Imaginative Agenda-Setting

An in-depth literature review on the European Parliament as agenda-setter

Name: Elianne Wijnands
Student Number: s1860569
Supervisor: Dr. I.L. Elias Carrillo
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1 Introduction

When studying agenda-setting in the European Union, the European Parliament (EP) is an institution that is often overshadowed in the existing literature. This is not surprising since the European Commission is the only EU institution with the right to put forward policy proposals and is, therefore, the only institution with formal agenda-setting power. (Alexandrova & Carammia, 2017, p. 289; Herweg, 2016, p. 19; Lelieveldt & Princen, 2015, p. 58). Nevertheless, since the beginning of the EU, the EP has evolved into a relevant actor in the policy process. While its function at first was only to consult in the policy-making process, now the EP is on equal footing with the Council in the ordinary-legislative procedure (Lelieveldt & Princen, 2015, p. 62; Maurer, 2003, p. 230). Even more notable is that the EP has played a big part in expanding its powers and maximizing its influence in the policy-making process (Collins et al., 1998, p. 9; Judge, 1992, p. 193; Tsebelis & Kalandrakis, 1999, p. 144). The EP has found creative ways to transform its informal powers into formal powers, mostly by adjusting its Rules of Procedure (Judge & Earnshaw, 2002, p. 355). As rapporteur of the environment committee, Richard Corbett, stated:

“Parliament has traditionally taken the Treaties and tried to stretch them like a piece of elastic, in order to enhance the efficiency and democratic accountability of the Union. Of course Parliament cannot contravene the Treaties in its Rules of procedure but the Treaties inevitably leave scope for interpretation and room for imagination” (European Parliament, 1999, p. 87, also quoted in Judge & Earnshaw, 2008, p. 183).

On many occasions, the EP has made use of its imagination to influence the agenda of the EU. This resourcefulness can be seen in EU treaties, where the EP successfully gained influence in the policy-making process, and in cases where the EP influenced the agenda of the European Commission through own-initiative reports (Hix, 2002; Judge, 1992). Hence, the role of the EP as an agenda-setter should not be underestimated. Even though the EP has no formal agenda-setting powers, and thus cannot initiate legislation, it has proven to be an inventive informal agenda-setter within the EU (Kreppel & Webb, 2019, p. 384).

The exact role of the EP in agenda-setting is still contested. Scholars have different views on when and how much influence the EP has on the EU policy agenda (Judge, 1992, p. 192; Moser, 1996, p. 838; Rasmussen & Toshkov, 2011, p. 89; Tsebelis, 1996, p. 839). The
disparity is caused inter alia by the fact that the research on the subject is very limited (Judge, 1992, p. 192). Besides that, the existing research is divergent. Scholars differ fundamentally on what agenda-setting in the EU is (Hix, 2002, p. 259; Kreppel & Webb, 2019, p. 378; Tsebelis & Garrett, 1996, p. 346). The limited information on the EP as an agenda-setter leads to a significant gap in the literature of EU agenda-setting. Therefore, this paper explores the question: How can the European Parliament influence agenda-setting in the European Union? To get a full image of agenda-setting in the European Union, the role of the European Parliament in this process should be included.

This paper aims to create more clarity in the existing literature of the EP influencing agenda-setting in the EU by defining the different conceptions of agenda-setting. Furthermore, this paper explores the different ways in which, the EP can influence the policy agenda of the EU. Three ways are distinguished and analyzed in this paper: 1) constitutional agenda-setting; 2) propositional agenda-setting, and 3) conditional agenda-setting. Secondly, this paper aims to identify what research is needed to fill the gap in the literature. Lastly, a structured overview of how the EP can influence the agenda of the EU is missing. Therefore, this paper presents a literature review, which analyses the existing literature on the subject and gives an overview of both older findings and recent developments. This structured review will help to reveal the gaps in the literature on which further research needs to be done.

The literature review starts by presenting a theoretical framework where the key concepts and theories are explained and the three ways of agenda-setting are explored. In Chapter 3, the methodology of collecting and organizing the literature will be described. Chapter 4 presents a historical overview of the evolution of the powers of the EP. Additionally, it explains the relevant decision-making procedures in the EU. In Chapter 5, an analysis is done in which the three ways of the EP influencing agenda-setting in the EU are reviewed and studied. The analysis starts with constitutional agenda-setting, followed by propositional agenda-setting and concludes with conditional agenda-setting. In the last chapter, the analysis is evaluated and discussed, and suggestions for further research are presented.
2 Theoretical framework

2.1 Defining key concepts

Before analyzing the literature on EP agenda-setting, some key concepts need to be defined, beginning with the term agenda itself. Princen (2009) states that an agenda “is usually defined as the set of issues that receive serious consideration in a political system” (p. 19). ‘Serious consideration’ in this context means the attention that is given to an issue or a problem (Ibid., p. 19-20). Princen distinguishes between three types of agendas: 1) the political agenda; 2) the public agenda, and 3) the media agenda (Ibid., p. 21). The political or policy agenda contains the issues which get attention from decision-makers and the issues on which policy will be made, which is why this is the only agenda this paper will focus on (Ibid., p. 21-22). The public and media agenda will be excluded from the theoretical scope.

