



The nexus of bicameralism: Rapporteurs' impact on decision outcomes in the European Union

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Abstract

When the chambers of a bicameral legislature must negotiate to reach a decision outcome, the bargaining strength of each side is affected by the composition of its negotiating delegations. We examine some of the implications of this proposition for legislative negotiations between the European Parliament (EP) and the Council of Ministers. We develop and test hypotheses on how the bargaining success of the EP is affected by the choice of its chief negotiator, the rapporteur. Our findings support the argument that negotiators in a bicameral setting play a 'two-level game', where bargaining strength is shaped by the degree to which negotiators can credibly claim to be constrained by their parent chamber.

Keywords

bicameralism, Council of Ministers, European Parliament, legislative bargaining, rapporteurs

Introduction

In bicameral legislatures where both houses hold a veto over legislation, differences between the chambers are typically resolved by way of negotiation between delegations from both sides. Such a system is employed, for example, in the United

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States, Germany, Switzerland, Colombia and the European Union (EU) (Tsebelis and Money, 1997: 48–52). Previous research on bicameral conflict resolution has sought to identify the bargaining space in which the outcome is likely to be found (Hammond and Miller, 1987; Tsebelis and Money, 1997). Less attention has been paid to the distributional aspects of bicameral bargaining – that is, the factors that influence the bargaining success of either side. Bicameral institutions generally do not include formal rules that might give one of the two chambers an advantage, such as giving one chamber a monopoly on making proposals (Tsebelis and Money, 1997: 111). However, more subtle bargaining advantages are likely to play a part in determining the degree to which each side is successful in achieving its objectives.

The composition of the negotiation delegations is an important determinant of the chambers' bargaining strength. Although negotiation delegations are nearly always drawn from the committees in either chamber that initially examined the legislation (Tsebelis and Money, 1997: 180), they can vary significantly in other respects, such as the party affiliation and seniority of their members. This variation is particularly evident in the case of the EU. As will be discussed below, negotiations between the two EU legislative institutions, the European Parliament (EP) and the Council of Ministers, do not always involve large delegations; often they involve only a few key individuals from either side. On the EP side, the chief negotiator is the rapporteur. In this study we examine how the characteristics of rapporteurs affect the EP's bargaining success. Although other bicameral delegations also have leadership structures, for instance, the committee chairmen from either side sometimes takes the lead in US conference committee negotiations (Longley and Oleszek, 1989: 46), the room for manoeuvre offered to rapporteurs is unusual.

The present study complements existing research on rapporteurs in the EP, which until now has focused on the allocation of reports to different committee members but has not examined rapporteurs' impact on actual decision outcomes. Rapporteurs are selected following a bidding process between the EP parliamentary parties, generally known as 'party groups' (Corbett et al., 2005: 134). Once a party group has won the right to choose the rapporteur, the party's coordinator in the relevant committee decides which member of the party receives the report. National party delegations play an important role here, because they tend to fight for their fair share of appointments (Mamadouh and Raunio, 2003: 333). Owing to the importance of the distribution of reports among party groups and among national party delegations, the extent to which strategic considerations can be accommodated when appointing rapporteurs is limited.

Yet research shows that members of the European Parliament (MEPs) are selected for rapporteurships based on strategic considerations. In the most sophisticated study of report allocation in the EP to date, Yoshinaka et al. (2010) show that MEPs who are loyal to their EP party group in their voting behaviour and who hold relevant policy expertise receive responsibility for writing more reports. Committee chairmen are also more likely to receive rapporteurships. Similarly, Yordanova (2011) finds that MEPs with moderate preferences receive more

reports, and more so when the codecision procedure applies than when the consultation procedure applies. Hoyland (2006), meanwhile, uses data on report allocation to test hypotheses regarding inter-institutional negotiations. He finds that MEPs from governing national parties receive more reports than MEPs from opposition parties. This, he argues, is because it is easier for these MEPs to obtain information regarding the policy alternatives that are acceptable to member states in the Council, thus placing the EP in a stronger bargaining position relative to the Council.

Although these studies indicate the possible motivations underlying the allocation of committee reports, they do not tell us whether or not the choice of rapporteur actually matters in terms of policy outcomes. Costello and Thomson (2010) find that rapporteurs can exert a significant influence on the position taken by the EP, although under the codecision procedure this influence appears to be limited to proposals that are fast-tracked through the EP without undergoing the full process of plenary amendments. The main contribution of the present study is to examine the impact of the allocation of committee reports on final decision outcomes. We examine rapporteurs' policy impact by examining whether rapporteurs' characteristics affect the EP's bargaining success.

Rapporteurs' impact on the European Parliament's bargaining success

The role of rapporteur

Rapporteurs have two main tasks in legislative decision-making: to assist the European Parliament in forming a position on a legislative proposal, and to represent the EP in negotiations with the Council of Ministers, which is composed of representatives of the member states of the EU.¹ In relation to the first task, the rapporteur draws up a report on the legislative proposal that was introduced by the European Commission. Following a series of discussions with the committee as a whole, the rapporteur produces a text that usually includes a list of proposed amendments.² This report is then voted on by the committee, along with amendments from any other committees tasked with producing an opinion. Amendments contained in the adopted report are then voted on in plenary. Additional amendments may also be tabled in plenary by political groups or groups of at least 40 MEPs. The rapporteur also plays an important part in the plenary debate that precedes the final vote, and can offer his or her opinion on any additional amendments suggested on the floor (Corbett et al., 2005: 134–5).

