Do Nationality and Partisanship link Commissioners and Members of the European Parliament in the Legislative Process?

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Abstract

The Commission is the EU's legislative agenda-setter but is nonetheless often disregarded in empirical studies on legislative decision-making in the Council and/or European Parliament. Still, legislation originates in the Commission and it may be that it matters which Commissioner is responsible for which legislative proposal. Accordingly, this paper analyzes whether MEPs vote differently depending on whether the proposing Commissioner is of the same party family or comes from the MEP's member state. It is hypothesized that shared partisan or national background increase the chances of an MEP approving of legislation proposed by a Commissioner because of shared ideological commitments, party political interests and national perspectives or closer organizational links and information exchange. The vote-choice of MEPs is analyzed using multilevel logistic regression, taking proposal-level and member state-level factors into account.

Introduction

European Commissioners are formally required to carry out their responsibilities independently of member states' influence and to promote the general interest of the European Union in doing so (Article 17, TFEU). Yet, most Commissioners are party politicians with previous political careers in their home countries (Döring, 2007; Wonka, 2007). Furthermore, they are selected by the national governments that are composed of political parties and are expected to defend national interests. The Commission is the EU's legislative agenda-setter establishing whether national or party political links influence its behavior is important for understanding the outcome of the whole legislative process.

There is anecdotal evidence suggesting that Commissioners indeed do not always act independently of their background. For example, when the Commission proposed decreasing new cars' greenhouse gas emissions in early 2008, the German Commissioner for Enterprise and Industry, Günter Verheugen, argued against such targets – presumably to protect Germany's important car industry (Goldirova, 2008; Willis, 2010). Another example highlights the partisan influence on the Commission. In 2004 the Party of European Socialists formed a 'high-level group' chaired by the then-incumbent Trade Commissioner Pascal Lamy to formulate proposals for the Commission's agenda for 2005 to 2009 (Beunderman, 2004). With its focus on the Lisbon Strategy and sustainability the Commission's work program indeed picked up some central issues of the Socialist 2004 EP-election campaign (cf. Commission, 2005; PES, 2004).

This article analyses whether nationality and partisanship provide linkages between the Commissioner proposing new legislation and the member of the European Parliament (MEPs). It is expected that MEPs are less likely to cast a negative vote if sharing such ties with the proposing Commissioner. Previous studies have found that voting cohesion in the EP is higher along ideological lines than along national lines (Hix and Noury, 2009; Hix, 2002). Furthermore, Hagemann and Høyland (2010) as well as Mühlböck (2013) found that political parties provide for linkages between the Council and the EP. Based on a previous study that linked voting in the Council to the proposing Commissioner

(Killermann, 2014), this paper focuses on the relation between the EP and the Commission and the role that nationality and partisanship play in linking these institutions. It is hypothesized that MEPs sharing national and partisan ties with the proposing Commissioner are less likely to cast a negative vote.

Commissioners as Agents

In scholarly accounts of EU policy-making, the Commission was long treated as a technocratic – or even apolitical – actor (e.g. Majone, 2001; Moravcsik, 2002: 613). Accordingly, intergovernmental bargains were deemed decisive for European integration and Commissioners were relegated to the role of faithful implementers of governmental decisions. In contrast, Wonka has argued that Commissioners should be understood as political rather than technocratic actors – at least since the adoption of the Single European Act in 1987 (Wonka, 2007: 185). Accordingly, Commissioners are expected to have policy preferences and to use the power delegated to them to act on these preferences. Following this argument, this article focuses on nationality and partisanship as sources of Commissioners' preferences.

The nomination stage is generally expected to be the most efficient ex ante control stage principals have at their disposal (e.g. Calvert et al., 1989; Epstein and O'Halloran, 1994; as summarized by Reenock and Poggione, 2004). Each member state nominates its Commissioner, who needs the support of a qualified majority vote of the member states in the Council and a simple majority in the EP. The appointment process thus represents the initial delegation of authority from the member states as principals to the Commissioners as their agents (see for instance Pollack, 1997; Tallberg, 2002). Commissioners are – to some degree – agents of the member state governments who selected them. Thus, there are both national and often party political ties between a member state government and "their" Commissioner.

