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**Legislative negotiations and non-vote decisions in the European Parliament**

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**ABSTRACT**

Non-vote decisions in the European Parliament (EP) are an underexplored feature of legislative behaviour. Previous studies on legislative turnout in the EP argue that participation decisions in parliamentary votes are mostly influenced by legislators' likelihood to influence vote results. However, the question of whether non-vote decisions by members who attend plenary sessions are affected by the institutional dynamics surrounding legislative negotiations is largely absent in the specialized literature. This paper analyses the effects of intra- and inter-institutional negotiation features of codecision on non-vote decisions in final legislative votes. The analysis is based on a novel dataset where final passage votes during the Seventh legislature constitute the unit of analysis (N=372). The paper shows that the involvement of shadow rapporteurs in negotiating teams decreases the share of MEPs not voting while attending plenary sessions, whereas ideological distance on EU integration between the rapporteur and the EP as well as the absence of inter-institutional dissent between the rapporteur and her national minister represented in the Council increase it. Important variations across political groups are also observed.

## Introduction

Non-vote decisions by Members of the European Parliament (MEPs) who are present in the chamber but do not vote (Present but Not Voting, PNV)<sup>i</sup> constitute an under-explored feature of parliamentary behaviour. While the contributions by Hix et al (2007) and Noury (2004) constitute notable exceptions, there are several reasons that justify continuing investigating PNV in the European Parliament (EP). PNV in final codecision votes represent a small but non-negligible type of parliamentary behaviour, with an average share of 7.4 per cent of MEPs in final codecision votes during the 2009-14 legislature. In addition, as largely assumed by the specialized literature, not-voting is not driven by legitimate circumstances -i.e. illness-, but responds to non-random considerations (Hix et al 2007, Noury 2004, Rosas et al. 2015, Rothenberg and Sanders 2002). As a result, PNV has the potential to influence the policy outcome, especially when the the margin of victory is narrow (Noury 2004, Rosas et al. 2015, Rothenberg and Sanders 2002). Moreover, as legislators express voters' preferences on policy-making, the democratic chain of delegation in representative democracies may be weakened with the occurrence of PNV. Hence, PNV may have implications in terms of democratic representation. Finally, not-voting without a legitimate reason raises concerns on the notion of responsible legislator (Galasso and Nannicini 2011). The study analyses PNV in final votes under the standard legislative procedure in the 7<sup>th</sup> term, taking final votes as the unit of analysis. We assume that final codecision votes are the most important ones as they serve to adopt most legislation in the EU after the Lisbon Treaty. In addition, by analysing the 2009-14 term, the study benefits from the change in the EP Rules of Procedure in 2009, according to which the Parliament shall take all final votes by roll call.<sup>ii</sup> By doing so, the study avoids the selection bias problem allegedly associated with vote request in previous parliamentary terms (Carrubba et al. 2006).

This analysis differs from previous approaches in several respects. First, most studies signal that the core motivation behind MEPs' decision to participate on a vote is their capacity to exert influence in the outcome (Hix et al. 2002, Noury 2004). In particular, MEPs perceive that they have greater influence on the outcome when legislation is adopted through codecision as opposed to consultation, and when the margin of victory on a vote is expected to be narrow (Hix

et al. 2007, Noury 2004). Regarding the former, since codecision has become the standard legislative procedure following the entry into effect of the Lisbon Treaty, we move the focus away from analysing the impact of different procedures on PNV towards the analysis of differences within codecision. Secondly, this study approaches PNV from the perspective of the institutional dynamics surrounding codecision negotiations.

The analysis builds on previous literature on legislative behaviour and policy-making in the EU indicating that the intra- and inter-institutional politics of codecision processes affect legislative behaviour and outcome (Brandsma 2015, Bressanelli et al. 2016, Costello and Thomson 2011, Finke 2015, Héritier and Reh 2012, Judge and Earnshaw 2011, Hix et al. 2007, Rasmussen and Reh 2013, Reh 2014, Ringe 2010). On this basis, the study investigates whether certain features of the intra-parliamentary and bicameral negotiations influence PNV in final legislative votes. More specifically, it explores whether certain conditions potentially modulating the rapporteur's discretion within parliament and in the negotiations with the Council influence PNV. We pose the following research questions: Do the intra- and inter-institutional dynamics surrounding codecision negotiations influence PNV in final legislative votes? The paper argues that the involvement of a high number of shadow rapporteurs in the negotiating teams decreases PNV, whereas ideological distance of the rapporteur on the EU dimension to the EP mean as well as vote unity between the rapporteur and her country minister increase it. The analysis employs a novel dataset on final passage votes on legislative proposals during the 2009-14 legislature (N=372). The article is structured as follows. The first section presents the theoretical debates on which this study is built and the hypotheses. Then, the data and operationalization of the variables are described. The next section presents the results of the empirical analysis, which is followed by a discussion of the results and a conclusion.