The second task, of representing the EP in bicameral negotiations, applies only under the codecision procedure (now the 'ordinary legislative procedure'). The EP is formally an equal co-legislator with the Council of Ministers under this procedure, and differences between the institutions must be resolved before legislation is adopted. The bill is passed between the institutions for a series of readings in which amendments are proposed. Negotiations between the institutions can take place

at various stages. Informal meetings can take place from an early stage. These are attended by representatives of the EP, the Council and the European Commission. The EP delegation is mandated to negotiate on the basis of the amendments adopted by the committee or the plenary (if a plenary reading has taken place) (European Parliament, 2011: Annex XX). The delegation is led by the rapporteur; the level of involvement of other parliamentarians in the negotiations has tended to vary from one proposal to the next. Often 'shadow' rapporteurs from the main parliamentary parties accompany the rapporteur in all meetings with the Council and the Commission; this practice has been cemented by the new EP Rules of Procedure introduced for the 7th Parliamentary Term (2009–14).³ On other occasions rapporteurs have simply been required to provide shadow rapporteurs and other committee members with 'prompt and sufficiently detailed information' on the progress of these meetings (European Parliament, 2004). In these informal meetings, which often lead to early agreements between the two chambers, rapporteurs are believed to have 'quite extraordinary latitude to set the agenda of negotiations' (Farrell and Héritier, 2004: 1200).

If disagreements remain between the EP and Council after the second reading, then a Conciliation Committee is convened. Rapporteurs also play a central role in Conciliation Committees, but are accompanied by a team of negotiators that is representative of the political composition of the EP as a whole (European Parliament, 2004). However, the vast majority of inter-chamber disputes now tend to be resolved by way of an early agreement following informal negotiations. For instance, between 2004 and 2007, almost 80 percent of all codecision procedures were concluded using the early-agreement process (European Parliament, 2008: Part B).⁴

The generally acknowledged importance of rapporteurs raises the question of whether the characteristics of the rapporteurs matter for the success of the EP in the inter-institutional negotiations with the Council of Ministers under codecision.

Hypotheses

It is often claimed that negotiators can benefit from perceived constraints imposed on them from outside (Putnam, 1988; Schelling, 1960; and, in the context of the EU, see Hug and König, 2002; Schneider et al., 2010). Schelling (1960: 22) describes this as a paradox, whereby 'the power to constrain an adversary may depend on the power to bind oneself'. Negotiators therefore have an incentive to exaggerate the extent to which their room for manoeuvre is restricted. In the context of bicameral bargaining, constraints on negotiators come from their parent chambers, which must ultimately ratify any agreement. Two implications of the Schelling conjecture are particularly relevant here. First, negotiators have an advantage if they can credibly claim that their parent chamber will not accept significant deviations from the position they are advocating. This implies that negotiators will seek to play a 'two-level game' by exploiting perceived intransigence on the part of their parent chamber in order to gain a bargaining advantage (Putnam, 1988: 440).

Second, negotiators who have information regarding the win-set of the other chamber have an advantage, because they will not be taken in by exaggerated claims about the constraints operating on their opponents (Putnam, 1988: 452). These considerations suggest a number of ways in which the characteristics of the rapporteur are likely to influence the EP's bargaining success. For the moment, we assume that the rapporteur always seeks to maximize the bargaining success of the EP. We return to this assumption later.

Benedetto (2005) argues that the EP is at a disadvantage relative to the Council in the inter-institutional negotiations owing to an information deficit: the Council members usually know what has gone on in the EP, but the Council's own internal meetings are held in secret. Thus, the Council tends to be better informed regarding the true win-set of the EP than vice versa, and Council negotiators are in a position to exaggerate the extent to which their negotiating position is constrained. However, when the rapporteur has well-developed contacts in the Council, privileged information may be available regarding the preferences of the various member states. Hoyland (2006) suggests that rapporteurs from governing parties are in the best position to obtain such information, and finds that MEPs from such parties tend to receive more reports. We therefore expect that these rapporteurs can exploit their contacts in the Council to the EP's advantage.

H1: The European Parliament has more bargaining success when the rapporteur is a member of a national party represented in the Council at the time of negotiations.

Certain rapporteurs are also likely to be more credible than others when claiming that their own negotiating position is constrained by their parent chamber. Despite the public nature of decision-making in the EP, the Council negotiators do not necessarily know in advance what the EP plenary is prepared to accept. Rapporteurs who are deemed to be in touch with the views of the majority in the EP and have demonstrable support from other MEPs can credibly claim to know what will and will not be acceptable to their parent chamber. A comparable argument is made in the context of United States (US) conference committees, where it has been observed that the delegates from the Senate are in a stronger position than those from the House of Representatives because they 'draw more directly and more completely upon the support of their parent chamber' (Fenno, 1966, quoted in Longley and Oleszek, 1989: 79).

One factor that may influence the credibility of rapporteurs in this respect is the party group to which they belong. Rapporteurs from large parties can credibly claim to be more in touch with the views of the majority of MEPs than rapporteurs from small parties. Consequently, when rapporteurs from large party groups state that their room for manoeuvre is constrained, this has more credibility than similar statements by rapporteurs from small party groups. As one member of the EP secretariat put it, 'if the rapporteur is supported by one of the big groups, and the Council sees that it is not only the rapporteur, but also at least one of the big groups, then the rapporteur has a strong position'.⁵

H2: The European Parliament has more bargaining success when the rapporteur is from a large party group.

Another factor influencing the credibility of the rapporteur through the same causal mechanism is the perceived ideological extremity of the rapporteur. Rapporteurs who are perceived to be ideologically extreme may find it difficult to convince the Council negotiators that their position is supported by, and therefore constrained by, the EP as a whole. Rapporteurs who are perceived to be moderate, by contrast, can plausibly claim to represent the views of their chamber. Moderate rapporteurs are expected to be able to hold firm in the face of compromise proposals from the Council by arguing that these proposals would not be accepted by the EP.