Governments try to alleviate the delegation-related problems (see Hölmstrom, 1979) in Commissioner-nomination in several ways. First, in pre-appointment screening governments apparently take cues from past behaviour, as Döring

(2007) and Wonka (2007) describe. They then nominate high-profile national politicians who are members of a governing party – increasingly so as the Commission's role as legislative agenda-setter was strengthened throughout the various Treaty reforms (see Crombez and Hix, 2011). By using their possibility of pre-appointment screening and nominating candidates with a public track record, the Council's behaviour thus conforms to the expectations of the principal-agent literature. Second, also after appointment, the principals have their set of 'sticks' available to control their agents. Here, career prospects are assumed to play an especially significant role, which has become increasingly important over time as a Commissioner-post is no longer necessarily the last career step (see Vaubel et al., 2012).[1]

Within the Commission, there are several checks-and-balances that constrain the individual freedom of Commissioners. Even though it can be assumed that Commissioners do not have the capacities to closely monitor the actions of their colleagues (cf. Laver and Shepsle, 1996, 1999; Martin and Vanberg, 2005), the principle of collegiality applies, i.e. once a decision is taken all Commissioners are expected to support it in public. Here, the Commission President plays an ever more important role in ensuring that policies are on line with the Commission's work programme (cf. Wille, 2013: 63). The role of a Commissioner thus seems to be akin to that of a minister in a presidential system of government (Hörl et al., 2005; Wonka, 2008: 68). Furthermore, as the Council and the EP are essential for policies to be adopted, a Commissioner's leeway is further limited. The Commission needs to be sensitive to the preferences of these institutions, to formulate legislative proposals that have a good chance of adoption (Crombez, 1997; Leuffen and Hertz, 2010; Steunenberg, 1994; Tsebelis and Garrett, 2000).

Overall, I argue that there are national and party political links between Commissioners and the member state governments that nominated them. Commissioners are expected to have preferences based on their national background and partisan affiliation. The primarily responsible Commissioner

[1] Which has also lead to a change in how Commissioners perceive their own role, as some now see it as an important stepping-stone to build their political career.

strategically uses the (limited) discretion s/he enjoys in the College of Commissioners to influence the formulation of legislative proposals in line with these preferences – while ensuring that the proposal is acceptable to the other veto players in the legislative process. Thus, we should expect MEPs sharing these preferences to vote in favour of that Commissioner's proposals.

The Influence of Commissioner Characteristics in the Legislative Process

Because of the nomination procedure, it is reasonable to assume that the ties between a Commissioner and his or her home country are stronger than the ties with the other member states. Even though Commissioners are formally the agents of all member states it is their home country that is responsible for choosing nominees without outside interference. Even if a nominee is rejected during the process, no other actor is in a position to propose an alternative candidate. This would suggest that a legislative proposal from a Commissioner is, on average, more sensitive to the interests of his or her home country than to those of any other country. Accordingly, the policy content of proposals Commissioners make is expected to generally be in line with the preferences of the Commissioner's home country so that MEPs coming from the same member state are expected to hardly contest proposals coming from their 'own' Commissioner.

Hypothesis 1 (National Perspective): Legislative proposals are less likely to be contested by MEPs that come from the same member state as the proposing Commissioner.

Furthermore, shared partisan ties are expected to ease cooperation during the Commission's term in office. It is generally assumed that persons sharing partisan affiliations also have similar preferences. This could be due to either of two processes. First, a set of preferences could induce individuals to join a specific party that is then accordingly composed of like-minded people. Second, regardless of why a person joined a party, parties are deemed to be most

effective when acting cohesively. Electorally, this makes for a recognizable 'brand name' (e.g. Cox and McCubbins, 1993); and in the legislative process, parties reduce the transaction costs involved in policy-making (Aldrich, 1995). While the party label is certainly valuable in the national context, its value at the European level is more diffuse (as discussed by Lindberg et al., 2008). Still, being a member of the same 'party family' signals shared preferences and thus promises ready cooperation.

Hypothesis 2 (Partisan Perspective): Legislative proposals are less likely to be contested by MEPs that share partisan ties with the proposing Commissioner.

The theoretical expectations concerning voting behaviour differ across time. It is assumed that the withdrawal of the Santer Commission in 1999 was a watershed for the subsequent Commissions. The Santer Commission needed to resign due to allegations of fraud, nepotism and mismanagement. After the resignation of the Santer Commission, the agency design was adapted upgrading the role of the European Parliament. First, since 1999 new Commissioners are obliged to inform the EP about their policy goals and the scrutinizing process in the EP is reported to have become more intense than before (Kassim and Menon, 2004: 90). As a result, the principals gain additional information concerning their prospective agents. Second, as of 2004 the Nice Treaty changed the Commission's composition to one Commissioner per member state and Commissions can now be appointed by (qualified) majority voting instead of unanimity. Even though no formal vote was taken, Crombez and Hix (2011: 309) argue that the 'shadow of a vote' enables a consensual appointment of a Commission with ideal policies preferred by a qualified majority of the then-incumbent governments. In combination, these factors resulted in a Commission that was less conformable than its predecessors.