### **Theoretical framework**

Comparative research on legislative behaviour commonly assumes that not-voting is not a random phenomenon but is largely driven by legislators' strategic motivations (Rothenberg and Sanders 2002, Hix et al. 2007, Noury 2004, Rich 2014, Rosas et al. 2015). Studies on the EP

share this assumption and provide two main explanations for participation decisions. In line with contributions on absenteeism in the US Congress (Cohen and Noll 1991, Rothenberg and Sanders 2002), Hix et al. (2007) and Noury (2004) conclude that MEPs have a higher probability of participating in legislative votes when there is more uncertainty about the results and are accordingly more likely to influence the policy outcome. That is, when legislators have a greater chance to be decisive as the margin of victory is expected to be narrow, participation increases (Hix et al. 2007, Noury 2004). The second account is EU-specific. MEPs' turnout in legislative votes increases when the EP has more power to influence policy-making (Hix et al 2007, Scully 1997). That is, turnout is higher when the legal act is adopted under codecision as compared to consultation. Indeed, as predicted, not-voting has considerably decreased over the last terms as the EP has gained legislative powers (Noury 2004). According to data from Votewatch, participation in roll-call votes was 80.6 per cent in 2004, 84 per cent in 2009 and 88.7 per cent in 2014.<sup>iii</sup>

Such studies constitute valuable contributions to the understanding of the phenomenon of absenteeism in the EP. However, PNV continues to be an underexplored topic of research. We believe there are good reasons to address this question from the perspective of the institutional dynamics surrounding EU policy-making. Current research on EU decision-making demonstrates that certain inter- and intra-institutional features of legislative negotiations influence parliamentary behaviour and outcome (Brandsma 2015, Bressanelli et al. 2016, Costello and Thomson 2011, Héritier and Reh 2012, Rasmussen 2011, Rasmussen and Reh 2013, Reh et al. 2013). However, to the best of our knowledge, the questions of whether and how PNV in the parliament is affected by the intra-parliamentary and inter-institutional dynamics of codecision negotiations are hardly present in the specialized literature. We contribute to fill this gap by testing several hypotheses focused on several intra- and inter-institutional features of legislative bargaining. We base our study on the assumption that the rapporteur is the most privileged actor in legislative bargaining on the parliamentary side, as she sets the agenda in the formulation of the committee report on a legislative proposal and leads intra-parliamentary negotiations (Costello and Thomson 2011, Farrell and Héritier 2004, Kaeding 2004, Høyland 2006). Still, the rapporteur's capacity to influence the policy outcome may be counterbalanced by shadow rapporteurs (Häge and Ringe 2017) and vary depending on her ideological preferences and

proximity with the Council (Finke 2012, 2017). On this basis, we propose theoretical arguments pointing at the involvement of shadow rapporteurs as an important institutional innovation in legislative negotiations, the ideological differences of the rapporteur and bicameral proximity between the EP and the Council.

### *Shadow rapporteurs*

The introduction of early conclusion by the Amsterdam Treaty in 1999 has resulted in an increased informalisation and seclusion of the legislative process and, in turn, has raised concerns about the efficiency-legitimacy trade-off in EU policy-making (Farrell and Héritier 2004, Héritier and Reh 2012, Reh et al. 2013, Reh 2014). The widespread use of informal trilogues in legislative bargaining has moved policy-making to informal, non-accessible arenas involving a reduced number of actors holding control of information and monopolization of bargaining (Farrell and Héritier 2004; Héritier and Reh 2012). While recent studies have downplayed the power of the so-called *relais* actors (Costello and Thomson 2011, Rasmussen and Reh 2013), it is widely accepted that rapporteurs have a privileged position in intra-parliamentary and inter-institutional bargaining (Farrell and Héritier 2004, Kaeding 2004, Høyland 2006, Hurka and Kaeding 2012). In this respect, several parliamentary initiatives have been launched with the aim of modulating the rapporteur's discretion, enhancing political groups' oversight over informal trilogue negotiators and making decision-making in first reading more inclusive and accountable (Brandsma 2015, Farrell and Héritier 2004, Héritier and Reh 2012, Reh 2014). In particular, the 2009 Code of Conduct for Negotiating Codecision Procedures, which was annexed to the EP's Rules of Procedure, makes reference to the 'negotiating team' and establishes that shadow rapporteurs are expected to receive reports from the negotiating teams and to make decisions on agreements reached in trilogues (Corbett et al. 2011, Judge and Earnshaw 2011). Following the amendment of the Rules of Procedure in 2012, the negotiating team shall be led by the rapporteur and shall comprise at least the shadow rapporteurs from each political group (Rule 70.3 in 7EP, Rule 73.3 in 8EP).

