

## Necessary but not Sufficient: Understanding the Impact of Treaty Reform on the Internal Development of the European Parliament

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### ABSTRACT

This paper examines the impact of exogenous treaty reform on the internal organization of the European Parliament (EP). After each major reform of the EU's treaties the European Parliament took the opportunity to fully revise its own internal Rules of Procedure (RoP). This work reviews the key revisions of the Single European Act, Maastricht, Amsterdam and Nice Treaties relative to the EP to gain an understanding of what types of internal EP reform were required by each new treaty. The actual reforms then undertaken by the EP to its RoP are then analyzed qualitatively and quantitatively. This research highlights some broad patterns of Rules reform, but also how these have changed over time. In particular the balance between required Rules reforms and internally and externally oriented strategic reforms is examined.

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Since 1987 there have been four significant European Union (EU)<sup>1</sup> Treaty revisions; the Single European Act (SEA), Maastricht, Amsterdam and most recently Nice. In all four cases the powers and political role of the European Parliament were altered and in most cases expanded, particularly in the legislative arena. From the introduction of the cooperation procedure in the SEA to the codecision procedure's introduction in Maastricht and reform in Amsterdam the legislative power and reach of the European Parliament has been inexorably expanding. In other arenas, such as confirmation of the Commission President and the linking of the terms of the two institutions, relations and agreements with third countries, and inter-institutional relations the progress of the EP has been more sporadic but nonetheless present.

While all of these fundamentally exogenously controlled changes to the formal role and powers of the EP have been crucial in transforming the EP from a chamber of debate into a legislative body, in and of themselves they cannot fully account for the dramatic metamorphosis that European Parliament has undergone over the last quarter century nor explain why certain paths of internal reform were chosen over others. To fully understand the EP of today it is not enough to chart the formal increases to its powers that have accompanied each of these new treaties. In addition, we must also understand the role that these formal changes have had in providing opportunities for strategic internal reforms not directly linked to them.

Increased legislative and oversight powers in and of themselves would not have been sufficient to guarantee the EP a significant role in the legislative process and general governing of the European Union had it not been able to rationalize its internal organizational structures and increase its efficiency to insure that it could successfully fulfill its new obligations and roles. However, it is important to remember that decisions over internal organization represent strategic interactions that reflect the interests and relative power of the participants as well as the realities of the broader political environment. This paper examines these relationships through an analysis of the four major treaty revisions and the subsequent internal revisions of the European Parliament's Rules of Procedure (RoP).

This research will demonstrate not only the crucial importance of internal rules reform in ensuring that the EP is competent to handle the increase in its work load and institutional importance that these reforms offer, but also that they provide an opportunity for strategic action within the EP. Thus insuring that reforms benefit some more than others despite their general character as public goods (in as much as they increase the effectiveness and power of the EP as a whole). This research suggest that treaty reforms need to be studied in a broader context to fully understand the impact that they have on the development of the European Union and the specific institutions within it.

In the following section I review the four treaties and the major changes that each introduced, particularly *vis-à-vis* the EP, with special attention paid to those revisions that

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<sup>1</sup> The term European Union is comparatively new dating only to the implementation of the Maastricht Treaty in November 1993. Before that the EU was known as the European Economic Community (1957-1987) or the European Community (1987-1993). The European Community still exists as the basis for Pillar one under the three pillar structure established by the Maastricht Treaty. However, it is the norm now to refer to the entire set of structures simply as the EU. I will use this term throughout for simplicity's sake, even when discussing the period before the official creation of the EU.

were truly innovative (and not just expansions of previous rules or norms).<sup>2</sup> In the following section I examine the major revisions to the rules of procedure associated with the adoption or ratification of each of the four treaties. In each case the EP has specifically set out to fully review and revise its rules following treaty reform. In this section all of the individual proposed rules revisions are categorized and analyzed to determine their scope and intended purpose. This section reviews these revisions both qualitatively and quantitatively. In the conclusion the connections between treaty form and internal institutional reform are reviewed with an emphasis on the need to examine both the practical requirements and the strategic opportunities created by treaty reform. This research is crucial as we are once again in the shadow of a new Intergovernmental Conference (IGC) that will attempt to incorporate the work of the Constitutional Convention and perhaps even create a true European constitution.

### **The Path to EP Power: From the SEA to Nice**

The European Parliament did not begin its life auspiciously in terms of legislative power or political significance.<sup>3</sup> Carrying on from its predecessor, the Common Assembly, the EP was granted only the limited right of consultation by the original Rome Treaties. It was necessary for the Council of Ministers to seek its opinions in only limited circumstances and there was no obligation to incorporate or even acknowledge them. In fact, until the 1979 Isoglucose decision by the European Court of Justice (European Court of Justice, 138/79 and 139/79), the Council was not even forced to wait for the EP's opinion before issuing a final decision.

Initially increases in the powers and responsibilities of the EP were gradual and piecemeal. The first significant change came with partial control over the budget. Initiated in 1970 and fully implemented in 1975 this was a significant, but limited victory. The EP gained power only over "non-compulsory" spending which, because of the vast outlays on the Common Agricultural Policy (CAP), amounted to only about 20% of the overall EU budget.<sup>4</sup> During these early years the only other significant change came with the introduction of direct elections to the EP. While not a new power, direct elections granted the EP a new level of legitimacy, particularly *vis-à-vis* the other EU institutions as it became the only one *directly* linked to European citizens through elections.<sup>5</sup> Overall, however, despite direct elections and partial control over the budget the EP was still primarily a consultative body and largely functioned as a chamber of debate with little ability to directly

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<sup>2</sup> This is because, although the expansion of previous rules (for example the cooperation or co decision procedure) to new policy arenas is important in expanding the power of the EP, the change would require far less internal reform than a revision which introduced an entirely new procedure.

<sup>3</sup> In fact, it should be noted that it was not even initially recognized as a parliament *per se*. The original title for the EP in the Rome Treaties was simply the "assembly," and although an internal decision was made to change the name to European Parliament in 1962, the change was not formally recognized by the other institutions until the SEA in 1987. For the sake of clarity however, I will use European Parliament or EP throughout this paper.

<sup>4</sup> Just as the name of the EP has changed over time so has the name of the EU as a whole. Beginning as the European Economic Community (EEC) in 1957, shifting to simply the European Community (EC) in 1987 (with the SEA) and finally becoming the European Union (EU) only in 1993 with implementation of the Maastricht Treaty. Once again for simplicity's sake I will use the current moniker of EU throughout this paper.

<sup>5</sup> It was this precisely this direct connection with voters and the question of EU legitimacy that led to the Isoglucose case decision requiring that, where EP consultation was stipulated in the Treaties, the Council must wait for the EP's opinion *before* issuing a final decision.

affect the EU policy process. All of this changed dramatically, and largely unexpectedly, with the Single European Act in 1987.<sup>6</sup>

*The Single European Act:* The fundamental goals of the SEA were two-fold, the full realization of the single market and the reform of the existing political institutions to improve efficiency, democratic legitimacy and integrate the foreign policy realm formally into the treaties (Pinder, 2001). In many ways the impetus for political reform came from the Parliament itself through its Draft Treaty on European Union passed by the EP in February 1984. The EP, in its treaty reform called for the EP to have co-equal status with the Council of Ministers and the right of legislative initiative (Bulletin, EC 2/1984). It is not surprising therefore that the achievements of the SEA seemed at first to be paltry and unsatisfying not only to the members of the EP but also to the scholarly community and general public (Westlake, 1994; Pinder 2001).

