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# **Identifying and Explaining Capacities as Determinants of EP's Legislative Outputs**

**Javier Arregui**

**Department of Political and Social Sciences**  
**Pompeu Fabra University (Barcelona)**  
**Jean Monnet Chair EU Governance Professor**

**Nereo Peñalver**

**European External Action Service**  
**Head of Division for parliamentary affairs**

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# *Identifying and Explaining Capacities as Determinants of EP's Legislative Outputs*

Javier Arregui and Nereo Peñalver

## **Abstract**

Academics discovered their interest for the European Parliament only recently, when treaties increased the legislative competences of the institution. Until today, a comprehensive theory for the power structures and the main determinants of influence in the EP legislative process is missing. This is an exploratory paper that tries first to identify the main sources of power and influence within the EP in a systematic way, and secondly, to explore how these mechanisms actually operate in a case study about the General Data Protection Regulation (GDPR) 2016/679. The paper shows, among other things, that in a majority of cases structural sources of power are the most relevant ones, then institutional and finally individual capacities.

## **Introduction**

In its early years, the European Parliament's (EP) role in the decision-making process was limited and mostly consultative. Consequently, research on power within the European Union (EU) focused on other institutions like the Commission or the Council. It was only during the 1990s that scholars discovered the EP as a research object. A new wave of literature was published after the Treaty of Lisbon in 2009 and its implications for the work of the EP.

A rather unexplored line of research about the EP is related to power mechanisms and determinants of power in the EP legislative decision-making process. This is certain even if today the EP is "one of the most powerful parliaments in the world" (Yordanova 2011, p. 597). The EP is embedded into the complex institutional setting of the EU and aside from the European Commission and the Council of the EU, it is one of the major players. This is why this research aims to focus on identifying and explaining the main determinants of power in the EP legislative process.

This is just a first exploratory paper of a more extensive research we plan to do in the coming years. In this paper we focus on theory and a case study. This first paper posits two main research questions: Which are the main types of capacities and power resources political actors use in the EP in order to influence legislative outputs? How are these powers and capacities exercised and under which conditions do members of the EP influence legislative outputs?

We believe this is a relevant topic insofar as, over the years, the EP's impact increased from single consultation competences towards the participation in most legislative plans and made it an influential chamber. For some years, the EP stayed under the radar of the academic interest, while its powers were limited to primarily consultative tasks. When the competences increased after 1986, the researchers made use of theories developed for the U.S. Congress. Today's literature on the EP focusses on differences between the US and the EU and is on the way to develop specific European theories (Yordanova 2011). In contrast to the Council (see Tallberg 2008; Arregui 2015; Perarnaud and Arregui 2022), the EP has been underresearched until today and a comprehensive framework of power and influence mechanisms is missing. Thus, the goal of this research is to develop a theoretical framework to structure the specific bargaining capacities of different actors within the EP as well as to identify and test the main determinants of power within the EP's legislative decision-making.

To better understand informal power mechanisms in the EU we need to be aware not only of the main decision-making strategies that operate in EU politics (see Arregui 2007), but also the

credentials of democratic decision-making that operate in EU politics (Arregui and Creighton 2018; Arregui 2021) as well as the dynamics that create cooperative networks within EU political actors (Huhe et al. 2022). All this together will help us to better contextualise the relevance of informal power mechanisms used in EU politics.

The present research distinguishes between structural, institutional and individual capacities of bargaining power. This typology of power has been derived from the theory on power developed by the literature within international settings and/or International Relations (see Hart 1976, Barnett and Duvall 2005). We argue that this framework can be adopted to the EP. This theoretical framework has also been corroborated and substantiated by the EP's experts and officials interviewed in Brussels.

The academic literature studying the influence of MEPs in the legislative process identifies the *rapporteur* as a key player. However, it does not clarify under which circumstances the rapporteur plays a role, nor does it consider the different steps in the legislative procedure (from the referral of a piece of legislation to a given Committee, the adoption of a common position within the EP, the negotiations with the Council –trilogues- and the vote in plenary), in which other actors (such as coordinators or Committee Chairs) also play a relevant role.

To clarify under which circumstances the *rapporteur* plays a role, as well as which are the other actors that play a role through the different steps of the legislative process, we interviewed 13 policy-makers and policy officials, working in senior positions both in parliamentary Committees and political groups. We selected policy-makers with experience working in the busiest parliamentary committees. Some of them had experience working in several parliamentary committees, others had experience working in horizontal services. These factors were key to have a broad analysis, not circumscribed to a particular Committee, which might have a *sui generis* dynamic. We also interviewed senior staff from political groups because we realized that, under certain circumstances (i.e. when the report is politically sensitive or a legislative priority agreed by the Commission, the EP and the Council), group leaders and the EP President get involved in the negotiations, setting the parameters and final goal. In those cases, the margin of manoeuvre of the *rapporteur* is diminished.

In the first section, this paper reviews basic concepts of power that have been used in EU institutions. The next section offers a rather systematic analysis about the specific types of power capacities within the EP according to the literature as well as according to the information and insights provided by policy experts and officials interviewed in Brussels. The analysis focusses especially on

the importance of holding influential positions in the parliament to influence legislative outcomes. In this sense, we pay special attention to the role of *rapporteurs* in the legislative process, the belonging to certain member states (MS) or party groups (see Mamadouh and Raunio 2003, Keating 2004, Benedetto 2005, Hausemer 2006, Yordanova 2011), the importance of individual characteristics (expertise, experience or lobby group affiliation), etc. Finally, we develop a case study in order to show how the main capacities and determinants actually operate in a highly political legislative dossier.

### **EP Sources of Power**

The theoretical framework of power of this paper is based on the previous work made by Tallberg (2008), Arregui (2015) and Perarnaud and Arregui (2022). These authors distinguish, when analyzing the determinants of power in the Council, between structural, institutional and individual capacities. They also use a conception of power based on Jeffrey Hart's (1976) seminal study and focus especially on the power dimension of control over outcomes and events. Even if traditionally the concept of power is one of International Relations (IR), it can, however, also be useful for categorizing power capacities within the EP, as we will show below.

In IR, the main actor in power relations is usually the state. Debates within the EP are not negotiations between states but between members of national parties and European party groups. In contrast to state representatives, they are free in their vote and follow their own principles and interests in their decisions. The main actors are, therefore, not states but individuals. However, these are linked to political groups and parties.

Power refers to “the ability of an individual or group to achieve their own goals or aims when others are trying to prevent them from realising them” (Weber 1947, p. 152). However, this classical definition has been updated and specified, e.g. in the work of Gerth and Mills (1958, p. 180) who see power as the chance of an individual (or several individuals) to realize their own will in a collective action even against the resistance of others who are participating in the action. This definition is applicable to the EP. Single MEPs or a number of them, in form of parties or party groups, try to get specific policy positions in committees or the plenary.

