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New External Rules, New Internal Games: How the EU Institutions Respond when Inter-institutional Rules Change

DANIEL NAURIN and ANNE RASMUSSEN

Agreements concerning inter-institutional rules in the treaties of the European Union often give rise to reactions and processes of adaptation within the EU institutions. Recent literature on EU legislative politics has increasingly examined decision-making within the EU institutions, but has largely overlooked how these internal processes react and adapt to changes in relations between the EU bodies. To fill this gap the authors present a series of empirical studies that examine how shifts in inter-institutional rules and procedures affect intra-institutional politics. They show that the resulting intra-institutional adaptations may in turn both have distributive consequences and affect the efficiency of the initial inter-institutional reforms. In addition, they provide some stepping stones for theory-building on how treaty reforms affect organisational structure and decision-making within the EU institutions by outlining a series of mediating variables that link these two types of change processes.

Since the resurgence of European integration in the mid 1980s the European Union has been in a more or less constant state of institutional reform. The conclusion of one round of negotiations on treaty revisions has routinely been followed by the start of a new process of further revisions. Problems with ratification of the negotiated agreements in recent years have kept institutional reform issues high on the agenda. While issues of efficiency and legitimacy often dominate public debates on treaty revisions, distributional concerns play a central role in the negotiations in practice. Each new treaty revision has resulted in changes to the distribution of competences between the member states and the European Union and the balance of power between the EU institutions.

This special issue is concerned with the broader effects of these treaty negotiations on the politics within the EU institutions. Agreements

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concerning inter-institutional rules often give rise to intra-institutional reactions and processes of adaptation. Such adaptations may not always be predictable at the time of the agreement on the inter-institutional reforms, but are no less important for determining the real effect of these changes.

An important step forward in the field of EU politics has been the move away from treating the EU institutions as unitary actors and an increased focus on the internal processes within these bodies. However, the disadvantage is that studies often become so tied up in the micro aspects of a given EU institution that they forget to pay attention to crucial aspects of the environment of these EU bodies when explaining their internal processes. Often, it seems as if the old lesson from organisation theory, that organisational change often does not arise from sources within the organisations themselves but from changes in their environment, has been forgotten (Scott 1992).

Therefore, the purpose of this special issue is to analyse how the EU institutions and the sub-actors within these bodies, react and adapt to the inter-institutional rules and procedures that govern the interactions between the EU bodies in the EU decision-making process. We focus on adaptations to the inter-institutional rules in the EU treaties, which are the formal rules of the game.

In this way, we conceive of institutions as sets of formal rules that constrain and enable actors in different ways (North 1990) and therefore are subject to political struggle.¹ Our aim is to illustrate how changes in the formal rules and power relations between the EU institutions affect the politics within these organisations, and to provide a theoretical basis for studying these dynamics in future research. The argument is simple: When the rules and politics of the inter- and intra-institutional settings are nested, we can only make sense of the latter by also drawing attention to the former.

Our analysis speaks directly to the broader discussion of institutional change in the literature of European integration. We do not reject the idea of intergovernmentalist approaches that the outcomes of interstate bargains define crucial institutional changes in the history of the EU (Moravcsik 1998). However, we believe that these approaches ignore important aspects of the institutional change processes by not paying attention to the *subsequent* intra-institutional adaptations to the treaty changes of the inter-institutional rules. We also do not reject the neo-functionalist idea that different types of functional and political spill-over have driven the European integration processes forward (Haas 1958). However, again we think this theory only tells us part of the story. Functional requirements to cooperate in new policy sectors to protect cooperation in the existing ones usually cannot explain the intra-institutional adaptations we see within the institutions. Nor are all the internal adaptations of the behaviour and structure within the EU institutions simply attempts to establish political spill-over to further European integration. A lot of these changes are motivated by a different agenda, which is not necessarily related to the

direction of European integration. We would therefore like to add to the story of European institutional change portrayed in the integration theories.