However, in reality the SEA was a watershed for both the EP and the European Union as a whole. For the EP the most important additions were clearly the new ability to directly amend legislation through the introduction of the cooperation procedure<sup>7</sup> and the increased relationship between the EP and the Commission through the synchronization of their terms in office and the addition of an official vote of investiture for the Commission President.<sup>8</sup> There were other smaller additions to the role of the EP such as the requirement of assent for association and accession agreements with third-party countries (i.e. enlargement). In addition, the expansion of the policy arenas covered by the EU to include the environment, research and development (framework programs), culture and education all implicitly or explicitly also expanded the role of the EP through either the consultation or cooperation procedures.

But there were other additions that were important harbingers of the future development of the EU such as the addition of Title III on foreign policy cooperation (formalizing for the first time the European Council and “summitry”) and the addition of the structural and cohesion funds as a requirement for the creation of the single market. Perhaps most important among the achievements of the SEA for the future of the EU was the specific requirement for qualified majority voting (QMV) in the Council of Ministers for most legislation specifically related to the completion of the single market.

It was this last aspect in conjunction with the new cooperation procedure (which was to be used for most of the single market program), that the EP focused most of its attention on during its rules revisions. The new cooperation procedure, though not the kind of equal “codecision” legislative process that the Parliament had pressed for, was considered the most crucial aspect of the new treaty. On the whole the SEA, although not as far-reaching as

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<sup>6</sup> Initially the SEA was viewed as a failure by both the EP and most member-states; the general belief was that it had failed to achieve the goals of developing a true single market or significant institutional/political reform (Westlake, 1994; Pinder 2001 and especially the EP debates on the SEA Randizio-Plath Report, OJC Annex No.2-346/114-128, 1986).

<sup>7</sup> With the goal of conserving space and avoiding unnecessary duplication I will not be describing the legislative procedures or other technical aspects of additions to the EP’s arsenal of powers in detail. Interested readers should consult either my book on the EP (Kreppel, 2002) or the seminal general work on the EP by Richard Corbett, Francis Jacobs and Michael Shackleton (2001). For general information on the EU as a whole in relation to the Treaties and their reform see Desmond Dinan (1999) or Simon Hix (2000).

<sup>8</sup> The term of the Commission was increased from four to five years to coincide with the existing five year term of the EP. In addition, the EP now had a formal vote of approval over the newly appointed President of the Commission and in its rules even called for hearings on each of the other members of the Commission.

was originally hoped for by some, was tremendously significant for the EP and the EU as a whole. It set the stage for the rapid series of additional treaty reforms that followed including the upcoming 2004 IGC that may lead to the creation of a true constitution for Europe.

On the other hand, the long-term impact of the SEA could not have been known at the time of its passage and as a result the reception it received was lukewarm at best and this is reflected in the reaction of the European Parliament to it as we shall see in the next section. Since at the time there was no reason to believe that there would be another IGC so swiftly following the SEA and certainly not one of the unquestionable importance of the Maastricht Treaty, the EP naturally reacted to the SEA as if it were a conclusion and not a beginning.

*The Maastricht Treaty:* In retrospect, however, we know that the SEA was just the first, comparatively small, step on the path of treaty reform that would move forward with an ever quickening pace. The Maastricht Treaty, which was in many ways a logical fulfillment of the original tasks of the SEA, was signed just five years after the implementation of the SEA.

Unlike the SEA, nearly all participants and observers heralded the Maastricht Treaty as a radical departure from the past and a significant achievement in European integration. Maastricht transformed the structure of the EU as a whole by creating the three-pillar structure that still exists today. The pillar structure represents a compromise between those who pressed for more significant steps toward European integration and those intergovernmentalists who wanted less by allowing for profound levels of integration in the economic arena while limiting supranationalism in the areas of foreign and security policy and justice and home affairs (police, immigration policy etc).

Although not completely pleased with this institutional compromise the EP was generally satisfied with a different aspect of the new treaty, the addition of the new codecision procedure. Unlike the cooperation procedure, the codecision procedure granted the EP the undisputed power of veto.<sup>9</sup> The importance of the addition of the codecision procedure was heightened by the significant increase in the number of policy arenas in which the EP would have a direct say through either it or the cooperation procedure.

In addition, the incorporation of foreign policy and justice and home affairs formally into the EU through the three pillar structure, as well as the protocol on the Social Charter were important and encouraged the EP to try to develop a role for itself within these arenas as well. The Maastricht Treaty also created the Committee of the Regions as part of its introduction of the principle of "subsidiary" which delineates the balances between decision-making at the local, state and EU levels. Another new institution with significant consequences for the EP was the creation of the office of the EU Ombudsman under the jurisdiction of the EP itself.

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<sup>9</sup> The new procedure added an additional level of complexity to the already complex cooperation procedure by calling for a conciliation committee to be convened if the Council of Ministers could not adopt all of the EP's second reading amendments. This new conciliation committee comprised of an equal number of Members of the EP (MEPs) and representatives from the Council of Ministers had the task of developing a compromise joint text. If this could not be achieved the Council had the right to revert back to its previous position, but the EP could also veto any proposal during a third reading within the Parliament, thus effectively elevating the EP to "co-legislator" status.

The Maastricht Treaty was also significant because it set a definitive schedule for the achievement of a common currency as well as the eventual establishment of a European Central Bank and system of national Central banks. This was in many ways a natural conclusion of the work begun in the SEA to complete the European single market. The establishment of clear criteria and institutional structures to manage the transition to a common currency also impacted the EP and its perception of its rightful role within the process of economic unification.

The Maastricht Treaty was the most extensive treaty reform since the creation of the original European Economic Community. In many ways it represented a new era in European integration and not surprisingly resulted in a vast number of rules reforms within the EP. The technical nature of many of these revisions suggests the daunting nature of the treaty and the complexity of the new EU it created. However, even this dramatic revision of the EU Treaties was not enough and within the Maastricht Treaty itself was a call for further reform. The Treaty required that a new IGC be convened in two years to address further institutional reforms in light of future enlargement in particular.

*The Amsterdam Treaty:* The reforms of the Amsterdam Treaty were far less far reaching than Maastricht had been and were intended, in some ways, to complete some of the institutional reforms begun in Maastricht. In the end however, Amsterdam ended up leaving almost as many loose ends at it resolved. The goals of the IGC that led to the Amsterdam Treaty were primarily to increase the democratic legitimacy of the EU as a whole and improve the efficiency of its various institutions and procedures. In effect this led to a focus on the issues of transparency, efficiency (especially reform of the CFSP) and to a lesser extent institutional reform.

The most important aspect of the Amsterdam Treaty from the perspective of the EP was the reform and expansion of the codecision procedure. After Amsterdam the scope of the cooperation procedure was significantly reduced (to a few items related to the single market) while the codecision procedure was expanded to cover most policy areas voted on by QMV in the Council.<sup>10</sup> In addition, the endgame of the codecision procedure was simplified to the benefit of the EP. Whereas previously if no joint decision could be reached the Council was free to revert to its previous common position and to submit that to the EP as a whole for approval, after Amsterdam the absence of a joint decision in the Conciliation Committee meant the failure of the proposal. This gave the EP greater bargaining leverage within the Conciliation Committee, but also in the legislative process leading up to it.