H3: The European Parliament has more bargaining success when the rapporteur's ideological position is closer to the median legislator.

A further implication of Schelling's 'paradox of weakness' concerns the political standing of the rapporteur. Because of the influence they hold in their parent chamber, rapporteurs who hold a leadership role in their committee or in the Parliament may be subject to fewer external constraints than other negotiators. Therefore, rapporteurs who are political leaders will find it difficult to convince their counterparts that they are unable to compromise. As Putnam (1988: 452) argues in the context of international negotiations, 'a nation might have a bargaining advantage if its chief negotiator were a mere clerk'. Council negotiators know that rapporteurs who have a leadership role hold political capital that allows them to convince other MEPs of the inevitability of compromise outcomes that deviate from the EP's preferred position. This leads to the following conjecture:

H4: The European Parliament has more bargaining success when the rapporteur does not hold a leadership position.

Until now we have assumed that the rapporteur acts to maximize the bargaining success of the EP. It may be argued that rapporteurs actually seek to achieve their own policy goals. Agency-drift explanations are highly relevant in other bicameral contexts. Krehbiel et al. (1987) argue that legislators who engage in inter-cameral negotiations have '*ex post* adjustment power', with which they can manipulate the decision outcome in their favour. This *ex post* power is, in their view, the primary source of committee power, because the agreement negotiated by committee delegates in conference committees cannot be amended by the parent chamber. Nagler (1989) provides empirical evidence from the US Congress to support this argument. In cases where the committee proposal was amended by the House of Representatives, the committee delegates were found to revert to the original proposal in conference committee negotiations. Similarly, when the rapporteur's

report is amended in plenary, he or she may defect from the EP position during negotiations.

H5: The European Parliament has less bargaining success when the rapporteur's report is amended in plenary.

Data and measurement

We examine 167 controversies generated by 61 EU legislative proposals coming under the codecision procedure that were negotiated in recent years. By conceptualizing and measuring disagreement spatially, we are able to study decision-making more comparatively and quantitatively than would be possible with thick descriptions of each case. Controversies raised by legislative proposals are conceptualized as issue continuums or scales. This method of representing controversies spatially has been applied in a range of studies of decision-making in national and international politics (see, for example, Bueno de Mesquita, 2003; Bueno de Mesquita and Stokman, 1994). Thomson et al. (2006) and Thomson (2011) give a more extensive discussion of the data collection procedures.

An example of two of the cases included in our analysis is given in Figure 1. The examples are two controversial issues raised by a legislative proposal on the acquisition and possession of weapons that was introduced in March 2006 and adopted in May 2008 (COD/2006/31). The proposal was introduced to amend EU laws in line with the United Nations Protocol on the illicit manufacturing and trafficking of firearms, which the Commission had signed in 2001. Whereas the original proposal contained mostly minor amendments to existing EU legislation, the proposal became highly politicized following the draft report of the EP Internal Market committee, which proposed a number of controversial amendments.

Two issues in particular generated significant controversy, and these are depicted in Figure 1. The first controversial issue concerns a disagreement about a centralized database for firearm ownership. The EP and a small number of member states, including Spain, Italy and the United Kingdom (UK), were in favour of setting up a comprehensive filing system in each member state containing information on firearms. These actors argued that this was a necessary step towards building up a European security space. This position is represented by position 100 on the first continuum. Other member states, supported by the Commission, opposed the establishment of such a database because of the costs and the administrative burden that it would impose. This position, which was also the status quo, is represented by position 0 on the issue scale. The outcome, which was negotiated between delegates from the EP and the Council prior to the EP first reading, was that member states must establish the database but they can do this at the national level or at the local level. Key informants estimated this to be slightly closer to the alternative favoured by the EP than the alternative favoured by the Commission, and it is placed at position 60 on the scale.