The implementation of the new rule has not been straightforward. For instance, according to our data, the average number of shadows appointed in legislative proposals presented in 2011 (4.6) is slightly higher than in any of the following years (4.1 in 2012 and 2013; 3 in 2014). Furthermore, in only 23 per cent of the files proposed in 2012 or afterwards had all groups appointed at least one shadow. These data reveal that despite the growing importance of shadows, political groups not holding the rapporteurship do not always assign one. This is partly due to the fact that the allocation of shadows is a bottom-up process, in which MEPs voluntarily indicate –or not– their interest in covering certain dossiers (Häge and Ringe 2017). As reported, party groups may renounce to assign shadows if, for instance, they are not interested in certain policies, focus on position-taking rather than policy-making or anticipate being marginalized (Häge and Ringe 2017).

The institutionalization of shadow rapporteurs has had important effects in policy-making. We know from previous research that shadows have progressively enhanced their influence in EU decision-making (Corbett et al. 2011, Judge and Earnshaw 2011, Rasmussen and Reh 2013, Reh 2014, Ringe 2010) and that their involvement in the negotiating team increases the duration of first reading agreements (Toshkov and Rasmussen 2012) and the occurrence of informal trilogues in first reading (Brandsma 2015). Moreover, rapporteurs and shadows jointly deliberate and negotiate policy proposals inside parliament and in negotiations with the Council and shape final decisions (Häge and Ringe 2017, Ringe 2010). However, it remains to be analysed whether the involvement of a varying number of shadows in negotiating teams influences PNV. We hypothesize that the probability of PNV decreases as the number of shadows increases. The expectation is based on the following lines of reasoning.

Shadow rapporteurs contribute to reduce information asymmetries, enhance oversight and inclusive policy-making, and fill political representation gaps. They compensate information asymmetries in legislative bargaining in several ways. Insofar as political groups do not hold the rapporteurship, shadows allow them follow the progress of legislative dossiers from the committee to the plenary stages (Ringe 2010). Shadows report to their group members on the policy contents of the dossier, the amendments tabled and maintained, the compromises reached, possible deadlocks, other groups' as well as the Council positions as well as the expectations of the vote outcome. Moreover, shadows often issue vote recommendations to group members.

Hence, MEPs' chances of making more substantiated vote decisions increase when their group has assigned a shadow. Individual legislators are potentially better equipped to express their position through a vote if they dispose of information on both the bargaining context and policy implications of the legislative file. PNV is therefore less likely.

Moreover, shadow rapporteurs have delegated powers to overseeing trilogue negotiations (Hurka et al. 2015, Judge and Earnshaw 2011) and improve their group' chances to influence policy-making. They coordinate group activity in tabling amendments (Corbett et al. 2011, Hurka et al. 2015, Judge and Earnshaw 2011, Rasmussen and Reh 2013, Ringe 2010) and participate in inter-group bargaining. Their active involvement increases institutional checks over legislative bargaining, allows for contestation of the rapporteurs' preferences (Brandsma 2015) and may as a result temper the rapporteur's discretion and capacity to exploit institutional and political advantages (Rasmussen and Reh 2013). Hence, a group has more chances to make its positions heard and possibly counterbalance the rapporteur's position when appointing a shadow than when not. Moreover, a shadow may occasionally bypass the rapporteur and directly negotiate with the Council in case of disagreements with the rapporteur or the overall EP line (Judge and Earnshaw 2011). Insofar as MEPs trust their group shadow to overseeing legislative bargaining and counterbalancing the rapporteur's position, they may also be more concerned with the dossier and, as a result, have more incentives to vote when attending plenary sessions.