To illustrate the importance of the linkage between inter- and intra-institutional change processes, we present a series of empirical studies, which examine how shifts in the inter-institutional rules and procedures (i.e. governing the relations *between* the EU institutions) affect intra-institutional politics (i.e. institutions and political behaviour *within* these organisations). Our dependent variable here is thus the institutions and political behaviour within the EU bodies, including strategic choices with respect to organisational structure and internal rules of procedure, bargaining moves, rhetorical action, coalition-building, etc. An increased tendency on behalf of officials from the Council of Ministers (Council) to ‘pass the buck’ to their ministers under co-decision is one example (Häge 2011), relocation of bargaining resources to more salient dossiers in the EP is another (Rasmussen and Toshkov 2011; Yordanova 2011).

We use the studies presented here to derive several mechanisms (conceived of as intermediate variables) that link the inter-institutional rules and the intra-institutional adjustments to them. It is these variables that mediate the effect of inter-institutional rules on politics within the EU institutions. Moreover, we show how the resulting intra-institutional adaptations may in turn both have distributive consequences and affect the efficiency of the initial inter-institutional reforms. We hope that this effort will provide some first insights and stepping stones for theory-building on how treaty reforms and other shifts in the inter-institutional relations may affect organisational structure and decision-making within the EU institutions.

This introductory article is structured as follows. After a review of the existing literature, we discuss why intra-institutional adaptations to the inter-institutional rules are likely to occur and which form these adaptations might take. Thereafter, we use the articles in the special issue to derive the mechanisms that mediate the adaptations and reactions of actors within the EU institutions to the inter-institutional rules. Finally, we evaluate the consequences of the examined intra-institutional adaptations and conclude.

Present State of the Research

The literature on EU legislative politics has evolved primarily along two lines. First, an inter-institutional literature has developed, which looks at the interaction *between* the EU institutions in the different legislative procedures.² Of key interest to this literature is, typically, how influential the EU bodies are in different decision-making procedures. Often fixed assumptions are made about the substance of EU policy negotiations (such as being in favour of more or less EU integration), and the EU institutions are regarded as unitary actors and as having fixed preferences over time (Hörl *et al.* 2005: 596–8). Second, an intra-institutional literature has developed more recently in response to some of the limitations of the

inter-institutional literature and has examined the organisational dynamics *within* the EU institutions, for example their internal decision-making structures and organisational units – such as the standing committees of the European Parliament (EP) or the Committee of Permanent Representatives (COREPER) in the Council of Ministers (Council).³ It is noteworthy that these two literatures rarely draw conclusions about the inter-institutional implications of these intra-institutional processes, and vice versa. Too few studies have investigated what the implications of the interactions between the EP, the Council and the European Commission (Commission) are for the role different entities within them play.

Two exceptions stand out in the EU literature, however. The first is Kreppel's analysis (2002b) of what effects exogenous increases in the powers and influence of the EP have had on its internal development over time. She shows how changes in the focus and nature of the development of the EP's internal organisational structures and growth of the supranational party system can be understood as a result of the increased ability of the EP to affect the EU's legislative outcomes. More specifically, she examines intra-institutional adaptations in the EP's rules of procedure, the patterns of coalition formation between the party groups within it, the role of ideology in the decision-making process, and the internal evolution of the supranational party groups themselves. Interestingly, her analysis points out that the intra-institutional adaptations are not merely functional responses to the EP's increased workload and responsibility, but that they were strategically selected by those within the EP capable of controlling the outcomes. In particular, her analysis demonstrates how the largest party groups effectively exploited inter-institutional changes to push for intra-institutional reform of the EP that increased their own power and influence.