Besides general concepts of power, one of the key classifications for different forms of power in IR can be found in Jeffrey Hart's (1976) three approaches to the measurement of power. He

disaggregated power into three dimensions and distinguishes between control over resources, control over actors and control over events and outcomes. For the purpose of this research, the third dimension will be the most relevant category. The first dimension, *control over resources*, mostly refers to hard power capacities. Examples are the amount of military expenditures, the size of armed forces or the gross national product. In the EP context, this can be translated into the size of the party or the network capital of a political group or a Member of the EP (MEP). Control over resources refers, therefore, to structural capacities which can be used to make actor B doing what actor A wants. However, it says nothing about the final success of the use. *Control over actors* means that actor A is able to make (or not) actor B do something. It deals with exercised power of actors over actors. Nye (1990) states that “proof of power lies not in resources but in the ability to change the behavior [...]” (Nye 1990, p. 155). Thus, power over resources differs from the actual control over actors. Thirdly, Hart (1976) discusses the *control over events and outcomes*. Based on Coleman’s work (1973), actors have the desire to achieve certain outcomes. The control over resources or over actors is, therefore, only a mean to achieve power over the final outcomes. Thus, “if one actor has control over all events, then the actor has no need to control other actors” (Hart 1976, p. 297). This means that an MEP who, in theory, controls every outcome just by her vote, does not need to influence other actors. Following the theory of Hart (1976), control over events and outcomes is the only relevant aspect of power for actors. While the first category only describes preconditions of power, the second one looks at exercised control over actors while *control over outcomes and events* changes the focus and considers the previous categories only as means to achieve certain outcomes. The present research is built on the last approach of power.

To scrutinize the determinants and capacities of actors over events and outcomes in the EP, we will make use of the previous work developed by Tallberg (2008) and Arregui (2015). They developed a framework of three sources of power within the Council. While the Council’s actors are the EU Member States (MS), this notion can also be used for the MEPs. This is so because what, for example, Tallberg names as ‘state sources of power’ refers mainly to the structural capacities that different MS have within the Council. Thus, if we focus on the main actors within the EP legislative decision-making, clearly the main actors are party groups. This is why we can refer to the structural capacities of political groups within the EP. The other two capacities those authors refer are also applicable in the case of the EP: institutional and individual capacities. Therefore, the main sources of power we will distinguish in our analysis are the following: structural, individual and institutional capacities.

*Structural sources of power* follow a realist logic and mostly consist of actors' hard powers. Here we can distinguish between aggregate structural power and issue-specific power. While the former refers to the overall capabilities of an actor the latter is focused on the resources an actor holds within a particular policy area (Tallberg 2008, p. 688). Factors like the group size within an institutional setting, the economic resources, and the policy network of a party group might fall into this category. Clear asymmetries on structural power matter directly by affecting an actor's range of alternatives, the resources it can commit to an issue and the legitimacy of its claim. A key point of structural sources of power is that they are persistent and cannot be changed in the short-term.

*Institutional sources of power* include capacities such as group coordination, committee membership but also *rapporteurship*. They have theoretical roots in rational choice institutional approaches. Key institutional positions may help shape policy outcomes within the EP. However, the evidence of this influence depends on the characteristics of every case. Although there is unanimity about the privileged access to a set of influence resources, notably asymmetric information and procedural control, in the literature there are many gaps about what sources of institutional power matter, when and why. Below, we will discuss the power derived from *rapporteurships*, party group leadership or chairmanship, among others.

*Individual sources of power* might also be an important source of influence in the EP's legislative decision-making. Thus, according to the data and information collected in this research, individual capacities like personal authority, leadership, social skills and expertise matter. Small-sized party groups can gain influence in legislative dossiers through accepted and acknowledged leaders. Additionally, being better informed about an issue enables leaders to shape outcomes according to their preference. These individual sources of power are crucial for the assignment to certain positions and, therefore, for the control over events and outcomes.

According to the interviews we have carried out in Brussels, all three sources of power are relevant to explain EP's legislative outcomes. There is a consensus also among policy experts that these capacities are nested, i.e. there is a hierarchy in the level of importance of such sources of power. Firstly, the structural capacities are the most relevant insofar as they have an impact on the institutional capacities. A big political group will have access to more positions under the systems used in the EP for the attribution of posts and *rapporteurships*. Finally, the individual capacities are also related mainly to the institutional capacities, as MEPs can make the most of their individual skills when they have an office-holder position. This hierarchy means not only that some sources of power



are more relevant than others but also that the sources of power are more or less relevant depending on the stages of the EP legislative and decision-making process. Mainly those capacities that have a higher impact in the first stages of the decision-making (mainly structural sources of power) will have a higher impact on the final outputs than those capacities with a higher impact at the end of this process (individual sources of power). Although clearly every case is different, there is a consensus (among the policy experts interviewed) on this description when comparing the weight of different sources of power.

### **Structural Sources of Power**

So far the literature has covered the structural sources of power within the EP in a rather descriptive and unsystematic way. Most of the research made so far is only able to mention that, for example, there is an overrepresentation of certain party groups and nationalities in report allocation or the selection of committee chairs. However, the literature is missing both a systematic description of the structural sources of power influence as well as a coherent explanation and impact of these sources of power in the EP's legislative process. In this section, we first make a short review of the findings provided by the literature so far and then we contrast these findings with the information provided by policy experts. Thus, we will identify the sources of structural power in order to be able to construct theoretical hypotheses that help us identifying and explaining the determinants of structural power influence in the EP.

The literature has identified that party group size is relevant. The nomination processes for committee membership, chairmanship and report allocation represent the relative share of party groups and these are supposed to distribute proportional capacities over their national delegations. The general proportionality across party groups is secured by the rules of procedure. Using the d'Hondt system, positions like committee membership, chairmanship and *rappporteurship* are distributed and therefore, no party group is supposed to be privileged, which is supported by research (Yordanova 2009, McElroy 2006). However, members from certain nationalities or groups might be appointed for less important topics or less important committees. While most researchers agree that such disproportionalities exist, an overall theory or explanation does not exist and different studies find different results for structural sources of power.

Mamadouh and Raunio (2003) pointed out the overrepresentation of certain groups and nationalities in report allocation, committee assignment and the selection of Committee Chairs. For

example, they found a strong disproportionality in report allocation across nations, where 31 Dutch MEPs than drafted more reports than their 87 French or Italian colleagues. Also Germany and the UK were over-represented, while MEPs from Member States like Portugal and Greece were assigned less reports. They explain the disproportionality by differences in the party composition but also by cultural reasons like sufficient knowledge of English. The results are supported by Keading (2005) who “illustrates that the world of committee reports is characterized by disproportionality” (Keading 2005, p. 82). As an additional explanation for the disproportionally represented, especially smaller MS, he addresses the role of “strong personalities” who take over more reports than the average and bias the result into one direction. Keading (2004, 2005).