Secondly, the definition of agenda-setting. Agenda-setting takes place at the very beginning of the policy-making process. An institution has agenda-setting powers if it has the ability to initiate or influence policy proposals (Pollack, 1999, p. 2; Princen, 2009, p. 1). This paper only covers the most standard decision-making procedure in the EU: the ordinary legislative procedure (Lelieveldt & Princen, 2015, p. 83). The only EU institution with formal agenda-setting power in this procedure is the European Commission. Meaning, the Commission is the only institution that can initiate legislative proposals (Ibid., p. 58). Agenda-setting is important because if the Commission decides not to initiate a certain proposal, the EP cannot influence the policy-outcome of that issue (Kreppel & Webb, 2019, p. 387; Princen, 2009, p. 1). Since the EP cannot initiate policy proposals, it has no formal agenda-setting powers. Nevertheless, there are informal ways in which the EP can influence the EU agenda.

2.2 Three ways of influencing agenda-setting

This paper claims that there are three ways distinguishable in the literature for the EP to influence agenda-setting in the EU: 1) constitutional agenda-setting; 2) propositional agenda-setting, and 3) conditional agenda-setting (Hix, 2002; Judge, 1992; Tsebelis, 1994).

The first way is constitutional agenda-setting, which describes the process of the EP increasing its powers through ‘discretion and rule interpretation’ (Hix, 2002, p. 259). By interpreting the rules of the treaties creatively and adjusting the Rules of Procedure to its advantage, the EP increased its informal powers. By threatening not to co-operate when other
Institutions did not agree with the change, the EP managed to create a new status quo and formalized its informal powers in the next treaty (Ibid.).

The second way is propositional agenda-setting. Since the Treaty of Rome in 1957, the EP can send suggestions for policy proposals to the Commission, called own-initiative reports (OIR) (Treaty Establishing the Economic Community, Article 155). Because the Commission has formal agenda-setting powers in the EU, influencing the agenda of the Commission means influencing the agenda of the EU as a whole (Judge, 1992, p. 190). This is the closest the EP comes to initiating legislative proposals, yet there is no name for it in the literature. This paper uses the term ‘propositional agenda-setting’ for agenda-setting through own-initiative reports.

The last way in which the EP can influence the policy agenda of the EU is conditional agenda-setting. This concept differs fundamentally from the other concepts because it defines agenda-setting itself in another way. Tsebelis and Garret (1996) define agenda-setting as “(...) the ability to make proposals that are difficult to amend” (Tsebelis & Garrett, 1996, p. 346). In other words: an institution has agenda-setting power when it can make amendments or policy proposals that are hard to modify. In this conception, the Commission is the one that initially proposes legislation but if another EU institution amends this proposal successfully, this institution gains agenda-setting power, and the Commission loses it. Tsebelis (1994) introduced the concept and focused his research on the second reading of the co-operation procedure, where the EP could make amendments that were easier for the Council to accept than reject or modify. This gave the EP conditional agenda-setting power. Conditional because it depends on several aspects, which will be explained further in the analysis. His theory was later applied to the ordinary legislative procedure (OLP)(Crombez, 1996). There are scholars like Crombez (2000) and Steunenberg (1994) that apply a theoretical model like Tsebelis’s on the consultation procedure. As argued above, however, theories that do not cover OLP will not be covered. OLP is the standard procedure in the decision-making process of the EU and the consultation procedure is only used with ‘sensitive’ subjects and thus relatively rare (Lelieveldt & Princen, 2015, p. 92).

2.3 Key Theories

2.3.1 Rational Choice

The three ways of agenda-setting are all embedded in one of the two grand theories of agenda-setting theory: rational choice and bounded rationality (Alexandrova & Carammia, 2017, p. 289). The rational choice theory is based on two key assumptions: rationality and self-interest
According to this theory, political actors have fixed preferences and make choices based on maximizing their chances of achieving those preferences (Geddes, 2003, p. 177). Rational choice theory assumes that political actors assess the different alternatives to reaching their goals systematically and choose the path with the lowest costs and greatest benefits (Kingdon, 2011, p. 78). Rational choice makes it possible to create theoretical models that predict the behavior of actors or institutions (Tsebelis, 1994; Moser, 1996). In EU agenda-setting studies, scholars mostly focus on inter-institutional relations and the bargaining power between those institutions (Alexandrova & Carammia, 2017, p. 289). Knowing the stable preferences of EU institutions, scholars can predict how an institution will act in the policy-making process.

 Constitutional agenda-setting is explained through the principal-agent model, which is embedded in the rational choice theory (Pollack, 1997, p. 101). This model addresses the problem of delegation of power from principals, like EU member states, to agents, like the Commission and the EP (Pollack, 1997, p. 102). Agents often have different preferences than principals. According to the rational choice theory, both principals and agents will always try to achieve their own preferences, so there will be a conflict of interests (Ibid., p. 108). Hix (2002) argues that through the interpretations of the rules in the treaties that the principals wrote, the EP was able to expand its power as an agent (p. 259).

 Conditional agenda-setting is also embedded in the rational choice theory (Alexandrova & Carammia, 2017, p. 289). In the theoretical models of conditional agenda-setting, actors have Euclidean preferences, which means that on a one-dimensional scale, political actors choose the option closest to their preferences (Schofield & Tovey, 1992, p. 41). In these models, the EU institutions act unitary, their preferences are fixed and the institutions have complete information about the preferences of the other institutions and the best available options (Crombez, 2000, p. 42; Moser, 1996, p. 834; Tsebelis, 1994, p. 133).

