerens is a vice-chair of the Delegation to the ACP-EU

Joint Parliamentary Assembly, member of Development and Human Rights Committees in the EP. He has been a rapporteur on seven dossiers and additionally has been assigned as a shadow rapporteur to twenty-four dossiers during his parliamentary career. His parliamentary work is fully concentrated on the development and cooperation policy and external actions of the EU (EP, 2014).

With respect to the next two factors, the analysis of the data shows EP did not have the advantage of time horizon, because DCI/BAM agreement has not been included in the priorities of any of the countries holding the Council Presidency rotation. That means the Council was not forced to stretch a point in order to achieve some progress with its priorities. The fact that the procedure came to conciliation committee means the Council has already lost enough time and as expected it will try to get maximum benefits from the given situation.

Because the accountability at national level means accountability to the national parliament (Bekkers et al., 2007: 225), it is necessary for unit of analysis national parliaments' official documents to be taken. Due to the different national procedures and requirements public information on this topic was not found. As a result, the accountability at national level with respect to the DCI/BAM regulation cannot be assessed. However, when it comes about the accountability at EU level, it seems like for the Council Presidency failure would be to allow EP to get the opportunity to exercise its scrutiny powers rather than an agreement on technical issue not to be reached. The Council's put efforts to preserve its dominating position through the comitology system (Council, 2010) in the EU decision-making process.

4.5. Conclusion:

In sum, coherence among the leading committee and committees involved has been achieved. However, with the establishment of the new negotiation team during the last stage, the coherence has been reduced. With respect to the expertise, the rapporteur contributes significantly. However, regarding the other two indicators, it seems the level of expertise to be low. Furthermore, the issue was not part of the priorities any of the countries holding the Council Presidency. As a result, information about the accountability at local level was not found. Accordingly, none of the important and highly important amendments suggested by the EP has been adopted and included in the final legislative act.

Chapter 5: Case II: Instrument for development and cooperation 2014-2020

In this Chapter the case representative for the informal legislative procedure will be examined. In the first two sub-chapters overview of the legislative issue and the negotiation process will be made. Further, the results of the negotiations will be discussed. The chapter will end with analysis of the values of the indicators that have been measured.

5.1. DCI 2014-2020 overview

The instrument for development and cooperation (DCI) established for the first time with 2007-2013 MFF is the largest development policy instrument with resources of 16.9 billion euros. As part of the MFF 2007-2013 it has expired on 31st of December 2013 (EC, 2011a: 2). Thus, in 2011 the EC has launched the new proposal for regulation for establishing financial instrument for development and cooperation for the next programme period 2014-2020. It has been part of Heading 4 of the MF F 2014-2020 (EPRS, 2014). According to the Commission`s proposal, the financial support under DCI should be allocated through three categories of programmes: geographic programmes, thematic programmes and the accompanying measures (EC, 2011a: 2). Under this instrument, all of the developing countries will have access to assistance, except those who are part of the Pre-Accession programme. The major goals of the instrument are “eradication of the poverty in partner countries and regions” and achieving of MDGs (EC, 2011a: 2). To achieve its goals the instrument will be in funds of 19.6 billion euros for the entire period.

5.2. Negotiation process:

The Commission`s proposal has been published in December 2011. It was based on article 290 (1) of the TFEU and is subject of ordinary legislative procedure. The responsible committee for the preparation EP`s position is the Development committee. Within the Council, two configurations have been engaged - ECOFIN and Foreign Affairs. Thijs Berman (S&D) has been assigned for main rapporteur. All of the other party groups also decided to assign shadow rapporteurs. Additionally, five other committees have been involved in the process – Foreign affairs (AFET), International trade (INTA), Budget (BUDG), Civil liberties, justice and home affairs (LIBE) and Women`s right and gender equality (FEMM). Four of them provided an opinion, while LIBE did not. At the end, 11 rapporteurs have been involved.

The duration of the negotiation process was about 18 months (September 2012 - 31 December 2013), covering three Council Presidencies mandates- Cyprus, Ireland and Lithuania (Council, 2014). About 720 amendments have been submitted by the five committees. The biggest part of them comes from the Development committee- 487 amendments. The AFET has provided 53; INTA- 72; BUDG- 47 and FEMM- 59. At the end of the day, the rapporteur has united them in 244 amendments as a point of departure for the negotiation process. It was decided informal trilogues between the institutional triangle to be arranged and an opportunity for early agreement to be searched for. The mandate for informal trilogues has been given to the main rapporteur on 18th of September 2012 (EP, 2012c).

The EP has insisted on the assessment of countries eligible for assistance to be based not only GNI but also on additional indicators such as rate of poverty, inequality and human development indicator (EP, 2012d: 133). Furthermore, the EP disagreed with the Commission proposal “joint framework document” to be used for a departure for programming because such documents are not subject of parliamentary control. However, the most important amendments adopted by the EP have been related to the EP`s role in the strategic planning, scrutiny and enhancing the transparency and visibility of the preparation, implementation and assessment of the instrument. It requested for establishment of mechanism for rapid reaction of the Union in cases of emergency and unforeseen circumstances. As a way to achieve these goals, EP has suggested the EC to be allowed to adopt delegated acts with respect to “strategic programming documents, defining objectives, priorities and financial allocations” (EP, 2012d: 135)

Due to the informal institution of the early agreements it is not possible to have a look into the negotiation process and the position of the Council on vital issues such as the delegated acts. Contrary to the formal procedure, where the Council`s position is published after the first and second reading, by the informal procedure, as explained in Chapter 2, it can only be suggested on the basis of the final agreement what the Council`s preferences have been. Regarding DCI 2014-2020, observation of the final agreement (EP, 2013b) shows EP was not able to pass all of the amendments aiming at introduction of delegated acts. However, with some changes to the annexes, the EC has been granted the opportunity to adopt delegated acts that address “adapting or updating the areas of cooperation” and the indicative allocations of (EP, 2014f).

5.3. Results of the negotiation:

On the basis of research and examination of official documents, media coverage and stakeholders' opinion as well as on the base of impact assessment 31 out of 244 amendments have been classified as important and highly important. The more detailed classification can be found in Appendix B. In general, as important and highly important amendments have been classified those referring to the role of the EP in the programming and implementation of the instrument strategy papers and resources allocation (EP, 2012d: 134) – the delegated acts. The introduction of the delegated acts would mean the EP to be given veto power and to be placed on equal foot with the Council, according to article 290 of the TFEU.