The change in the codecision procedure was not the only significant accomplishment of the new treaty as regards the EP. Amsterdam also significantly improved the structures guaranteeing freedom of movement within the EU by increasing common policies on immigration, asylum, and other Pillar III subjects and placing them within Pillar I. In addition, Amsterdam officially incorporated the Schengen agreement into the treaty.<sup>11</sup> By moving these policies arenas into Pillar I the EP was immediately granted greater influence over them than had previously been the case (even though most did not fall under the codecision procedure).

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<sup>10</sup> Significantly this does not apply to all areas though, with several important areas of Council QMV remaining under the consultation procedure such as the Common Agricultural Policy (CAP).

<sup>11</sup> The UK and Ireland opted out of the Schengen system of open borders, but all new accession countries will have to adopt its structures.

Additionally, a great deal of attention was paid to improving Pillar II and the Common Foreign and Security Policy (CFSP) of the EU. This was achieved through a number of reforms including the possible incorporation of the WEU into the EU structures for the purposes of developing a joint military task force able to act under the “Petersburg Tasks” including humanitarian aid, peace keeping and rescue. Importantly Amsterdam called for the activities of this task force to potentially be funded by the EU budget, which would grant the EP influence due to its key role in the budgetary process.

Finally, the Amsterdam Treaty made significant strides forward in fully incorporating social policy into the treaties (overcoming the earlier opt out by the UK from the Social Charter) and expanding and improving environmental policy in the EU by clarifying restrictions existing and future national policies. The Treaty also addressed the crucial need to coordinate employment policy at the EU level and set up a system of annual reviews and reports on the employment policy and problems.

What the Amsterdam Treaty largely failed to do however was to achieve significant institutional reform in light not only of improving efficiency, but more crucially the looming enlargement to Eastern and Central Europe. The only modest achievements in this arena were the decisions to set a maximum of 700 for the future expansion of the EP (set at 626 with the current 15 member states) and the decision that the “big” states (Germany, France, Italy, Spain and the UK) would give up their second Commissioner after the first enlargement (so that all member states would appoint just one Commissioner) *provided an agreement could be reached on compensation via the reallocation of weighted votes in the Council of Ministers*. These institutional reforms also explicitly assumed that first wave of enlargement would include no more than five new member states. This assumption however was quickly demonstrated to be incorrect.

Once again, as with the Maastricht Treaty, the Amsterdam Treaty actually called for another IGC itself, thus insuring that further treaty reform would be forthcoming and in fact, just 18 months after the Amsterdam Treaty was implemented the most recent treaty reform was signed at Nice.

*The Nice Treaty:* The Nice Treaty is the newest addition to the set of treaty reforms that have been adopted since the SEA. Implemented only in February 2003, its actual impact on the EU is still unknown. The text of the treaty itself is less broad than previous treaty revisions have been largely because of the very specific task of the Nice Treaty, which was to prepare the EU for the impending enlargement to the East and the addition of up to twelve new members.

Institutional changes directly related to the EP were rather minimal. The maximum number of MEPs was increased from the 700-limit set in Amsterdam to 732. The increase is set to occur incrementally as each new state joins. The other significant institutional reform that affects the EP pertains to the Commission. The Nice Treaty modified the selection process of the Commission and Commission President. From February 2003 forward the President of the Commission will be select by the Council using QMV (not unanimity) and then approved by the EP. Afterwards the Council in conjunction with the newly elected Commission President will select the rest of the Commissioners, once again to be approved by the EP. This increases the role of the EP in the selection and approval process of both the Commission President and the other Commission members.

In addition, provisions were made for a statute of European parties and the EP was given the right, in the same manner as the Council, Commission and Member States, to institute proceedings to have acts of the institutions declared null and void and will be able to ask the Court of Justice for a prior opinion on the compatibility of an international agreement with the Treaties. To a lesser extent than in the previous treaties the scope of the codecision procedure was also expanded in the Nice Treaty (including freedom of movement, judicial cooperation and economic cooperation with third countries).

Other institutional reforms made by Nice that mattered less to the EP include significant reform of the judicial branch (including increasing the role of the Court of First Instance and reform of the Court of Auditors). In addition, a great deal of attention focused on the re-weighting of votes within the Council of Ministers.<sup>12</sup> The Nice Treaty also revised the existing regulations governing “enhanced cooperation” making it easier to achieve by requiring that fewer member states be involved and by removing the veto for enhanced cooperation under Pillar I. Most importantly for the EP, where enhanced cooperation is sought in an area that falls under the codecision procedure, the assent of the EP is required. Another significant reform that affects the EP was the addition of a “preventative” instrument to be put into use if it is believed that a member state risks committing “a serious breach of fundamental rights.” Under this provision the EP has the right to propose that these measures be taken (although it is the Council acting by a four-fifths majority that ultimately will decide whether or not to act).

Ultimately the Nice Treaty achieved the minimum required of it to permit enlargement to move forward but as with the SEA before there was a general dissatisfaction with the treaty as a whole. It is also not surprising that many of the more difficult decisions were left to be decided in the future or at the very least were not scheduled to be implemented until 2005 or even 2007. It is also not surprising that once again, within the new Treaty itself were calls for yet further reform. In this case the call was for a “deeper and wider debate” on the future of the European Union which has led to the current constitutional convention set to complete its work in May 2003, in time for the next 2004 IGC.

Having traced the history of treaty reform since the SEA, with a special focus on those reforms that explicitly or implicitly impacted the European Parliament we can now turn our attention to the EP itself to discover how these treaty reforms were reflected in revisions to its internal structures.

After each treaty reform the European Parliament set about a reform of its own by thoroughly revisiting and revising its Rules of Procedure (RoP). In many cases these reforms were clearly necessary and directly tied to the treaty reforms that inspired them. However, in other cases the internal changes to the RoP were in no way required by treaty reform or even logically tied to it. The patterns of rules reform, and how these have changed over time, are telling indicators of the strategic manipulation of the internal organization of the EP by some of its members, but also more generally are significant in their changing pattern. The kind of amendments made, and the justification for them reflect the changing role of the EP within

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<sup>12</sup> This most contentious issue was eventually only partially resolved since the scheme applies only to the current 15 members and will need to be re-negotiated with each accession treaty, although it does set a general rule. The new system also sets up a potential triple majority requirement including a qualified majority of weighted votes, a majority of member states and now potentially also a 62% of total EU population (as represented by ministers in the Council).



the EU and suggest the importance of understanding internal rules reform if we are to understand the institutions as a whole.

### **Rules Revisions in the EP**

The original Rules of Procedure in the European Parliament were actually created within the earlier Common Assembly (1951-1957) and simply adopted by the EP during its first meeting in 1958 (Kreppel, 2002). These initial rules were designed for an EP of minimal power with only 148 members from just six countries. They were unsurprisingly limited in scope. In 1979, just before the first general revision of the Rules, there were just 54 rules, no index, and no annexes in the RoP. The most recent edition of the Rules includes 186 rules, 16 annexes, a table of contents and a detailed index.<sup>13</sup> The evolution of the RoP has been gradual and constant, but there have been several general revisions over the years, and most often these are directly linked to EU treaty reform.<sup>14</sup>

Between 1970 and 1987 there were 331 proposed revisions to the RoP, 220 of which passed. By contrast the reforms associated with the SEA included 97 amendments, Maastricht 113 amendments, Amsterdam Treaty 116 amendments and Nice 113 amendments. The variation between these four general revisions of the rules is far more significant than this simple numerical count might suggest, however. In each case the EP needed to amend its rules to incorporate changes in its own powers and responsibilities as well as developments within the broader European Union as a whole. In addition, however, the opportunity to promote more widespread reforms did not go unnoticed or untried. In each case significant reforms were undertaken which had little or nothing to do with the specific changes instituted by the exogenous Treaty revisions. Instead these internal changes to the Rules of Procedure went beyond what was technically required, to attempt changes that were strategically valuable both in terms of the inter-institutional relationships between the EP and the other EU institutions and the intra-institutional relationships between actors within the EP itself.