A study by Farrell and Héritier (2004) also explicitly examines intra-institutional adaptations to inter-institutional competence shifts and finds that the former have distributional consequences. They show how the increasing habit of the EP and Council of reaching early agreements under the co-decision procedure, spurred by the treaty reforms in Amsterdam, has led to important and somewhat unexpected intra-institutional consequences. Some actors within the Council and the EP have come out as winners of the practice of making early agreements, while others have been losers. In particular, the so-called 'relais actors', i.e. those actors who occupy key roles in the increasingly important inter-institutional negotiations, have been empowered. This applies in particular to the Presidency and the Coreper within the Council, and the Rapporteurs in the EP.

Both studies demonstrate very clearly the connection between the inter-institutional dynamics between the legislative bodies and the intra-institutional dynamics within them. They also demonstrate how such intra-institutional dynamics may not be trivial but lead to power shifts between the key actors involved and have functional effects on the provision of desirable goods by affecting the efficiency and democratic accountability

of decision-making. This literature brings us an important step forward in understanding how the EU institutions adapt to the inter-institutional balance of power. At the same time, it has been biased towards examining reinterpretation of existing and creation of new procedures and rules, which may only be one out of several possible adaptations. In reality, we could think of numerous other ways actors could strategically adapt to the inter-institutional balance of power. We therefore expand the empirical focus to look at a broader range of adaptations. In fact, most of our studies here focus on behavioural rather than structural intra-organisational adaptations because this is exactly where the gaps in the literature are. Moreover, we take some first steps towards explicitly considering what *the mechanisms* that mediate in different ways the effects of inter-institutional reforms on intra-institutional adaptations are. Before doing so, however, it is necessary to reflect a bit more on why we might see intra-institutional adaptations to inter-institutional dynamics in practice.

Intra-institutional Adaptations

One way of conceptualising existing institutions is to view them as more or less temporary equilibriums, the latest compromises among the actors about the rules of the game that constrain and enable actors in different ways. One characteristic of institutions that are the outcome of bargaining processes, rather than enlightened choices of design under a veil of ignorance, is that they often constitute incomplete contracts. They are an abstraction of reality, and therefore by definition incomplete. Otherwise they would not be rules (Caporaso 2007; Farrell and Héritier 2007). Actors cannot and may not have an interest in specifying all contingencies in advance when designing a given rule. This leaves scope for actors to exploit rule gaps and ambiguities by bargaining about if and how to apply them in everyday politics.

The costs and benefits of the rules are often not evenly distributed, which creates room for conflict of interest among the actors that are subject to them (Knight 1992). Furthermore, hard negotiations may be 'solved' by leaving some room for interpretation over the agreement. Treaty revisions in the European Union, which change the rules of the game between the Commission, the EP and the Council, are therefore often followed by a political struggle between these EU institutions over the interpretation and implications of the new rules. When contracts are incomplete and there is room for conflict among the interested actors we can expect intra-institutional adaptations to play a prominent role.

Some of the studies here explicitly show how changes in the inter-institutional rules and procedures lead to changes in intra-institutional issues. Others do not explicitly analyse a given change in the inter-institutional rules and procedures, but show how organisational choices made in everyday politics can be understood as strategic adaptations to it.

The idea in both accounts is that actors within the EU bodies adapt to the opportunity structure they are offered by the treaties. Changes in these treaties change the opportunities and tools available to them, which lead to the strategic adaptations we are analysing.

EU studies are not the first to examine the connections between external and internal change processes in political organisations. Parts of the literature on the US Congress has for long been concerned with the link between the role of Congress in the broader political arena and its internal organisational structure.⁴ As pointed out by Kreppel (2002b), there are essentially two types of explanations of internal organisational change. The first type sees changes from a macro perspective and examines how organisations respond to changes in their external environment. According to this perspective, such intra-institutional reactions are functional in nature. Organisations respond to new needs and constraints in order to be as efficient as possible on a collective level. A good example is Polsby's study (1968) of how the internal structures of the US Congress developed as a response to its increased legislative workload and membership.

The second type of explanation looks at organisational change from a micro perspective by understanding it as a consequence of conscious strategic choices made by the individual actors. According to this perspective internal revisions need not be driven by external factors or focused on providing public goods. The idea here is that a majority of decision-makers see the changes in the organisational environment as an opportunity to increase their own powers.