The tables below (Table 6 and Table 7) present the results of negotiations classified by level of importance (Table 6) and level of adoption (Table 7). On the horizontal of Table 6, it can be traced out what is the percent of adoption by the five ranking scale on each of the types of amendments. On the vertical of Table 7 it can be traced out what is the overall level of adoption and which type of amendments hold the highest share of the given level of adoption.

Table 6 Percentage of amendments by importance

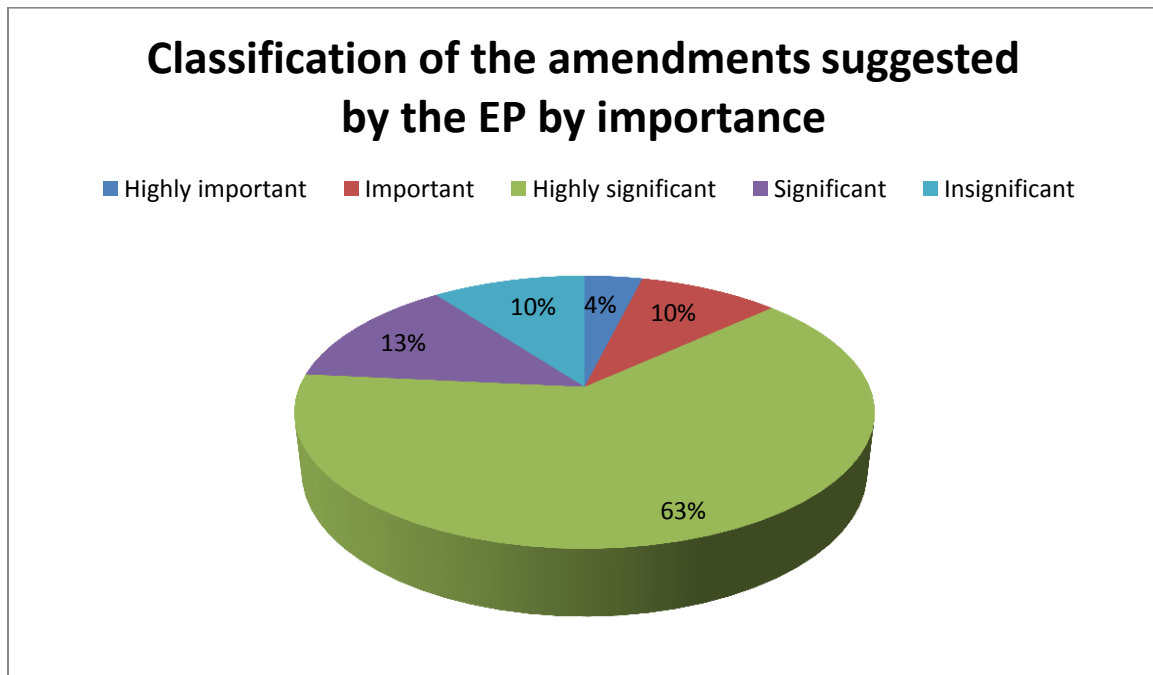
	Fully adopted	Largely adopted	Partially adopted	Modified	Rejected	Totally
Highly important	0 (0%)	1 (11%)	3 (33%)	1 (11%)	4 (44%)	9 (100%)
Important	7 (32%)	4 (18%)	1 (4.5%)	1 (4.5%)	9 (41%)	22 (100%)
Highly significant	88 (59%)	7 (4.7%)	9 (6%)	15 (10.1%)	39 (26.3%)	148 (100%)
Significant	14 (45.2%)	0 (0%)	0 (0%)	4 (12.9%)	13 (41.9%)	31 (100%)
Insignificant	7 (29.2%)	5 (20.8%)	6 (25%)	0 (0%)	6 (25%)	24 (100%)
Totally	116	17	19	21	71	244 (100%)

Source: The table is composed by the author on the base of own assessment of the amendments` importance. The classification is made on the base of primarily described criteria, using the model of Tsebelis and Kalandrakis (1999)

As can be seen on Figure 4, that presents the share of each type of amendments made by the EP, about 23 % of amendments suggested by the EP have been classified as insignificant or significant. Referring back to Chapter 3, these are amendments either part of non-legal binding part of the text, or just aiming at making the text clearer without bringing any substantive change. Despite their legal features and status they have not been appreciated by the Council at the extent it was expected. The data show the relative success of the insignificant amendments is about 50%, while for the significant it is 45%. As amendments that bring some substantive change but do not have influence on scope of legislation, have been classified 60.7%⁷ of all.

⁷ Figure 9 shows these amendments present 63% of all, despite the data fulfilled in the excel table was correct.

Figure 8 Classification of amendments by importance



Source: The chart is composed by the author on the base of own assessment of the amendments` importance. The classification is made on the base of primarily described criteria, using the model of Tsebelis and Kalandrakis (1999)

Despite their level of adoption is relatively high – about 65%, they cannot be considered as reliable data with respect to the impact that EP makes on the final legislation, because of their features and the criteria for impact assessment set in Chapter 3.

According to the data presented, it can be seen that about 13% of all amendments have been classified as important and highly important. A look into Figure 10, that presents the overall level of adoption of important and highly important amendments shows 23% of them have been fully adopted, 16 % largely adopted and 42% rejected. Considering only the important amendments (22) the percent of fully adopted and largely adopted is exactly 50% compared to 41% rejected. However, when it comes about the highly important amendments, the numbers show advantages for the Council – 44% rejected and 11% adopted (Table 7).