In addition, the involvement of shadows in negotiating teams enhances inclusive representation of decision-making (Häge and Ringe 2017, Reh 2014). Given that shadows represent party groups in legislative bargaining, they constitute key pieces in the chain of delegation in parliamentary democracies. Insofar as these actors fill representation gaps and provide the conditions for more transparent and accountable legislative process, MEPs may feel more represented and attach a surplus of democratic legitimacy to the policy-making process. They may be more inclined to vote when policy-making is more representative than otherwise.

There is one final consideration. Political groups may decide not to assign a shadow because of lack of policy interest or because they anticipate being marginalized (Häge and Ringe 2017), in which case group members' motivations to vote are more likely to be low. By contrast, groups appointing a shadow invest manpower, which is a particularly limited resource for small groups

(Häge and Ringe 2017). Hence, although vote discipline is not imposed on MEPs, it may be more difficult for a MEP to justify PNV when her group appoints a shadow than when not. With these considerations in mind, we propose the following hypothesis:

H1. PNV in final codecision votes decreases when more shadow rapporteurs are appointed in negotiating teams

### *Ideological differences*

Many studies on legislative behaviour in the EP confirm Hix et al's (2007) argument that political competition is structured along the traditional left-right dimension and, accordingly, that MEPs vote along ideological lines (Hagemann and Høyland 2008, Hix et al 2007, Hix and Noury 2009, Høyland 2006). Party politics matter in the allocation of reports to groups (Yoshinaka et al 2010), the composition of committees (Yordanova 2009) and coalition building (Finke 2012, Hageman and Høyland 2010). From a different perspective, recent research shows that different positions between national and political groups influence abstentions in the EP (Mühlböch and Yordanova 2017). Other studies demonstrate that the ideological distance between the rapporteur and the EP median decreases the probability of early conclusion in trilogue negotiations (Rasmussen 2011, Reh et al 2013). We focus our hypotheses on ideological distances between the rapporteur's national party and the EP as a whole, in the consideration that our study assumes that the rapporteur is the most privileged actor in codecision negotiations on the parliamentary side. We address the question of whether outlying rapporteurs increase the probability of PNV. In particular, do left-right differences matter for PNV? We hypothesize that the probability of PNV increases as the rapporteur's distance from the left-right mean position increases. Our hypothesis is based on the idea that outlying rapporteurs have more difficulties to lead negotiations, involve legislators and garner the support of majorities than rapporteurs closer to the mainstream MEP. Moreover, as suggested by Rasmussen (2011), rapporteurs may be more inclined to reach an early agreement with the Council if their preferences are too distant compared with those of the EP as a whole. Then the chances policy-making is more inclusive are potentially lower. We assume that distant rapporteurs may generate credibility doubts among

certain MEPs and their groups as compared to rapporteurs whose preferences are similar to the whole chamber. Facing such situations, MEPs may be more inclined to express dissent by means of –but not exclusively– PNV. We propose the following hypothesis:

H2a. PNV in final codecision votes increases as the distance between the rapporteur's position on the left-right dimension to the EP mean increases

However, policy position in the European Parliament is two-dimensional, covering not only the traditional left-right spectrum but also the pro-anti European integration dimensions (McElroy and Benoit 2011). If the position of MEPs and their groups with respect to the scope and nature of European integration also matter in legislative behaviour (Finke 2012), we can reasonably expect that the rapporteur's differences with the EP as a whole on the EU integration dimension also matters for PNV. Following a similar line of argument as in H2a, we expect that when rapporteurs hold an outlying position on EU integration, the probability of PNV increases.

H2b. PNV in final codecision votes increases as the distance between the rapporteur's position on EU integration to the EP mean increases

### *Bicameral negotiators' proximity*

Apart from the properties of negotiators within parliament, research on legislative politics in the EP demonstrates that the inter-institutional decision-making influences legislative behaviour, for instance group cohesion (Bressanelli et al 2016) and the formation of majorities in the parliamentary chamber (Costello and Thomson 2011, Finke 2012, Hagemann and Høyland 2010). The rationale behind is that inter-institutional proximity between the EP and Council negotiators decreases bargaining ambiguity and facilitates mutual trust and bilateral cooperation (Reh et al 2013), whereas inter-institutional conflict leads the parliament to build strong majorities (Hagemann and Høyland 2010, Costello and Thomson 2011). However, it remains to be addressed whether the proximity between the rapporteur and her country's minister influences PNV. In order to address this question, we focus on two main sources of bicameral proximity between the rapporteur and her national minister: party ties and vote unity between the