To fully appreciate this process it is necessary to understand (1) the role of the Rules of Procedure within the EP, (2) the requirements to change them, and (3) the broader evolution of inter-institutional relations within the EU. After briefly covering these three topics I will review the revisions to the Rules of Procedure that followed each of the four major Treaty reforms qualitatively and quantitatively, highlighting the extent to which these were (or were not) directly linked to the treaty revisions which ostensibly instigated them.

*The Rules of Procedure in Context:* “The Rules of Procedure in the EP are Parliament’s constitution” (Rothley, OJC Annex no. 3 434/40). They effectively structure the internal organization of the EP, the relationship between individual members, the various party groups and increasingly the relationship and interactions between the EP and the other institutions of the EU. The hierarchical structures that govern the EP are established by the rules and in turn serve to structure the day-to-day activities of the Parliament including all activities related to the policy-making process.

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<sup>13</sup> This refers to the 15<sup>th</sup> edition of the RoP, February 2003.

<sup>14</sup> The only general revision not directly related to treaty reform (and predating the SEA) was the 1981 revision which was linked to the introduction of direct elections to the EP and the concomitant doubling of its membership from 198 to 410 members. See Kreppel, 2002, Chapter 5 for an in depth discussion of the history of EP Rules revisions since 1970.

Given the unparalleled importance of the Rules of Procedure we should not be surprised that they are not easily changed. Any amendment to the RoP requires an absolute majority of component members voting in support (currently 314 votes out of 626). The consistently high level of absenteeism in the EP makes the realization of an absolute majority particularly difficult (Kreppel, 2002). In effect, this requirement makes it essential that the two largest parties (the Party of European Socialists -PSE and the European People's Party & European Democratic -EPP-ED) work together.

Although ideologically these two parties fall on opposite sides of the center, they do share a common interest within the EP in that they are distinct from all other EP party groups by virtue of their size. Since direct elections these groups have consistently controlled a combined total of between 60%-70% of the seats in the EP, while neither of them as ever controlled an absolute majority by itself. Both the need for and the ability of these two groups to work together and control the reform of the RoP is significant given the fundamental role that Rules play in the internal organization of the EP.

In addition to governing the relationships between actors within the EP, the RoP have also frequently attempted to influence the relationship between the institutions of the EU and in particular the relationship between the EP on one hand and the Council of Ministers and the Commission on the other. As was noted above, the series of Treaty revisions that began with the SEA have significantly revised, and largely increased, the role of the EP within the political and especially the legislative sphere of the EU. This has in turn affected its interactions with the Commission and the Council of Ministers, but the EP has often not been satisfied with the pace of reform and as a result has attempted to restructure these relationships unilaterally via revisions to its own Rules of Procedure.

Understanding the crucial role of the Rules of Procedure in governing both activities within the EP and to a lesser extent the relationship between the EP and the other institutions demonstrates why their revision is so important. From a pragmatic point of view the RoP must necessarily change to reflect the changing nature of the EU and the EP's evolving role within it. That said however, it would be naïve to expect that all reforms within the EP are purely functional, intended only to meet these new challenges. Obviously Rules reform also offers a significant opportunity for strategic action by those with the ability to manipulate outcomes. The choices made necessarily reflect both the functional needs of the EP as a whole and the strategic action of a subset of the EP's membership.

To compare the Rules revisions that followed each of the four major Treaty revisions I created a database of all the rule changes proposed by the Committee on Rules of Procedure in its report(s)<sup>15</sup>. Proposed rules changes were divided into several categories based the purpose(s) of the proposed change. Each amendment could be counted in more than one category. The categorization of the different amendments into categories was based on three complementary sources. The actual textual change proposed was examined to determine what technically would change. In addition, the explanations given by the *Rapporteur* (either as a justification with the proposed amendment or at the end of the committee report), as well as minority reports, where these were issued, were studied to determine what the official purposes of the change were according to the committee (and the interpretations of the minority in the committee). Finally, the verbatim record of the debates on the proposed changes in plenary were used to determine the position of the various

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<sup>15</sup> In the case of the Maastricht Treaty there were three reports while the other three each has only one report related specifically to reform of the Rules of Procedure in light of Treaty reform.

groups and independent Members as well as their interpretations of the significance of the proposed changes.<sup>16</sup> If the *Rapporteur* claimed that a change was being proposed to increase efficiency, but during the debates small parties or individual Members decried the action for giving too much power to political groups, then the proposed change was scored as both increasing efficiency and increasing the power of the political groups. Many of the proposed changes were complex requiring that they be scored in numerous categories. The eight, non-mutually exclusive, categories are (examples of each category are in Annex 1):<sup>17</sup>

Increase Efficiency: If the reasons behind the amendment were to improve the efficiency of the EP either in dealing with its legislative load or its internal organization.

(De)Centralize Power: Amendments that gave more power either to the President, conference of Presidents/enlarged Bureau or those that gave more power to the committees. In effect any change that would move power away from the full plenary.

Increase EP power: These are amendments that seek to increase the power of the EP without an official legal grounding. These amendments frequently accompany official increases to EP power and merely extend them to areas not specifically covered.

Increase Political Group Power: Any amendment that gave a specific role or power to the political groups, or increased the role of the groups in the internal organization of the EP as a whole (frequently the ability to act/perform tasks that individual Members could not)

Increase Large Political Group Power: Amendments that give additional powers to large numbers of members, or new Rules changes that require a large number of members to act (more than the minimum number required to form a political group). This includes specifically changes that actually delete previous provisions allowing political groups to participate in certain activities and instead require a specific number of members larger than that of many small political groups.

Increase Small Political Group/NA Power: The opposite of the above. These are rare and usually consist of lowering numeric barriers to action or in giving specific rights to individual members or help to alleviate the burdens of being a non-affiliated or independent member. Usually bureaucratic but occasionally significant politically, these frequently accompany amendments which boost the power of the political groups, although they are far less numerous.

Address Treaty Revisions: Amendments that deal specifically with changes that are the result of the new Treaty. This includes changes meant to address official new power granted to the EP by the other institutions of the EU, but also broader general changes to the EU as a whole.

Technical: Any change that was the result of another proposed change (such as the deletion of a paragraph or rule that would be supplanted by a proposed amendment), semantical changes,

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<sup>16</sup> The Committee Reports are "session documents" and can be found in the *Official Journal of the European Communities (OJC)*, series A. The explanatory statements of the *Rapporteur* are given at the end of the report (although occasionally for long reports they are given orally). Debates on the proposed changes to the Rules are printed in an annex to the *OJC* and are organized according to the plenary sitting. Detailed information on the outcomes of the debate (including votes on amendments and roll-call votes if there were any) are given in the minutes of the plenary session which are given in the *OJC series C*. Thus for every proposed rules change three documents were used; the report itself (*OJC series A*), the minutes of the plenary session where the changes were debated (*OJC series C*), and the verbatim debates (annex to the *OJC series C*).

<sup>17</sup> This classification scheme largely follows that of my earlier work. See in particular Kreppel, 2002.

clarificatory changes, as well as changes that did not appear to have any potential political effect and were not controversial.