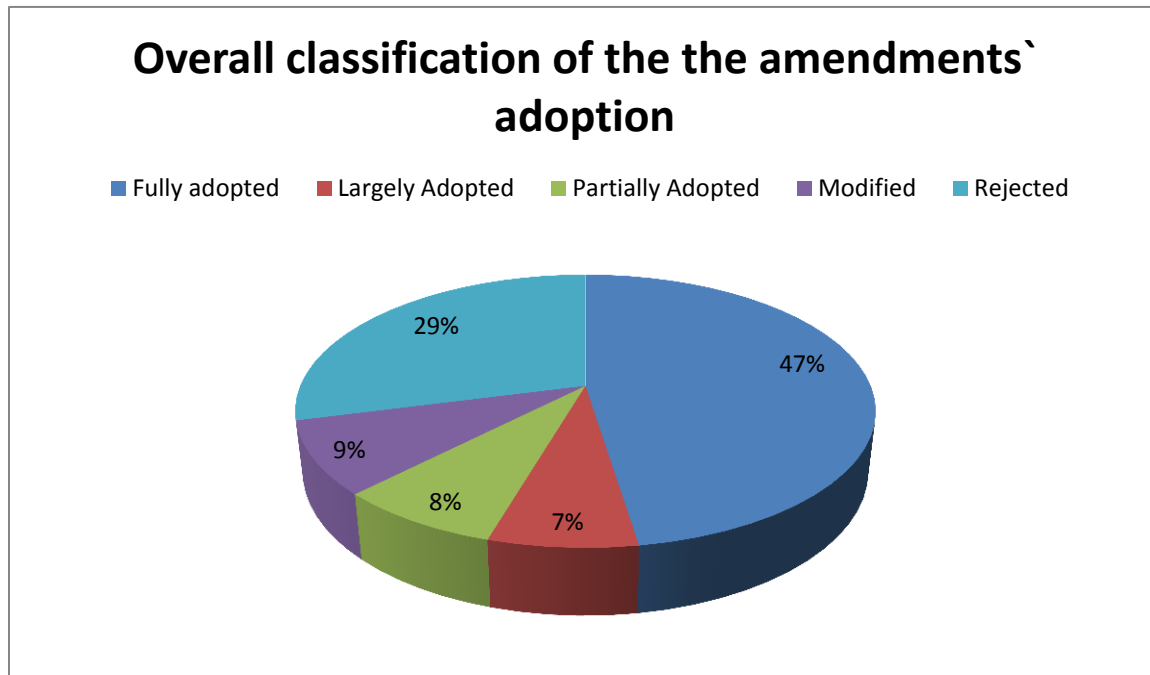
Table 7 Percentage of amendments by adoption

	Fully adopted	Largely adopted	Partially adopted	Modified	Rejected	Totally
Highly important	0 (0%)	1 (5.9%)	3 (15.8%)	1 (4.8%)	4 (5.6%)	9 (3.7%)
Important	7 (6%)	4 (23.5%)	1 (5.3%)	1 (4.8%)	9 (12.7%)	22 (9%)
Highly significant	88 (75.9%)	7 (41.2%)	9 (47.4%)	15 (71.4%)	39 (54.9%)	148 (60.7%)
Significant	14 (12%)	0 (0%)	0 (0%)	4 (19%)	13 (18.3%)	31 (12.7%)
Insignificant	7 (6%)	5 (29.4%)	6 (31.6%)	0 (0%)	6 (8.5%)	24 (9.8%)
Totally	116 (100%)	17 (100%)	19 (100%)	21 (100%)	71 (100%)	244 (100%)

Source: The chart is composed by the author on the base of own assessment of the amendments` adoption. The classification is made on the base of primarily described criteria, using the model of Tsebelis and Kalandrakis (1999)

More general look into the tables and Figure 10 shows that 47.5 % of all amendments have been fully adopted and 7 % largely adopted compared to 29% rejected. However, such overview cannot be considered as indicative for the EP success, because significant part of all fully and largely adopted amendments has been classified as highly significant and significant, which is out of this model.

Figure 9 Classification of amendments by adoption

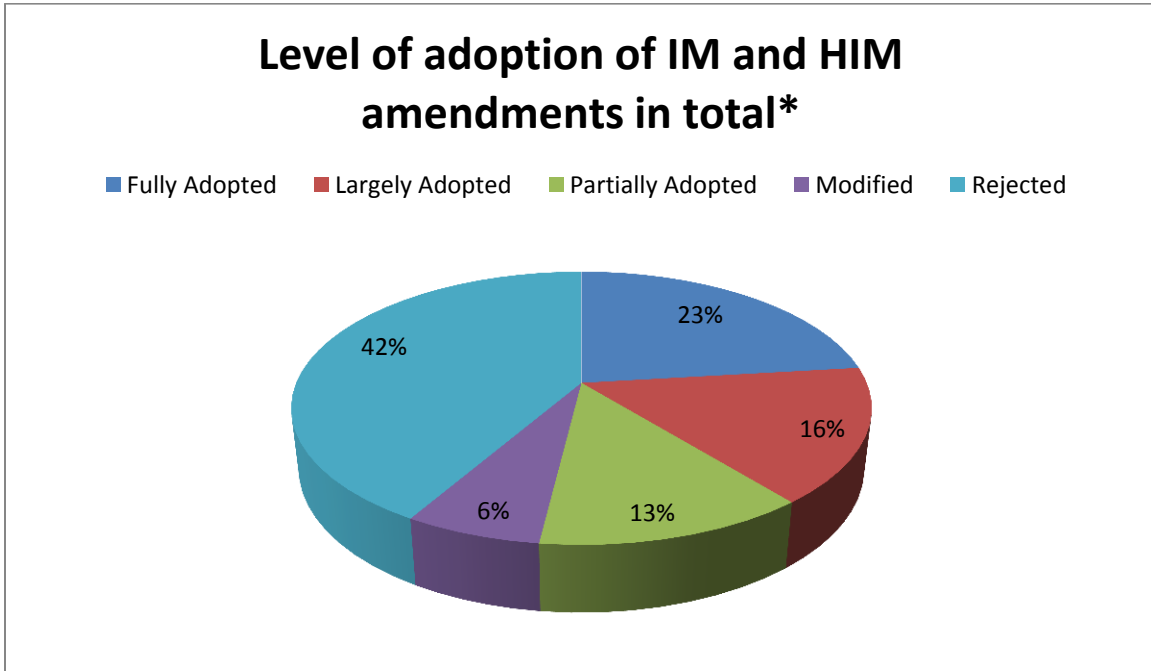


Source: The chart is composed by the author on the base of own assessment of the amendments` adoption. The classification is made on the base of primarily described criteria, using the model of Tsebelis and Kalandrakis (1999)

The highest success the EP has with highly significant amendments that bring up some substantive change, without to change its scope of the legislative proposal. They consist 76% of all fully adopted and 41% of the largely adopted amendments⁸. The relative success of the EP with respect to the important and highly important amendments is almost 50% because 39% have been fully or largely adopted, compared to 42% rejected. More details can be found on Figure 11. This estimation might not be absolutely correct, since about 20% of the important and highly important amendments remain out the bill. However, according to the model of examination created in Chapter 3 they do not have to be included by the assessment.