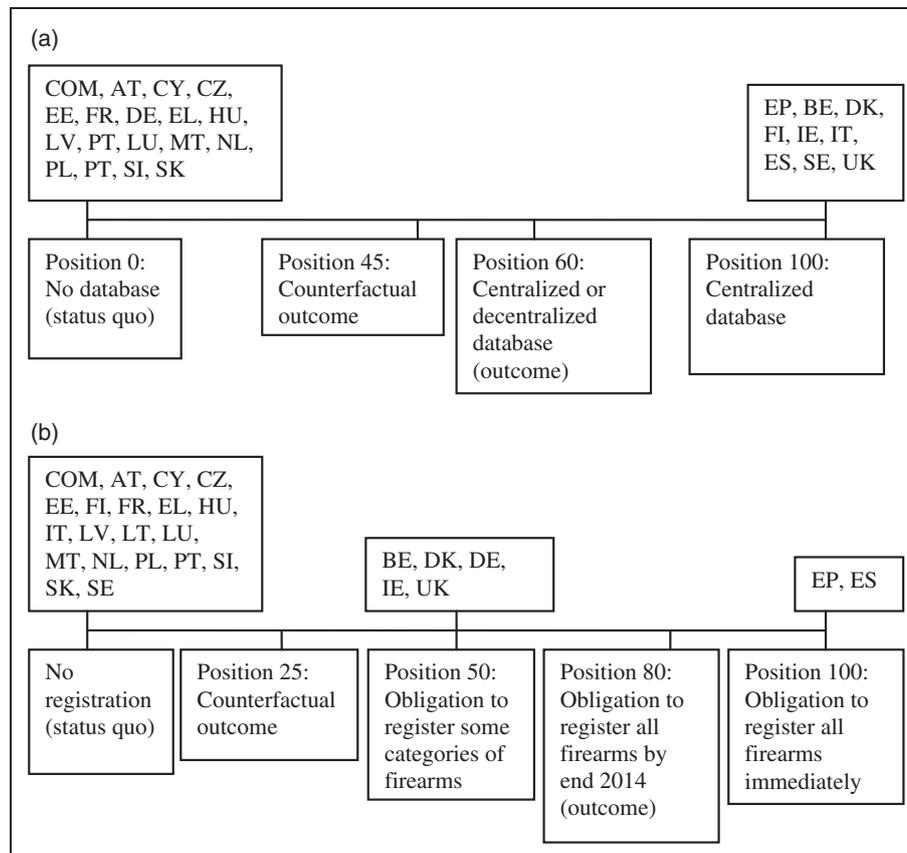


Figure 1. Controversial issues raised by the legislative proposal on firearms.

Notes: AT: Austria; BE: Belgium; CY: Cyprus; CZ: Czech Republic; DE: Germany; DK: Denmark; EE: Estonia; EL: Greece; ES: Spain; FI: Finland; FR: France; HU: Hungary; IE: Ireland; IT: Italy; LT: Lithuania; LU: Luxembourg; LV: Latvia; MT: Malta; NL: the Netherlands; PL: Poland; PT: Portugal; SE: Sweden; SI: Slovenia; SK: Slovakia; UK: United Kingdom; COM: Commission; EP: European Parliament. (a) Should there be a centralized database of firearm ownership? (b) Traceability of firearms.

The second controversial issue concerns the traceability of firearms. The EP, supported by Spain, wanted member states to ensure that all firearms are marked and registered in such a way that they can be traced to their owners. Many member states were against this form of registration for reasons of cost. Other member states were in favour of traceability for certain categories of firearms, but argued that the system would be impossible to manage for some weapons (such as hunting rifles) owing to the number of them in public hands. The final text contained a compromise, whereby all firearms would be registered but hunting weapons need not be registered until the end of 2014. Key informants represented this compromise at position 80 on the scale.

In the remainder of this section we detail how the legislative proposals were selected, how controversial issues were identified and actors' positions mapped out

with key informants, and how we measure the concepts referred to in our expectations.

The selection of legislative proposals

Legislative proposals introduced by the Commission were selected for study according to three criteria: the time period, the type of legislative procedure and the level of political importance. Regarding the time period, each legislative proposal was on the Council's agenda in the years 1999 or 2000, at which time the EU had 15 member states, or was introduced after the 2004 enlargement to 25 member states. Legislative proposals introduced up to July 2008 were included. Concerning the decision-making procedure, the selected legislative proposals were all subject to codecision, which is now the most commonly used procedure.⁶ Regarding political importance, the selection was restricted to proposals that were politically important and controversial. Each proposal was mentioned in news services covering European affairs: *Agence Europe* in the EU15 period or *Agence Europe* and *European Voice* in the post-2004 period. Furthermore, key informants had to identify at least one substantive disagreement between at least some of the actors for the proposals to be included in the study.

The original selection consisted of 65 legislative proposals. Of the selected proposals, two were not yet decided at the time of writing. These are excluded from the present study. A further two proposals on which informants reported that the EP did not take a position on the main controversial issues are also excluded, leaving a total of 61 proposals available for analysis. The policy areas represented most prominently in the selection of proposals are internal market (16 proposals), transport (13 proposals), environment (8 proposals), justice and home affairs (5 proposals) and agriculture (5 proposals).

The interviews with key informants

Information on controversial issues raised by the selected proposals and actors' positions on these issues was collected in 227 semi-structured interviews with key informants. These interviews typically lasted between 60 and 90 minutes (with an average time of 75 minutes). The key informants were selected for their knowledge of the detail of the dossiers under investigation and were usually participants. We require detailed information on actors' positions, which means that our sources had to be close to the discussions. Individuals with different institutional affiliations were interviewed. The 29 Commission officials interviewed were usually responsible for drafting the proposals and monitoring the subsequent discussions. The officials from the member states' permanent representations (149 officials from 20 different member states) were usually the responsible desk officers. The individuals from the EP (40 in total) were either MEPs or their assistants. The remaining interviewees were officials from the Council Secretariat and from interest groups.

During these semi-structured interviews, each of the controversial issues was represented spatially, in the form of a policy scale ranging from 0 to 100 that represents the range of the bargaining space. Informants were free to specify as many issues as they felt appropriate, therefore not forcing a complex multidimensional decision space into a single dimension. Usually two or three issues were sufficient to represent the main controversies raised by a proposal. The 61 proposals examined here gave rise to a total of 167 controversial issues. Table 1 provides a breakdown of these proposals and controversial issues according to the time period in which they were decided.

Informants were asked to estimate a position on the policy scales for the following actors: the Commission, the EP and the individual member states. For the Commission, informants were asked to identify the position contained in the original proposal. For the EP, informants were asked to identify the initial position that the EP communicated to the other institutions. This position generally corresponds either to the report adopted by the responsible EP committee or, if the committee report was amended in plenary prior to negotiations with the other institutions, the EP's first-reading opinion. For the member states, informants were asked to identify the decision outcome they favoured most at the time of the introduction of the Commission's legislative proposal, or as soon as they took a position thereafter. A collective Council position is not contained in the data. This is because the Council is the last institution to respond to a proposal; by the time negotiations begin between the institutions, a collective Council position has usually not been formally established. Validity and reliability tests were conducted with satisfactory results and were published by Thomson et al. (2006) and König et al. (2007).