As pointed out by several authors, these accounts are not as competing as they might first seem, but rather complement each other (Gamm and Shepsle 1989; Kreppel 2002b). The macro perspective emphasises how the external and internal organisational change processes might be linked instead of simply studying internal organisational change isolated from the broader environment of these organisations, as parts of the existing EU literature have done. Moreover, rather than seeing such internal adaptations as functional responses to new demands being put on the organisations, the micro perspective can help specify which type of changes we can expect to see in different circumstances. It draws attention to how there is often a linkage between the preferences of the individuals affected by the environmental change processes within the organisations and the character of the organisational adaptations that are selected.

It is the combination of the two models that guide our research here. We show in a series of case studies how changes within the EU institutions do not take place in a vacuum, but can to a large extent be seen as responses to changes in environmental constraints that these EU bodies face. Actors within the EU institutions respond to the inter-institutional rules and procedures when making decisions on a number of day-to-day issues concerning their internal organisational structure. Moreover, rather than being merely functional responses to environmental constraints, the

intra-institutional decisions can to a large part be seen as strategic adaptations to the inter-institutional rules and procedures by actors within the EU bodies aiming to maximise their own interests.

In addition to combining the explanatory power of the macro and micro perspectives we also focus on the mechanisms through which the strategic adaptations take place. We want to know more about how the changed opportunities and constraints at the inter-institutional level are mediated into strategic adaptations. In the following section we use the findings from the studies in the special issue to describe some mechanisms (conceived of as intermediate variables) through which inter-institutional rules and procedures may affect intra-institutional choices. In line with the rational institutionalist approach, we assume that actors are goal-oriented⁵ and operate within a set of institutional constraints (Hinich and Munger 1997). It is the combination of their preferences and the institutional contexts that determines the intra-institutional outcomes we study here. Drivers of intra-institutional adaptations are therefore changes in the formal inter-institutional rules and procedures that affect either the preferences of the actors directly or the institutional context within which they are act.

Mechanisms of Intra-institutional Change

We have argued that shifts in inter-institutional rules and procedures may bring about changes to the intra-institutional political games but how do such shifts occur? From the articles included in this special issue we have been able to derive four different types of mechanisms or mediating variables, which contribute to linking changes in the inter-institutional rules and procedures to intra-institutional outcomes. By mechanisms we thus refer to intermediate variables here. They help us describe better the details of the causal story, while at the same time they are general in the sense that they are applicable to more than one story. Finding such mechanisms is often considered desirable in the social sciences. Their finer grain provides better explanations and reduce the risk of spurious explanations (cf. Elster 1983). The four types of mechanisms which occur in the present studies include changes in the *distribution of information*, in the *salience* actors attach to particular policy areas, in *opportunities to form certain coalitions*, and in actors' *procedural preferences*.

Distribution of Information

One mechanism which may contribute to transforming the shift in the inter-institutional rules and procedures into intra-institutional adjustments is an alteration in the distribution of *information* between the actors. A key factor for explaining the empowerment of the 'relais actors' in the already mentioned study by Farrell and Héritier (2004) is the increased information asymmetry to their advantage vis-à-vis other actors within their own

organisation. The informal dialogue negotiations give these actors unique information on the preferences and positions of their counterparts within the other legislative bodies. This informational advantage makes it possible for these actors to play a strategic two-level game and to favour their own preferred alternatives. In this way, Farrell and Héritier demonstrate how macro-level inter-institutional change may create micro-level intra-institutional information asymmetries, which may be used by strategic actors to steer negotiations in their preferred direction and end up having distributive consequences.