⁸ Most of the amendments made to the annexes of the regulation have been classified as highly significant, since the explanations and supplement they made refer to the EC competitiveness to adopt delegated acts

Figure 10 Level of adoption of IM and HIM amendments



Source: The chart is made by the author on the base of the amendments` assessment.

*In this chart the percent of important and highly important amendments is count as a single percent. The full amount of amendments subject to this analysis is 31 (100%) - 9 highly important and 22 important.

5.4. Indicators:

In order to assess whether the institution of the early agreements have an effect on the ability of the EP to make an impact on the final legislative outcome it is necessary to test the factors that according to the body of literature have influence on it and that have been identified in Chapter 2.

The analysis of the data shows despite the high number of shadow rapporteurs, full coherence within the leading committee has been achieved. Firstly, none of the shadow rapporteurs has provided special opinion to the main rapporteur`s suggestions. During the discussions, amendments coming from the shadow rapporteurs have been made only by Gay Mitchell (EPP) and Bart Staes (Greens). However, these amendments did not refer to the EP`s role and delegated acts. Additional research in the party groups` websites in order official position to be found was unsuccessful. Furthermore, the mandate for informal trilogues has been given to the main rapporteur at 18th of September 2012 with unanimity by voting in the committee – 22 positive

votes, 0 negative, 0 abstentions (EP, 2012c). Therefore, according to the criteria set in Chapter 3, it can be concluded there was coherence among the leading committee.

As can be expected, involvement of more committees leads to more amendments submitted to the leading committee. The analysis of the data shows committees involved contributed to the EP's position by submitting more than 200 amendments. The AFET committee has provided 53 amendments, 9 of them adopted, or at least partially adopted and 35 rejected; INTA committee has submitted 72 amendments, 26 fully adopted, while 28 rejected; BUDG committee has made 47 amendments, 18 fully adopted and 27 rejected (EP, 2013b). The last committee, FEMM has submitted 59 amendments, but 0 of them have been adopted. Examination of opinion-giving committees' amendments shows that with respect to the important and highly important amendments, there are no controversial opinions among them. Most of them have stressed on introduction of delegated acts and enhancing the role of the European Parliament (EP, 2013b). Additionally, within the committees, the opinions of the rapporteurs have been adopted with significant level of coherence (EP, 2013b). Only the amendments made by FEMM do not refer to the delegated acts, since they are more concentrated on feminist issues. None of the rapporteurs have suggested amendment controversial to the efforts of the main rapporteur to enhance the role of the EP. More details about the opinion-giving rapporteurs' amendments can be found in Appendix C.

The second important factor that has influence on the EP's impact on the legislative outcome is the expertise. According to the model in Chapter 3, the expertise of the negotiation team will be measured by means of three indicators- number of involved committees and opinion giving and associated rapporteurs, number of shadow rapporteurs and parliamentary experience of the rapporteur.

As already mentioned, five opinion-giving committees have been involved, but one of them decided not to provide an opinion. Therefore, the opinion-giving rapporteurs who participated in the formulation of EP's position were four. All of them had previous experience as rapporteurs, shadow rapporteurs and opinion-giving rapporteurs (EP, 2014m). The number of rapporteurs involved in the process, besides the leading rapporteur is ten. This number depends not only on committees involved, but also on the number of shadow rapporteurs. All of the six parties have decided to assign a shadow rapporteur (EP.2014f).

Figure 11 Relationship between different indicators



EPP has decided to assign for shadow rapporteur its party coordinator. He is member of the Development Committee and of the Delegation of the ACP- EU Joint Parliamentary Assembly. In his parliamentary career he has been assigned as a main rapporteur six times and all dossiers have been related to the EU development and cooperation policy. As a shadow rapporteur Gay Mitchell has worked on four reports. All of them has been related to the development policy or ACP-EU relations. Additionally he has experience as an opinion-giving rapporteur. Impression with his expertise in the field of development and cooperation policy makes the shadow rapporteur of the ALDE group. Charles Goerens is a vice-chair of the Delegation to the ACP-EU Joint Parliamentary Assembly, member of Development and Human Rights Committees in the EP. He was a main rapporteur for DCI/BAM regulation in the previous programme period. He has been a rapporteur on seven dossiers and additionally has been assigned as a shadow rapporteur to twenty-four dossiers during his parliamentary career. His work as a rapporteur is fully concentrated on the development policy and external actions of the EU. In general, the parliamentary activity of all of the shadow rapporteurs is mostly focused on the development and cooperation policy and EU external policies that enhance the expertise of the negotiation team.

Contrary to the shadow rapporteurs, Thijs Berman has not had any experience as a rapporteur before DCI 2014-2020 dossier. At the same time he has been assigned for an opinion giving

rapporteur 14 times and most of them related to budgetary matters. As a shadow rapporteur he has been working on six reports. At the same time, one of the reports he has been assigned for as a shadow rapporteur is the Report on the on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1905/2006 establishing a financing instrument for development cooperation and Regulation. He is a chair of the Delegation for relations with Afghanistan (EP, 2014n).

The next couple of factors that it is supposed to have influence on the impact EP makes on the final outcome refers to the inter-institutional set of the EU law- the time horizon and failure sensitivity. According to the indicators set out in Chapter 3 the time sensitivity will be measured through the perspective of Council Presidency priorities, while with respect to the failure sensitivity additional attention should be paid to the sensitivity of the topic at national level.

The duration of the negotiation process, as already mentioned, was about 18 months, covering three Council Presidencies- Cyprus, Ireland and Lithuania. Two of them have defined the negotiation progress on DCI as their priority (Cyprus and Lithuania), while Ireland did not include it in its priorities. The negotiations started during the Cyprus Presidency in the middle of the mandate and finished at the end of the Lithuanian Presidency.

With respect to the accountability at national level, as by the first case, public information on this topic was not found, due to the different national procedures and requirements. Therefore, accountability at national level cannot be assessed.