Informants were asked to estimate the level of importance that each actor attached to each issue. This reflects the intensity with which actors held their policy positions. Informants were asked to estimate each actor's salience on a scale of 0 to 100, where 0 indicates that the actor did not care whether or not they got their way on an issue and 100 means that the issue was of the highest importance. These scores provide information on the relative intensity of different actors' preferences on particular issues. As with the estimates of policy positions, informants were asked to justify their estimates of actors' salience qualitatively.

Table 1. Codecision proposals selected by researchers and issues identified by experts

	Proposals	Issues
EU-15	26	67
Post-2004 EU	35	100
Total	61	167

Note: Proposals and issues on which the EP did not take a clear position and which had not been decided at the time of writing are excluded.

The measurement of variables

The dependent variable for the following analyses is the EP's bargaining success. The bargaining success of an actor can be estimated by comparing the decision outcome against the outcome we would expect to find if the actor in question were not involved. For each issue, we generate a prediction of the outcome we would expect to find if the member states were deciding alone, without the involvement of the EP. We refer to this as the 'counterfactual outcome'. The extent to which the actual outcome deviates from this counterfactual outcome provides an indication of how much influence or bargaining success the EP has on an issue.

How should this counterfactual outcome be defined? Previous research indicates that representatives in the Council strive to reach compromises that incorporate the interests of all member states to some extent. These compromises tend to reflect the relative power of member states and the intensity of their preferences (Van den Bos, 1991; Achen, 2006). The 'compromise model' is a quasi-utilitarian formula that calculates the weighted average of actors' positions on each issue, where the weights are member states' voting power scores times the levels of salience they attach to the issue. If it is assumed that the disagreement outcome is highly undesirable, which is the case in the EU, this simple formula is a first-order approximation of (i.e. at the limit is the same as) the Nash Bargaining Solution (Achen, 2006). The counterfactual outcome on each policy scale or issue is defined as follows:

$$\text{counterfactual} = \frac{\sum_{i=1}^n \text{voting_power}_i \text{salience}_i \text{position}_i}{\sum_{i=1}^n \text{voting_power}_i \text{salience}_i},$$

where:

voting power_i is the power of member state *i* from the set of *n* member states; in this study we use member states' voting power scores according to the Banzhaf index.

salience_i is the level of salience that member state *i* attaches to the issue.

position_i is the policy position of actor *i* on the issue.

We measure the variable 'EP bargaining success' as the extent to which the outcome is closer to or further from the EP position than predicted by the counterfactual outcome as follows:⁷

$$\text{EP bargaining success} = |\text{position}_{\text{EP}} - \text{counterfactual}| - |\text{position}_{\text{EP}} - \text{outcome}|,$$

where $\text{position}_{\text{EP}}$ is the EP's policy position on the issue and outcome is the actual decision outcome on the issue. If the outcome is closer to the position of the EP than we would expect based on the counterfactual, 'EP bargaining success' takes on a positive value (up to a maximum of 100). It is also possible that the outcome is further from the EP than we would expect based on the counterfactual outcome. This occurs on 64 out of 167 issues in the data set (38 percent). This may happen

for a number of reasons: other factors, such as the location of the status quo and the position of key actors such as the Council presidency, may also affect the final outcome. Our measure of EP bargaining success takes on a negative value in these cases, reflecting the fact that the EP did particularly poorly.

When using this measure of bargaining success, the maximum value is determined by the position taken by the EP. If the EP takes a position that is far away from the position of the counterfactual outcome, then it can potentially achieve a very high level of bargaining success. In contrast, if the EP position is close to the counterfactual outcome, the maximum level of bargaining success it can achieve is relatively small. For this reason, a control variable ('EP extremity') is used, which measures the distance between the EP position and the position of the counterfactual outcome on each issue. Owing to the way we measure the EP's bargaining success, the EP's policy extremity is expected to be and is positively associated with its bargaining success.

Five explanatory variables are created, relating to hypotheses 1–5. In relation to Hypothesis 1, we ascertained whether rapporteurs were affiliated with governing parties in their home member states at the time the proposal was introduced.

Hypothesis 2 concerns the size of the rapporteur's party group. The variable 'Party group size' indicates the percentage of seats in the EP held by the rapporteur's party group during the relevant legislative term.

Hypothesis 3 concerns the perceived ideological extremity of the rapporteur. We calculated the distance of each rapporteur from the median legislator in the Parliament on the first dimension of the NOMINATE scores extracted from roll-call data (see Hix et al., 2007; Hix and Noury, 2009). These NOMINATE scores reveal that there is one main dimension of voting in the EP, which can be interpreted as left–right (Hix et al., 2007: 165–80). The scores on this dimension provide an estimate for the position of each MEP in a given parliamentary term on a scale of –1 (left) to +1 (right). Note that our measure of rapporteurs' extremity is based on a large number of observations of their behaviour in roll-call votes, not the position rapporteurs took on the issues examined in this study. This general measure is appropriate because the mechanism from which the third hypothesis is derived refers to other negotiators' perception of rapporteurs' extremity, not the actual preferences of rapporteurs on the particular issues raised by the legislative proposals on which they reported.

For the fourth hypothesis we include a variable indicating whether the rapporteur was in a position of leadership at the time the proposal was being decided. Leadership positions include the (vice) party chair of the political groups, the (vice) parliamentary president in the EP, and the (vice) chair of the responsible committee. The variable 'Leadership rapporteurs' is coded 1 if the rapporteur held one of these positions and 0 otherwise.