Following the first wave of studies, Hausemer (2006) found out that larger groups and especially the EPP together with its closest ally ALDE, hold *rapporteurships* more salient. At that time, he explained this as a consequence of their voting majority in the consensual decision-making. McElroy (2008) points out that there are differences between the relevance of different committee seats, and by using a ranking system, she was able to test for previously undiscovered disproportionality. Indeed, she found some structural differences for promotions, depending on nationality. However, she makes clear that her system is less applicable for the comparison of parties since smaller party delegations will not be awarded with seats in every committee. Whitaker (2011) shows that the disproportionality is stronger for large committees, because of a higher scope for disproportionality, and that committees with a higher mean salience of parties are more proportional constituted. For example, the Committee for Employment and Social Affairs is important for all parties, and consequently all parties will try to win seats. This higher competition can, according to Whitaker (2011) lead to more proportionality.

A more recent aspect of research are the consequences of the national role of a party on committee and *rapporteur* assignment, which added some explanatory theory to the before mostly descriptive studies. For example, Hoyland (2006) showed that members of party groups, which are represented in the Council as well, will be assigned more co-decision reports. Thus, lower costs in coordinating their proposals with the informed actors in the Council can make the MEPs more willing to write such reports.

Experts that we have interviewed in Brussels have identified three main sources of structural power in the EP, some of them are included in the previous literature and others are not.

The first source of structural power are financial resources. Financial resources are relevant for complex and controversial files because they give access to academic and scientific expertise. They also allow reaching the public opinion via seminars, visits and public events. Pressure from public opinion can be helpful to convince other MEPs. According to some experts, this has already had an influence in changing majorities within the EP in certain files: liberalization of port services, ACTA or SWIFT. However, financial resources are not determinant because institutional support in EP is high and balanced. Any MEP has access to the EP's Research Service. So being from a big political group (and, thus, having access to more financial resources) is not that determinant although sometimes it could be a relevant factor.

A second source of structural power would be the difference between the size of party groups and party cohesion. According to most of the experts interviewed, size is the most important variable to understand power politics in the EP. The main argument behind this is that size is the key factor to get the most relevant institutional positions of the EP in the legislative process: the *rapporteur*. One expert argued 'the two larger groups (EPP and S&D) will make sure that one of them gets any relevant legislative proposal and that the process is not excessively 'polluted' by the smaller groups'. Another expert, added that in some committees EPP and S&D get all the important files because they negotiate it in advance. In other committees you have a more democratic decision-making system. Based on the rolling d'Hondt system, the group with more percentage of points available is the first to choose the file. EFDD and ENF usually do not ask for reports because they are aware that they won't have a majority to get their position adopted. But this means that they are often on top of the list in terms of percentage of points available so, theoretically, when a big report comes in they could ask to get the *rapporteur*. In order to prevent this, some committees have introduced a bidding system for the allocation of reports. Thus, 'it is helpful if the *rapporteur* comes from one of the main groups. S/he already has the votes of his/her group in the pocket to start with. If *rapporteur* is from a small group, it will be more difficult for him/her to get a majority'. Therefore, as another expert argued 'an MEP's influence in a piece of legislation is not determined by being *rapporteur* or shadow, the key determinant of influence is being from one of the two major political groups: EPP or S&D'. Furthermore, it is important that the position of the *rapporteur* is in line with the group's mainstream. *Rapporteur* is the specialist on a file but s/he has to convince his/her group to support his/her line. In some sensitive issues, a group can be split. Groups are not homogeneous blocks. Coordinators try to ensure coherence but in some sensitive matters you can't guarantee it. Therefore, the relevance of size only applies as long as you have your group behind you and/or there is group cohesion.

In the EP, discipline is lower than in national parliaments. This is certain, in particular, in controversial votes (example: budget, important industrial or internal market decisions or agriculture), where nationality still plays an important role. For example, one policy official who has been working over 20 years in EP committees argues that 'both in the Agriculture and Fisheries Committees the division of positions on the issues at hand is more along national lines than political lines'. In other controversial areas may happen the same, for example, another expert argued that within every group, positions on certain topics become national. For example, no Austrian MEP (from extreme left to extreme right) could support nuclear energy because Austrian public opinion is anti-nuclear. According to another expert, 'some groups are not cohesive, for example, ECR, made of Conservatives from UK that until a few years ago were part of the EPP. There are not many things that unite them. There are many things they are against, but not for. Some smaller groups are less cohesive than bigger groups and bigger groups even if they have more cohesion in highly controversial issues they can be divided'. However, there are structures in place trying to ensure discipline/group cohesion: coordinators and party group leaders. Therefore, in spite of the cohesion of the EP, which has increased importantly in the last terms (Hix et. Al. 2007), on highly controversial issues sometimes size and cohesion do not go together.

A third structural factor that may play a role in EP legislative politics are institutional networks. According to a number of experts, institutional networks can help to increase the EP's influence although other policy officials argued in the contrary direction, saying that being part of networks could be detrimental for the EP, particularly when you are an MEP and your party at home is in government. This often reduces your margin of maneuver as MEP. Most of times your party 'convinces' you to vote in the same line as they will take in the Council. In these cases, short-term economic reasons may determine the government's positions.

### **Institutional Sources of Power**

So far, the literature has focused on institutional sources of power in the EP, primarily the important role of the *rapporteur*. The remaining institutional sources of power in the EP legislative process have received much less, or even no, attention. Further, most of the *findings* are rather descriptive and a satisfying explanation is still missing. This section first make a short review of the findings provided by the literature and then we focus on the insights provided by policy experts when identifying sources and conditions of institutional power in the EP.

As we previously argued, holding institutional positions within the EP is a key source of power over events and outcomes and MEPs who are interested in influencing decisions have to collect some institutional powers. The most important of these powers according to policy experts are: *Rapporteurship*, *Shadow Rapporteurs*, *Coordinators*, *Committee Chairs* and *Presidents of Political Groups*.