There were some general trends and strategies that were consistent throughout all of the reforms. First, the majority of amendments included more than one type of change. Second, the most consistent pattern was for revisions of all types to be accompanied by a technical change, but especially those that directly addressed a change introduced by the Treaty reform. This means that the number of technical changes was consistently high (an average of 51% of all Rules amendments included some technical revision).

*The Single European Act:* The Single European Act was especially significant because it represented the first large scale attempt to revise the Rome Treaties. Smaller changes to the general structure of the EU including budget reform, direct election of the EP and the Stuttgart Solemn Declaration all made small or narrowly focused changes but the SEA, despite the initial reaction was quite broad in terms of its application. What is interesting is how little attention was paid within the EP to the reforms of the RoP that followed the adoption of the SEA. In comparison to what would follow in later treaty reforms the SEA Rules revisions were greeted with little interest or enthusiasm.

The clearest evidence of this is the fact that the report in the Rules revisions was discussed together with another report on the SEA as a whole in a joint debate.<sup>18</sup> During this joint debate less than half of the discussion focused on the Prout Report on the Rules of Procedure. Despite this, those who did participate in the debate realized the potential to “exploit to the utmost ... the full potential of the Single European Act” via revisions adopted by the EP to its own Rules of Procedure (Graziani, OJC Annex, no. 2-346/115). The report on Rules reforms was hailed as representing “the most that can be gleaned from the debate on the SEA” (Wijsenbeek, OJC Annex, no. 2-346/117) and applauded for “getting the most out of the Single Act” (Cinciari Rodano, OJC Annex, no. 2-346/117).

On all sides of the ideological spectrum during the debate there was a general sense of support for the reforms to the Rules of Procedure proposed combined with a deep disappointment with the achievements of the SEA and in particular what were widely seen to be the mediocre improvements in the EP’s role in the legislative process. As a result the types of reforms pursued are not particularly surprising. Almost three-quarters of all of the amendments address directly the changes wrought by the SEA in an attempt to fully incorporate them into the Rules and demonstrate that the EP was more than a “talking shop” (Oppenheim, OJC Annex, no. 2-346/117) and capable of administering its new powers (see Table 1).

On the other hand the widespread disappointment with the general nature of the SEA and in particular the powers it granted to the EP was also visible in the fact that nearly one-quarter of all of the reforms were clear attempts to unilaterally increase the powers of the EP beyond the narrow confines of the Treaty itself (Table 1). This effort, although it had generally wide support, did not go unnoticed. Concern over the EP’s unilateral attempts to increase its role were lamented as “sad resorts to illegal expedients in [the EP’s] quest for power” (Christensen, OJC Annex, no. 2-346/118) by the more extreme elements within the

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<sup>18</sup> The Prout Report (Doc A2-131/86) addressed the reforms to the Rules of Procedure while the Planas Puchades Report (Doc A2-169/86) was from the Political Affairs Committee and represented more of a position paper on the SEA itself.

EP and even some within the main stream believed that there was “a little too much emphasis on trying to tell the Council and the Commission what they shall and shall not do” (Adam, OJC Annex, no. 2-346/118).

On the whole the SEA Rules revisions are notable by their dual focus on making the most of the perceived meager powers granted by the SEA while at the same time making every effort to expand those powers wherever possible by fiat. The number of technical revisions was high (although below the average for all Rules revisions in this study), but comparatively little attention was paid to improving the efficiency of the EP. The need to do so was noted in the debates<sup>19</sup> and certainly some efforts were made, particularly in terms of restructuring the activity on the floor to make it less cumbersome and enable decisions to be reached more rapidly, but on the whole it was of secondary importance. There were only a few changes that increased the role of the party groups, and as with later revisions these were justified by the need to increase efficiency. There was also very little effort to centralize power within the EP itself.

In many ways the revisions to the RoP that followed the SEA represent a first attempt by the EP to deal with an increase in its powers through internal institutional reform. The general level of dissatisfaction with the extent of the new powers the EP had been granted deeply impacted the nature of the reforms pursued. This becomes much more evident when we begin to compare the SEA revisions to those that followed under Maastricht, Amsterdam and Nice.

*The Maastricht Treaty:* The Maastricht Treaty, unlike its predecessor, was heralded as a watershed for both the development of the European Union in general and the EP in particular. It ushered in a new era by creating the current EU three-pillar structure, formally incorporating not only foreign policy but also notions of a common security policy and issues related to justice and home affairs into the Treaty structure, albeit within an overtly intergovernmental framework. For the European Parliament the Maastricht Treaty granted the long sought after prospect of codecision with the Council under the aptly named codecision procedure.

These achievements along with numerous others lent a greater sense of importance to the Treaty and as a result the internal revisions pursued to adapt to it. The Rules revisions that followed Maastricht were the most far-reaching since the general revision of the Rules in 1981 (following direct elections). Evidence of the importance of the reforms pursued can be found in the fact that three separate reports were drawn up on different aspects of the reform and the process as a whole took nineteen months (compared to the less than six months taken to prepare the SEA reforms). The rapporteurships were divided up between the two large party groups (EPP getting one and the larger PES getting two). The reports were the sole focus of the debate when they were brought to the floor in September 1993.

Unlike the previous debate concerning the SEA, here the Rapporteurs and the Members underlined the significance of the new treaty claiming that it “transformed the constitutional balance of power between Parliament and Commission” (Prout, OCJ Annex no. 3-434/40) and “enhanced the importance of the European Parliament” (Rothley, OCJ Annex no. 3-434/144). On the other hand there was also a great deal more dissension in the debate, particularly among members of the smaller party groups and non-affiliated members.

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<sup>19</sup> See especially the interventions by Mr. Planas Puchades, Mr. Adam and Mrs. Elles as well as the Commissioner, Mr. Sutherland.

Whereas within the debates during the SEA revisions the Council of Ministers and member states had been the targets of criticism during the debates on the Maastricht revisions the two large party groups were the primary targets.

To a large degree this antagonism stemmed from the large number of Rules revisions that were intended to increase efficiency and centralize control over the activity of the EP. The new powers granted to the EP were believed by many to fundamentally require a significant change in the general operating procedures of the EP as it “quickly became clear that [we] could not exercise [our] new powers effectively unless [we] streamlined internal procedures” (Prout, OCJ Annex no. 3-434/40) and that “Maastricht requires... an increase in the efficiency of the bodies and parliamentary procedures” (Gil Robles Delgado, OCJ Annex no. 3-434/140) and therefore it was necessary “to regulate more effectively the work of plenary” (Defraigne, OCJ Annex no. 3-434/44). However revisions to accomplish this “streamlining” were not without costs and therefore opposition.

At the extreme end of the spectrum were those members who noted that “dictators have always begun their subsequent reign of terror by depriving parliamentary minorities of power” (Grund, OCJ Annex no. 3-434/141) or claimed that “in practice [the reforms] will lead to a two party system, where all the smaller parties, groupings and individuals will be excluded from the legislative process” (Bonde, OCJ Annex no. 3-434/142). Other more moderate voices of opposition lamented that “the big groups have paid scant attention to the smaller groups” (Vandemeulebroucke, OCJ Annex no. 3-434/142) or requested “the two large groups to think again before they adopt this out-maneuvering of the small groups and Non-attached members” (Bonde, OCJ Annex no. 3-434/143). What was very clear was that a division with the EP had occurred and that by and large it divided the two largest parties from all the rest.