Overall, Wonka (2007) shows that the proportion of Commissioners being a member of one of the governing parties markedly increased after the Santer Commission and that also (albeit to a lesser extent) more politically visible

persons were appointed. It thus seems clear that the nomination process has been tightened after the negative experience governments had with the Santer Commission. Consequently, it can be expected that the extra care given to selecting good agents in the nomination process pays dividends during the legislative process. If so, the effect of partisan ties in reducing contestation should have been stronger for the Prodi and Barroso Commissions.

Hypothesis 3 (post-Santer): The effect of partisan ties between the proposing Commissioner and the MEPs on decreasing the likelihood of contestation is stronger for the post-Santer era.

To summarize, the primarily responsible Commissioner is expected to use his or her agenda-setting power to formulate legislative proposals in line with his or her policy preferences. This discretion is limited by the other actors involved in the legislative process – with this article focusing on the European Parliament. By anticipating the preferences of these actors, Commissioners seek to formulate realistically 'adoptable' proposals – with shared nationality and partisanship expected to indicate shared preferences. MEPs sharing such ties with the proposing Commissioner are thus expected to have a lower likelihood of casting a contesting vote than MEPs not sharing such ties. Additionally, it is expected that the effect of partisan ties is stronger in the post-Santer era.

Voting in the European Parliament

Research on voting in the EP uses roll-call votes, i.e. votes in which an MEP's vote is registered as opposed to secret voting. Previous research found that voting in the EP is predominantly structured along ideological lines, while nationality plays a minor role (Hix and Noury, 2009; Hix, 2002). The question that many analyses of EP-voting are then pursuing is whether national parties or the transnational party groups that are formed inside the EP exert more influence. While the former mostly control and organize the national election campaigns,

the latter control important resources within the EP. When analysing the votes cast in 1999 and 2000, Hix (2002) found national parties to be more important in determining MEP voting behaviour than transnational parties. This is especially so if national parties can tightly control their MEPs (Hix, 2004) and if the chances of re-election depend on national parties (Faas, 2003). When in doubt, MEPs rather vote with their national party than with the transnational party group, although there often is a 'grand coalition' between the socialist and Christian democratic party groups (cf. Kreppel, 2002: 161).

With regard to inter-institutional coalition building and the role political parties play in linking the Council and the EP, Hagemann and Høyland (2010: 829) show that "disagreement in the Council spills over into disagreement inside the Parliament." That is, if the vote in the Council was divided, it is more likely that also EP-voting is divided along ideological lines. Likewise, Mühlböck (2013) finds that voting cohesion across institutions is mostly due to an overarching consensus. According to her analysis, the European Party Group exerts more influence on the voting behaviour of a member of the EP than the voting behaviour of that member's minister in the Council (Mühlböck, 2013: 580) – the partisan ties between the institutions thus seem stronger than the national ties.

Overall, there is some evidence that political parties shape voting behaviour in the Council and that they also provide for linkages between the Council and the EP, while national ties between the institutions seemed weak. Until now, linkages to the Commission have been disregarded, even though it is also mainly composed of career party politicians. This paper makes a first step towards filling this gap by linking voting in the EP back to characteristics of the proposing Commissioner. Knowing about the origin of legislative proposals is assumed to help understanding vote choice.

The Dataset

This study uses roll call voting data for the 6th (2004-2009) and 7th (2009-2014) European Parliament. While being aware of the discussions that roll call votes

are a non-random sample of all votes cast in the EP (see for instance Hoyland, 2010; Hug, 2010), these are the votes that provide the information necessary to code the independent variables of interest. That is, whether the voting MEP (a) comes from the same member state as the proposing Commissioner ('country match') and (b) is a member of the same party group as the Commissioner's national party ('party match'). As this analysis focuses on the linkages provided by nationality and partisanship in the legislative process, only votes on legislative proposals will be included. In addition to the 'country match' and 'party match' variables, the analysis controls for whether the voting MEP comes from one of the member states that joined the EU from 2004 onwards and also for the member state's budgetary status as a measure of the state's material interest (cf. Bailer et al., 2010; Hix and Noury, 2009). The vote-choice of MEPs will be analyzed using multilevel logistic regression, taking proposal-level and member state-level factors into account.

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