There is agreement among policy experts that the most influential institutional actor is the *rapporteur*, then the shadow *rapporteurs* of other groups, particularly from the larger party groups. They also include committee chairs, coordinators and group leaders as influential actors in the legislative process. Although officials interviewed in Brussels argued that distribution of power and influence varies to a great extent among dossiers, the mean of their estimations according to the data we have collected is the following: Rapporteur 50-90 % of influence on the final dossier; Shadow Rapporteurs 10-40 %; Committee Chair 10-30 %; Coordinators 5-10 %. Those experts argue that usually the *rapporteur* is the most important actor. However, there are files in which the *rapporteur* is from a small group so the actual deal-making is done by one of the shadows, either because of their experience, political weight or personal skills. In other cases, a *rapporteur* can be outvoted by the shadows during trilogue negotiations and accept a deal proposed by the Council. Further, there is consensus among policy officials to divide the legislative dossiers between those with a political and controversial profile and those which are more technical and/or consensual. All experts interviewed agreed that ‘the more controversial the file is, the bigger the role for shadow rapporteurs, the coordinators and group leaders’.

***Rapporteurship*** - Each issue within the EP is assigned to one legislative committee, which then, eventually, assigns it to an individual MEP. The major task of *rapporteurs* is to write proposals for resolutions or legislative amendments to be voted on first by the committee and later by the plenary. By doing so, they have a strong influence on the final decision of the EP and especially on the voting line of their party. Additionally, they became the decisive actors for negotiations in co-decision trilogues (Roederer-Rynning and Greenwood 2017). This makes them the “primary legislators” of the EP (Yordanova 2010).

While other national parliaments appoint one *rapporteur* per party, the EP developed a single-*rapporteur* rule. This is meant to increase the ability of the parliament to find satisfactory negotiation results with the Council. However, nowadays, the intra-institutional competition gains more

importance than the inter-institutional one, while the EP still relies on one *rapporteur* per file, who is assisted by shadow-*rapporteurs* of less competences (Finke and Han 2014).

The attribution of reports amongst political groups within a Committee follows a complicated procedure which is meant to distribute reports proportionally across groups. Under the points system, used by a majority of EP committees, political groups gain points depending on the number of MEPs they have in a given committee (for instance, two points per MEP). At the beginning of the parliamentary term, group coordinators and the committee chairman decide, in a next step, on the general value of certain reports (usually 3 points for 1 legislative report, 1 point for opinions to a report under the leadership of another committee). The procedure secures proportional representation across the eight party groups (McElroy 2008). There are other systems for the attribution of reports amongst groups. Some Committees use an auction-like process, where coordinators can bid for certain reports or find agreements.

The distribution across national delegations and individuals follows an informal process. Party group leaders as well as national delegation leaders can influence the selection process and punish or reward MEPs.



Graphic 1: The allocation process of reports. Own editing.

*Rapporteurs* profit from an informational advantage which makes it difficult for their fellow party members or other party groups to challenge suggested proposals (Finke 2012). Thus, when the file is not controversial, they will follow the *rapporteurs'* suggestion. While committees are already highly specialized, the *rapporteur* becomes specialized on a single issue and the informational advantage is in many cases concentrated in a single person (Costello and Thomson 2010). The opinion of one *rapporteur* can be decisive for the final vote of the full parliament. Being appointed a *rapporteur* is, therefore, a valuable source of power in the EP. Ringe (2010) points out that this institutional advantage is especially true for the final party line on an issue. Instead of party leaders, *rapporteurs* (or shadow *rapporteurs*) are the most influential actors in this case.

The *rapporteurs*' influence on legislative outcomes is unquestioned as they hold significant proposal and gate-keeping powers, including additional speaking time, a spot in the negotiation team for inter-institutional dialogue and the ability to propose compromises during meetings with the shadows (Finke and Han 2014). Further, coalition-building is a major task of the *rapporteur*. Coalition-building can be successful, if the *rapporteurs* position is close enough to the Median MEP or the Median party group member (Castello and Thomson 2010, Finke 2012). Negotiations with the Council, which are a decisive part of the *rapporteur's* powers, require a strong mandate of the Parliament. Such a mandate can only be achieved, if the coalition building is successful and the Median MEP supports a proposal. At the same time, if the EP is in a weaker position towards the EC, the support for the *rapporteur* can increase because the inter-institutional conflict might dominate over the intra-institutional one (Finke 2012).

According to the information collected through interviews *rapporteurs* have a significant influence on *who gets what into the final legislative text*. First, s/he decides on the timetable: how quick is the file going to be adopted. This determines how many people can get involved in influencing the process. The more you discuss the report (public hearing, drafting of working document with main ideas, discussions in constituency or with external interests...) the more people can get involved and thus the more consensual the report is. As one expert argued, 'you can have a quick and dirty deal too'. The second element why the *rapporteur* is important is that s/he is the one 'holding the pen'. If you are a *rapporteur* you decide the direction, the structure, the scope and overall logic of the report. For example, *rapporteurs* can suggest experts for hearings but that is a consensual decision of the coordinators. Different *rapporteurs* have different approaches, depending on their political agendas. The agenda of some *rapporteurs* is fulfilled by doing a minority report that they know will please 'their people' (a particular constituency or social group), other *rapporteurs* do consensual reports. They seek to take different ideas on board by reaching out to the others. By doing that they still are the ones who put the ideas of the others on the final text. The *rapporteur* can either accept to include some amendments in the compromise or, in case he does not agree with including them, go to the vote and try to reach a majority in favour of his/her position. Therefore, *rapporteurs* guide the positions of the group. However, according to policy officials, the margin of maneuver of *rapporteurs* has been reduced with the latest reform of the rules of procedure (January 2017: according to new rule 69, the *rapporteur* has to ask for a mandate of the plenary before entering in first reading negotiations with the Council). Before, the *rapporteur's* power was disproportionate, in particular in relations with the other EU institutions: s/he decided on his own on the agenda, s/he

decided whether to start negotiations with the Council, s/he decided whether to reach an agreement with the Council on first or second reading. New mechanisms give more transparency. A majority of MEPs in the committee, first, and in the plenary, after, have to be informed and agree to start negotiations with the Council.

*Shadow rapporteurs* - While *rapporteurs* play an influential role, the work of the committees and the plenary is, in general, based on compromise decision-making. To make sure, that each group's interest is represented in the reports, one member per political group is assigned to a shadow *rapporteurship* in order to 'follow the progress of the relevant report and find compromises within the committee on behalf of the group' (Rule 205a of the EP Rules of procedure, January 2017).

This institutional role gives them an influential position in shaping the final party line. Similar to the *rapporteur*, they enjoy an informational advantage over the other committee members. Usually, they work in tandem with the main *rapporteur* (Hurka et al. 2015) and the other shadow *rapporteurs* and, therefore, influence directly the final report. They are crucial to monitor and control the work of the *rapporteur* as well as to inform their own political group (Neuhold and Settembri 2007). Furthermore, the within-committee powers, shadow *rapporteurs* are members of the negotiating teams of the parliament in the ordinary legislative procedure and have a voice in negotiations with the Council (Judge and Earnshaw 2011).