This division is noteworthy because it was largely absent in the debates over the reforms that followed the SEA. In that case the divide was an inter-institutional one largely between the EP and the Council of Ministers. What is also significant is the reduced amount of attention paid to expanding the powers granted by Maastricht. While much of the discussion and a large percentage of the amendments to the Rules related to the SEA focused on expanding the powers of the EP unilaterally, there was very little discussion along these lines with the Maastricht reforms and only 11% of proposed Rules revisions were attempts to accomplish this (compared to 24% for the SEA-Table 1).

Like the SEA a high percentage of the reforms were technical (in fact well above average), yet the percentage of reforms that directly addressed aspects of treaty reform (i.e. directly followed from Maastricht) fell to just 36% (from a high of 72% for the SEA-Table 1). Instead a larger percentage of amendments focused on increasing efficiency and centralizing decision-making power (generally with the excuse of increased efficiency). The most notable of these reforms was the replacement of the old enlarged bureau with a new Conference of Presidents (CoP) consisting of the President of the EP and all of the party groups leaders (plus a representative from the non-affiliated members). The crucial aspect of the new CoP, however, was the introduction of weighted voting. Previously party groups had always been given one vote each in the enlarged bureau, but now, the votes were to be weighted by party group size giving the EPP and PES a decided advantage since they controlled a combined total of almost 70% of the seats in the EP at that time.

Although the CoP was mentioned only once during the general debate, there can be little question that the general push in the new Rules to improve efficiency by centralizing

power and restricting the actions of small groups and individual members was behind the cries of dissent that arose throughout the debate. The Maastricht revisions mark the beginning of a trend. At least partially satisfied with the Treaty itself and the new powers and roles obtained by the EP, the character of the internal reforms shifted toward “improving” internal organization to make the most of these new powers rather than attempting to artificially or unilaterally extend them. This resulted in a new trend toward centralization and consolidation of the commanding role of the two largest party groups. These were trends that were to be developed still further following the Amsterdam and Nice Treaties.

*The Amsterdam Treaty:* The roots of the Amsterdam Treaty are found within the Maastricht Treaty itself, which called for a future IGC to address institutional reform with an eye towards the impending enlargement to the East and a general desire to decrease the “democratic deficit”. In the end, however most of the critical institutional reforms were left to the Nice Treaty (or even the future 2004 IGC) and the focus of the Amsterdam Treaty remained more on increasing transparency, improving efficiency within some key policy realms and gradually reforming some aspects of Pillars II and III.

Although the Amsterdam Treaty was not all that had originally been hoped for, there was very little attention paid to lamenting that fact within the debate on the revision of the Rules. Instead once again, discussion focused on how Parliament could make the most of those changes accomplished through the rationalization of its internal organizations and procedures. Like the SEA before, there was a clear drive to “stretch” the Treaties “like a piece of elastic” (Corbett, OJC Annex no \*\*\*/\*\*\*)<sup>20</sup> so as to “promote the powers of [the EP] as much as possible within the framework of the Treaty” (Gutiérrez Díaz, Annex no \*\*\*/\*\*\*). However, in contrast to the debates surrounding the earlier revisions this time there was substantial disapproval of the EP’s attempts to “stretch” its powers. Some claimed that the Rules reforms went “beyond the Treaty” into arenas which were “legally doubtful” (Fabre-Ausbrespy, Annex no \*\*\*/\*\*\*) including “some rather radical proposals of a political nature which would give the European Parliament more power than is actually provided for in the text of the Treaty” (Sjöstedt, Annex no \*\*\*/\*\*\*) .

Thus, the temptation to attempt to add to the accomplishments of the Treaty through EP fiat resurfaced, but with less universal support and to a lesser degree than had been the case during the SEA Rules revisions. Instead, following the pattern established during the Maastricht reforms, the focus of a large number of reforms was on increasing the efficiency of the Parliament. Generally this was accomplished by reducing the ability of small groups and individual members to act. These reductions were especially noticeable in activities related to the full plenary where time is an extremely valuable commodity. As was the case during the Maastricht reforms these changes were not without controversy and were almost universally couched in terms of improving the EP’s ability to act effectively given its expanding roles and increased political importance.

Complaints against the perceived restrictions on minority and small group rights ranged from the vociferous to the cautionary with some claiming that the proposed revisions were merely “an attempt by the majorities to win themselves advantages” given “the countless amendments that restrict the rights of the smaller groups” (Voggenhuber, Annex

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<sup>20</sup> These debates were taken off-line and as a result do not contain full citation information. This will be added ASAP.

no \*\*\*/\*\*\*)). Others became wary of the still new CoP, claiming that they detected “an insidious growth in the power of the Conference of Presidents over the internal organization of Parliament” and that transformation of the CoP into “the ultimate arbiter of every decision in Parliament is an abuse and a mistake” and referring to the EPP and PES as the “two great elephants of Parliament” (Spencer, Annex no \*\*\*/\*\*\*)).

In fact, the Amsterdam revisions did witness a significant jump in attempts to revise the Rules to increase efficiency and centralize power. Changes made to actually address the new situation created by the Amsterdam Treaty fell to just 28% (almost the complete opposite of what occurred during the SEA revisions). At the same time attempts to increase the EP’s power unilaterally rose to 18% (three-quarters of their SEA high). But the most striking aspect of the reforms, as might be guessed from the debates, was the dramatic increase in attempts to increase efficiency (39% of all amendments) and centralize power, largely within the Conference of Presidents (23% of amendments-Table 1).

The result was a divided Parliament with the large groups on one side and the smaller groups and independent members firmly on the other. Even decisions about attempting to increase the role of the Parliament became more controversial. Importantly, however, the internal dissension did significantly hinder the reforms. As long as the two largest groups were in accordance the reforms were guaranteed to pass since between them they controlled the absolute majority required to amend the Rules. The pattern of reforms established during the Amsterdam revisions was largely continued during the most recent spate of reforms following the Nice Treaty.

*The Nice Treaty:* The Nice Treaty had as its primary task institutional and political reform to prepare for eastern enlargement. There were comparatively few changes that directly or deeply affected the EP in terms of its role in the EU policy process, although there were some notable reforms with implications for the organization of the EP.<sup>21</sup> The method of selection of the Commission President and the Commission as a whole was reformed again, The EP was given a voice in future “enhanced cooperation” if it fell under the jurisdiction of the codecision procedure. Perhaps the most significant change, because of what it represented, was the increase in the maximum size of the EP to 732.

Given the growth in the legislative workload from the ever expanding codecision procedure and the threat of a significantly increased membership (from 626 to 732 eventually) it is not surprising that once again the focus of the Rules reforms were on efficiency and streamlining the internal procedures. There were other reforms which dealt with increasing transparency and attempts to make the work of the EP more exciting and debates less stilted, however, there were largely uncontroversial and did not divide the EP along the increasingly familiar big party-small party/independent divide.