rappporteur and her national ministry attending Council meetings. Party ties may alter the rapporteur's discretion in legislative negotiations. Rapporteurs whose party is in national government are under great pressure to follow the instructions of their national ministry (Finke 2012). In addition, and partly inspired on Costello and Thomson's (2011) argument, the position of the rapporteur in bicameral bargaining may be reinforced, to the detriment of other leading MEPs, when her party is in national government and as a result her country minister attends Council meetings. Such situations may raise doubts among potential parliamentary partners and MEPs in general on whether rapporteurs truly represent the coalition or the parliament position when negotiating with the Council (Finke 2012). More generally, party ties in bicameral bargaining may move legislative bargaining away from parliamentary scrutiny (Rasmussen 2011, Reh et al. 2013). If more MEPs perceive that the burden of negotiations has moved to the Council and that their groups have been marginalized in bicameral negotiations, PNV is likely to increase. That said, MEPs whose party is national government do not necessarily vote the same as her national minister, as the formation of policy preferences for both types of actors is subject to different rationales (Finke 2017, Mühlböck 2013). This is likely to apply to MEPs who hold rapporteurships too. In fact, according to our data, we find no vote unity in roughly one third of the cases where the rapporteur's national party is in government. We expect that PNV increases when vote unity between the rapporteur and her national minister occur. Moreover, we further test the expectation of whether PNV increases when the rapporteur's national party is in government conditional to vote unity. We propose the following hypotheses:

H3a. PNV in final codecision votes increases when the rapporteur's national party is in government

H3b. PNV in final codecision votes increases when the rapporteur and her national minister vote the same

H3c. PNV in final codecision votes increases when the rapporteur's national party is in government and she votes the same as her country minister

## Data and Methods

We test our hypotheses based on an original dataset on final codecision votes adopting legislative acts in the Seventh term. The unit of analysis is each codecision file concluded during the 2009-14 legislature. We initially retrieved data for 398 final passage votes but, unfortunately, data on final votes in second reading as well as on the variable ideological position of the rapporteur were not available for all observations. Hence, the analysis was restricted to 372 observations. The database was mostly built based on data taken from the European Parliament Legislative Observatory and Votewatch.

The dependent variable, Present but Not Vote (PNV), is operationalized by dividing the number of MEPs attending plenary sessions but not voting on codecision final votes by the total number of MEPs registering attendance at the chamber.<sup>iv</sup> The scores range from 0 to 1. The same calculation is made for political groups. The average share of PNV for the whole parliament is 0.07 and ranges from 0.06 to 0.09 for political groups.

We operationalize the independent variables as follows. We count the number of shadows appointed in the negotiating team for each codecision dossier. We take the data from the European Parliament Legislative Observatory database. For the analysis by groups, we perform an alternative model replacing the variable number of shadows, which reflects the degree of inclusiveness of policy-making, by a binary variable indicating whether a given group is involved in policy-making through a rapporteur or a shadow. The aim is to test whether PNV decreases because a given group is involved in negotiations. When a group assigns a shadow it (normally) does not hold the rapporteurship, whereas not providing a shadow may occur either if the group has provided the rapporteur or not. Hence, this variable indicates whether a given group participates either through a shadow or through the rapporteur (value 1) or not (value=0). When the variable takes the value 0, it is because the group is not involved at all.

For ideological difference, we use data from the 2010 Chapel Hill Expert Survey (CHES) (Bakker et al 2015). CHES data has the advantage of providing measures on national party positions which are not based on observed behaviour in the parliament itself. In addition, CHES is preferred to NOMINATES as the latter may not be representative of all votes in the legislature

(Carrubba et al. 2006). We employ two questions: the position of the party in terms of its overall ideological stance, with answers on a 11-point scale ranging from 0 (extreme left), 5 (center) to 10 (extreme right); and the overall orientation of the party leadership towards European integration, with answers on a 7-point scale ranging from ‘strongly opposed’ (1) to ‘strongly in favour’ (7). We calculate the absolute distance of the rapporteur’s national party on both dimensions to the EP means, weighted by seats.