Häge (2011) shows how changes in the availability of information may also in other ways link the inter- and intra-institutional arenas. He studies how the continuous increasing empowerment of the EP through the extension of the co-decision procedure has affected decision-making within the other legislative EU body, the Council. He argues that the increasing involvement of the EP has had important consequences for how decisions are made within the Council. In particular, EP empowerment has changed the balance between bureaucrats and elected politicians in the Council, by inducing the former to pull the latter into becoming more involved in the decision-making. The key mechanism behind this effect is the availability of information.

Häge gives a picture of decision-making in the Council where the diplomats employed in the member states' permanent representations in Brussels play a key role. A majority of the decisions are in fact taken without any direct involvement by the ministers. Furthermore, Häge assumes that the diplomats/bureaucrats are driven mainly by blame avoidance rather than policy motives. They strive to take decisions both in an effective way and in line with their ministers' preferences to avoid risking their careers. They face a trade-off between, on the one hand, informing themselves about their ministers' preferences, which may involve costly consultations with the ministries in the capital, and, on the other hand, risking agreeing to a decision which may upset their minister. However, because of the ministers' limited ability to follow all the details of the negotiations in the Council working groups, not least due to the low degree of transparency and the sometimes technical nature of the dossiers, the bureaucrats do not always need to worry about their ministers. Sometimes they can safely assume that the minister will never hear about the decision anyway. When the bureaucrats feel that they have enough information of their minister's preferences and/or they foresee that the minister will not be informed of the decision afterwards, they can safely decide to conclude the negotiations without involving the political level. In those cases the issues will appear on the Council agenda as A-points rather than B-points, i.e. not be referred to discussion by the ministers themselves.

By altering the availability of information to the actors, the increasing power of the EP has affected this situation in two ways according to Häge. First, the involvement of the EP, which can introduce amendments to the

Commission proposals, increases the complexity of decision-making for the Council bureaucrats. The EP amendments can be unexpected and radical and make it difficult for the bureaucrats to assess how the different alternatives will be received by the ministers. Second, the involvement of the EP also tends to raise the level of public awareness of the proposals, which increases the chances that the ministers will learn about them. Thus, both the risk that the bureaucrats take the wrong decision (because they have misinterpreted their ministers' preferences) and the risk that the ministers learn about the decisions increase. The response of the rational bureaucrats is to push responsibility upwards by letting more decisions be decided by the ministers as B-points.

According to Håge's theoretical model, which assumes that the preferences of the bureaucrats and the politicians are closely aligned, the intra-institutional consequences are mainly efficiency related rather than distributional. The increasing involvement of the ministers in decision-making under co-decision can be seen as positive from a democratic point of view, as the ministers have a stronger and more direct link to the national electorates than the diplomats. In this way the democratic value of empowering the EP by introducing co-decision is strengthened by its effect on decision-making within the Council. A higher workload for the ministers, on the other hand, may decrease the efficiency of decision-making in the Council.

The article by Gornitzka and Sverdrup (2011) also demonstrates how the inter-institutional set-up of the EU affects the internal structure of another EU institution, namely the European Commission (Commission). Their study of the Commission's expert group system demonstrates the key role played by the member states in the EU. About half of the expert groups giving advice and information to the Commission consist only of national civil servants from the member states. Only about 20 per cent of the groups contain no representatives at all from the member states (but instead consist of academics and/or interest groups).

A reasonable interpretation of this finding is that the Commission wants to secure information on the preferences of the member states in order to make a proposal which is likely to gain support in the Council and be correctly implemented in the member states. Gornitzka and Sverdrup show that the Commission expert group system is particularly dominated by member states in policy areas where the Commission has been delegated extensive powers in the treaties, i.e. in policy areas where the member states have strong incentives to monitor the Commission.

Salience

The introduction and extension of co-decision has also affected decision-making processes within the EP by increasing the *salience* of those policy areas that fall under this procedure. Actors within the EP recognise that

being able to influence co-decision dossiers – unlike consultation dossiers where the EP only has an advisory role – actually means influencing EU legislation. The articles of Rasmussen and Toshkov (2011) and Yordanova (2011) both demonstrate how this affects the priorities of MEPs and ends up having important consequences for decision-making and legislative organisation in the EP.