5.5. Conclusion:

The research shows that statements of some authors (Yordanova, 2010) that often the rapporteurs have not been selected on the basis of their expertise, but on the basis of their political belongings seems to be correct. However, the negotiation team can be affirmed to be highly expert. Despite the fact the main rapporteur did not have any previous experience as a rapporteur, nor his parliamentary activity has been focused on the development and cooperation policy, the shadow rapporteurs have strengthen the expertise of the team. Unfortunately, it is impossible the correlation and teamwork among them to be tested, because it can be supposed that they have contributed to the main rapporteur`s work during their informal meetings

Furthermore the analysis shows the involvement of more committee does not have negative effect on the coherence of the negotiation team, because the research shows when it comes about the important and highly important amendments different committees share similar opinions.

Chapter 6: Cross-case analysis

In order to assess the effect of the early agreements on the impact that EP makes on the final legislative outcome it is necessary to compare the results of negotiation by both cases and the success of the EP. Furthermore, it will be tested whether the values of indicators used by both cases have varied and are they in direct ratio with the level of success for the EP.

6.1. Theory implementation

According to the historical institutionalism, institutions are stable and connected. Thus, the institutional development is incremental and path-dependent because changing one institution leads to change in the whole system (Pierson in Gorges, 2001: 156). From the perspective of the EU and more precisely as regard to the legislative process, the first significant shift to the institutional set and “*the way in which institutions structure the policy process*” (Bulmer, 1998: 374) originate from the introduction of the co-decision legislative procedure.. Since the historical institutionalism focuses on the way in which institutions influence the final political outcome, one of the means of influence is the “*access to the policy process*” (Bulmer, 1998: 370). The institutional set determines who takes the decisions, who is more privileged and who the key actor is. Introduction of the co-decision (II) has brought changes namely to the access to the policy process. While in the past the key actor who has taken the decisions and has shaped the final political outcome was the Council, the new legislative institution allows the European Parliament to participate in the policy process having equal legislative competence as the Council (TFEU, art. 294, 2009).

As a change in one institution leads to changes in the whole matrix, empowerment of the European Parliament and the change of the institutional set leads to changes in the inter-organisational interactions on the one hand and in the intra-organisational settings on the other hand (Farrell and Heritier, 2004: 1186). As a result of the extending the scope of the co-decision some unintended consequences have emerged, such as slowing down the procedure and ineffectiveness of the process (Häge and Kaeding 2007: 344). Hall and Taylor (1996) argue such unintended consequences have an impact on the creation of new institutions (Hall and Taylor, 1996: 7). In the concrete case, these consequences, together with ambiguity of the formal (written) rules (Farrell and Heritier 2005: 227) have led to the creation of the informal institution of the “early agreements” or deciding the legislation at first reading.

The creation of informal institution might lead to redistribution of decision-making weight, while at the same time each actor would like to maximize its political influence in the process and to satisfy its preferences (Farrell and Heritier 2005: 227). Referring to Immergut (1998), it can be considered that the institutionalization of early agreements has changed the circumstances of the bargaining process that might affect political actors' behavior. It is expected that this institutional shift has brought changes not only to the inter-organizational interactions, but also to the intra-organisational settlement (Farrell and Heritier, 2004: 1186) in order to enhance the effectiveness of the bargaining process. In this chapter it will be discussed to what extent this relationship is influenced by the early agreements and whether the changes that occurred after their institutionalization can be explained through the theory of new institutionalism can explain

6.2. Analysis of the data

By a look into the overall percentage of amendments' adoption it seems like the EP has relatively equal success by both procedures - about 55% on average. More comprehensive analysis shows the overall advantage of the EP by the formal procedure originate from the level of adoption of significant and insignificant amendments. Table 8 presents the overview of the level of adoption for both cases. As can be seen at first glance there is not any clear trend. However, the data show the percentage of fully adopted amendments is 10% higher by the first case (formal institution) than by the second one (informal institution).

Table 8 Level of overall adoption

	Case I	Case II
Percentage of fully adopted amendments	54%	47%
Percentage of largely adopted amendments	4%	7%
Percentage of partially adopted amendments	0%	8%
Percentage of modified amendments	4%	9%
Percentage of rejected amendments	38%	29%

Source: the data is collected on the base of analysis and the table is composed by the author.

By supplementing the percentage of largely adopted amendments this difference has been reduced, despite the first case still has an advantage. Further analysis of the data presented in the table shows a positive trend with respect to the percentage of the rejected amendments in favor of the informal procedure. By the formal procedure 38% of the amendments have been rejected, in comparison to 29% by the informal. Such a discrepancy between the level of fully adopted and rejected amendments between both cases originates from the percentage of amendments that have been partially adopted or modified. While by the formal procedure the bulk of amendments are either fully adopted or rejected, by the informal procedure about 17% of all amendments have been partially adopted or modified.

However, the relative success of the EP and the impact it makes on the final legislative outcome cannot be assessed on the basis of the overall adoption of amendments. As can be seen on table 9, the situation is completely different when it comes about the level of adoption by importance. While by the formal procedure the percentage of amendments` adoption (fully and largely adopted; important and highly important) is 0%, by the informal procedure rate of success is 39%. Table 9 present a comparison between both cases on the basis of level of adoption by importance of the amendments.

Table 9 Level of adoption by importance

	Case I	Case II
Percentage of adopted IM and HIM amendments	0%	39%
Percentage of adopted Highly significant amendments	66.6%	63.7%
Percentage of significant amendments adopted by the EP	100%	45.2%
Percentage of insignificant amendments suggested the EP	100%	50%
Overall percentage of amendments` adoption	58%	54%

Source: the data is collected on the base of analysis and the table is composed by the author.

With respect to the highly significant amendments, by both institutions, EP has relatively equal success. The model described in Chapter 3 recognizes as reliable data only the information relative to the important and highly important amendments that have been fully or largely adopted. Therefore, by comparison of both cases it seems like EP has higher success by the informal procedure of the early agreements, where 39% of the important and highly important amendments have been fully or largely adopted.

Table 10 provides evidence why the overall adoption of amendments cannot be considered as reliable data for assessment of the EP’s impact. Contrary to the second case where 23% of the amendments have been classified as insignificant or significant, the rate of these amendments in the first case is 50%. At the same time, according to Table 9, 100% of these amendments have been fully or largely adopted. This data explain to some extent the advantage of the formal procedure with respect to the overall adoption of amendments.

Table 10 Share of the amendments by importance as suggested by the EP

	Case I	Case II
Percentage of IM and HIM amendments suggested by EP	37%	13%
Percentage of highly significant suggested by the EP	13%	60.7%
Percentage of significant amendments suggested by the EP	4%	13%
Percentage of insignificant amendments suggested by the EP	46%	10%

Source: the data is collected on the base of analysis and the table is composed by the author.