### 2.3.2 Bounded Rationality

The second grand theory, bounded rationality, critiques the rationality of the rational choice theory and claims it is not an accurate depiction of reality (Jones, 1999, p. 297; Kingdon, 2011, p. 78). The bounded rationality theory assumes that humans – and therefore institutions – are ‘cognitively constrained’ (Bendor, 2015, p. 773). Institutions try to make rational decisions but cannot always do so because of the limited information and resources they possess (Jones, 1999, p. 298). Since institutions are cognitively bounded, the countless issues that require their attention cannot be processed systematically. This causes selective attention on the political

Although propositional agenda-setting is not explicitly embedded in the grand theories, it can be argued that it departs from the same assumptions as bounded rationality. Scholars focus less on interinstitutional power relations and argue that the Commission has a limited agenda and that OIRs are an opportunity to get the EPs issues on the Commission agenda (Herweg, 2016, p. 20).
3 Methodology

3.1 Collecting Literature

For the purpose of doing a qualitative analysis of the literature on the EP influencing the policy agenda of the EU, relevant articles were collected with the snow-ball-ing method (Wohlin, 2014). Keywords used to collect literature were ‘European Parliament’ and ‘agenda-setting’ in the title and once these articles were read thoroughly, these were used as a starting point for collecting more literature. Besides these articles, two books were used, both titled “The European Parliament”. The first book was written in 2008 by David Judge and David Earnshaw, and the second by Ariadna Ripoll Servent in 2018. These books were used as a foundation for gaining knowledge on the EP.

Insufficient articles describing the EP as agenda-setter in the title were found to base a literature review on. Therefore, backward snow-ball-ing was applied to the collected literature (Wohlin, 2014). Looking at the references of the chosen literature, relevant literature was selected. This was done by looking at the titles and abstracts of the articles. The literature was considered relevant when it connected the ‘European Parliament’ with ‘agenda-setting’ but also similar phrases related to agenda-setting, like ‘right of initiative’ or ‘influencing policy proposals’. When it was decided an article was relevant, it was included in the backward snowballing procedure to find more literature.

Once no more new literature was found, the forward snowballing technique was used (Ibid.). This means that articles that cited the literature which was already collected are also evaluated based on the same criteria used in backward snow-ball-ing. If an author wrote more than one article that satisfied the criteria, all the publications of that author were investigated.

As a result, the final selection consisted of two usable books and nineteen journal articles or book chapters. All the literature was found using either the Leiden University Library search engine or Google Scholar for scientific trustworthiness. In these search engines, it was checked if the articles were ‘peer-reviewed’, which ensures that the articles are reliable. The publication date of the articles did not play a role in collecting the data because research on the influence of the EP on agenda-setting is scarce and relatively young. Table 1 shows the 21 collected articles in alphabetical order by author.
<table>
<thead>
<tr>
<th>Author</th>
<th>Date</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burns, C.</td>
<td>2019</td>
<td>In the eye of the storm? The European Parliament, the environment and the EU’s crises.</td>
</tr>
<tr>
<td>Crombez, C.</td>
<td>2000</td>
<td>Institutional reform and decision-making in the European Union</td>
</tr>
<tr>
<td>Garrett, G. &amp; Tsebelis, G.</td>
<td>1997</td>
<td>More on the co-decision endgame.</td>
</tr>
<tr>
<td>Hubschmid, C. &amp; Moser, P.</td>
<td>1997</td>
<td>The Co-operation Procedure in the EU: Why was the European Parliament influential in the Decision on Car Emission Standards?</td>
</tr>
<tr>
<td>Judge, D.</td>
<td>1992</td>
<td>'Predestined to Save the Earth': The Environment Committee of the European Parliament.</td>
</tr>
<tr>
<td>Judge, D. &amp; Earnshaw, D. &amp; Cowan, N.</td>
<td>2008</td>
<td>The European Parliament</td>
</tr>
<tr>
<td>Kreppel, A.</td>
<td>2002</td>
<td>Moving beyond procedure: An Empirical Analysis of European Parliament Legislative Influence</td>
</tr>
<tr>
<td>Kreppel, A. &amp; Webb, M.</td>
<td>2019</td>
<td>European Parliament resolutions- effective agenda setting or whistling into the wind?</td>
</tr>
<tr>
<td>Maurer, A.</td>
<td>2003</td>
<td>The legislative powers and impact of the European Parliament</td>
</tr>
<tr>
<td>Ripoll Servant, A.</td>
<td>2018</td>
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<tr>
<td>Tsebelis, G. &amp; Kalandrakis, A.</td>
<td>1999</td>
<td>The European Parliament and environmental legislation: The case of chemicals</td>
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</tbody>
</table>
3.2 Categorizing Literature

The literature was divided between the three categories of influencing the policy agenda of the EU: constitutional, propositional, and conditional agenda-setting. For most of the literature, it was clear in which category it belonged. Conditional agenda-setting is an established concept in the literature, so the articles that cover conditional agenda-setting use that term in their theories. Similarly, all the literature that mentioned own-initiative reports as a way of agenda-setting in the EU were placed in the category of propositional agenda-setting. Constitutional agenda-setting was more difficult to identify because this concept is only used by Hix (2002). In the analysis, the process Hix describes was studied in detail and the rest of the literature was examined to see if similar processes could be found that described the procedure of constitutional agenda-setting. Table 2 in Chapter 5 shows the categorization of the literature.
The evolution of the European Parliament

To understand the EP as an agenda-setter, one needs to understand how the EP evolved from a consultative body to a significant actor in the policy-making process. The European Parliament began as the Common Assembly in 1952 (Ripoll Servent, 2018, p. 8; Versluis, 2015, p. 77). It was only meant as a consultative body and was not yet directly elected or able to influence legislation (Treaty establishing the European Coal and Steel Community, 1951, Article 20). However, the EP was able to adopt its own Rules of Procedure, which would be important in the future (Ibid., p. 32; Judge & Earnshaw, 2008, p. 30).