Rasmussen and Toshkov show that the EP spends more time on policy issues that are subject to the co-decision procedure compared to consultation. They argue that this can be interpreted as a strategic adaptation on behalf of the MEPs to the fact that they have more collective power vis-à-vis the Council in co-decision. Thus, the introduction of co-decision leads to a reshuffling of resources within the EP. This may help legislators serve both their personal and constituents' goals as well as to build up a reputation for the EP as a whole that can benefit it in future inter-institutional bargaining games.

Yordanova's study also emphasises that differences in the inter-institutional distribution of power between co-decision and consultation have an effect on the legislative organisation of the EP. More specifically, she is interested in how differences in salience between legislative proposals that fall under the two procedures affect rapporteurship appointments within the EP. The rapporteur on a certain proposal has a key position because he or she is the agenda-setter within the EP in practice and the EP's representative vis-à-vis the Council (a 'relais' actor, as discussed by Farrell and Héritier). The rapporteurships are normally distributed between the party groups according to an informal proportionality principle, where the groups get assignments in proportion to their size. However, in line with the findings of Rasmussen and Toshkov, Yordanova hypothesises the differences in salience between co-decision and consultation reports lead to differences in how the party groups allocate these two types of report. Hence, instead of simply discussing the importance of different factors for report allocation, Yordanova examines whether the inter-institutional set-up affects whether and how much these different factors matter. In line with expectations, she finds differences in how co-decision and consultation rapporteurships are distributed. Special interests and expertise influence only the allocation of rapporteurships under consultation systematically. When it comes to allocating co-decision report, primarily loyal party group membership matters. Moreover, in the increased competition over the distribution of co-decision reports, legislators from two of the main party groups in the EP – the conservative European People's Party (EPP) and the liberal group Alliance of Liberals and Democrats for Europe (ALDE) – which increasingly work together to obtain a parliamentary majority, get a disproportionate number of co-decision reports. Thus, they are able to exploit their bargaining power to promote their interests.

Interestingly, this finding does not hold for the second biggest party group – the socialist group (PSE). However, this can at least partly be

explained by taking into account a third type of mechanism relating inter-institutional rules with intra-institutional behaviour. It points out how the opportunities of building coalitions within the institutions may change when the macro-institutional rules change.

Coalition-building

The increasing tendency of the EP and the Council of making early agreements under co-decision, which is a change in the inter-institutional relations, affects *coalition-building* within the EP. This is reflected in the findings of Yordanova's study of report allocation. When the EP and the Council make an early agreement, the EP only needs a simple majority of the MEPs present at the vote to approve the proposal. In contrast, when the decision goes to a second reading an absolute majority of all MEPs is required to amend or reject legislative proposals according to the treaties. This is a much more difficult hurdle to pass in practice given the low turnout of the MEPs at the votes. As a consequence, in those cases the EPP and the PSE often negotiate a compromise in order to make sure that the required majority is met in plenary. On the other hand, when decisions are taken in first reading the EPP is less dependent on the PSE and may instead form a coalition with the smaller liberal party group (ALDE). Consequently, what Yordanova finds is that the increased competition around the important co-decision reports has amplified a tendency of the centre-right party groups to form a majority coalition without the social democrats. This helps explain why not only the EPP, but also the ALDE, are overrepresented when it comes to obtaining rapporteurships in the co-decision procedure. Changed opportunities for coalition-building is thus an intermediate variable in Yordanova's causal story, which connects a change in inter-institutional practices (early agreements under co-decision) to a distributive intra-institutional outcome (allocation of reports).