The inter-institutional variables are operationalized as follows. A binary variable indicates whether the rapporteur’s national party is in government or not at the time of the vote, based on the information extracted from the ParlGov database<sup>v</sup>. Another binary variable indicates whether the rapporteur and the ministry from her country attending the Council vote the same. Data are taken from the public register of Council documents. An interaction term serves to test H3c.

We add several controls. Based on the idea that the uncertainty of the vote results increases parliamentary turnout (Cohen and Noll 1991, Hix et al. 2007, Noury 2004, Rothenberg and Sanders 2002), we control for vote closeness. The measure is calculated by subtracting the share of no votes from the number of yes votes. Then the difference is divided by the addition of votes in favour and against, and the result is subtracted from one. The measure ranges from 0 to 1, where zero indicates that there are no votes against and one would reflect an equally divided vote (see Noury 2004). Since the study focuses on legislative acts passed, there are no observations with value 1. The expectation is that when certainty about the vote result is high, MEPs have fewer chances to be decisive and, as a result, PNV decreases. We also control for the legal nature of the act. Since national governments are more involved in the implementation process in the case of directives as compared to other legal acts (Rasmussen 2011), directives may enhance MEPs’ concerns with the final outcome. The expectation is that directives decrease PNV. Finally, dummy variables for committees that are responsible for a sufficient number of codecision files (> 15) during 7EP are included.<sup>vi</sup> Table 1 summarizes the descriptive statistics of the dependent, independent and control variables (committees not reported for reasons of space).

Table 1

## Results

Since the dependent variables range from 0 to 1, we opt for a fractional logit model and discard using an OLS, which assumes a normal distribution of the dependent variable and is not adequate when values are comprised in the 0-1 interval (Bressanelli et al. 2016, Yordanova and Mühlböck 2015). We estimate five models. Model 1 tests the intra-institutional variables: shadows appointed and rapporteur's ideological distance on the left-right and EU integration dimensions. Model 2 tests the inter-institutional variables: party in national government and vote unity. Model 3 includes all independent variables and Model 4 adds an interaction term between party in national government and vote unity. Model 5 adds the controls. The results are displayed in Table 2 (committees not reported for reasons of space).

H1 on shadow rapporteurs is confirmed. PNV significantly decreases the more shadows are assigned to legislative dossiers. The variable attains a negative and statistically significant coefficient in all models. Based on Model 1, we plotted the probability of not-voting (see Figure 1). The predicted mean of PNV when there are no shadows is roughly 9 per cent and decreases to 6 per cent at the highest level of shadows. The results remain unchanged when performing the calculations based on Model 3.

Table 1

Figure 1

The results to test the hypotheses on the rapporteur's ideological distance provide mixed results. H2a on the impact of the rapporteur's distance on the traditional left-right spectrum on PNV is not corroborated. By contrast, the analysis finds support for H2b on the effects of the rapporteur's distance on the pro/anti EU integration dimension. The effect is positive, moderately high and reaches statistical significance across model specifications at  $p < 0.1$ . The findings corroborate the idea that the wider the distance between the position of the rapporteur on EU integration and the EP mean, the higher the likelihood of PNV.

The analysis to test hypotheses on the inter-institutional position of the rapporteur produces different results. H3a on the rapporteur's party in national government cannot be corroborated. As expected in H3b, vote unity between the rapporteur and her country minister has a positive and statistically significant effect in all specifications except when the interaction term is included. The results show that the absence of inter-institutional dissent between the rapporteur and her national minister represented in the Council increases the likelihood of PNV. H3c on the effect of national party in government on PNV conditional to vote unity cannot be confirmed. The results do not change when adding controls. Neither vote closeness nor directive as the type of act attains statistical significance. Finally, the findings suggest that there are variations across committees: the probability of PNV decreases when ECON, IMCO or TRAN is the responsible committee.

To reach a more fine-grained understanding of our findings, we perform the analysis by political groups. Table 3 includes two models. Model 3a includes all main terms and Model 3b replaces shadows, which describes the degree of inclusiveness of policy-making, by a variable indicating whether a given group provides a shadow or a rapporteur, which reflects the involvement of the group in policy-making. As regards Model 3a, the findings confirm our argument on the impact of shadows on PNV. For all groups except for EFD, shadows attain a negative, moderate and statistically significant coefficient ( $p < 0.01$ ). With the exception of the extreme-right Eurosceptics, where no effect is found, PNV decreases as the number of shadows involved in negotiations increases. That is, PNV within groups decreases as policy-making is more inclusive. Interestingly, the impact of the number of shadows on PNV varies across groups. The effect is more pronounced for ECR, The Greens/EFA and ALDE. The predicted mean of PNV for ECR with no shadows in the negotiating team is 12 per cent and decreases to 6.7 per cent at the

highest level of shadowsw. For the Greens/EFA and ALDE, the predicted mean moves from roughly ten per cent to five and 5.5 per cent, respectively. Figure 2 illustrates graphically the marginal effect of the variable shadows on PNV across groups.