Their stronger position is also a reaction to the growing importance of partisan politics in the EP (Neuhold and Settembri 2007). In times of increased intra-institutional competition, the representation of the different party groups gains more importance, while the efficiency argument towards an informational advantage of a single *rapporteur* towards the Council becomes less relevant (Finke and Han 2014).

The precise role of shadow *rapporteurs*, their influence on decisions, their selection and their identity has barely been researched until today. Their changing role, the likely simultaneous drift of agency and the impact on information efficiency must be part of extensive research (Finke and Han 2014).

According to policy officials, the function of shadow *rapporteurs* is key in the EP legislative process insofar they provide checks and balances on the *rapporteur*, together with the Chair, in case s/he wants to push for a national position. Shadow *rapporteurs* are really important because they can push the *rapporteur* to move in one direction or the other. They also perform a number of important



functions. A first function is to make sure that the position of their group on that file is taken on board. Second, they have to make sure they get their group behind a certain position. Shadow *rapporteurs* do not decide the position of their group on their own. Groups determine their position at the meetings of their working groups. There might be issues which are not important for a shadow but which are important for other MEPs in their group. Shadows have to take these matters into account and accommodate these concerns, otherwise their position will not be followed by their group. Thirdly, they are the ones negotiating with the *rapporteur* the compromise amendments. Finally, they are part of the EP's negotiating team in trilogues.

The main determinant of shadow's influence according to policy officials is group size. If you are shadow *rapporteur* of little group or a big group, you do not have the same importance in the legislative game. When the *rapporteur* is from a small political group, it is easier that the shadow *rapporteurs* build up an alternative majority. Further, according to different experts, over the years the role of shadows has increased because they allow to find out, at an early stage, where the majorities lay. Now *rapporteurs* meet with shadows already before presenting the first draft of their report in Committee.

***Political Group Coordinators*** – Each political group in each committee elects one 'spokesperson' or coordinator. Group coordinators are the primary contact person for the committee chair. According to rule 205 (of the EP Rules of Procedure), group coordinators have hold the power of deciding on the topics for own-initiative reports. Group coordinators also have the right to decide on procedures and the appointment of *rapporteurs*. In each committee, coordinators select the *rapporteur* of any report allocated to their group. Yoshinaka et. al. (2010) make the point that party coordinators will not bid for controversial reports, if the respective MEP is not in party line. Considering the strong institutional powers of *rapporteurs*, the choice of the person will have an influence on the final position of the EP. Deciding over the appointment gives, therefore, the coordinators, an indirect influence over the final agenda and outcome. The party group's "watch dogs" (Neuhoild and Settembri 2007, p. 162) are additionally responsible for ensuring their group's cohesion within their committee and make sure that their members are present in key votes within the committee (Neuhold and Settembri 2017, Corbett et. al. 2007, p. 133). Indeed, one of coordinator's major roles is to work as a "nexus mediating between individual MEPs, national party delegations [...] and the European party group" (Keading and Obholzer 2012), which means that in a system with a duopoly leadership structure, the coordinator mediates between the national and European interests of his/her groups' MEPs within the Committee.

To fulfill their tasks, coordinators need certain powers to discipline their fellow group members. For example, this can be done through the appointment process, when loyal members are rewarded, and outliers punished (McElroy 2008), but coordinators might also influence the *rapporteurs* work directly (Neuhold and Settembri 2007). The real powers of the coordinators are, however, disputed. Some authors stress that national interests within the groups restrict their actual powers (Ringe 2010).

Although formally the coordinator is in a superior position towards the *rapporteur* level, the actual power over events and outcomes lies in the hand of the *rapporteurs*. However, the coordinator is still an important institutional power. By overseeing the many proposals and overall work of the committee, they can develop a more universal approach over the party group's work. Therefore, *rapporteurs*, shadow *rapporteurs* and coordinators usually work in tandem to guide their party through the decision-making process (Ringe 2010, p. 59).

According to the policy experts interviewed, coordinators are not usually involved in the legislative process. But if there are problems with the file or it becomes a political controversial topic they can get involved. They are important players for selecting the hearings of the committees, to do a study or which groups gets what file. Once a file is attributed to a group, the coordinator decides who gets that file within his/her group. This power of the coordinator is relevant insofar groups are not homogeneous. The views of one national delegation on certain issues can be closer or further away from the mainstream of the group. Therefore, to whom the coordinator attributes a file matters. They can also get involved by coordinating a package of several files. For example, *Clean Energy Package* has targets that are referred to in several pieces of legislation. Most controversial files are usually cross-cutting. Therefore, the controversy is not only between the *rapporteur* and the shadows within one Committee but with *rapporteurs* and shadows in other committees. If a deal between committees cannot be reached at coordinators level, the controversy reaches the meetings of the various political groups.

Coordinators can, finally, influence the co-decision procedure by communicating the interests of their political group (Neuhold and Settembri 2007). Coordinators are, besides the *rapporteurs* and shadows, responsible for the development of their party line on a given file (Ringe 2010, pp. 55). Therefore, coordinators have a strong influence on the topics, opinions and thematic focus of their group on a given policy dossier.

*Committee Chairs* - The committee chairs preside over committee meetings, represent their committee in plenary sessions and at regular meetings of the Conference of Committee Chairs, and participate in trilogues. Committee leadership combines representative powers with real ones and committee chairs are, together with four Vice Chairs, the “formal office holders within each committee” (Neuhold and Settembri 2007, p. 158).

The allocation of committee chairs follows the d’Hondt principle of party group proportionality. Depending on the proportionality, party groups can choose leadership positions. Afterwards, they are allocated within the groups, considering national interests and previous representation of national groups. Usually, the nominated candidates are elected without competition (Corbett et. al. 2007, p. 130).

The chairmanship becomes increasingly important through the process of co-decision, where s/he chairs trilogues, when they take place in the EP (Roederer-Rynning and Greenwood 2017). Considering the strong and growing importance of such meetings, the chairs enjoy some significant powers over events and outcomes.

The Chair is in general responsible for organizing the internal work of the committee and representing it within the EP. His/her role furthermore grants him/her easier access to *rappporteurship* and usually chairs write more reports than ordinary committee members (Yoshinaka et. al. 2010), which makes them influential members of the committee with an impact on many issues. On the other hand, Committee Chairs work as “*rapporteurs* of last resort” (Yordanova 2011). This means that they are left with issues no other party was interested in and, therefore, report on less important topics.

So far, the role of the Chair is widely ignored in the literature and although it “can contribute considerably in shaping legislation” (Neuhold and Settembri 2007, p. 158), the real contribution remains unclear.

