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The European Parliament: Leadership and ‘Followership’

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Leadership requires ‘followership’. This simple truism has often been ignored in discussions of the EU polity and its development, or, even when it has not been ignored, it has often been replaced by an assumption, which has proved increasingly pathological, that where EU leaders will lead EU citizens will follow. Not surprisingly, the tremors occasioned by the French and Dutch referendums in 2005 highlighted the geological fault lines inherent in current notions of democratic leadership in the EU, and illuminated a fundamental ‘disconnect’ between ‘leaders’ and ‘followers’ in these (and other) EU nation states.

What this chapter seeks to examine, therefore, are notions of ‘democratic leadership’ or ‘leader democracy’ and the extent to which such notions provide an analytical frame within which the European Parliament’s contribution to ‘leadership’, or more specifically to a failure of leadership in the EU, can be examined. Such an examination may, however, prove to be a daunting task – particularly as the European Parliament does not appear even in the peripheral vision of most commentators when they scan the horizons of leadership in the EU. Indeed, the most notable feature of the EP in discussions of EU leadership tends to be its absence. Generally, there is a prevailing and negative assumption that the EP is not the institution to provide leadership in the EU.

The starting point for this chapter, therefore, is to raise the question: can the EP be expected to provide leadership in the EU? The answer appears already to be: no. But if this is so, then why would it be so? Alternatively, if the answer is yes, then what are the conceptual bases and practical dimensions of EP leadership?

Can the EP be expected to provide leadership?

Conceptions of leader democracy

The connection between leadership and democracy is an elemental and universal problem at the centre of modern theories of democracy, delegation and representation. As Saward (2003:66) notes: ‘each of the classic writers (on representative democracy) is quite clear ... that democracy is about leadership and leadership selection and election, not popular politics or popular participation’. The fundamental issue in any polity that wishes to sustain its ‘democratic’ credentials is to ensure that where leaders lead followers will follow. In other words a minimum normative requirement in a ‘democracy’ is a linkage of accountability between leaders and led. This linkage historically has been founded upon processes of delegation ‘in which those authorized to make political decisions conditionally designate others to make decisions in their name and place’ (Müller et al 2003:19). This is the essence of political representation (see Pitkin 1967; Judge 1999). In the more contemporary language of agency theory the primary challenge facing representative systems of government is to minimize ‘agency loss’ – that is the difference between what the principal (elector) wants and what the agent (decision maker) delivers (see Lupia 2003:35-6). Effective leadership would normally assume a substantial degree of congruence of policy preferences with its followership, and, where a lack of policy consensus occurred, some mechanism for restoring policy congruity should be available.

These basic requirements are reflected in Köröseyi’s (2005) characterisation of ‘leader democracy’. This provides a ‘minimalist conception of democracy’ (2005:360), in which leaders are selected by competitive elections; where the aspirations and ambitions of politicians guide public policy-making rather than the preferences of the electorate; and where politicians seek to shape and produce political preferences in order to gain support. In this sense, the meaning of political representation ‘is not deliberation or mirroring, but rather leadership, i.e. acting and supplying new policies, creating a new quality’ (Köröseyi 2005:364). Ideas of delegation, as featured in principal-agent notions of representation, are thus inverted to mean that ‘the primary actors ... are not the voters, but the political leaders for whom the citizens have the potential to vote’ (Köröseyi 2005:367). In this statement two essential characteristics of leader democracy are revealed: first that the system may be deemed ‘democratic’ in so far as leaders are authorised and controlled through the process of elections; and, second, that, within the parameters defined by the electoral process, leaders are granted a realm of independent action. In which case leader democracy is a form of ‘representative government with democratic elements’ (Köröseyi 2005:377).

It privileges executive action and government institutions, whether prime ministers and cabinets derived from and responsible to an elected parliament, or presidents with a direct mandate and responsibility to the electorate. In a ‘leader democracy’ electors are essentially conceived as reactive ‘followers’. They react to a political agenda set, and policy preferences articulated, by elected leaders. Leaders become policy entrepreneurs creating new demand by supplying new policies (Schumpeter [1943] 1976:276-7; Körösényi 2005:367).

The role of representative legislatures is, therefore, to authorise and hold to account executive ‘leaders’, ‘the subject of representation is the chief executive and not the assembly’ (Körösényi 2005:375). ‘A leader ... represents; the leader as a person is authorized to act, and he himself is responsible for the performance of government and accountable to the electorate’ (Körösényi 2005:375). This approximates to Schumpeter’s notion of democracy as selection between competitive elites (see Schumpeter [1943] 1976:269-273). What is clear from this discussion is that representative parliamentary institutions would not of themselves be expected to provide ‘leadership’ but merely provide the legitimating frame (of authorisation and responsiveness) within which executive leadership could be exercised. This is a model of representative *government* (see Judge 1999:13-20). It is a model which links leaders and followers by mechanisms of choice rather than imposition (see Pitkin 1967:107-11; Saward 2003:40). Authentic, contested electoral choice over the tenure of leadership positions thus serves as a basic and fundamental distinction between democratic and authoritarian regimes.