Table 2

Figure 2

Model 3b confirms most of the findings found in Model 3a, but also suggests that there are variations across groups as regards the logics behind the involvement of shadows. For EPP, ALDE, The Greens/EFA and ECR, PNV decreases when the group is involved in negotiating teams through a rapporteur or a shadow. The coefficient in all these cases is much higher than the variable shadows in Model 3a, whereas the coefficients of the remaining variables remain practically unchanged in both models. Interestingly enough, the variable providing a shadow or the rapporteur does not attain statistical significance for S&D and GUE-NGL. The results are suggestive that, for both party groups, PNV is not affected by the group itself participating in negotiations, while this is clearly the case for the other party groups.

The analysis by groups also reveals that as the rapporteur's distance on the left-right dimension widens, PNV among the members of ECR, GUE-NGL and EFD increases too. Hence, H2a can be confirmed for those groups. In line with the expectations of H2b, the likelihood of PNV by members of EPP, S&D, ALDE and GUE-NGL increases as the distance between the position of the rapporteur on European integration and the overall EP increases. Finally, as regards the inter-institutional accounts, we see a significant increase in PNV among members of EPP and EFD when the rapporteur and her national minister vote the same. H3b on the rapporteur's national party in government is only confirmed for ALDE.

We perform some robustness checks. Since the 2014 four-month period might present distinct trends in legislators' behaviour due to the concentration of votes in the final stage of the term and to the upcoming of the European election, we run the models excluding the votes held in 2014. The results for the 2009-13 period remain largely unchanged, although vote unity does not attain statistical significance in model 5. In the analysis by groups, the results remain almost unaltered. Overall, the results do not contradict the core findings of the study.

## **Discussion and conclusion**

This paper addresses the question of whether certain properties of codecision negotiations within parliament and between the two legislative chambers influence PNV. The results of this study are consistent with previous contributions to the literature showing that PNV in the EP responds to non-random considerations (Hix et al. 2007, Noury 2004). This study adds to the extant research new insights on the implications of the position of the rapporteur in the intra-and inter-institutional politics for PNV. From the intra-chamber perspective, the findings suggest that when rapporteurs are more subject to institutional checks and hold mainstream ideological positions, the probability of PNV decreases. From the inter-institutional perspective, vote unity between the rapporteur and her country minister increases the probability of PNV.

One of the main contributions is that inclusive policy-making through the involvement of shadows in codecision negotiations significantly decreases PNV. The findings hold both for the EP as a whole and by political groups. Shadow rapporteurs have the potential to reduce information asymmetries, allow for group contestation of the rapporteur's position, improve bargaining oversight and modulate representation deficits in legislative bargaining. Shadows provide information to their groups on the policy contents of the legislative dossier as well as on the negotiation context, and normally provide group members with vote recommendations. In addition, they have more chances to channel contestation to the rapporteur's position and to monitor legislative bargaining. In such situations, the rapporteur's discretion may be counterbalanced and, accordingly, policy-making may more easily move from often-secluded decision-making towards more accountable and inclusive arenas (Reh 2014). One important

finding of this study is that, while the involvement of shadows increases PNV across all groups – except for the extreme-right Eurosceptics–, the rationales behind seem to differ. PNV by members of EPP, ALDE, The Greens/EFA and ECR decreases when the group is involved in policy-making through a shadow or through the rapporteur. Under such conditions, MEPs are more likely to feel their groups have more access to policy-making and consider themselves to be better equipped and represented when facing a vote. By contrast, for S&D and GUE-NGL, there is no association between PNV and the group participation in policy-making. Investigating whether PNV by both groups is driven by collective rather than group-level considerations constitutes a promising line of research in future research agenda.