According to the policy officials interviewed in Brussels, EP rules of procedure foresee that the committee chair is the leader of the negotiation team in inter-institutional negotiations. Therefore, s/he gets into the content of the file suddenly, even if the *rappporteur* remains the specialist. The Chair plays a bigger role in reaching the final deal. Furthermore other policy expert argued that ‘the committee chair can, in exceptional cases, be the most influential actor in a piece of legislation (instead of the *rappporteur*)’. For example, in the file on the method to calculate population in Member States, the *rappporteur*’s position was not shared by the majority and he lost the vote in the Committee.

Under these circumstances, he could have asked to withdraw his name from the report, a possibility provided by the EP rules of procedure. He decided not to do it and remained in charge. In negotiations with Council the *rapporteur* did not believe in the text adopted by the committee but his role was to defend it in front of the Council. In this case, the Chair played a crucial role in making sure the rapporteur stuck to the EP position.

***Party group leadership*** - Since the beginning, national parties have cooperated within the EP and united in today eight political groups. As shown before, the group's influence through party group leaders in committees can be significant. How far the general leadership of the group also impacts decisions is less clear and has not received a lot of attention in the literature.

In general, cooperation ensures national parties participation in committees and increases their voting power. Studies found that the party group cohesion is relatively high (Hix 2003), and despite clear differences between the national parties (Ringe 2010), the group members will vote in one block most of the time. The block-voting makes coalition-building and decision-making in the Parliament easier and national delegations integrated in the groups more powerful.

Committee coordinators are widely seen as influential. The general party leadership appears to be less influential in the nitty-gritty of legislation, but however, its role is barely researched. While many studies report an increasing party cohesion and party influence, there is a demand for more research on the parties' leadership structures.

According to one policy official interviewed in Brussels, 'if you are a party group leader you can also have influence on a piece of legislation. But in this case it all happens behind the scenes. They are not directly involved and do not attend the Committee meetings. They exert their influence via the Chair or their coordinator in that committee. So the Chair, coordinators and (shadow) rapporteurs are not fully and ultimately free in decision-making`.

### **Individual Sources of Power**

The research made so far in relation to individual sources of power is also quite fragmented and presents contradictory results. For example, the effect of expertise or seniority in order to get relevant institutional positions in the EP and/or in order to explain legislative outputs, is not clear. Thus, the identification of the conditions under which those individual factors might be relevant is missing in the literature.

A first comprehensive study on individual capacities and committee assignment and leadership appointment was conducted by Shaun Bowler and David M. Farrel in 1995. One of their findings was that serving for a long period in the same committee has no positive effect on the chances to become a party or committee leader. On the other hand, they showed that having served in influential positions within the national state or the European Union increases the likelihood. On the other hand, McElroy (2006) found evidence that committees are staffed with experts and senior members. Yoshinaka et al. (2010) presented similar results and found no effects for seniority for report allocation. Lindberg (2008), however, questioned any relevance of expertise and seniority for report allocation. Yordanova (2009) showed that expertise and interest positively affect the allocation of consultative reports, while the more important co-decision reports are distributed according to seniority. Summarized, the effect of expertise and seniority is disputed, and different studies draw different conclusions, while the effect of seniority and expertise within the European Union is unclear.

The literature also has analysed the interest group links and general network capacities of individual MEP. Bowler and Farrel (1995) found evidence that interest group attachment is the “only consistently significant determinants driving committee membership” (Bowler and Farrel 1995, p. 234). Keading (2004) supported these findings by showing that MEPs which are affiliated to green-minded interest groups are overrepresented as *rapporteurs*. At the same time, Members attached to the farmers’ lobby group COPA were underrepresented. However, the underlying mechanism remains unclear and there is no theory on the determinants of the effect of links between interest groups and MEP. Recently, more research has been conducted on business group influence in the EP (c.f. Rasmussen 2015, Marshall 2015). However, these articles see lobbying from a business perspective and do not consider the influence on the bargaining power of individual MEPs. Whether lobby group activities are structural or personal power capacities depends on whether it is a personal advantage of an MEP or whether an MEP gains access to lobby networks for structural reasons.

A very new line of research is the analysis of networks within the EP. Kovacs (2014, 2015) conducted basic work on this field and inter alia found out that the EPP and S&D are the best connected MEPs and that the ALDE group is better connected to right-wing parties. However, although can be expected that better connected MEPs to be more influential, the implications for legislative outputs remain unclear.

Policy experts interviewed in Brussels argued that individual capacities might be important at the end of the negotiation process, when informal negotiations between key actors take place and a

report has to be drafted. Those experts argued that a number of capacities might help to influence the process at that stage. First, networks are extremely important, both with actors of other institutions as well as with NGOs and lobby groups. These groups are important for scientific evidence that is not given by the Commission. It is important to make the difference between those lobbies that provide relevant information and those that 'make noise'. Second, cultural, linguistic and communication skills are key factors. All of them help for mediating and building consensus/majorities within a multicultural parliament. MEPs with empathy, capable of putting themselves in the others' shoes, capable of listening to others, understanding their reasons and finding consensus provide an added value in the legislative negotiation. Third, hard-working MP, willing to study the files is also a relevant factor. One policy official argued that, for example, the Greens maximise their influence because they work hard and take part in all negotiations whereas other groups such as the EFDD or the ENF hardly sit at the negotiating table. Furthermore, it might be relevant having a reputation/standing within the EP (other MEPs know your work well and trust you). Usually after being an experienced MEP (measured in number of parliamentary terms) or having other relevant background/experience on a particular policy area. Finally, expertise might be a key factor to become influential. Having access to solid technical expertise (advisers) is also relevant. This helps MEPs build up their arguments. For example, when Guido Sacconi (S&D, Italy) was rapporteur of REACH, he surrounded himself with many scientific experts that gave him the arguments to negotiate with other groups.

### **Case Study: General Data Protection Regulation (GDPR) 2016/679**

**Background** - Data protection law is a policy domain in which the EU started to gain attention in the EU around the 80's, just after the Council of Europe adopted the Convention 108 on protection of personal data. Immediately after that, this policy area has been gradually Europeanised in EU member states (Arregui 2020, Arregui 2022) since the European Commission started to work on how to adapt this convention into EU legislation at the beginning of the 90s. Then, after several years of discussion a Directive was adopted in 1995. This directive covered partial aspects of data protection and also only covered commercial activities by mainly public authorities. The directive was also implemented in a rather inconsistent way among MS. This is why at the beginning of the 2000's it was already evident that this directive had become older. This was the main reason to launch in the early 2012 a new data protection reform package to replace the previous directive. The new proposal tried to provide a new and updated data protection legal system.