At the same time, while only 13% of the amendments to the first dossier have been classified as highly significant, their rate by the second case is above 60%. With respect to the amendments subject of this study, the data show advantage for the case representative for the formal procedure. The rate of important and highly important amendments suggested by the EP in both

cases is 3:1 in favor of the formal procedure. However, it should be pointed that this percentage is calculated on the basis of the overall number of amendments suggested by the EP. In the first case the percentage is 37% out of 24 amendments, while in the second case it is 13% out of 244 amendments.

A comparison of both cases, regarding the criteria set in Chapter 3 shows that European Parliament's impact on the final legislative outcome is higher by the informal rather than by the formal institution of the Codecision. Table 11 presents a cross-case comparison of the indicators used for measurement of the effect of early agreements

Table 11 Comparison of the values of the indicators

	Case I	Case II
Coherence		
Coherence among leading committee	NO	YES
Coherence among committees involved	YES	YES
Expertise		
Number of committees involved and opinion-giving rapporteurs	1/1	5/4
Number of shadow rapporteurs	0	6
Experience of the main rapporteur	7 dossiers main rapporteur	0 dossiers main rapporteur
Time frame sensitivity		
Part of Council presidency priorities	NO	YES
Failure sensitivity		
Accountability at national level	-	-

Source: the data is collected on the base of analysis and the table is composed by the author.

6.3. Discussion I:

Referring back to Chapter 2, the theory of the rational choice institutionalism says that the preferences, together with certain circumstances shape the actors behavior (Immergut. 1998: 2),

and the final political outcome depends on the preferences and interactions between legislative bodies, that often are based on expectations for other`s behavior (Hix and Hoyland, 2011). Such expectations, on the other hand, are created on the basis of signals given by the legislative bodies (Hix and Hoyland, 2011). As it was already mentioned, one of the very important signals given by the organisations refers to the level of coherence among the negotiation team.

Following Tsebelis` assumption (2012) “*the more veto players there is the more difficult it is status quo to be changed*” (Tsebelis, 2012:38), it was expected the coherence of the negotiation team to be higher by the first case than by the second one because of the higher number of committees and rapporteurs involved. The data show that the possible veto players by the informal procedure are five times more than by the formal. As explained in Chapter 3, the coherence has been measured among the leading committee, and among the committees involved. Contrary to the expectations and despite the higher number of possible veto players, the coherence by the informal procedure, was higher than by the formal. To some extent, such discrepancy can be explained with the involvement of additional actors and with the creation of new negotiation team during the last stage of the procedure. However, at the first two stages full coherence has been achieved within the leading e and among the committees involved. At the same time, the study proves there is a direct ratio between the coherence and the impact EP has on the final legislative outcome. While in the first case by lack of coherence, the rate of success is 0%, in the second case, by achieving of full coherence among the team, the rate is 39%.

The study proves that the first hypothesis “*The less coherence among the negotiation team, the less impact EP has on the final outcome*” is correct. However, the expectations about the negative effect of the higher number of committees on the coherence have not been proven. Therefore, it cannot be concluded that the early agreements have negative effect on the coherence among the negotiation team. Additionally, the study has proven that the number of committees involved is not in direct ratio with the level of coherence.

6.4. Discussion II

According to Häge and Kaeding (2007), the higher the expertise of the European Parliament is, the more advantages in the bargaining process it has and respectively the stronger its impact on the final outcome is. The model created in Chapter 3, supposed the expertise of the negotiation team to be measured through the number of committees, the number of rapporteurs, and the

parliamentary experience of the main rapporteur. With the second hypothesis it was supposed “*The more expertise among the negotiation team, the stronger impact EP has on the final outcome*”. It has been expected involvement of more rapporteurs to contribute for the higher expertise. Observation of both cases shows in contrast to the formal institution, where the main rapporteur was not given any support neither by shadow, nor by opinion-giving rapporteurs, except the BUDG one, by the informal procedure ten additional rapporteurs have been engaged. They have contributed to the expertise of the team, since all of them have experience in the given area of policy competence. Despite the fact that Charles Goerens is an older hand at this area than Thijs Berman, the examination of the other two indicators set in Chapter 3- lead to the conclusion that the expertise in the second case was higher than in the first one. Furthermore, comparing the rate of adoption of important and highly important amendments, the data show direct ratio between the level of expertise and the impact of the EP on the final outcome. Therefore, it can be concluded the second hypothesis to be correct. However, the study proves there is no direct ratio between the experience of the main rapporteur and the impact of the EP.

6.5. Discussion III

According to the rational choice institutionalism, even with similar preferences, actors behave differently under different circumstances (Immergut, 1998: 2). The body of literature has identified the time and failure sensitivity as important factors that play role in the inter-organisational interactions. According to the indicators set in Chapter 3 the time sensitivity should be measured through the perspective of Council Presidency priorities, while with respect to the failure sensitivity additional attention should be paid to accountability at national level.

Referring to Table 11 where a comparison between indicators for both cases is presented, it can be seen that while the first case was not included in the priorities of none of the countries holding the Council Presidency during that period, the second case was prioritized by two out of three countries. According to the body of literature used in Chapter 2, when the time horizon of the EP is longer than those of the Council, the former one might have gained advantages in the bargaining process. Nevertheless, the situation here is a bit more complicated, because the end of Lithuanian Presidency coincides with the end of 2007-2013 programme period. In addition, the dossier aims at establishment of financing instrument for the period 2014-2020 that starts in January 2014. Hence, even the EP has longer time perspective with respect to its mandate

(ending in the end of April 2014) than the Lithuanian Presidency (ending in the end of December 2013), the given occasion should be taken into account.

However, due to the duration of the negotiation process (18 months), EP may have used its longer time horizon by the negotiations with the Cypriot Presidency in whose programme DCI was included as a priority. In spite of all, these circumstances are important and might reduce to some extent the internal validity of the study. Referring back to the criteria set in Chapter 3 and observing the results of negotiations analyzed above in this chapter, it can be concluded there is a direct ratio between rate of the amendments' adoption (important and highly important) and inclusion of the dossier in the Council Presidency priorities. The analysis gives a proof that the third hypothesis "*The less sensitive the EP is to the time limitation, the more impact EP has on the final outcome*" is correct.