If political leadership can be accommodated to and justified by notions of representative government – as it is at the level of the nation state – the question then arises of whether leadership in the EU can be justified in a similar manner. The short answer is that, in the absence of an identifiable government or an executive directly authorised by and accountable to the EP, the EU does not conform to the ‘leader democracy’ model. Executive leadership in the EU cannot be legitimated in terms of its inter-institutional relationship with a directly elected assembly and, hence, is not analogous to representative government at the level of the nation state. Other forms of legitimation of leadership thus have to be modelled in the case of the EU. These alternative sources of leadership – most importantly the Commission, the European Council, Presidencies of the Council, and coalitions of member states – are all examined elsewhere in this volume (see also Cini 1996:19-22; Nugent 2001:202-34; Westlake and Galloway 2005; Janning 2005:822-5; de Schoutheete 2006:49). So what remains to be considered in this chapter is the contribution of the EP to leadership in the EU – both actual and potential.

The following discussion is structured in three parts. The first examines the circumstances under which the EP has exerted direct leadership (the ‘vision thing’). The second examines attempts by the EP to control the activities and policy preferences of identified leaders (most particularly the Commission) and so exert ‘indirect leadership’ through accountability (the ‘accountability thing’). The third examines the attempts by the EP to politicise technical decision-making and so exert ‘policy leadership’ (the ‘policy thing’).

The vision thing

‘Three individuals, all French have contributed most to shaping the EU’ (Dinan 1999: 37). The three visionaries are Monnet, Delors and de Gaulle. Even if the impact of individual agency may be questioned in Dinan’s assessment, nonetheless, the positions occupied by these individuals point to the institutional resources available to such individuals: Monnet as the guiding force behind the Schuman Declaration, as first President of the ECSC’s High Authority, and generally as an ‘entrepreneur in the public interest’ (Dûchene 1994:61); Jacques Delors as proactive Commission President between 1985 and 1995, and Charles de Gaulle as French Head of State and arch-champion of intergovernmentalism. Each in their own way underlined the simple fact that a conception of leadership entails institutional resources and opportunity structures (see Beach 2005:26-34). Historically in the EU, these resources and structures have been associated with the Commission, the Council of Ministers and, increasingly, the European Council. In terms of ‘history-making decisions’ concerned with changing the EU – its size, membership, competences, financing, institutional balance and decision-making procedures – these institutions dominate the discussion of leadership (see Peterson and Bomberg 1999:34). It might seem perverse, therefore, to claim that the EP has a right to be considered as providing leadership in history-making decisions. Nonetheless, a case can be made that the EP has contributed leadership in the sense of constitutional entrepreneurship, and in providing a broad political vision for the development of the EU.

If we start with the Constitutional Treaty that proved too visionary to be adopted, Beach (2005:207) observes that the ‘fingerprints of the EP are scattered throughout the Constitutional Treaty, and in many ways it reads like an updated and lengthened version of the EP’s draft treaty establishing the European Union from 1984’. One possibility of course is that this is merely coincidence, and that the nature and intent of the Constitutional Treaty would have taken its present form independently of the vision sketched by the EP in 1984.

However, there is enough circumstantial evidence for the constitutional DNA of the Constitutional Treaty to be traced back to the Draft Treaty of 1984, and, hence, for the EP to be credited post-hoc with ‘visionary leadership’ since direct elections. Certainly the EP’s Constitutional Affairs Committee was willing to accept such credit:

By adopting, on 14 February 1984, the first draft Treaty establishing the European Union ... , Parliament initiated a reform process which was to continue for the following 20 years and lead to the drafting of the Single European Act, the Maastricht Treaty, the Treaty of Amsterdam, the Treaty of Nice, and, now, the Treaty establishing a constitution for Europe. (PE 347.119 2004:12)

Leadership lineage 1984 to 2004

The fact that the EU does not have a government analogous to political executives in member states means that leadership has been conceived in terms different to the model of ‘leader democracy’. At one level this has reduced the capacity of the EP to exert influence through holding EU leaders directly accountable. At another level, however, it has also increased the capacity of the EP to interject its vision of EU development on those occasions when other modes of leadership in the EU have been debilitated – either through internal disjunctures in the Commission or changing constellations of member state coalitions in the Council. ‘Euro sclerosis’ of the early 1980s and the changing intergovernmental coalitions in the early 2000s provide such occasions. At such times the EP was able to provide ‘opportunistic political leadership’ in accordance with Dinan’s view that the ‘history of European integration demonstrates the importance of (such) leadership at a time of fluctuating economic and political fortunes’ (Dinan 2003:37).

Moreover, as part of an evolving institutional structure with clear incentives to influence the EU’s developing institutional design (see Corbett et al 2005), these interjections have been conceived as a normal part of the EP’s role. As much was recognised by Haas (1958) in his observations that parliamentarians at the European level would be ‘crucial actors on the stage of integration’ (Haas 1958:390). This was because they had incentives to ‘deliberately and self consciously seek to create a federal Europe by prescribing appropriate policy for the High Authority’ (1958:390); and also to stimulate ‘the conclusion of new treaties looking toward integration’. Moreover, in their daily conduct MEPs would have the ‘facility of furthering the growth of practices and codes of behaviour typical of federations’ (1958:390).

Proponents of direct elections maintained at the time that the dynamic towards an integrationist leadership role would be enhanced further in a directly elected parliament (see

Corbett 1998:51-2). Significantly, from the outset, the European Coal and Steel Community Treaty (ECSC) conferred upon the Common Assembly, in Article 21(3), the right to ‘draw up proposals for elections by direct universal suffrage in accordance with a uniform procedure in all Member States’.