***Getting the Rapporteurship*** - As mentioned previously, committees in the EP are fragmented when assigning *rapporteurships*. In the case of the LIBE committee, where this file was discussed, reports are assigned according to the points system. Each group gets a number of points depending on the number of MEPs that it has in the Committee (the bigger the number of MEPs the more points a party group will get). Both the EPP and the Greens were interested in the GDPR. If two groups are interested in a file, the one that has more points gets it. That was the case for the Greens. According to a member of the Green Party ‘it was not a strategic decision, it happened by chance’. It also helped that when the GDPR proposal was referred to the EP by the Commission, the Greens reached an agreement with the S&D and ALDE, who had more points than the Greens, to abstain. The Greens were the next group that had more points and, thus, the first to choose. As part of this informal deal, the S&D got the second piece of legislation in the data protection package, i.e. the directive on data protection for law enforcement agencies (police).

According to one member of the Green Party ‘it was our historical duty to take the report because Jan Albrecht had a strong background in data protection’. In any case, despite having the priority according to the rules, it was not easy for the Greens to have the file. The EPP protested because Axel Voss (EPP, Germany) had already done the own initiative report (INI) on the matter in 2011 after the Commission Communication. Voss thought that, since he had done the INI, he would get the legislative report automatically (without thinking about the points). The EPP got really furious. They offered the Greens *co-rapporteurship*. But it was clear that the Greens and other groups really wanted to stick to the points system. In the end, the decision was taken by a vote at coordinators meeting. Only after that it was clear that the Greens would get the report.

From the very beginning it was clear that the GDPR would be politically relevant. The real lobbying started in January 2012, when the Commission proposal was put on the table. Everybody lobbied because everybody was affected: from the big Silicon Valley companies to German car manufacturers and insurance companies. GDPR was a very political regulation, not technical such as the e-privacy directive.

***Most Contentious Issues and Final Decisions*** - Although there were an important number of contentious issues in this file, the experts we have interviewed agreed that four were the main contentious issues:

1 - ***Fundamental rights***: the debate was about the strictness of the rules for public authorities and private companies in collecting and processing personal information.

2 - ***International transfers***: The discussion was on the introduction of a new system for allowing data transfers with third countries, and the conditions for allowing such transfers.

3 - ***Right to be forgotten***: This issue was about the right of individuals to erase their personal data as long as the data are no longer needed for their original processing purpose.

4 – ***Data for scientific investigation***: The extent to which companies and other organizations are able to provide data for scientific investigation.

*Overview of the Negotiation of the Dossier* - In the negotiations of the GDPR there was a sound tension between the Greens and the EPP, representing two main positions: the center-left position (of the *rapporteur*) wanted to increase the protection of personal data and the conservative position (of the EPP) privileged business interests and security services (police) that wanted an easier access to personal data.

Information is power and income. Data is information about a person. The higher the threshold on its protection, the more you limit the powers of companies that want to obtain information on a given person. For example: Carrefour or Tesco can make a profile of a consumer based on how much s/he spends and what s/he buys and sell this information to a third party, for instance an insurance company to draw up your health profile. In the negotiations there was a good amount of tension between consumer protection organizations and, mainly, American commercial companies that were worried about having to change their business model.

Final outputs of the negotiations were closer to the Greens' and left-wing positions, although the results would need to be analysed issue by issue.

On ***issue 1*** (related to rights, principles and technical and organisational measures to defend the data protection), the Greens and left-wing party groups (GUE and S&D) got close positions to their preferences. This was the most the most relevant issue for all those left-wing parties as well as for a part of ALDE Group.

The final outcome of issue 2, international data transfers, ended up close to the Commission proposal, which means providing certain capacity to the European Commission to decide which third



countries and/or non EU-organizations fulfil with the ‘adequacy decision’, and therefore, data can be shared according to the EU legislation.

On issue 3 the final outcome was closer to the position of the *rapporteur*: the final position says that ‘a data subject should have the right to have his or her personal data erased and no longer processed where the personal data are no longer necessary in relation to the purposes for which they are collected or otherwise processed, where a data subject has withdrawn his or her consent or objects to the processing of personal data concerning him or her, or where the processing of his or her personal data does not otherwise comply with this Regulation’.

The final outcome of *issue 4*, the processing of data for statistical and research purposes was closer to the EPP and the Council. A member of the Green party argued that ‘We had to give something in the end’, and ‘for us the first issue on rights was our priority’. This official continued arguing that ‘this was the least bad, we included, however, certain protections. For instance, you can use data for research purposes but you have to anonymise it. For archives we included the clarification that they can only be kept if it is in the public interest’. This means that a company can’t keep data for 100 years. For the statistical analysis, which nowadays we would call big data, ‘we made very clear that the result needs to be aggregate, not individual profiles’.

*Inclusiveness of main groups’ concerns* - EPP and S&D voted in favour of the agreement at Committee level because in the trilogue preparatory meetings there were continuous discussions with them and they signed which were their red lines. In other words, it was clear where the *rapporteur* could give in and thus which direction should the *rapporteur* take: ‘most of the times, *rapporteur* and shadow *rapporteurs* shared the judgment of *rapporteur*’. For example: ‘maintaining a strong position on rights and be flexible in the technical and organisation measures’.

**Table 1.** Final Votation in LIBE Committee – GDPR

|      |  |
|------|--|
| 50   | In favour  |
| ALDE | Nathalie Griesbeck, Filiz Hyusmenova, Morten Helveg Petersen, Cecilia Wikström,<br>Sophia in 't Veld |

|           |  |
|-----------|--|
| ECR       | Daniel Dalton, Jussi Halla-aho, Timothy Kirkhope, Monica Macovei, Helga Stevens,<br>Branislav Škripek  |
| GUE/NGL   | Marina Albiol Guzmán, Kostas Chrysogonos, Cornelia Ernst, Marie-Christine<br>Vergiat   |
| NI        | Udo Voigt  |
| PPE       | Heinz K. Becker, Michał Boni, Rachida Dati, Frank Engel, Mariya Gabriel, Kinga<br>Gál, Monika Hohlmeier, Brice Hortefeux, Teresa Jiménez-Becerril Barrio, Barbara<br>Kudrycka, Barbara Matera, Roberta Metsola, Alessandra Mussolini, József Nagy,<br>Petri Sarvamaa, Traian Ungureanu, Tomáš Zdechovský |
| S&D       | Caterina Chinnici, Tanja Fajon, Monika Flašíková Beňová, Ana Gomes, Sylvie<br>Guillaume, Iliana Iotova, Sylvia-Yvonne Kaufmann, Kashetu Kyenge, Marju<br>Lauristin, Juan Fernando López Aguilar, Claude Moraes, Péter Niedermüller, Birgit<br>Sippel, Josef Weidenholzer                                 |
| Verts/ALE | Jan Philipp Albrecht, Judith Sargentini, Bodil Valero  |

|      |                                      |
|------|--------------------------------------|
| 3    | Against                              |
| EFDD | Kristina Winberg, Beatrix von Storch |
| ENF  | Harald Vilimsky                      |

|     |                 |
|-----|-----------------|
| 1   | Abstention      |
| ENF | Lorenzo Fontana |