In the Treaty of Rome in 1957 was established that the Assembly would be directly elected in the future to create democratic legitimacy but it would take more than twenty years before the first elections took place (Versluis, 2015, p. 78; Treaty establishing the European Economic Community, 1957, Article 138). The reason for this delay was that most member states were afraid that elections would give the EP as a supranational institution more ground to push for institutional reform (Nugent, 2006, p. 258). In an attempt to increase its legislative influence, the Assembly renamed itself the European Parliament (Kreppel, 2001, p. 61). The name, however, would not be officially recognized until the Single European Act in 1989 (Ibid.).

The first direct elections of the EP in 1979 gave the institution more democratic legitimacy and in turn more legislative power. The Isoglucose Rulings by the Court of Justice were especially important. The Council had failed to involve the EP in the consultation procedure, installed in the Treaty of Rome, and the Court ruled that the regulation was therefore invalid (Kirchner & Williams, 1983, p. 178). After these rulings, the EP immediately modified its Rules of Procedure to include the mechanism of delay (Judge & Earnshaw, 2008, p. 39). This meant that the EP could ask the Commission to withdraw its proposal or included amendments suggested by the EP. If the Commission refused, the EP could withhold its opinion and the Council would not be able to adopt the proposal (Kirchner & Williams, 1983, pp. 180–181). After the rulings of the Court of Justice, the Commission began to take the EP more seriously and included the EP more frequently in the policy-making process (Judge & Earnshaw, 2008, p. 39).

Even though the Commission was – and still is – the only institution that can formally propose legislation, the EP made a new rule, shortly after the Treaty of Rome, to adopt own-initiative reports (OIR). This gave the EP the ability to draft legislative proposals and sent them to the Commission. These reports can address any subject, even if it has never been discussed

Before the Single European Act (SEA) came into being in 1986, the EP itself proposed a “Draft Treaty establishing the European Union” (Kreppel, 2001, p. 74) The treaty would give the EP the same amount of legislative authority as the Council and required the Council to vote as a qualified majority instead of unanimously (Judge & Earnshaw, 2008, p. 43; Kreppel, 2001, p. 75). While the SEA did not meet the ambitions of the EP’s draft treaty, it did incorporate some important changes the EP suggested, like officially recognizing the chosen name of the European Parliament and the right to veto the accession of new member states (Kreppel, 2001, p. 77; Single European Act, 1987, p. 2 & Article 8). Most importantly was the introduction of the co-operation procedure (Single European Act, 1987, Article 6).

Figure 1 describes the co-operation procedure as stated in the treaties. The Commission proposes legislation and sends it to the Council and the EP. The EP can propose amendments with a simple majority or accept the proposal. The Commission then decides if and what amendments of the Parliament it accepts and sends the proposal to the Council. The Council adopts a common position with a qualified majority if it wants to accept the proposal or can amend it with unanimous voting. The EP then gets another reading to propose amendments. There are three options for the Parliament: 1) the proposal is accepted if the EP approves it or takes no action, 2) it is rejected if the EP votes against the act with an absolute majority, 3) the EP amends the proposal again. In the second reading, the EP can only adopt amendments that were already suggested in the first reading. After this, the proposal goes to the Commission and then again to the Council. If the EP makes a proposal that is accepted by the Commission, this proposal may be adopted by the Council with a qualified majority or amended with unanimity (Kreppel, 2001, p. 78).

The EP was not satisfied with the Singe European Act and immediately pushed for reforms (Judge & Earnshaw, 2008; Kreppel, 2001, pp. 80–81). Because the member states did not want to reform the treaty so soon after SEA, the EP used the opportunity of the intergovernmental conference (IGC) on the Economic and Monetary Union (EMU) and the political union to push through their changes (Ripoll Servent, 2018, p. 13). Through multiple reports, the EP proposed significant reforms by introducing a co-decision procedure, the appointment of the Commission by the EP, and more qualified majority voting for the Council (Ibid.). Even though the EP could not join the IGC, it managed to influence the meeting by
placing its issues on the agenda and getting support from national governments (Corbett, 1992, p. 275). The Treaty of Maastricht in 1993 increased the legislative power of the EP significantly. It introduced the co-decision procedure, which gave the EP a right to reject proposals and put the EP on equal footing with the Council (Ripoll Servent, 2018, p. 14; Treaty on European Union, 1992, p. 37). This procedure, however, was only used for the first of the three pillars introduced in the treaty: policies on the single market and EMU. The EP had a relatively small role in the rest of the policy-processes (Ibid., p. 15).