Moreover, the predisposition in favour of enhanced integration found almost immediate institutionalisation in an invitation from the Council to the Common Assembly to convene a special committee to consider the feasibility of establishing a European Political Community (EPC). As a result, on only its second day of existence (11 September 1952), the Assembly created a working party to draft proposals for radical constitutional change. From the outset, therefore, the EP was conferred with a legitimate leadership role – the ‘vision thing’ – in advancing further political integration. While the Assembly’s draft Treaty Establishing a Political Community (accepted on 10 March 1953) was lost in the maelstrom of the rejection of the EDC Treaty by the French National Assembly on 30 August 1954, nonetheless, the experience of drafting a new constitutional settlement was ‘inculcated in the European Parliament’s collective memory’ (Westlake 1994:13).

This experience of being in the vanguard of constitutional cogitation was enhanced under the EEC Treaty which, like the ECSC Treaty before it, provided for the introduction of direct elections. The Assembly itself was to draw up proposals for direct elections which were to be conducted under a ‘uniform procedure in all member states’. This right of initiative, in the drafting of a legislative proposal on direct elections, was unique; in all other areas of Community law it was the Commission that enjoyed the formal right of initiative. In conferring this right upon the Assembly the Treaties recognised a legitimate role for the EP in the formulation of constitutional arrangements for the Community. What the initial commitment to direct elections provided, furthermore, was an inherent institutional dynamic within the Assembly for a perpetual normative questioning of the constitutional construct of the EC/EU itself. In the absence of direct elections, or in the absence of popular engagement with the ‘European project’, the legitimacy of that project and the institutional construct of ‘Europe’ would remain open to question.

Draft Treaty on European Union

Once direct elections were effected, the EP sought to assert its constitutional leadership role. Initially the majority of newly elected MEPs in 1979 were predisposed in favour of taking ‘small steps’ and of developing the role assigned to them by the existing Treaties. Within a very short period, however, the inability of existing European institutions to deal with the

problems arising from 'euro sclerosis' led to demands for comprehensive constitutional reform both from within and outside of the EP (see Capotori et al 1986:9-10). In these circumstances, in the vacuum left by other leadership institutions and a debilitating constellation of national interests, the EP was able to map out a distinctive constitutional future for Europe.

The creation of a subcommittee of the EP's Political Affairs Committee in 1979 to deal with institutional issues, and the production of eight reports and seven resolutions by July 1981 (see Corbett 1998:130-33), prompted the German-Italian initiative – the Genscher-Colombo Proposals – in November 1981. Emilio Colombo, the Italian Foreign Minister, in fact, had chaired the EP's Committee when it started to examine these institutional issues and his joint initiative reflected significant proposals made in the EP's earlier resolutions. These proposals constituted a draft European Act and sought to identify the principles and institutional reforms that would enhance European integration without a formal revision of the Treaty of Rome.

In parallel to the Genscher-Colombo initiative, to which the EP offered its strongest support, 170 MEPs signed a motion in July 1981 calling for fundamental reform of the EC. In the same month a new Committee on Institutional Affairs was created. The sole task assigned to this Committee was to draft a new constitutional framework for the EC (Lodge 1984:378). Altiero Spinelli, one of the founders of the post-war federalist movement, was appointed general rapporteur of the Committee and, along with six co-rapporteurs, produced general guidelines for the reform of the Treaties. These guidelines were accepted by Parliament in a resolution of 6 July 1982. At their centre was support for the principle of subsidiarity, and for a new institutional balance which would lead to greater equality between the Council and the EP, and which would further acknowledge the democratic legitimacy of the Parliament. These guidelines were eventually translated into the Draft Treaty on European Union which was adopted by the EP on 14 February 1984 by a vote of 237 to 31.

The first line of the preamble to the Draft Treaty indicated that its purpose was 'continuing and reviving the democratic unification of Europe'. The Draft Treaty aimed to provide a single and comprehensive constitutional text for a new political entity to replace the existing Communities. In fact, many of the specific provisions of the 1984 Draft Treaty were eventually incorporated into the Constitutional Treaty of 2004 (see European Parliament 1994; European Union 2004). If the Draft Treaty provided a constitutional architectural blueprint, it took twenty years for the 'builders' and 'project managers' of the EU – member states and Commission – to agree that the design was feasible and of practical utility. This is not the

place to provide a detailed explanation of why this acceptance came about, other than to identify some general points about the EP's leadership role during the intervening period.

In the case of the Constitutional Treaty of 2004, a compelling argument can be made that the EP acted as a policy entrepreneur in formulating and promoting an institutional mode of treaty reform which would break with the established IGC method, and hence alter the negotiating dynamic after the disappointments of the Nice Treaty. In the Constitutional Affairs Committee's Report on the *Treaty of Nice and the Future of Europe* the proposal was made, for the first time, for the creation of a Convention to prepare for treaty reform (PE 303.546 2001; European Parliament 2001: para 38; see also Dinan 2004:35; Corbett et al 2005:344). Although few governments were initially supportive of this proposal, extensive lobbying by the EP (see Corbett et al 2005:344) and eventually the Belgian Council Presidency, culminated in the Laeken Declaration of December 2001 and the creation of the Convention on the Future of Europe in February 2002. Even though not all of Parliament's demands concerning democracy, transparency and efficiency in the European Union were met by the Convention, nonetheless, the EP believed that: 'the quality of the Convention's work on the preparation of the draft Constitution and the reform of the Treaties fully vindicates the decision of the Laeken European Council to move away from the intergovernmental method by adopting Parliament's proposal for the setting up of a constitutional Convention' (PE 323.600 2003:6; for a more sanguine view see Magette and Nicolaïdis 2004).