6.6. Discussion IV

Due to the fact that information regarding the indicator that measures the influence of the failure sensitivity was not found, it is not possible to assess the effect of early agreements on it. Therefore, the conclusion of the study will be drawn on the base of the examined three factors.

6.7. Conclusion:

The conclusions regarding the hypothesis that can be drawn as a result from the in-case and cross-case analysis of the both cases can be found in Table 12. As can be seen, most of the theory expectations have been confirmed.

Table 12 Findings

Hypothesis	Conclusion
<i>H1: The less coherence among the negotiation team, the less impact EP has on the final outcome</i>	<u>Confirmed</u> –DCI/BAM and DCI 2014-2020 confirm the relationship coherence- level of impact. However it contradicts to the theory proving that there is no direct ratio between coherence and number of committees involved.
<i>H2: The more expertise among the negotiation team, the more impact EP has on the final outcome</i>	<u>Confirmed</u> – DCI/BAM and DCI 2014-2020 strongly support the theory and prove there is direct ratio between level of expertise and the impact
<i>H3: The less sensitive the EP is to the time limitation, the more impact EP has on the final outcome</i>	<u>Confirmed</u> – DCI/BAM and DCI 2014-2020 strongly support the theory and prove there is direct ratio between longer time horizon and the stronger impact
<i>H4: The less sensitive the European Parliament is to failure of an agreement, the more impact it has on the final outcome</i>	No information has been found and no findings have been made
<i>H0: The early agreements do not have any effect on the ability of the European Parliament to influence the final outcome within the co-decision</i>	<u>Disconfirmed</u> – The early agreements have a positive effect on the impact EP makes on the final legislative outcome within the co-decision legislative procedure

Source: the data is collected on the base of analysis and the table is composed by the author.

In order to enhance the internal validity of the measurement five additional factors that might have effect on the impact of the European Parliament, have been controlled. The result of the analysis shows that the amendments classified as important and highly important by both cases mainly refer to the inter-institutional relations between organisations. In addition, there were not any extraordinary circumstances that to influence them. Thus, it seems like the difference between both cases originate from the different format of the procedure., It should be pointed

out, despite both cases have the same legal basis and are the same type of document, the first one aims to amend already existing regulation, while the second one to establish a new one. However, additional circumstance that is possible to exert influence is that the first case is decided in 2010 and 2011 when the financial and debt crisis was still a factor and member states tried to hold the important decisions in their hands. The second case was decided mostly in 2013 when the crisis was over and the Union started to think about reforms. These factors, however, have not been included in the recent study and might be a subject to a further one.

Chapter 7: Conclusion:

7.1. Introduction:

After the Amsterdam Treaty and especially during the last legislative term (2009-2014), the early agreements and informal trilogues became the most used method of deciding the European legislation. Many scholars have addressed in their studies different aspects of the institution of early agreements. The major aim of this study was to test whether the early agreements, have effect on the ability of the EP to make an impact on the final legislative outcome. By comparing the final outcomes of two carefully selected cases using qualitative analysis, this study is aiming at answering the central research questions “*What is the real effect of early agreements on the potential impact that the European Parliament has on the final legislative outcome within the Codecision legislative procedure?*” In order to be more precise by the analyzing and answering the central research question, four sub-questions have been formulated. Therefore, before giving an answer to the central research question, attention to these sub-questions will be paid.

7.2. Answer to the identified sub-question and to the central research question

Some of the questions have been used as an instrument to find the right concept and have been answered before the empirical part of the study. The answer of the first sub-question “*What are the factors that have influence on EP`s impact?*” has been derived from the existing body of literature. According to previous studies (Farrell and Heritier 2003; Farrell and Heritier 2004; Farrell and Heritier 2005; Häge and Kaeding 2007; Hix and Hoyland 2011; Ruiter and Neuhold 2012; Burns 2013), factors that have influence on EP`s impact are the coherence, the expertise, the sensitivity to the time limit and to the failure of an agreement. The answer of the second question “*How do the early agreements change the rules of the procedure?*” can also be found in Chapter 2. The early agreements have changed the rules of procedure by obviating the time frame and involvement of more committees on the one hand and by secrecy on the other hand. Institutionalization of the early agreements has requested for establishment of additional rules at intra-institutional level in order to overcome the lack of transparency and accountability. This change has led to shift in the values of the factors, giving answer to the third sub-question “*Does this change lead to shift in the value of these factors?*” According to the results of this study there is a change in level of coherence, as well as in the value of the expertise of the negotiation team. Furthermore, with removing the time frame of the legislative procedure, the early

agreements lead to changes in the level of sensitivity to the time limit. Due to the lack of information, the influence of the change on the sensitivity to failure of an agreement has not been tested. On the base of the proven change in values of the discussed factors the answer to the last sub-question “*What is the influence of this shift on the potential impact that the EP has on the final outcome?*” is that this shift leads to positive effect with respect to the EP’s impact.

On the base of the assessment made according to the primarily set criteria, the answer to the central research question of this study is that the early agreements have clear effect on the ability of the European Parliament to make an impact on the final legislative outcome. Firstly, the cross-case analysis of DCI/BAM and DCI (2014-2020) dossiers proves that EP has higher rate of adoption of important and highly important amendments by the second case, representative for the informal institution of the early agreements. That means the EP’s impact is stronger by the informal than by the formal institution of the Codecision.

Secondly, the institutionalization of the early agreements has influence on the values of the indicators that are determinant for the ability of the European Parliament to make an impact on the final legislative outcome. The results of the study show the institution of early agreements enhances the coherence and expertise of the negotiation team. Furthermore, from the perspective of the time horizon, deciding the Council Presidency’s priorities on first reading gives advantages to the European Parliament by negotiation of the so called “package deals”. The results corresponds to the rational choice theory expectations that a new institution can be sustainable if only bring more benefits to the actors. In the given cases, it seems like the early agreements have positive effect on the impact of the EP, but also on the realization of the Council Presidency priorities. However, regard the later assumption further research is needed. Additionally, the study proves the assumption of the historical institutionalism that creation of new institutions has an effect on the actors` access to the policy process (Hall and Taylor, 1996).

7.3. External and internal validity of the findings. Reliability of the measurement

The conformation of the three tested hypothesis proves the primarily expectation. Because the research question examines the “potential impact” of the EP, the external validity of the study is relatively low. The examination of the impact of the European Parliament on the final legislative act limits the scope of the study and its results, because it concentrates only on one policy area,

using qualitative analysis. Considering the complicated matter of the European law and decision-making process it cannot be claimed this result to be valid for all the other policy areas, especially paying attention to the additional circumstances that often attend to the policy-making process at EU level.