The Rapporteur, in introducing his report to the full plenary emphasized that in “a Parliament of at least 732 members we must streamline our procedures and focus more on priorities if we are to function effectively” (Corbett, OJC Annex no. \*\*\*/\*\*\*)). The call to improve efficiency and the belief that this was absolutely essential for the future of the EP as a whole was vocally supported by a number of members of the EPP-ED and PES (including Randizo-Plath (PES); van den Berg (PES); Wuermeling (EPP-ED); Stauner (EPP-ED); McAvan (PES)). But once again there was a great deal of opposition from members of

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<sup>21</sup> The fact that the application of the codecision procedure was expanded, for example, required very little reaction in terms of internal Rules reform with the EP.



smaller party groups and independent members who claimed that the proposed report was “based on Mr. Corbett’s creativity more than a genuine need” (Frassoni, OJC Annex no. \*\*\*/\*\*\*) and that it contained “a long list of proposals designed to strengthen the groups” (Bonde, OJC Annex no. \*\*\*/\*\*\*) . Others claimed that “the report reveals a certain inclination on the part of Parliament to silence minority groups, something Mr. Corbett kindly described earlier as ‘simplifying procedures’” (Berth, OJC Annex no. \*\*\*/\*\*\*) finally noting sarcastically “that all groups are equal but some are more equal than others and, in any case, the individual Members do not count for anything” (Dell’Alba, OJC Annex no. \*\*\*/\*\*\*) .<sup>22</sup> It should be noted that even in committee, where Rules revision reports have typically been decided by consensus the Corbett Report on the Nice revisions passed by a vote of 21 to 6, meaning that a full 22% of the committee was opposed to the report.<sup>23</sup>

Overall the reform following the Nice Treaty follow the pattern of the Amsterdam reforms, but if anything extend them even further. This time reforms attempting to increase efficiency accounted for over half of all amendments (53%) more than even technical reforms (48%). Once again revisions that centralized power were also comparatively high at 22%, coincidentally equal to the percent of revisions that actually directly addressed changes introduced by the Treaty itself (Table 1). There were also a notable number of attempts to increase the power of the EP unilaterally (14%), although this received less attention during the debates than it had during the Amsterdam revisions.<sup>24</sup>

In each case of Treaty reform the Parliament reacted by modifying its own internal Rules of Procedure. In each case the reforms pursued went beyond what was strictly required by the nature of the Treaty reform itself. What remains is to try to understand the motivations for and impact of these reforms, as well as to distinguish emerging patterns of internal reform.

### **Conclusions: The Need for and Strategic Use of Internal Reform**

A number of facts emerge from this survey of EP internal reform following Treaty revision. The first, and most obvious, is that they do reform. This is not insignificant. Regardless of the powers granted to the EP through formal revisions of the Treaties had they not been willing and/or able to undergo significant internal reforms to incorporate their new tasks and responsibilities the new powers would have been little more than unrealized opportunities and would have lent support to the still common, albeit misinformed, belief that the EP is little more than a “talk shop” or chamber of debate.

At every opportunity the EP used treaty reform as an opportunity to thoroughly review and revise its internal structures to adapt to the new political realities created by the various treaties. Despite the decreasing number of Rules revisions aimed specifically at addressing treaty reform the EP has admirably achieved the basic goal of “keeping up” and managed to incorporate its increasing roles and powers effectively into its internal organizational structures, insuring that its has not become marginalized. Significantly the EP did more than just modify its Rules to deal narrowly with the new realities created by treaty reform, it also consistently attempted to make the most of the new situation. What changes

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<sup>22</sup> See also the comments by Korakas and Maes OJC Annex no. \*\*\*/\*\*\*) and \*\*\*) respectively.

<sup>23</sup> The SEA reforms passed the committee by a vote of 13-0 with one abstention, the Maastricht Reforms were passes unanimously (26 to 0) and the Amsterdam reforms passed in committee with a vote of 10 to 1 with one abstention.

<sup>24</sup> However, see the comments of Berthu, OJC Annex no. \*\*\*/\*\*\*) .

over time, however, is the emphasis placed on two different methods of “stretching” the treaties and ensuring that the EP could get as much out of the new reforms as possible.

Essentially the EP has worked to improve its position within the broader EU in two ways. The first tactic has been externally oriented, focused on unilaterally asserting its own powers and rights or by placing new obligations on the other EU institutions by incorporating them into the RoP. The second strategy has been to focus internally and “streamline” its procedures and organizational structures to maximize efficiency, often through the centralization of many powers and activities. These two strategies are not mutually exclusive as is demonstrated by Table 1; however there has been a tendency to focus more on one strategy than the other across time.

Use of the first “external” strategy was particularly present following the SEA, which was broadly perceived at the time to be an unsatisfactory conclusion to the long process of reform that had begun with the EP’s own Draft Treaty in 1984. Throughout the debates there was a near unanimous lament over the paltry accomplishments of the SEA, particularly as far as increasing the role of the EP was concerned. It is not surprising then that so much attention (and indeed support) went to trying to expand those powers wherever possible through unilateral assertions of right in the Rules. Significantly less attention was paid to improving the efficiency of the EP or to centralizing its organizational structures.

This situation begins to change significantly with the Maastricht revisions. In the first place there was no discussion of dissatisfaction with the achievements of the Maastricht Treaty itself and, as a result, there were fewer attempts to unilaterally increase the EP’s powers. Instead, given the overwhelming level of reform implied by Maastricht, the focus was on incorporating the new powers and making the requisite technical reforms to the rest of the Rules. There was more attention paid to increasing the efficiency of the EP and centralizing control, and this did not go unnoticed in the debates where we begin to witness for the first time a strong division between the two largest party groups and the small party groups and independent members.

This divide crescendos, however, as we get to the Amsterdam and Nice Treaty Reforms. Although there is still some attention paid to the “external” method of increasing EP power much more energy is devoted to improving the efficiency of the Parliament to the point that these types of revisions account for over half of all reforms pursued following the Nice Treaty. In addition there is a decided turn towards centralization after Amsterdam and Nice, once again a shift that is vocally opposed by the smaller groups and independent Members who view themselves as minorities being oppressed by the majority (the EPP-ED and PES).

The shift from the external to internal approach to increasing the Parliament’s role is understandable in light of the changing situation of the EP within the EU as a whole. At the time the SEA was adopted the EP still served as little more than a chamber of debate with marginal budgetary powers and no other real means of directly influencing policy outcomes. Today, as the Nice Treaty is implemented “some 80% of European legislation needs Parliament’s consent” (Wuermeling, OJC, Annex, no. \*\*\*/\*\*\*). This change is fundamental and necessarily shaped the focus of the EP as it attempts to reform its internal structures in its never ending quest for equal status among the other EU institutions.

When the Parliament could *do* little, adding Rules that required the Council to speak or respond to questions, or the Commission to explain its stance on EP amendments was the most effective way for the EP to insert itself into the policy process. Now, however, the EP

is a firmly entrenched part of the process, increasingly often acting as co-legislator with the Council of Ministers. Its focus, therefore, has shifted, not surprisingly to improving its ability to act within the legislative process to make the most of its newly acquired legislative power. But these changes do not come without imposing costs to some, and benefits to others.

These costs and benefits are quite clear in the debates, particularly those during the Amsterdam and Nice revisions. The two largest party groups, working together, have consistently been the only ones that could guarantee the necessary majorities required to pass Rules revisions. It should not surprise us then that the reforms pursued to improve the efficiency of the Parliament frequently benefit the large groups, much to the consternation of the smaller groups and independent Members who can do little to prevent them.