In Costello's (2011) study of decision-making in the EP under the co-decision and consultation procedures, altered opportunities for coalition-building are the central mechanism, transforming changes in inter-institutional rules into shifts in intra-institutional behaviour. Costello argues that the effective number of party group coalitions that are feasible within the EP – given the present structure of conflict dimensions in the EP and the Council – is lower when the legislative bodies make final decisions together in the co-decision procedure than when decisions are not taken in a bicameral fashion. His data confirms the hypothesis. When the EP decides on a proposal without having to consider the position of the Council, as under consultation when no real negotiations between the two 'chambers' occur many different coalitions of party groups in the EP occur relatively frequently. However, when agreements are struck not only within the EP but also with the Council, the number of feasible coalitions is reduced.

Furthermore, Costello shows that the likelihood of one party occupying a pivotal position for coalition formation is higher when the EP decides together with the Council. He demonstrates how it is the party group occupying the median position on the left–right dimension (in the period studied: the ALDE), which is often pivotal in coalition-building within the EP when inter-institutional agreement must be found. In this way, bicameralism not only contributes to creating more stability in coalition formation but also to empowering some actors over others. Again, as seen in Yordanova's study the ALDE has become an unexpected winner in the EP as a result of the increased use of co-decision.

The changes in the salience of some policy issues over others and in the altered opportunities for actors to form coalitions were shown to have both distributive and efficiency-related consequences in the studies. Some actors are winners, such as the ALDE, others are losers, such as the Green group, which has found it more difficult to become part of the winning collations. Again assuming that the main rationale for increasing the powers of the EP in the first place is to strengthen the democratic input into the system, some of the intra-institutional effects also help to push the system even further in the right direction. More stable patterns of coalition-building and in particular less frequent use of grand coalitions between the biggest party groups should make it easier for voters to hold the dominant party groups accountable.

Procedural Preferences

Changes in inter-institutional rules at the macro-level may also alter actors' *procedural preferences* in ways which result in intra-institutional changes. This is demonstrated in Héritier and Moury's article (2011), which looks at the delegation of power to the Commission in so-called 'comitology committees' where the specific details of the legislation decided in the Council and the EP are formulated. 'Comitology' is a set of oversight procedures designed to help the member states monitor the Commission's work when it fleshes out the details of legislation. Héritier and Moury show how an actor's attitude towards using comitology is affected by its ability to influence legislation in this phase compared to earlier in the legislative process.

Before the introduction of co-decision the EP had very little influence over these activities. With co-decision, however, the EP gained an effective veto over the decision of how much implementing powers should be delegated to the Commission. Since only the Council and not the EP was represented in the comitology, Héritier and Moury hypothesised that co-decision would make the Council more and the EP less eager to delegate powers to the comitology. For the Council, comitology would be a way to effectively take back some of the powers lost to the EP by the introduction of co-decision. They show how the ratification of the Amsterdam Treaty was followed by

an increase in delegation in response to the Council's relative loss of power to the EP in the revised version of the co-decision procedure. Moreover, the EP systematically reduced the scope of delegation in order to avoid giving away powers to comitology but leave as much as possible to be decided in the co-decision procedure.

Also the 2006 changes in the macro-institutional rules with respect to comitology had an effect on the relative willingness of the member states and the EP to use these procedures. Here, the EP got a veto over certain decisions taken in comitology. As comitology no longer constituted a threat to the EP, the procedural preferences of the MEPs changed. As a result, H  ritier and Moury demonstrate that since 2006 the EP has been much more generous in delegating implementing powers in the legislative acts.

Conclusion

The outcomes of EU treaty negotiations do not only lead to changes to the rules and procedures governing the relations between the EU institutions, and the distribution of power between these institutions. They also have a series of intra-institutional consequences for these bodies, which the grand theories of European integration have largely ignored. Institutional reforms and political behaviour within the EU institutions do not take place in a vacuum in the EU system, but are often reactions and adaptations to opportunities and constraints created at the inter-institutional level. Some of the studies in this special issue explicitly show how changes in the inter-institutional rules and procedures lead to changes in the intra-institutional political games. Others do not explicitly analyse a given change in inter-institutional rules but show how organisational choices made in everyday politics can be understood as strategic adaptations to these rules. However, the idea in both types of studies is fundamentally the same: There are often links between the external and internal decision-making processes of the EU institutions in the EU system. When this is the case, we cannot understand the latter without drawing attention to the former.