***Influence of Rapporteur*** - According to an EP official following this dossier 'the *rapporteur* had 70-80% of influence in the final outcome despite being a newly-elected MEP from a small political group'. In the same way, according to this official 'shadow *rapporteurs* had 20-30% of influence'. As we mentioned before, in other files the influence of the *rapporteur* can go down to 50-60%. A *rapporteur* from a small political group can only succeed if s/he is competent or the file has a certain consensus amongst MEPs. *Rapporteurs* and shadows give in on certain issues and help each other because negotiations with the same actors are recurrent.

The *rapporteur* was decisive in reaching the final outcome: 'if the *rapporteur* would have been somebody else, the text of the regulation would have been different', argued an official of the EP, he continues, 'an EPP *rapporteur* would have dismantled the current European system of data protection ... the current regulation improves the protection of personal data'.

According to this official, in the GDPR, the influence of the *rapporteur* stemmed from: (1) Expertise: his knowledge of the file (and the good advisers he had); (2) Communication skills: his ability to present his position; (3) Linguistic skills: the *rapporteur* was very articulate in English. English is the *lingua franca* within the EP; (4) Negotiating skills: the alliances he was capable of building with other political groups to defend a certain position; (5) He was really good with social media: he used it to shape the state of public opinion, which helped him, afterwards, in the negotiations within the EP; (6) He had a great capacity to reach compromises and take on board different sensitivities and positions; (7) He enjoyed good relations with the rotating presidency (leading the negotiations on behalf of the Council).

According to a member of the Green Party, the **strategy followed by the *rapporteur*** 'was to meet bilaterally with each of the shadow *rapporteurs*/ political groups, first with those that had a position closer to his, subsequently with EPP and ECR to try to reach a compromise'.

One member of the Green Party argues that they used '***public awareness as strategy***: it was the only way to counter the intense lobbying from the industry'. They used social media, OpEds, interviews, etc, 'to raise awareness of what was at stake'. No particular social media strategy but kept posting updates in Twitter. A big impact in favour of the *rapporteur* after some research journalists realised that many of the amendments tabled were a copy-paste of the position of big business such as Mastercard, Amazon, etc. That raised a lot of public interest. Many journalists started looking into the file. This benefited the *rapporteur* in the negotiations. He could say to the shadow *rapporteur* of

the EPP: ‘we know that this text comes from company X, so we can only take it half seriously’. If there is public debate about a file, when you are negotiating you can say ‘if people hear what you are standing for, it may jeopardize your re-election’. After Snowden, the *rapporteur*’s position was the mainstream one in the public opinion. This gave him a big leverage, but only because there was public awareness about the file.

The first reading of the EP took two years because there were 3.132 amendments tabled. There were so many amendments that the secretariat advised the *rapporteur* to rewrite every single article of the Commission proposal based on the amendments tabled, instead of amending them. All articles were voted in block. The *rapporteur* succeeded in reaching an agreement that was satisfactory for the EP, despite not being necessarily his position which was stricter and had been the position of the EP in the first reading. He gathered the support of all political groups (except the EPP on certain points) to defend the EP position ahead of negotiations with the Council.

*Rapporteur* had 168 meetings with interest groups. Most from industry (from financial, to insurance companies). Everybody lobbied, even the association of German bakeries. They wanted less obligations, softer rules and more possibilities to process data without asking anybody. They had a strong influence. There was also lobbying from NGOs, mainly from European digital rights associations. The *rapporteur* took some of their amendment proposals in the amendments proposed to the EP. Same was true for GUE and part of the S&D. The *rapporteur* also met with the industry lobbyists ‘to have an overview of the battle field’ ... ‘see what they told the other groups, what arguments they used and where do ideas/arguments used in EP negotiations come from’.

According to an official of the EP, the *rapporteur* had full control over the process. In the GDPR, there were amendments tabled to every paragraph in the regulation, so the *rapporteur* had to draft compromise amendments for each paragraph. The assistant of the *rapporteur* (Ralf Bendrath) prepared the compromise amendments, filtering the amendments. The *rapporteur* especially took on board amendments of shadows and coordinators ‘because they were the ones that mattered in the negotiation’. Thus, some officials of the EP argue that the *rapporteur* was the most influential actor because he controlled the process: he re-wrote the text of the Commission, prepared the compromises, decided how many meetings he would call, and decided when to go to the vote.

Another official of the EP argues that ‘if the *rapporteur* had been somebody from the EPP the result would not have been the same at all’. The main reason for that: Axel Voss would have been

EPP *rapporteur* and he is very easy to influence by lobbyists and very receptive to the industry arguments. He was interested in less restrictions on data processing. If he had been the *rapporteur* he would have probably been very close to the Council text ... 'with him the EPP would have probably been completely split, as it is the case with the copyright directive Voss is now responsible for. Maybe he would have got a slim majority with EPP, ECR and some ALDE Members. Or maybe with a strong NGO and media campaign in the end we would have got a slim majority against the report or for an alternative text. The way he would have handled the dossier would certainly have lowered the standards for data protection`.

***Influence of Shadow Rapporteurs*** - According to an official of the EP, in the case of the GDPR there were several meetings between *rapporteur* and shadows, 'it was particularly remarkable that the *rapporteur* managed to build the necessary alliances to defend his position ... he did it via trade-offs by giving in in certain issues in exchange of support in others`. In these meeting sometimes there was a lot of tension ... 'on several occasions some members left the negotiations angrily`. In those cases, 'the *rapporteur* was really skillful`. He would stop the meeting and reconvene it the next day after bilateral discussions with the shadow in question about the contentious points that made him/her leave the meeting. Sometimes this worked to convince the shadow, at other times it was not possible to convince him/her and a shadow voted against a certain provision in the regulation. During negotiations within the EP, a change in ALDE shadow *rapporteur* also took place. This change benefited the *rapporteur*. Alexander Alvaro (Germany) left the EP and was replaced on this file by Sophie Intveld (The Netherlands). She was aligned with the position of the *rapporteur*. So every time there was a disagreement on an issue the *rapporteur* called for a vote and obtained a centre-left majority (all except EPP and ECR).

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