If the argument is that the EP displayed leadership both in terms of the grand vision of the Draft Treaty of 1984 and in the tactical vision of a novel institutional means of considering treaty reform in 2002-2003, then what happened to EP leadership in between times? One answer is that such leadership was non-existent (for example the EP is largely absent from McCormick's review (2005:52-78) of the evolution of the EU). A second answer is that it was limited and often peripheral on the evidence of successive IGCs (see Beach 2005:252), but a third answer is that it was persistent, if low key, and ultimately decisive.

This third option is characterised in the dual strategy of small steps and qualitative leaps (see Judge and Earnshaw 2003:40-65). This strategy has long been recognised by close observers of the EP, but more recently some have sought to portray this as a 'new theory' of 'agenda setting through discretion in rule interpretation' (Hix 2002:259; see also Farrell and Héritier 2002). In fact, there is little that is novel other than the terminology. The essence of the new theory remains that:

When parliamentary powers are initially established ... these are usually limited.

However, parliaments invariably utilize these powers to the maximum extent possible, and far beyond anything that was originally intended in the initial transfer of authority. When

it comes to changing the constitution, these *de facto* interpretations are codified and so on. (Hix 2002:280)

The important point is that the EP has ‘exercised independent discretion in interpreting ...rules’ (Hix 2002:273) and has been able through ‘new institutional rules and strategic behaviour’ (Hix 2002:279) to lead member state governments to concede more powers to the EP. Even if the overall vision was not subscribed to as a comprehensive package by other EU leaders, the EP still managed to secure specific, limited – but ultimately cumulative – changes to institutional structures. As a catalyst for change the EP provided remorseless ideational leadership (vision) but often limited, direct practical capacity (practical leadership) through contributions to IGCs to effect constitutional change in the intervening decades between Draft Treaty and Constitutional Treaty. (For a less visionary approach to constitutional innovation, see Chapter 11 above).

The ‘accountability thing’

Without a government (or opposition), the Union often seems unable to steer the European project in a decisive, committed way. (Peterson and Shackleton 2006:12)

The Commission was envisaged in the original treaties as the steering institution, being conferred with the sole right of legislative initiative. This agenda setting role has marked out the Commission as a prime candidate to fulfil a strong leadership role in the EU. The actual extent to which it has performed this role in practice is the source of heated and prolonged disputation. There is, however, a forceful argument which maintains that the leadership role of the Commission would be enhanced by transforming it into an institution more akin to a national government, and attuning the EU to the precepts of representative government. As Coussens and Crum (2003:5) note: ‘there [has been] a clear pressure to have any strengthening of leadership in the Union combined with effective mechanisms of electoral choice’. Implicit within this statement is the idea that leaders should be connected to ‘followers’ through the process of elections.

The conundrum of strengthening the leadership potential of the Commission through election, however, is how to maintain the institutional balance of the EU. ‘Democratising the appointment of the Commission President is bound to have repercussions on the whole institutional system’ (Coussens and Crum 2003:6). The logic of this position is that a more democratically accountable Commission would be more legitimate in the eyes of electors and

hence more ‘authorised’ in its leadership role. Commentators are divided, however, as to exactly how the Commission as a whole, or simply its President, would be elected. Nonetheless, there is a recognition that ‘the Brussels executive cannot continue indefinitely to have a purely technocratic role’ and that there is a need (through politicisation) ‘to get the adhesion of our citizens to the process’ (David O’Sullivan Secretary General of the Commission, quoted in Smith 2004:49). In other words, ‘followers’ have to be more closely bound to ‘leaders’ and vice versa. Significantly, the electoral dimension featured prominently in the appointment procedure outlined in Article 1-27 of the Constitutional Treaty – both in the implied linkage between the outcomes of EP elections and the ‘election’ of the President (the word ‘election’ was already used in the EP’s Rules of Procedure (2004: Rule 98)). The linkage between the ‘election’ of the President and EP elections was clearly seen by some commentators as having the potential to ‘make European elections more interesting, mitigate concerns about the accountability of the European Commission and enhance its legitimacy’ (Smith 2004:33). In turn it has been maintained that enhanced legitimacy and electoral accountability would increase the Commission’s leadership capacity. A variety of alternative methods of electing the Commission and/or its President have been canvassed (for a summary see Smith 2004:39-52), but a common feature is the expectation that the accountability of the Commission would be increased (see Bogdanor 2007).

It is not the intention here, however, to review the debate about authorisation through appointment; other than to note that, without a seismic shift in the balance between national and EU party politics, without the linkage of the presidency appointment process to the partisan composition of the EP, and without the development of European-wide ‘mandates’ and ‘manifestos’ – such authorisation, in the sense of the electoral connection of the Presidency of the Commission to a parliamentary majority, is likely to remain an aspiration rather than a practical reality (see Judge and Earnshaw 2003:313).