In relation to the fifth hypothesis, the variable 'Rapporteur's report amended' is coded 1 for issues on which all or part of the relevant section in the rapporteur's report was amended in the EP's first-reading opinion and 0 otherwise. Note that the EP does not always have an opportunity to amend the rapporteur's report prior

to entering negotiations with the Council (that is, when there is an early agreement); in these cases this variable takes a value of 0.

A number of control variables are created to take account of other factors that may influence the bargaining success of the EP. The first control variable ('Post-2004') identifies the period during which the proposal was negotiated. As discussed, the data come from two periods, before and after the 2004 enlargement. The relations between the EP and Council can be expected to differ somewhat between these two periods. Not only was there a different set of member states involved, but the party composition of the two institutions changed too. As the data we report in the online Appendix show, the Council was dominated by the left during the period prior to enlargement, but by 2004 there was a much more even split between left and right. In the EP, the changes between the two periods were not as dramatic. Nevertheless, when comparing the party composition of the two institutions, it is clear that the differences between them were far greater in 1999 than in 2004.

A second control variable relates to the position of the member state holding the Council presidency. Previous research indicates that this member state is in a position to influence the outcome in their favour (for example, Tallberg, 2006; Warntjen, 2008). The potential power of the presidency is not included in our model of the counterfactual outcome, so it is necessary to control for this possibility. The variable 'Presidency success' measures the extent to which the outcome is closer to or further from the position of the member state holding the Council presidency at the time the proposal is adopted than predicted by the counterfactual model.⁸

The location of the status quo may also influence the outcome (König et al., 2007; Tsebelis and Garrett, 2000). If the EP is closer to the status quo than the Council, its negotiators may be able to threaten to abandon negotiations if they do not get concessions. The variable 'EP on same side as status quo' is coded as 1 on issues where the EP and the status quo are on the same side of the counterfactual prediction, and 0 otherwise.

It is also necessary to control for the level of importance that the various actors attach to an issue. It is possible that the EP gives way to member states' demands on issues that it does not prioritize, in return for concessions on other issues where its position is strongly held. As discussed, the data contain a measure of the salience that each actor attaches to its position on each issue, ranging from 0 to 100. The variable 'Salience' compares the salience attached to an issue by the EP with the average salience for the member states. It takes on a positive value when the issue is more salient to the EP than to the average member state, and a negative value when the issue is more salient on average to the member states than to the EP.

A final set of control variables concerns the stage of the legislative process at which an agreement was reached. Previous research suggests that the relative success of the EP and the Council varies depending on the stage at which a deal is agreed. For instance, Häge and Kaeding (2007) argue that the Council is generally impatient to conclude negotiations at an early stage, because it has more limited

organizational resources (including time and personnel) than the EP to commit to conciliation. Consequently, the EP can extract policy concessions from the Council in return for coming to an early agreement. According to Napel and Widgrén (2006), owing to the more inclusive decision rules used in the Council compared with the EP, the EP is at a disadvantage in the Conciliation Committee negotiations. Dichotomous variables are introduced to capture the three stages at which negotiations are completed (first reading, second reading, conciliation). Descriptions of all of the above variables are provided in Table 2.

These variables can be illustrated using the example of the firearms directive referred to in Figure 1. A glance at the distribution of preferences and the location of the outcome suggests that the EP had some success on both these issues, particularly the second issue. The variable 'EP bargaining success' captures this. In the first issue, the counterfactual prediction (based on a weighted average of the member states' positions) is position 45. Because the outcome is closer to the EP position than this, at position 60, the dependent variable in this issue takes a value of +15, indicating a moderate gain for the EP. In the second issue, the counterfactual Council position is 25, whereas the observed outcome is 55 points closer to the EP than this. The dependent variable in this second issue has a value of +55, indicating a significant gain for the EP.

Given the success of the EP on these issues, we tentatively consider this case to be in line with some of our hypotheses, but not others. The rapporteur, MEP

Table 2. Description of variables ($n = 167$)

	Minimum	Maximum	Mean	S.D.
<i>Continuous variables</i>				
EP Bargaining Success	-66.51	100	8.09	30.09
Rapporteur party group size	4	37	22.74	12.54
Rapporteur extremity	0	1.07	0.29	0.27
Presidency Success	-100	89.34	-1.99	30.30
Saliency	-40.56	90.83	28.27	25.66
EP extremity	0.36	100	44.92	28.08
<i>Dichotomous variables</i>				
Rapporteur affiliated with governing party at national level	0 = 82	1 = 85		
Leadership rapporteur	0 = 149	1 = 18		
Rapporteur's report amended	0 = 143	1 = 24		
Post 2004	0 = 67	1 = 100		
EP on same side as status quo	0 = 107	1 = 60		
First reading agreement	0 = 118	1 = 49		
Conciliation Committee	0 = 145	1 = 22		

Gisela Kallenbach, was not in a position of leadership in the EP or in her committee. According to Hypothesis 4, this would limit her flexibility in negotiations and therefore strengthen the bargaining position of the EP. Furthermore, the rapporteur had no obvious incentive to defect from the EP position during the negotiations, because her report was not amended in plenary (in fact, the agreement with the Council took place before the EP had an opportunity to issue a first-reading opinion). However, in other respects the rapporteur was in a weak bargaining position. Because she was from a small EP party group (the Greens) and was far from the ideological position of the median MEP (as measured by the NOMINATE score), this rapporteur was less likely than others to have been able to claim convincingly that deviations from her position would not be accepted by the EP as a whole. The rapporteur was also not a member of a governing national party, so we do not expect her to have had privileged information about the Council discussions. The next section tests the hypotheses using the full set of cases.