The Parliament continued to use its Rules of Procedure to strengthen its position within the Union and pushed again for treaty reform (Kreppel, 2001, p. 87). Although the Treaty of Amsterdam in 1999 was initially meant to address the problems of the expansion of the Union and the inefficient decision-making process, the EP used it as an opportunity to expand its formal powers even more (Judge & Earnshaw, 2008, p. 50). This treaty mainly formalized the informal powers of the EP as stated in the Rules of Procedure by introducing a renewed version

![Figure 1. Co-operation procedure, table from Kreppel (2001)](image-url)
of the co-decision procedure. This procedure was also applied to more policy areas and nowadays the most used procedure in the EU (Ripoll Servent, 2018, p. 17; Treaty of Amsterdam, 1997). Figure 2 presents the new co-decision procedure.

After the Commission proposes legislation and sends it to the Council and the EP, the EP proposes amendments or accepts the proposal. The Commission then decides if it wants to incorporate the amendments of the EP and the Council can accept the proposal if the Council makes no amendments and if it approves the amendments of the EP. If the Council adopts a common position, the EP has a second reading and can adopt amendments or approve the
common position. Different from the co-operation procedure is that the EP can choose to reject amendments of the Council, which means that the bill will not be adopted. This gives the EP veto power. After the EP proposes new changes, the Commission again decides to incorporate them or not. In its second reading, the Council can decide to adopt all the EP’s amendments, which means the act is adopted. If it does not accept all amendments, a Conciliation Committee is formed from fifteen members of each institution. If the institutions can draft a successful joint text, the act is adopted. Otherwise, the act will be discarded. This change to the Conciliation Procedure was important for the EP because, with the old co-decision procedure, the Council could revert to its earlier position and pressure the EP to adopt that version (Kreppel, 2001, pp. 88–89).

The Treaty of Nice in 2003 was seen as a complete disappointment by more than one EU institution, so a new IGC was planned (Judge & Earnshaw, 2008, p. 55; Ripoll Servent, 2018, p. 18). For the first time, the EP was allowed to participate in drafting a new treaty proposal: Draft Treaty establishing a Constitution for Europe (Ripoll Servent, 2018, pp. 19–20). This treaty, however, was not ratified by the French and Dutch governments (Ibid., p. 21).

The Lisbon Treaty was mostly a revision of the earlier Draft Treaty but made some significant changes. Firstly, the EP could now elect the Commission president with a simple majority (Treaty on the Functioning of European Union, 2007, Article 246). Besides that, the co-decision procedure was renamed the ‘ordinary legislative procedure’ (OLP) and was incorporated in most policy areas (TFEU, Article 14).
5 Analysis

Table 2 shows the categorization of the literature. The literature was placed in one of the three ways of how the EP influences the policy agenda of the EU and one of the two grand theories.

<table>
<thead>
<tr>
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<th>Theory</th>
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<td>Propositional agenda-setting rationality</td>
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<tr>
<td>Garrett, G. &amp; Tssebelis, G.</td>
<td>1997</td>
<td>More on the co-decision endgame.</td>
<td>Conditional agenda-setting rationality</td>
<td>Rational rationality</td>
</tr>
<tr>
<td>Judge, D. &amp; Earnshaw, D.</td>
<td>2008</td>
<td>The European Parliament</td>
<td>Constitutional agenda-setting rationality</td>
<td>Rational rationality</td>
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<tr>
<td>Kreppel, A.</td>
<td>2002</td>
<td>Moving beyond procedure: An Empirical Analysis of European Parliament Legislative Influence</td>
<td>Conditional agenda-setting rationality</td>
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</tr>
<tr>
<td>Mayer, A.</td>
<td>2003</td>
<td>The legislative powers and impact of the European Parliament</td>
<td>Conditional agenda-setting rationality</td>
<td>Bounded rationality</td>
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<tr>
<td>Ripoll Servant, A.</td>
<td>2018</td>
<td>The European Parliament</td>
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<tr>
<td>Tssebelis, G. &amp; Garret, G.</td>
<td>1996</td>
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The criteria described in the methodology were used to place the literature in one of the three categories. Propositional and conditional agenda-setting were relatively easy to identify. Hix’s (2002) process of constitutional agenda-setting was found in the books about the European Parliament from Judge and Earnshaw (2008) and Ripoll Servent (2008). In their chapters about the history of the EP, similar processes which Hix describes were found. This will be discussed in detail in Chapter 5. Since these books describe the EP as a whole, they describe both constitutional and propositional agenda-setting, which is why they were placed in two categories. The rational choice theory and bounded rationality theory were also included in Table 2 to show how the ways of agenda-setting are embedded in these theories. In the end, four pieces of literature were placed in the category of constitutional agenda-setting, eight articles in propositional agenda-setting, and eleven articles in conditional agenda-setting. Nine of these articles belonged to the bounded rationality theory and fourteen to the rational choice theory.

In the next section, the three ways of the EP influencing agenda-setting in the EU will be analyzed in detail.

5.1 European Parliament as a constitutional agenda-setter

The first way for the European Parliament to influence the policy agenda of the EU is through constitutional agenda-setting. Simon Hix (2002) created this concept. In his article, he explains why EU member states increased the powers of the European Parliament in the Treaty of Maastricht, even though it was not beneficial for them (Hix, 2002, p. 259). He debunks explanations that claim this delegation of power to the EP was because of an ‘ideological commitment to reducing the democratic deficit’ or because of a delegation from center-left governments to a center-left majority in the EP (Hix, 2002, pp. 266-268). Instead, he offers a theory that explains how the EP could maximize its powers through ‘discretion in rule interpretation’ (Hix, 2002, p. 268).