What should also be noted about the notion of prior authorisation is the idea that the responsibility of the Commission to the EP extends beyond the simple ‘control’ of executive personnel – through formal powers of dismissal and appointment – to include the capacity to influence and legitimise the Commission’s policy agenda. Of particular significance to the discussion at this point is the fact that the Maastricht Treaty synchronised the Commission’s term of office with that of Parliament. After Maastricht the appointment of the President, and of the Commission as a whole, now coincided with that of a new parliament. The intention was that the coterminous periods of office of the EP and the Commission would facilitate not

only parliamentary scrutiny and control and increase the Commission's accountability to Parliament, but would also encourage the 'prior authorisation' of the Commission's programme.

'Prior authorisation' takes several forms. The first stems from the logic of 'control through selection'. The reasoning is simple in that it was believed that the post-Maastricht selection process would increase not only the EP's influence over who was appointed as President (and subsequently as Commissioners and to which specific portfolios) but also that it would enhance Parliament's impact on the Commission's policy agenda by securing the 'prior authorisation' of the executive's programme. Paradoxically, the logic of maximised parliamentary control over the Commission's agenda rested in a further 'presidentialisation' of the Commission itself under the Amsterdam Treaty. Article 219 states that the 'Commission shall work under the political guidance of its President'. In effect there are both positive and negative dimensions to such 'political guidance'. Perhaps, not surprisingly given the events surrounding the resignation of the Santer Commission, the negative dimension of individual resignations and the individual responsibility of Commissioners preoccupied much of the subsequent debate (see Judge and Earnshaw 2002). However, the positive dimension of presidential 'political guidance' was incorporated in a new right conferred by the Amsterdam Treaty on the President to agree or disagree by 'common accord' [Article 214]) on member states' nominees for Commission posts. Furthermore, Declaration 32 to the Treaty also recorded that 'the President of the Commission must enjoy broad discretion in the allocation of tasks within the College, as well as in any reshuffling of those tasks during a Commission's term of office'. From the EP's perspective, such enhanced presidential authority contributed to a further incremental increase of parliamentary influence over the Commission (see Spence 2000:5-6).

A second dimension of 'prior authorisation' is the acceptance of the Commission's policy programme by a parliamentary majority. While the importance of the annual programme should not be over-exaggerated, it does provide the Commission with 'some manoeuvrability ... to prioritise and bring forward new initiatives and give impetus to existing ones' (Nugent 2001:224). The significant point for the present discussion, therefore, is that the Commission has agreed with the EP, in successive Framework Documents, procedures for cooperation over legislative planning. Thus, for example, Article IV of the 2005 Framework Agreement stated that: 'An incoming Commission shall present, as soon as possible, its political and legislative programme'; and that the two institutions would agree a timetable for its preparation, and that ultimately 'The Commission shall take into account the priorities expressed by Parliament' (PE 355.690 2005:16). In this manner Parliament sought to assist

the Commission to identify 'its' priorities and so frame the broader policy agenda.

Significantly, the new Agreement brought into stark relief the conundrum, identified above, of maintaining the EU's institutional balance while strengthening the leadership potential of a more 'parliamentarised' Commission. Indeed, so great was the concern of COREPER about the nature of the Agreement that it made the immediate, and unprecedented, recommendation that Council should state publicly that:

several provisions of the new framework agreement seek to bring about, even more markedly than the framework agreement of 2000, a shift in the institutional balance resulting from the Treaties in force ...

The Council stresses that the undertakings entered into by these institutions cannot be enforced against it in any circumstances. It reserves its rights and in particular the right to take any measure appropriate should the application of the provisions of the framework agreement impinge upon the Treaties' allocation of powers to the institutions or upon the institutional equilibrium that they create. (European Union 2005:1)

The 'policy thing'

Implicit within the preceding discussion is the fact that leadership in the EU is often plural rather than singular. It is invariably about one or more institutions forming 'leadership coalitions' or 'entrepreneurial coalitions' (Zito 2000:39-45), or transgovernmental bargaining among member states (Janning 2005:821-33), or 'managing networks' (Schout and Jordan 2005: 210) or combinations of these modes, to generate new policy initiatives or to prompt a realignment of interinstitutional interactions. This is in contrast to 'autonomous policy leadership' and the 'passionate commitment to a ... policy quest' (Wallis and Dollery 1997:19). When it comes to 'policy leadership', therefore, it is unrealistic to expect a singular EU institution to offer or provide undifferentiated, unmediated leadership across the range of EU policies. This is certainly the case with the European Parliament.

Generally, the contribution of the EP to the EU's policy process is variegated (see Judge et al 1994; Burns 2005). The Parliament's capacity to influence EU policy outputs is contingent on, amongst other things, policy type; the extent of intergovernmentalism (determined by treaty base and decisional rules); the nature of interinstitutional relations; institutional resources; the variability of legislative coalitions within the EP; and the

coherence of its legitimisation strategy (see respectively Burns 2005:485-503; Shackleton 2000:338; Hix et al 2004:209-34; Rittberger 2005:184). Specifically, the capacity to exert policy leadership, in the form of policy entrepreneurship, depends upon the EP 'steering' broader networks/coalitions in directions that they would not necessarily have ventured towards or at a pace they would not necessarily have chosen for themselves.