Analysis

Table 3 presents the analysis of the EP's bargaining success. We present two models. The first is a stripped-down model that contains only our key explanatory variables. EP extremity is also included in this reduced model because, as explained above, this is necessary given the way in which we operationalize the EP's bargaining success. The second model includes the key explanatory variables plus the full set of control variables.

The first hypothesis concerns the effect of rapporteurs' affiliations with governing parties at the national level. The evidence provides only weak support for the expectation that rapporteurs who are affiliated with governing parties at the national level are associated with greater bargaining success for the EP. Although the coefficient in the second model is in the expected direction and is close to marginal significance, the size of the coefficient is small at 6.27 relative to the 0 to 100 policy scales on which our measure of the EP's bargaining success is based.

Regarding Hypothesis 2, there is no evidence that the size of the rapporteur's party group affects the EP's bargaining success. The coefficient for the relevant variable in both models is close to 0 and statistically insignificant. We also obtained this non-finding with an alternative measure of party group size, a measure that referred to the percentage of EP seats held by the rapporteur's national party.

There is strong support for the third hypothesis, which refers to the ideological extremity of the rapporteur. Extreme rapporteurs are associated with less bargaining success for the EP. In the first model the coefficient is negative and marginally significant. In the second model the relevant coefficient is also negative, although larger, and highly significant. Controlling for other factors, the EP's bargaining success reduces by on average 30.62 points when the rapporteur's score on the NOMINATE dimension (which ranges from -1 to +1) moves one full point

Table 3. Regression analysis of the EP's bargaining success

	Model 1			Model 2		
	<i>b</i>	SE	<i>p</i>	<i>b</i>	SE	<i>p</i>
<i>Rapporteur variables</i>						
Rapporteur affiliated with governing party at national level (1 = Yes; 0 = No)	1.57	4.62	.74	6.27	4.01	.12
Rapporteur party group size	0.05	0.18	.80	-0.05	0.17	.79
Rapporteur extremity	-13.42	7.74	.09	-30.62	10.27	.00
Leadership rapporteur (1 = Yes; 0 = No)	-18.50	9.59	.06	-14.81	7.26	.05
Rapporteur's report amended (1 = Yes; 0 = No)	8.33	5.94	.17	9.79	5.23	.07
<i>Control variables</i>						
Post-2004 (1 = Yes; 0 = No)				-18.23	5.29	.00
Presidency success				-0.28	0.10	.01
EP on same side as status quo (1 = Yes; 0 = No)				-2.84	4.80	.56
Salience				0.17	0.08	.04
Early agreement (1 = Yes; 0 = No)				9.56	4.32	.03
Conciliation Committee (1 = Yes; 0 = No)				-23.96	5.88	.00
EP extremity	0.31	0.07	.00	0.22	0.07	.00
Constant	-2.89	6.47	.66	12.04	10.54	.26
<i>F</i>		4.48	.00		8.71	.00
<i>R</i> ²		0.15			0.33	
Number of observations		167			167	
Number of clusters		61			61	

Note: * $p < .10$; ** $p < .05$; *** $p < .01$. OLS regression estimates with White's (1980) robust standard errors, clustered at the level of the proposals to which the issues relate.

away from the chamber median. This clearly represents a substantively important effect.

The fourth hypothesis is that the EP has less bargaining success when the rapporteur is in a position of leadership. The results support this hypothesis, as the coefficient for the variable 'Leadership rapporteur' is negative and significant in both models. Controlling for other factors, the bargaining success of the EP is reduced by an average value of almost 14.81 points when the rapporteur is a leader of his or her committee or in the EP.

The fifth hypothesis is not supported by the results. The EP's bargaining success is not negatively affected by the amendment of the relevant part of the rapporteur's report by the EP plenary. Thus, there is no evidence that rapporteurs defect from

the EP position when it is not in line with their preferences. Contrary to the expectation, the coefficient is positive and even marginally significant in the second model. The likely explanation for this non-finding is that rapporteurs' behaviour is monitored closely by other committee members from other party groups and countries. Furthermore, there appears to be a strong norm that rapporteurs should serve the interests of the plenary as a loyal agent, not their own parochial or party interests.

There are also some interesting findings to report regarding the other factors that have an impact on the EP's bargaining success from the set of control variables. The EP was on average more successful during the period before the 2004 enlargement. This difference may be due to the changes in the national composition of the institutions or to the changes in their party composition, as reported in the Appendix. Alternatively, it may reflect differences in the types of legislation being negotiated in the two periods. The EP's bargaining success is negatively affected by the bargaining success of the Council presidency. This is indicated by the negative and significant coefficient for the variable 'Presidency success' across all models. When the Council presidency succeeds in bringing the outcome closer to its own position than we would otherwise expect, the EP tends to do poorly. However, there is no evidence that the location of the status quo plays a part in the EP's bargaining success. As expected, when the EP attaches greater importance to an issue than the member states, it tends to enjoy more bargaining success. This is shown by the positive and significant coefficient for the variable 'Salience'. In addition, the stage at which the proposal is decided has an important influence on the EP's bargaining success. In line with the findings of Häge and Kaeding (2007), the EP does better when decisions are reached at the first reading, whereas it enjoys less bargaining success when decisions are reached in the Conciliation Committee. Finally, as mentioned above, owing to the way in which bargaining success is operationalized in this study, the extremity of the EP's policy position is positively associated with its bargaining success.

Conclusions

Decision outcomes in bicameral legislatures are partly shaped by the composition of the delegations that conduct negotiations on behalf of each chamber. These individual-level characteristics are seldom taken into consideration in existing research that aims to explain the outcomes of legislative decision-making. For instance, although models of the EU's legislative rules have strengthened our understanding of how the rules might work, they do not include factors that are not fully explicated in the formal rules of decision-making (for example, Crombez, 1997; Steunenberg, 1997; Tsebelis and Garrett, 2000). Instead, such models focus on the sequence of play and required decision thresholds. Often, however, bicameral conflict resolution takes place on a playing field that is formally level, but the outcome may favour one of the two sides. This is the case in the EU under the important codecision procedure.