He explains the process of the EP gaining more power in the Treaty of Maastricht in eight steps: 1) the rules in the Treaty of Amsterdam are ‘incomplete’, which means the de facto operation can be different from the de jure rules; 2) member states cannot predict how the EP will interpret the new rules, and because the EP has more knowledge about the procedures, it has a certain amount of freedom to interpret those rules; 3) the EP tries to maximize its influence by documenting its interpretation in the Rules of Procedure; 4) the EP threatens not to cooperate if the member states refuse the interpretation; 5) the member states cannot easily amend
the Treaty since it requires unanimity; 6) the EP proposes to change the de facto operationalization into de jure rules; 7) the member states agree if there is no reallocation in the balance of power and if there are efficiency gains; 8) the member states specify the rules of the next treaty more (Hix, 2002, pp. 271-273).

Although Hix only applies this theory to the Treaty of Maastricht, he argues that the theory explains more generally how parliaments gain power (Hix, 2002, p. 280). One can see the same process in other treaties in Chapter 4. Kreppel, Judge and Ripoll Servent all argue that the EP has, since the beginning of its existence, tried to maximize its powers by interpreting the rules of the treaties imaginatively and adjusting its Rules of Procedure (Judge & Earnshaw, 2008, p. 32,37; Kreppel, 2001, p. 52; Ripoll Servent, 2018, p. 7,25). While none of these authors explicitly use the term ‘constitutional agenda-setting’, they describe the same process Hix (2002) explains.

In light of this, the evolution of the powers of the EP in Chapter 4 were analyzed. Many instances in which the EP uses constitutional agenda-setting to maximize its powers could be observed. The first notable attempt is the Common Assembly calling itself the European Parliament. Even though it took until the SEA for the rest of the EU to accept this name, the theory of Hix could be applied to this case. The other institutions were so used to the Assembly calling itself the European Parliament, they formalized the name in 1987.

Identical processes can be observed with the OIRs, which the EP introduces in its Rules of Procedure after the Treaty of Rome and was later included in the SEA. Similarly, the co-decision procedure the EP proposed after the SEA and was included in the Treaty of Maastricht (see Chapter 4). The Isoglucose rulings, also described in Chapter 4, pose an interesting illustration of the rule interpretation of the EP. The mechanism of delay was not an intended consequence when the member states wrote the Treaty of Rome, yet they had to accept the rulings of the Court of Justice.

Hix’s concept of constitutional agenda-setting presents a way in which the EP can influence the treaties of the EU significantly. What once started as a consultative body has now grown to be an influential institution in the policy-making process. Nevertheless, besides Hix’s analysis of the Treaty of Amsterdam and Maastricht, there is no in-depth research on the other cases in which the EP went through a similar process. More research should be done on the EP as a constitutional agenda-setter in other treaties.
5.2 European Parliament as a propositional agenda-setter

The second way the EP can influence agenda-setting in the EU is through propositional agenda-setting. Since the Treaty of Rome in 1957, the European Parliament could draft recommendations for legislation (Treaty Establishing the Economic Community, Article 155). These own-initiative reports are the closest the EP can come to formal agenda-setting powers, which is called ‘propositional agenda-setting’ in this literature review. The EP can make five different types of own-initiative reports but only two of them can be used as agenda-setting tools: the legislative-initiative procedure and non-legislative reports (Ripoll Servent, 2018, p. 95). The first procedure is not used as much as the latter. Ripoll Servent argues that this could be because the EP mostly uses this procedure for symbolic moments (Ripoll Servent, 2018, p. 96). Non-legislative own-initiative reports are used frequently. As stated in Rule 54 of the Rules of Procedure, any EP committee can draft non-legislative reports about virtually any subject, though the committee first needs permission from the Conference of Presidents (European Parliament, 2019). Authorization can be denied if it is not within the Commission’s competences or if the EP has already spoken about the issue recently (Ripoll Servent, 2018, p. 97). The Commission often feels ‘politically obliged’ to respond to those reports, which is why this is a valuable way for the EP to influence the Commission agenda (Rasmussen, 2007, p. 249). Even before it was formalized in the Treaty of Maastricht, this procedure was an important source for legislative initiatives (Judge, 1992, p. 190; Judge & Earnshaw, 2008, p. 195). Yet there is little research on this subject. This could be because the influence of the EP is mostly informal, indirect and hard to retrace in the policy-making process (Judge et al., 1994, p. 33; Kreppel & Webb, 2019, p. 385).

David Judge is the first scholar to extensively research OIRs as an agenda-setting tool. In his articles, he focuses on the Committee on the Environment, Public Health and Food Safety (ENVI). This committee has been especially successful in getting its issues on the agenda and even passing legislation (Judge, 1992, pp. 191–192). Phasing out of lead content in petrol in 1982, banning the importation of seal pup skins in 1983, and a limitation of trans-frontier shipment of waste in 1984 are all examples of EU legislation that started as EP OIRs (Judge, 1992, pp. 190–191). In another article about the role of the EP in the policy-making process, Judge claims that the Commission Green Paper on the Urban Environment is one of the most visible examples of the agenda-setting influence of the EP. The preface states that the paper was “a practical response to the resolutions tabled in December 1988 by a Member of the European Parliament, MR Ken Collins, urging that the problems facing the urban environment
be studied in greater detail” (Judge et al., 1994, p. 32). These are powerful examples of OIRs used to influence agenda-setting. Unfortunately, these are all old resolutions. So old, they cannot be found on the official data website of the EU (Eur-Lex), and while the Green Paper can be found, the preface is now lost. A lot has changed in the EU decision-making process since Judge’s articles, and though Judge proved that OIRs are influential in some cases, more recent cases need to be studied to see if OIRs still have as much influence. Besides that, all Judge’s research is focused on environmental policy and excludes the rest of the EP committees and OIRs.