If policy entrepreneurship is limited to the formative stages of EU policy, then several commentators are less than convinced that the EP is capable of providing sustained leadership (for a typical example see McCormick 2001:114-16). However, if policy entrepreneurship is the ability to 'sell ideas' and so generate a new agenda, on the one hand, or, to repackage and reconstitute existing ideas and policies, on the other, into something qualitatively different and, hence, 'new', then the EP has a claim to have exerted policy leadership in environmental policy (just as it has in other policy areas; see for one apparently unlikely example Roederer-Rynning (2003)). But the 'first puzzle' is to explain 'the substantial policy influence' of a number of actors (of which the EP is one) normally not accorded much importance in (integrationist) accounts' (Zito 2000:4). While the EP has been treated traditionally as a 'lesser actor' (along with smaller member states) it has, nonetheless, 'performed the important leadership role' in certain areas of environmental policy (Zito 2000:4). This view finds corroboration in Lenschow's (2005:315-6) statement that: 'Traditionally the EP has been the "greenest" of the three main policy-making bodies.... Even prior to its direct election it had pushed the Commission to propose environmental policy'. In part, this has been due to 'agency' – to the commitment of environmentally minded MEPs, acting both individually, and collectively in the institutional form of its Environment Committee (see Judge 1993:209). In part, in the early days, this was because of the nature of environmental issues and the policy space open to EU interventions. In part, also, it was because of the linkage between the promotion of environmental initiatives and the institutional status of the EP at any given time. Indeed, Jordan (2002:111) makes this connection in his observation that there is 'no distinction between "high" politics of treaty negotiation and "low" politics of daily policy-making; the two are reciprocally and recursively interconnected' (Jordan 2002:111). This point is reinforced in Jordan's statement that: 'As the most environmentally ambitious institution' the EP has used 'new institutional rules to strengthen EU environmental policy' (2002:24).

Yet there remains the puzzle that, despite the leadership role of the EP in certain areas of environmental policy and at certain times, in other policy areas and at other times, its capacity to influence the direction of policy has been limited (see Chapter 4 above). One explanation is

that in ‘heavily technical subjects’ Parliament is limited to a more reactive role simply because it ‘lacks sufficient expertise and policy-making resources to innovate in the technical areas and, therefore, takes a reactive role’ (Zito 2000:133-4). This loops back to McCormick’s (2001:114) belief that on highly technical issues the EP will be confined to the role of follower rather than leader. In this respect Parliament’s capacity to ‘set’ policy is constrained by the decision processes and nature of interinstitutional bargaining associated with particular legislative proposals (see Peterson and Bomberg 1999:16-24). In many technical areas (classification of hazardous waste etc), Parliament is constrained to examining tightly bound legislative packages after technical solutions have been defined by experts in the Commission and in working groups of national experts. In other areas, however, the EP helps to ‘shape’ the broader contours of policy. One instance of this capacity to shape policy is provided by the development of the 2000 Water Framework Directive (WFD).

Shaping policy: the case of water policy

Concern about the tendency of EU environment policy to develop in an *ad hoc* and disjointed fashion was articulated by the Commission in its 2005 proposal to pursue ‘thematic strategies’ on air pollution, the marine environment, the sustainable use of resources, waste and recycling, pesticides, soil and the urban environment. As Environment Commissioner Dimas (2005:1) admitted to his Commission colleagues, the thematic strategies were intended, rather belatedly, to move EU environment policy ‘from a complex array of individual pieces of legislation to policy and legal frameworks which can be adjusted flexibly in response to the changing state of the environment, technological progress and the geographic diversity of the enlarged Union’. Dimas added that the thematic strategies were intended to be the over-arching policy framework.

Such a thematic approach is not, however, new to EU environment policy. The Commission claims, for example, that the ground-breaking 2000 Water Framework Directive (WFD) modernised water policy and encapsulated the imperative to streamline and up-date environment law, taking an integrated approach to water management. Indeed, the WFD has been used by the Commission to justify its move towards a thematic approach for other environmental programmes. The WFD came into force in 2000 and was transposed into law in EU member states in 2003. It is widely accepted by member states to be ‘the most substantial piece of EC water legislation to date’ (<http://www.defra.gov.uk/environment/water/wfd/>). It established a new, integrated approach

to the protection, improvement and sustainable use of Europe's rivers, lakes, estuaries, coastal waters and groundwater; and as such constituted 'a substantial restructuring of EU water policy and legislation' (<http://www.wfdireland.ie>).

What is notable for the purposes of the present argument, however, is that the WFD provides an example of sustained policy leadership by the EP and reflects the EP's assumption of 'leadership' in EU water policy dating back to the early 1990s. In this decade Parliament's leadership helped not only to 'shape' but also to 'steer' the direction of policy. Notably, it did so despite the Commission's predilection at the time for developing water policy on the basis of incremental, separate and, ultimately, disjointed legislative proposals.

Evidence to support this claim can be found in the 1996 report from the EP's Environment Committee on the Commission's proposal to amend an existing directive on bathing water quality. The Committee's rapporteur, Doeke Eisma (Liberal/ Netherlands), in presenting his report, noted how the EP had used its powers to delay scrutiny of the legislative proposal for over two years in order to press the Commission to establish a coherent legislative framework for water. With little exaggeration, he maintained that: 'in these two and a half years we have completely revised the whole of the European policy on water' (EP Debates 11 December 1996).