Considering the low level of the external validity of this study, it is possible by using different method of inquiry, the results to be different as well. For example, if considering all amendments as equally important and the level of adoption only as “adopted” or “rejected” the results would be in favor of the formal legislative procedure, rather than of the informal, because the overall rate of adoption in the first case is higher than in second one. By using quantitative analysis and including more cases, different results are also possible, but in that case the external validity would be higher.

However, the chosen method of inquiry - qualitative analysis of two carefully selected cases- has contributed to the internal validity of the study. The setting of clear criteria for case selection, described in Chapter 3 and their strict following in Chapter 4 has enhanced the internal validity of the study that is relatively high. By controlling five additional variables it was guaranteed to high extend that additional circumstances that might have effect on the EP’s ability to make an impact have been isolated and will not lead to deviation of the results in favor of one of the cases. Furthermore, the influence of the independent variable on the depended one was tested by using four factors derived from the existing body of literature. For measurement of all of them, number of indicators has been included, in order to guarantee the validity of the method. However, the obstacle to find information, relative to the last factor brings evidence that the model was not perfect and needs to be improved. Additional feature that contributed to the enhancement of the internal validity is the classification of amendments by level of adoption and level of importance. Such classification guarantees that only amendments that have brought some substantive change will be included in the analysis. The analysis of the data gives proof that the concrete percent of significance defined in Chapter 3, that aimed at defining what percentage difference in the level of adoption of important and highly important amendments by both cases would mean significant difference, does not matter because the success of the EP in the first case is 0%.

Furthermore, the reliability of the measurement is supposed to be high, because of the expand spectrum of sources and data used for the analysis. The empirical research was made on the basis of official documents of the European Union institutions on the one hand and analyses of the European Union development and cooperation policy on the other hand. Media coverage of the given issues was also taken into account by assessment of amendments` importance. Last but not least, the empirical research was enhances by structured interviews with participants in the EU legislative and decision-making process. It should be pointed out, that information gained through the interviews and expectations created on that basis have been confirmed at the end of the study

7.4. Recommendations:

European Parliament pretends to be the most democratic EU institution. However, despite all the efforts invested in codification of the informal trilogues at intra-institutional level, there is still lack of information and lack of access to the documentation relevant to them. Therefore, it would be useful for overcoming the existing democratic deficit and for enhancing the accountability of the EP the access to the working documents from the informal trilogues to be allowed. It is known that the rapporteur reports to the committee chair and party groups after each of the informal trilogues about the progress made. It would be useful if this information was public accessible, or at least, after end of negotiations the four column working document to be published, in order the society to be aware of both institution positions before, during and after the negotiations.

Furthermore, as Yordanova (2010) has already proven and this research reasserted, the allocation of rapporteurship often occurred not on the basis of proven expertise but on the base of political belongings (Yordanova, 2010: 99). Taking into account that the European Parliament pretends to be highly expert, because of its committees, it would be better if the rapporteurs were assigned because of their expertise. In the case of DCI (2014-2020) the rapporteur has not had any previous experience neither as a rapporteur, not in the area of development and cooperation policy. Such kind of intra-institutional policy raises the question about the legitimacy of the parliament representatives in these informal trilogues and their competence. The development of the institution of the early agreements is a new stage in the inter-institutional relations on the one hand and legislative decision-making on the other hand. Therefore, it is important, being

representative of more than 500 million people European Parliament to be more accountable and responsible during the negotiation process by using its entire resources.

The third recommendation to the European Parliament is not to focus so much on these amendments, classified as insignificant and significant, because it seems like they are used by the Council in order to speculate saying it has adopted “n” number of EP’s amendments without to clarify most of these amendments refer to technic issues or just aims at making the text more clear. It would be better if the European Parliament was mostly focused on amendments aiming at some substantive change to the given policy and its scope.

7.5. Further Research:

Further research in the given area of science that would contribute to the development of the public administration body of literature would be examination of the ability of the European Parliament to defend its preferences in the legislative process in broader perspective. The existing body of literature mainly compares the role of both institutions within the co-decision and consultation or cooperation procedure. However, little attention is paid to the development of the role of both institutions within the informal institution of early agreements. It would be interesting to find out which of both legislative bodies at EU level is more influential by the informal institution of the early agreements.- Another issue that can be addressed is the role of Council in the decision-making process and does it still hold the leading role or there is a new balance of powers. Another interesting aspect would be the role of the European Commission within the institution of the early agreements, because during the informal trilogues it does not have any decisive role despite it is represent. Therefore, it is important to be answered is the European Commission still the balance between both institutions or it has been replaced.

Appendixes

Appendix A*

Classification and assessment of amendments made by the European Parliament within procedure 2010/0059 (COD). Financing instrument for development cooperation: Banana accompanying measures (DCI/BAM)

Appendix B*

Classification and assessment of amendments made by the European Parliament within procedure 2011/0406 (COD). Financing instrument for development cooperation (DCI) 2014-2020

Appendix C*

Amendments made by the European Parliament opinion-giving committees within procedure 2011/0406 (COD) Financing instrument for development cooperation 2014-2020

*All of them are available, in case some of the readers would like to exam them. However, due to the huge volume, they are presented as a separate part.

Appendix D

Six interviews have been taken in the period 31st of March- 1st of April 2014 in Brussels. Interviews have been taken from three MEPs and three representatives of the Council. Resume of the interviews are available in case some of the readers would like to exam them. They are presented as a separate part together with the other appendixes due to the huge volume.

- Three with MEPs – Ivailo Kalfin (S&D) , Maria Gabriel (EPP) and Andrey Kovatchev (EPP)
- Three with COREPER I and II representatives- Boyan Hadjiev (COREPER II), Assia Traycheva (COREPER II) and Ivanka Tasheva (COREPER I)

Appendix E**

Assessment explanation of the important (IM) and highly important (HIM) amendments

Appendix F**

Coherence among the leading committee by DCI 2014-2020

Appendix G**

Coherence among opinion-giving committees with respect to the important and highly important amendments by DCI 2014-2020

** All of them are available, in case some of the readers would like to exam them. However, due to the huge volume, they are presented as a separate part.

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