Therefore, whereas we welcome the move in recent EU research away from treating the EU institutions as unitary actors and the increased focus on the internal processes within these bodies, we argue that this focus is not sufficient. The combination of the macro and micro models of organisational change gives a more complete picture. No matter which type of intra-institutional decisions we are examining here, we largely find evidence that these decisions ought to be understood with reference to the broader institutional context in which these EU bodies interact. Actors within the EU bodies strategically adapt to the opportunity structure they are offered by the treaties.

Such responses take place because the EU treaties are obligatorily incomplete and leave scope for interpretation. Moreover, they occur because benefits of these treaties are not equally distributed, which creates conflict

among the actors who are subject to them. We point out how the treaties affect the different kinds of intra-institutional choices analysed here either by changing the preferences of the actors directly or by changing the institutional context within which they are act. We present some mechanisms that act as intermediating variables connecting institutions and behaviour within the EU institutions with the inter-institutional rules and procedures. Examples include changes in the procedural preferences of the actors, in their relative distribution of information, the salience they attach to different types of policy issues, or their opportunities for coalition formation. More work is needed in order to fully understand the linkages between inter- and intra-institutional decision-making. Due to the high relevance of judicial politics in the EU, it will also be necessary to expand the range of scholarship to include intra-institutional adaptations to inter-institutional rules within the European Court of Justice. However, by putting this issue on the agenda, we hope to provide some first insights and stepping stones for theory-building on how inter-institutional relations affect organisational structure and decision-making within the EU institutions.

The studies presented in this special issue illustrate that such work is important. Several of them show how the intra-institutional adaptations affect the efficiency of the inter-institutional rules. Moreover, rather than being merely functional adaptations aimed at collective efficiency gains, many of the changes within the EU institutions had distributive consequences, where certain actors strengthened their power positions at the expense of others. In this way, intra-institutional adaptations to inter-institutional rules are far from neutral, but may have clear implications for the power distribution within the EU institutions. This makes them relevant not just for broader discussions about effective decision-making but also for issues related to the state of democracy in the EU. Taking these dynamics of change into account is thus also important for the ongoing discussions on EU treaty reform.

Notes

1. However, we also follow the standard practice of referring to the Council, the EP and the Commission as institutions, although they are not institutions according to this definition. Rather, they are collective actors, which are themselves subject to institutional constraints (North 1990; Knight 1992). To avoid confusion, we do not simply refer to them as institutions, but talk of the 'EU institutions' or 'EU bodies'. Furthermore, when we speak of inter-institutional or intra-institutional (adaptations, relations etc.) it is the situation between or within these EU institutions we refer to.
2. See e.g. Crombez (2000); König *et al.* (2007); Kreppel (2002a); Moser (1997); Napel and Widgren (2003); Rasmussen (2003); Rittberger (2000); Thomson *et al.* (2006); Tsebelis (1994); Tsebelis and Garrett (2000); Tsebelis *et al.* (2001).
3. See e.g. Benedetto (2005); Bowler and Farrell (1995); Hix *et al.* (2005); Hoyland (2006); Kaeding (2004); Mamadouh and Raunio (2003); McElroy (2006); Rasmussen (2005); Whitaker (2005); and Yordanova (2009) on the European Parliament; Lewis (1998); Naurin

- (2010); Naurin and Wallace (2008); Mattila (2004); Tallberg (2004); Warntjen (2007) on the Council; and Wonka (2008) on the Commission.
4. See e.g. Polsby (1968); Gamm and Shepsle (1989); Cooper and Brady (1981); and Cooper and Young (1989).
 5. By saying that actors are rational, we do not assume that they have perfect cognitive capabilities or are fully informed about the state of play in the outside world. We simply assume that they seek to do their best within those constraints.

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