Indeed, the EP had outlined its ultimate objective – of securing recognition by the Commission of the need for a framework directive on water policy – in a further report in November 1996 which called for: 'consolidation, simplification and standardisation of water legislation on the basis of a global approach ... designed principally to eliminate the fragmentation, disaccord and contradictions in the existing and proposed directives on the subject' (PE 218.545 1996; on the failings of extant legislation see Haigh 2003:9/4.15). In fact, Parliament's activism on the need for coherence in water policy had its roots even earlier. In 1988 the EP passed a resolution on the implementation of water legislation, which set out much of the logic to be found in the WFD. As the Parliament's rapporteur Karl Heinz Florenz (EPP/ Germany) reminded the Commission in 1996:

We realized a long time ago that water policy in Europe is a rather hit-and-miss affair, and there is no point in continuing to draw up reports on groundwater, surface water or bathing water if we do not have at least a basic water policy at Union level we need some kind of framework programme to form the basis of our future water policy.

... we reached a sort of agreement with the Commission that you would provide a written assurance that you will include this new combined approach of emission standards and quality objectives in the framework directive to be drafted over the

next few months. We are delighted that you are prepared to do so, since these are the very building-blocks on which our water policy needs to be based. (EP Debates 22 October 1996)

Environment Commissioner Bjerregaard's response to Parliament acknowledged that an integrated approach to water policy was needed, including a fundamental review of the instruments used by the EU to protect and maintain water quality (EP Debates 22 October 1996). In early 1997 the Commission eventually submitted its WFD proposal. While the processing of the proposal led to significant interinstitutional conflicts – both substantive and procedural – Commissioner Bjerregaard confirmed, nonetheless, the leadership contribution of the EP on this issue:

Parliament has taken the reform of water policy very seriously, and I would like to take this opportunity to praise the substantial and very positive influence which Parliament has had both with regard to *starting the reform and developing it further*. (EP Debates 10 February 1999 emphasis added)

Following Followers: Leadership from Behind

A somewhat different form of 'steering capacity' was visible during the processing of the biotechnology patenting proposal (eventually adopted as Directive 98/44/EC, OJ L213, 30 July 1998:13-21). The initial, highly controversial, proposal was perceived by the Commission to be 'largely technical in character' (Commissioner Mario Monti, quoted in Earnshaw and Wood, 1999: fn. 8). Clearly, this was an interpretation not shared by MEPs, or by large numbers of campaigning organisations opposed to gene patents, and contributed to the rejection by the EP of the first proposal in March 1995. This rejection forced the Commission, admittedly only belatedly, to accept that EU legislation on biotechnology patenting was far from being simply a technical issue revolving around the intricacies of intellectual property (IP) law. Instead, other intensely contested and, hence, political issues had to be taken into consideration. These included the ethics of human cloning, modifying the germ-line genetic identity of human beings, using human embryos for industrial purposes, and animal welfare, as well as the social and economic implications of IP rules in modern biotechnology. Specifically, the EP succeeded in incorporating into EU law the evaluation of 'all ethical aspects of biotechnology' by the EU's ethics committee (Article 7, Directive 98/44/EC).

Before the biotechnology patenting proposal MEPs had been active, informally, in pressing the Commission to address the ethical issues raised by biotechnological advances. In 1991 the Commission, led by President Delors, had acknowledged the need to confront these

issues through the creation of a Group of Advisers on the ethical implications of biotechnology. Yet, it was not until the 1998 directive that the European Group on Ethics in Science and New Technologies (EGE), which had developed out of the Group of Advisers, was effectively institutionalised in ‘biotechnology governance’. Notably, the EGE openly acknowledged the significant contribution of the EP in its institutional development:

the existence of the EGE was enshrined in law as a result of a parliamentary amendment during the adoption of the Directive on the legal protection of biotechnological inventions. (EGE 2000:8)

In this manner, the EP helped to reformulate the agenda to include the ‘political’ and ‘ethical’ concerns of ‘followers’ – of ordinary citizens and organised publics – who had been excluded initially from the ‘shaping’ of policy on biotechnology patenting. The fact that these concerns were many, varied and inherently conflictual (in the sense that there were manifest ideological and partisan divisions within the EP itself, which reflected much broader, fundamental divisions within organised publics in the EU) prompted the EP, as part of its strategy for agreeing to the proposal, to press a compromise upon the Council and the Commission. This compromise, to give bioethics formal institutional recognition in the EU, was initially unacceptable to both institutions. Exactly how, and the conditions under which, the EP fulfilled this entrepreneurial role are beyond the scope of the present discussion (see Earnshaw and Wood 1999:294-307; Judge and Earnshaw 2003:260-1). Importantly, however, the EP served as the primary arena for deliberation on the ethical dimensions of the draft directive. It connected the broader political concerns of ‘followers’ to the technical perspectives of ‘leaders’ in the field of biotechnology; and transformed the future agenda of biotechnology policy to include consideration of bioethics.

Conclusion

If the preceding discussion has brought the EP into the discussion of leadership in the EU, the EP still languishes at the peripheries of that discussion. The focus of most academic analyses remains the Commission, Council, European Council and member state governments. All that is being claimed here, therefore, is that the EP has a historic right to be considered alongside these other institutions in providing vision, accountability and policy direction. That it has not done so consistently and comprehensively is not in dispute. Nonetheless, the EP has participated in leadership coalitions in the past and is likely to provide leadership in the future.