Burns et al., when analyzing the legislative powers of the EP, repeats the same information Judge presented in his articles about ENVI. Instead of analyzing the original sources Judge presented, they quote Judge’s findings. They fail the opportunity to study the original sources in detail and thus contribute no new information (Collins et al., 1998, p. 9). More relevant information is found in a recent article, in which Burns (2019) analyzes the behavior of the EP on environmental policy between 2004 and 2016 and concludes that the EP has weakened in its influence on environmental policy. However, she notes that her evidence is limited (Burns, 2019, pp. 323–324). This subject needs to be investigated further to see if her results are significant.

Kreppel and Webb (2019) did a more recent quantitative research and studied the EP as a whole. They tested the influence of OIRs on policy-outcomes with a large dataset and concluded that OIRs have a significant positive effect on EU policy-outcomes. OIRs are more likely to influence policy outcomes when: 1) they target policy areas within the EU’s competences; 2) they target topics that have already been discussed; 3) the policy area falls under the ordinary legislative procedure; 4) they focus on integrating new policy arenas instead of reforming existing ones (Kreppel & Webb, 2019, pp. 396–397). Seeing as OLP is now used for most legislation, this would mean that the EP’s OIRs have a bigger chance of influencing policy-outcomes than before OLP. However, the findings also suggest that because the EU now covers many policy arena’s, there is little room for initiatives to integrate new policy arenas (Ibid.). These findings could be paradoxical. To find out if OIRs will still be an effective agenda-setting tool for the EP in the future, more research has to be done to see which one of those seemingly paradoxical conditions is more relevant for creating successful OIRs.
5.3 European Parliament as a conditional agenda-setter

5.3.1 Co-operation procedure

The third way the EP can influence the policy agenda of the EU is through conditional agenda-setting. This concept was invented by George Tsebelis (1994). His conception of agenda-setting differs fundamentally from the other literature. He argues that agenda-setters “have power when it is impossible, difficult, or costly for decision-makers to modify their proposals” (Tsebelis, 1994, p. 131). This means that, according to him, the power of agenda-setting is not with the one that initiates proposals but with the one who can amend it in such a way it is difficult to refuse. Conditional agenda-setting occurs in the co-operation procedure during the second reading of the EP (see Figure 1). Here, the EP can make a proposal that is easier for the Council to accept the EP’s proposal than to amend it. This is because the Council has to vote unanimously to amend or refuse the EP’s proposal but only needs a qualified majority to accept it. If the EP presents a proposal that is more beneficial to a qualified majority than for the Council as a whole, the EP has agenda-setting powers (Tsebelis, 1994, p. 131). Tsebelis calls this *conditional* agenda-setting power because the EP first needs to present a proposal that is more profitable for a qualified majority of the Council than for the Council to vote unanimously, and the Commission has to accept these changes. If those conditions are not met, the EP has no agenda-setting power (Ibid.). Tsebelis then goes on to present a theoretical model where actors have Euclidian preferences that shows specific cases when the EP can make a successful proposal. With these conditions, the behavior of the actors can be predicted (Tsebelis, 1994).

Tsebelis has received some backlash from Moser (1996). He claims that Tsebelis forgets the significant role of the Commission in the process because the Commission can initiate legislation. According to him, the EP only has limited agenda-setting power when it proposes small policy revisions but the Commission can easily choose not to incorporate the amendments of the EP if they are too far away from the Commission’s preferences (Moser, 1996, p. 837). Moser underlines this argument by presenting a case study on why the EP was successful in influencing the decision on car emission standards, in which the Commission plays a much bigger role in the policy outcome (Hubschmid & Moser, 1997, pp. 236–237). Tsebelis points out that, though the Commission does have agenda-setting power, his article only focuses on *conditional* agenda-setting, which would counter Moser’s argument (Tsebelis, 1996, p. 843). Whether or not Tsebelis’s model is accurate, he was one of the first to present a theoretical model on a decision-making procedure and other authors have built on his research (Selck, 2004, p. 80)
5.3.1 Ordinary Legislative Procedure

Since the co-operation procedure is no longer used in EU decision-making, scholars of conditional agenda-setting have now moved on to study the co-decision procedure or ordinary legislative procedure (OLP, see Figure 2). Tsebelis again takes a leading role in earlier research on this procedure. Tsebelis and Garrett (1996) argue that under the Co-decision I procedure, the EP had a weaker position as a conditional agenda-setter. This is because the Council could make a take-it-or-leave-it proposal when a joint text failed in the Conciliation procedure. This would make the Council a conditional agenda-setter and would significantly reduce the power of the EP (Tsebelis & Garrett, 1996, pp. 356–357). They underpin their argument with two more articles with roughly the same reasoning in response to critics (Garrett & Tsebelis, 1997; Tsebelis & Garrett, 1997). However, this procedure is now replaced with Co-decision 2 or OLP, in which the act is not adopted if the Conciliation procedure fails. It would then seem that this new procedure benefits the conditional agenda-setting powers of the EP but scholars differ in their opinion on that.