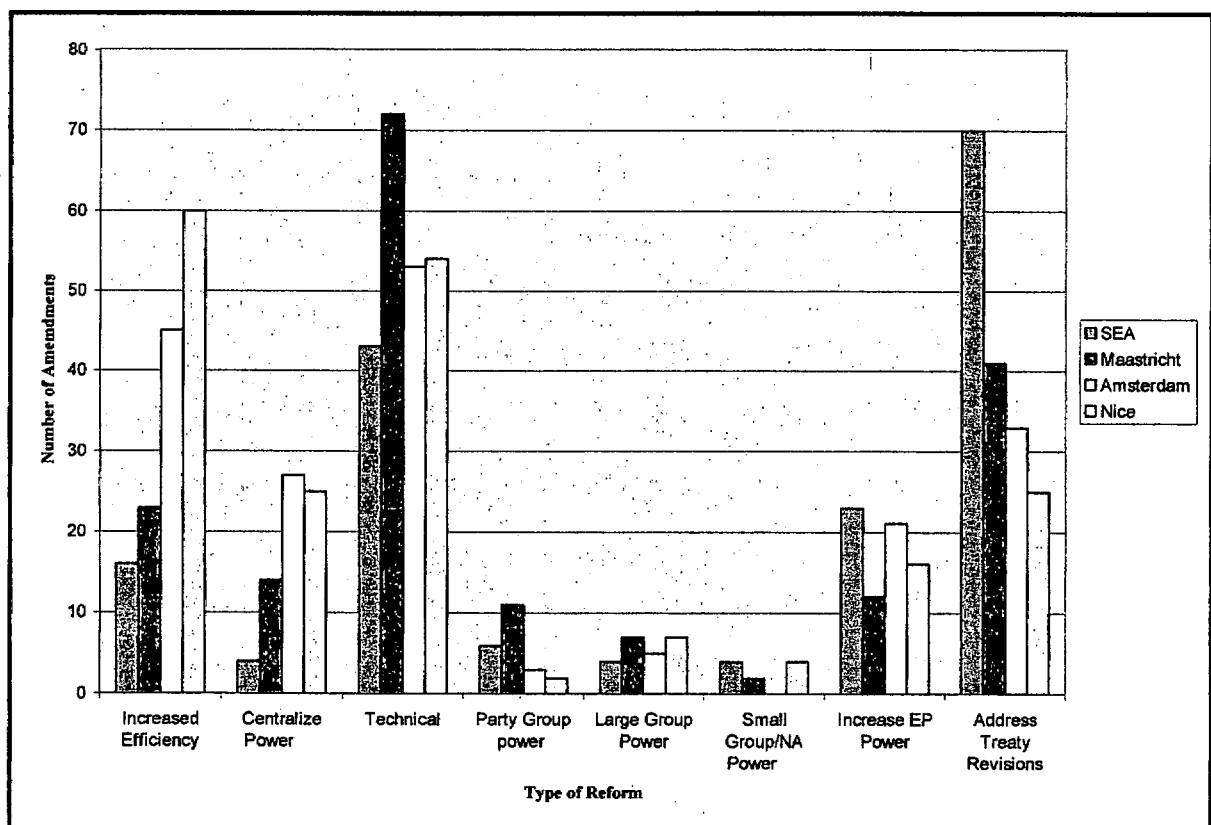
This research demonstrates the importance of looking beyond the Treaty revisions themselves to understand how the power of the European Parliament has changed over time. Treaty revisions, in and of themselves, would have been insufficient to transform the EP from a chamber of debate into an efficient legislative body. To accomplish this metamorphosis the EP needed to reform its own internal organizational structures and working procedures to adapt to the changing EU environment and insure that it could successfully handle its new responsibilities.

Beyond that, however, the EP has consistently (since its early days as the Common Assembly) attempted to increase its own powers *vis-à-vis* the other institutions. The earnestness with which this was pursued was understandably much greater when the power of the EP was much smaller. As its power has increased the EP has shifted its attention to insuring that it can fully exploit its new powers (although it has not given up attempting to unilaterally declare that it has additional ones). The comparatively new focus on efficiency and making the most of the powers that it does have has tended to benefit the large party groups while serving to marginalize the smaller groups and independent members by limiting their ability to act independently within the plenary and even committees. These trends merit our attention, as they will necessarily impact the activity of the EP and through it, the EU as a whole.

Table 1: Revisions to EP Rules of Procedure by Category

	Increased Efficiency	Centralize Power	Technical	Party Group power	Large Group Power	Small Group/NA Power	Increase EP Power	Address Treaty Revisions	Total
<b>Total</b>									
<b>SEA</b>	16%(16)	4% (4)	44% (43)	6% (6)	4% (4)	4% (4)	24% (23)	72% (70)	97
<b>Maastricht</b>	20% (23)	12% (14)	64% (72)	10% (11)	6% (7)	1% (2)	11% (12)	36% (41)	113
<b>Amsterdam</b>	39% (45)	23% (27)	46% (53)	3% (3)	4% (5)	0% (0)	18% (21)	28% (33)	116
<b>Nice</b>	53% (60)	22% (25)	48% (54)	2% (2)	6% (7)	4% (4)	14% (16)	22% (25)	113
<b>Overall</b>									
<b>Avg.</b>	33%	16%	51%	5%	5%	2%	16%	38%	110

Figure 1: Types of Rules Revisions Following Treaty Reform



## Annex I: Examples of Rules Reform Categories

Category	Original	Revision
Technical	<b>Rule 30(1)</b> A motion of censure on the Commission may be <u>handed</u> to the President <u>of Parliament</u> by one tenth of the <u>current</u> members of Parliament.	<b>Rule 30(1)</b> A motion of censure on the Commission may be <u>submitted</u> to the President by one tenth of the <u>Component</u> members of Parliament. (doc. A3-0240/93)
Increased Efficiency	<i>Did not exist</i>	<b>Rule 110a</b> <u>Any legislative proposal (first reading) adopted in committee with fewer than one-tenth of the members of the committee voting against in the final vote... will be placed on the agenda of Parliament for vote without amendment</u> (doc. A5-0008/2002)
Increased Centralization	<i>Did not exist</i>	<b>Rule 130a</b> <u>When over 50 amendments have been tabled to a report the President may request the Committee responsible to meet to consider the amendments. Any amendment not receiving favourable votes from one-fifth of the members of the Committee may not be put to the vote in Parliament.</u> (doc. A5-0008/2002)
Party Group Power	<b>Rule 50(1)</b> <u>Any Member</u> may, in writing and before the deadline fixed by the President, table a motion to reject the Common position of the Council.	<b>Rule 50(1)</b> <u>A Committee, a political group or at least twenty-three Members</u> may, in writing and before the deadline fixed by the President, table a motion to reject the Common position of the Council. (doc A3-0240/93)
Large Group Power	<b>Rule 110(2)</b> Amendments to the Proposals of the <u>Bureau</u> shall be admissible only if they are tabled by at least <u>thirteen</u> Members.	<b>Rule 110(2)</b> Amendments to the Proposals of the <u>Conference of Chairmen</u> shall be admissible only if they are tabled by at least <u>twenty-three</u> Members. (doc A3-0240/93)
Small Group/NA Power	<b>Rule 111(1)</b> The political groups may appoint a number of permanent substitutes for each committee equal to the number of full members representing them on the committee.	<b>Rule 111(1)</b> The political groups and the <u>non-attached members</u> may appoint a number of permanent substitutes for each committee equal to the number of full members representing them on the committee. (doc A3-0240/93)
Increase EP Power	<i>Did not exist</i>	<b>Rule 103(3a)</b> <u>The Council and/or the High Representative and the Commission must be present at each plenary debate that involves either foreign, security or defence policy.</u> (doc. A5-0008/2002)
Address Treaty Revision	<i>Did not exist</i>	<b>Rule 39H</b> <u>Any member may, in writing and before a deadline fixed by the President, table a proposal to reject the common position of the Council. Such a proposal shall require for its adoption the votes of a majority of the current members of Parliament.</u> (doc A2-0031/86)