The certainty of this last phrase is based upon the factors helping to explain the leadership role in the past. In terms of the ‘vision thing’, the EP has offered grand visions at times of sclerosis or indeterminacy arising from reconstitutions of leadership coalitions among member states. The uncertainties surrounding changes to the Constitutional Treaty post-2005 have, for example, provided a ‘window of opportunity’ in which the EP sought to sketch a broad brush-stroke picture of a more democratic Europe. Alone among the EU institutions, the EP has the legitimate claim, based upon European-wide elections, to advance a supra-national democratic vision. It claimed for itself a ‘major role ... as a precursor, an initiator and a source of inspiration at what is a decisive stage in the process of European Integration’ (PE 335.142 2004:15). It also asserted for itself a ‘leading role in the European dialogue’ (PE 364.708 2005:6-7) in the ‘period of reflection’ occasioned by the rejection of the Constitutional Treaty in France and the Netherlands. In identifying itself as being of ‘critical importance’ in promoting the engagement of citizens and national representative institutions ‘to clarify, deepen and democratise’ the public debate about the future of European integration (PE 364.708 2005:5) the EP launched a series deliberative forums in 2006. These included two joint parliamentary meetings of European and national parliamentarians in May and December to consider the ‘Future of Europe’ and a series of ‘citizens forums’. The identified need for a coordinated and meaningful dialogue between leaders and led was perhaps recognition by MEPs that, in their desire to lead other EU leaders in the Constitutional Convention, they had become disconnected from ‘followers’.

Significantly, Hans-Gert Pöttering, in his inaugural programme speech as President of the European Parliament in February 2007 (www.europarl.europa.eu/president/defaulten_mac.htm), made clear that: ‘The European Union needs a new departure, a renewal. ... Leadership is expected of us as politicians’. He also emphasised that ‘we must not allow there to be any doubt about this: the European Parliament stands by the Constitutional Treaty’, and that the European Parliament must be appropriately involved in translating the Treaty into ‘a legal and political reality’. But, in doing so, Pöttering also recognised that: ‘we must convince the public of our actions’ and that ‘we need a new pact between the citizens of Europe and their political institutions in the European Union’. There was a need, in other words, to grow ‘followership’ within the EU.

Similarly, in terms of the ‘accountability thing’, the promotion of the linkage of elected leaders to their ‘followers’ in the *demos* of the EU will continue to guide the EP’s institutional vision in the twenty-first century. The EP has consistently ‘made the case for better democratic control and accountability at European level’ (PE 347.119 2004:13) and will continue to do so in the future. Already, despite a firmer grip on the tiller (to continue the

‘steering’ metaphor) of the selection of the Commission President, the EP envisages further increments of Commission accountability. Andrew Duff (ALDE/UK) noted, for example, in his report for the Constitutional Affairs Committee on the guidelines for the approval of the European Commission that:

it is clear that there is room for considerable improvement in the procedures if we are to ensure in the future a greater degree of fairness between the candidates, a more robust dialogue between the Commission and the Parliament, and a sharper verdict. In any case, some revision will be required to reflect the greater powers the Parliament will enjoy once the Constitution is in force. (PE 355.359 2005:15)

This inbuilt dynamic for institutional reinvigoration also finds reflection in the ‘policy thing’. The EP pursues a constant quest for participation in the full range of EU competences in which it can aspire to shape policy. Yet, even after the Constitutional Treaty, the EP would still remain a vocal spectator in many policy areas, shouting at the main players from the treaty prescribed sidelines and desperate to change the rules of the game to enable the playing field to be expanded to include direct parliamentary participation. Perhaps the most obvious example is the area of European Security and Defence. This is claimed to be the ‘last major “construction site” in the building of the European Union’ (PE 341.376 2004:44) and is an area from which the EP has traditionally been excluded (see Chapter 7 above). Even here, however, the EP seeks to carve out a potential leadership role by stressing the notion of the ‘democratisation’ of policies. It propounds the normatively unassailable position (see Lord and Beetham 2001; Rittberger 2004; Maurer et al 2005) that ‘European security and defence policy requires wide parliamentary legitimisation’ (PE 341.376 2004:44). This general claim of ‘legitimation’ has enabled the EP ‘to gain considerable ground’ already in the strongly intergovernmentalist area of Common Foreign and Security Policy (Maurer et al 2005:4). These gains have been made on the basis that ‘in all EP documents, the prevailing belief is that according to “the principles of parliamentary democracy, which are amongst the most fundamental values of the EU”, only the EP’s participation supplies European foreign policy with sufficient democratic legitimisation’ (Maurer et al 2005:16). The certainty is that the EP will seek to secure greater transparency and accountability in these areas in the future (as it has in other areas in the past), and it will use creative procedures (of internal rules of procedure, interinstitutional agreements, etc (see Kietz and Maurer 2007)) to extend parliamentary competencies and, ultimately, to claim a role in ‘steering’ EU policies. In advancing this claim the EP will simply be guided by the recognition that legitimate

‘leadership’ requires informed and participative ‘followership’. Whereas other EU institutions can provide the former, only a directly elected supra-national institution can offer the prospect of securing the latter.

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