The main finding from the present study is that the characteristics of the EP's chief negotiator, the rapporteur, affect the EP's bargaining success in the legislative arena. The choice of rapporteur on any given bill is constrained by the requirement to achieve a fair distribution among party groups and nationalities. We examined only high-profile, controversial pieces of legislation; yet there was considerable variation in the characteristics of EP rapporteurs. These characteristics were found to have a significant influence on the bargaining success of the EP.

This is consistent with Farrell and Héritier's (2004) analysis of inter-institutional negotiation in the EU. They point to the importance of 'relais' actors in the Council and the EP, notably the Council presidency and the EP rapporteur. These actors bear the primary responsibility for overcoming inter-chamber differences. Farrell and Héritier's analysis focuses on so-called early agreements under the codecision procedure. These are legislative proposals adopted after the first parliamentary reading, before which a series of informal meetings are held with representatives of the Commission, the Council and the EP. Our findings suggest that rapporteurs affect the EP's bargaining success in a broad range of legislative proposals subject to the codecision procedure, not only those resolved during early agreements.

The findings support the argument that negotiators in a bicameral setting play a 'two-level game', where bargaining strength is shaped by the degree to which negotiators can credibly claim to be constrained by their parent chambers. To a small extent, the EP does better when the rapporteur is in a position to gain information regarding the win-set of the Council (that is, when he or she is a member of a governing national party). Moreover, to a far greater extent the EP's bargaining success is enhanced when the rapporteur can convincingly claim to be supported and constrained by a majority in the EP (that is, when he or she is moderate and is not in a position of leadership in the EP). The EP tends to be more successful when it is represented in negotiations by a rapporteur who is ideologically close to the parliamentary median. Rapporteurs with a reputation for extremity find it difficult to convince their counterparts in the Council that they know exactly what will be acceptable in the EP. They therefore lack one of the most effective sources of bargaining strength: 'manifest inability to make concessions' (Schelling, 1960: 19). The bargaining success of the EP is lower when it is represented by a rapporteur who holds a leadership position in the EP. These politicians are in a better position to 'sell' agreements than are junior politicians. This ability to influence the EP plenary means that rapporteurs who are political leaders are at a disadvantage when it comes to convincing their counterparts in the Council that they are subject to significant external constraints.

Another way in which rapporteurs might be expected to influence the EP's bargaining success concerns defection. This appears to be a relevant mechanism in other bicameral systems. For instance, US Congressional legislators who engage in inter-chamber negotiations have *ex post* adjustment power, with which they may pursue policy alternatives that differ from those supported by the plenary (Nagler, 1989; Krehbiel et al., 1987). We found no evidence that this occurs in the EU context. Rapporteurs have a greater incentive to defect from the EP position

when their report is amended in plenary; yet the bargaining success of the EP is not affected by this. We therefore find no evidence that rapporteurs advocate positions that deviate from the EP outcomes they are charged with defending. It may be the case that rapporteurs adhere to the strong norm that, as agents of the plenary, they should not advocate interests that deviate from the EP's opinions. Nonetheless, future research might develop more refined measures of the rapporteurs' policy positions on the specific issues on which they negotiate. This could detect relationships that we were unable to find using the more general measures that are currently available.

In a broader comparative perspective, the level of responsibility given to rapporteurs in inter-chamber conflict resolution in the EU is unusual. Most conflicts between the EP and the Council under the codecision procedure are resolved during informal negotiations between a relatively small number of key individuals. In contrast, most other bicameral legislatures that resolve their differences through negotiation do so in a formal setting involving relatively large delegations from either side (Tsebelis and Money, 1997: 176–208). Although this makes it more difficult to assess how the selection of negotiation delegates influences decision outcomes in other legislatures, it does not mean that it matters any less. The composition of large delegations also varies from one bill to the next, and this variation is likely to affect decision outcomes. Understanding this relationship allows us to move beyond simple 'split the difference' predictions to a more accurate account of how bicameral controversy is resolved.

Notes

1. Recently, rapporteurs have also begun to play a role in non-legislative acts (for example, implementing acts) that are designed to supplement or amend aspects of legislative acts. The Treaty of Lisbon gave the EP the power to veto these acts or indeed revoke the power delegated to the Commission. Rapporteurs may play a lead role in formulating the EP position in these matters (European Parliament, 2011).
2. There is also a simplified procedure whereby the committee chair can propose that the Commission's proposal be adopted without amendment. This requires the support of 90 percent of the committee members.
3. The new rules state that 'as a general principle . . . all political groups shall be represented at least at staff level' in inter-institutional negotiations.
4. This figure includes what are known as 'early first reading agreements', where an agreement is reached in informal negotiations and then adopted in the EP's first reading; and 'early second reading agreements', where an agreement is reached in informal negotiations and then adopted in the Council's common position.
5. Interview, Brussels, November 2006.
6. Proposals coming under the 'consultation' procedure were also selected, but these are not relevant to the present study.
7. A comparable approach to measuring bargaining success using these data has been taken by Warntjen (2008). He considers an actor to have exercised power on an issue when the outcome is closer to that actor than predicted by the compromise model.

8. We also constructed a similar variable to control for the success of the Commission. This variable was not found to have an effect (supporting the view that the codecision procedure is a game between the EP and the Council) and is not reported here.

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