Crombez (2000) argues that the EP’s influence does not increase with the new procedure but rather the Commission’s proposal becomes almost insignificant (Crombez, 2000, p. 54). In Co-decision I, the Commission had more power and could choose a policy that could not be amended in the Conciliation Committee. The Commission does not have that ability in the new procedure, which increases the agenda-setting power of the EP and Council vis-à-vis the Commission but not each other. According to Crombez, that puts the EP at a disadvantage because the Commission and the EP have generally the same preferences (Ibid., p. 53-54).

On the other hand, Maurer argued that the new Conciliation procedure is an important development that gives the EP a veto right. This gives the amendments of the EP more weight and in turn more conditional agenda-setting power (Maurer, 2003, p. 244). Kreppel (2002) supports Maurer’s argument with empirical research on how many amendments of the EP got adopted under the co-operation and OLP. She concluded that under OLP, over 10% more amendments of the EP were accepted by both the Council and the Commission than under the old co-operation procedure (Kreppel, 2002, p. 807). Besides that, she claims that the reduced role of the Commission would be more profitable for the EP because it is now less dependent on the Commission to pass its proposals (Kreppel, 2002, p. 810). While Kreppel’s findings make a convincing argument for a stronger EP under OLP, her analysis is focused on the influence of the EP on the whole policy-making process and not on agenda-setting specifically.
The literature is nowhere near agreeing on whether agenda-setting powers have increased or decreased with the ordinary-legislative procedure (Alexandrova & Carammia, 2017, p. 289; Rasmussen & Toshkov, 2011, p. 89). While many scholars agree that the EP has a better position in the decision-making process under OLP than under the co-operation procedure, whether its conditional agenda-setting power is strengthened is uncertain. Additional research on this subject will have to be done to get more clarity on conditional agenda-setting under the ordinary legislative procedure.
6 Conclusion

This paper has tried to answer the question: *How can the European Parliament influence agenda-setting in the European Union?* By presenting a structured literature review, this paper has shown that the European Parliament has three ways of influencing the policy agenda of the EU: constitutional, propositional, and conditional agenda-setting. It has also shown that a lot of research still needs to be done in order to fully understand how the EP influences agenda-setting in the EU. Constitutional agenda-setting described how the EP maximizes its power by adjusting its Rules of Procedure and then formalizing these rules in the next treaty. Hix (2002) analyzed the Treaty of Maastricht and the Treaty of Amsterdam. However, he has been the only one to research constitutional agenda-setting. This paper applied his theory to other EU treaties. While propositional agenda-setting, agenda-setting through own-initiative reports, might be the most obvious way for the EP to influence the agenda of the Commission, there is but little research on this subject. Most of the cases presented by Judge are old and untraceable. Kreppel and Webb (2019) tried to fill this gap by doing a large quantitative research on the influence of OIRs on policy outcomes. The third way for the EP to influence agenda-setting in the EU is conditional agenda-setting: proposing amendments in the second reading of the ordinary legislative procedure that are hard to refuse. But scholars do not agree on how much influence the EP has as a conditional agenda-setter and on whether this procedure is more or less profitable for the EP’s conditional agenda-setting powers than the co-operation procedure was.

This paper has presented a structured review of the existing literature on how the EP can influence the policy agenda of the EU. It has presented an overview of the relevant theories and concepts in the field of research and can be the start of future research on this topic. However, there are some weaknesses to this review. Because of the use of the snowballing method for collecting the literature, some relevant articles that focus on the EP as an agenda-setter could have been overlooked. This would make the review not entirely complete. Besides that, some original sources from Judge’s article on OIRs could not be found because the resolutions were too old. Without the original sources, Judge’s research cannot be replicated or checked for accuracy. Though he argued that it is difficult to find out where policy proposals originate, for transparency in future research, it is important to have access to the original sources of the EU that are analyzed.

A lot of research needs to be done on all three ways of the EP influencing the agenda. This literature review applied Hix’s (2002) theory to instances in treaties where the EP gained power. However, these cases need to be studied in detail before any valid conclusions can be
made. As said above, it is hard to study propositional agenda-setting when the origin of policy proposals is uncertain. Nevertheless, new cases of successful OIRs are desperately needed in this field, because the existing cases are outdated. Conditional agenda-setting is the most researched concept in the literature on the EP as an agenda-setter. However, to settle the discussion of conditional agenda-setting under the ordinary legislative procedure, more research should be done on that subject. A frequently returning premise in this paper was the EP’s use of its Rules of Procedure to create new ways of influencing the policy-making process. While many scholars mention that this is a typical trait of the EP, they seem to be taking this phenomenon for granted. There has been almost no research on how the Rules of Procedure enabled the EP to become an influential actor in the EU. Lastly, more research needs to be done from the perspective of bounded rationality. Kingdon’s multiple stream approach offers a framework in which the EP’s OIRs can be seen as an opportunity to open a policy window (Herweg, 2016, p. 20). This could be the starting point of new research.

All in all, it is clear that the research on the EP influencing agenda-setting in the EU is not exhaustive. To get a complete image of agenda-setting in the European Union, in future research, the role of the European Parliament should not be forgotten.
7 Bibliography


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