Another important finding of the study is that the rapporteur's difference with the EP as a whole as regards the pro/anti European integration dimension increases the probability of PNV. The disaggregated analysis shows that the effect is maintained for the three centrist groups as well as for GUE-NGL. Similarly, the rapporteur's distance on the left-right divide to the whole EP increases PNV for the parties holding anti-European positions, namely ECR, GUE-NGL and most clearly EFD. While these findings must be interpreted with caution, our overall interpretation is that rapporteurs with outlying positions have more difficulties to lead negotiations and adopt an inclusive approach. On occasion, they may raise credibility doubts among several MEPs as compared with rapporteurs with mainstream positions. In these situations, some MEPs may feel less concerned with the rapporteur and her dossier and as a result have fewer incentives to vote.

Partly in line with studies analyzing the effects of inter-institutional politics of codecision on policy-making (Hageman and Høyland 2010, Rasmussen 2011, Rasmussen and Reh 2013), this study suggests that vote unity between the rapporteur and her national ministry represented in the Council increases the probability of PNV. One possible interpretation is that in the absence of inter-institutional conflict between the rapporteur and her national ministry, more MEPs perceive that the burden of negotiations has moved to the Council side and that the parliament has fewer chances to exert influence in bicameral bargaining. If this is the case, concerns with the dossier among certain MEPs may be reduced and an increase in PNV appears to be one of the possible implications. It must be noted that while the effect is observed in the analysis of the EP as a whole, it is only observed for EPP and EFD when the analysis is performed by groups.

Examining the question of PNV in final codecision votes is particularly pertinent in the EU context, where claims about the growing need for transparency and democratic policy-making as well as well as concerns on the disconnection between citizens and politicians dominate the public discourse. This paper has demonstrated that certain attributes surrounding legislative bargaining in codecision matter for PNV. Combined dossier and MEP-level analysis exploring the drivers of different types of dissent, complemented with in-depth case narratives of legislators' involvement in parliamentary activity would enrich our knowledge of legislative behaviour in the EP.

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## Tables and Figures

Table 1: Descriptive Statistics of the dependent, independent and control variables 7EP

	Mean	SD	Min	Max	N
PNV (MEPs present but not voting)	0.07	0.06	0.01	0.51	372
PNV by political groups					
EPP	0.06	0.06	0.004	0.53	372
S&D	0.07	0.07	0.06	0.54	372
ALDE	0.07	0.08	0	0.66	372
The Greens/EFA	0.07	0.08	0	0.69	372
ECR	0.09	0.08	0	0.5	372
GUE-NGL	0.07	0.07	0	0.5	372
EFD	0.09	0.09	0	0.75	372
Shadow Rapporteurs	3.66	2.24	0	11	372
Rapporteur's distance on the left-right to the EP mean	1.63	0.83	0.14	4.29	372
Rapporteur's distance on EU integration to the EP mean	1.03	0.71	0.2	4.37	372
National party in government	0.5	0.5	0	1	372
Council minister and rapporteur vote the same	0.7	0.46	0	1	372
Vote closeness	0.15	0.17	0	0.93	372
Directive	0.24	0.43	0	1	372

Political groups: European People's Party (EPP); Progressive Alliance of Socialists and Democrats (S&D); Alliance of Liberals and Democrats for Europe (ALDE); The Greens-European Free Alliance (Greens/EFA); European Conservatives and Reformists (ECR); European United Left-Nordic Green League (GUE-NGL); and Europe of Freedom and Democracy (EFD).

Table 2: PNV in codecision final votes during 7EP

	M1	M2	M3	M4	M5
<i>Main terms</i>					
Shadow rapporteurs	-0.05*** (0.02)		-0.05*** (0.02)	-0.05*** (0.02)	-0.04* (0.02)
Left-right distance	0.06 (0.05)		0.08 (0.05)	0.08 (0.05)	0.05 (0.05)
EU integration distance	0.14* (0.07)		0.14* (0.07)	0.14* (0.07)	0.12* (0.07)
Party in government		0.08 (0.09)	0.14 (0.09)	0.07 (0.12)	0.13 (0.09)
Vote unity		0.15* (0.09)	0.14* (0.08)	0.09 (0.1)	0.17** (0.08)
Party in gov.*vote unity				0.09 (0.16)	
<i>Controls</i>					
Vote closeness					-0.36 (0.28)
Directive					-0.04 (0.1)
Constant	-2.59*** (0.12)	-2.66 (0.07)	-2.78 (0.14)		-2.78*** (0.28)
Log likelihood	-74.1787	-74.4944	-74.0819	-74.0768	-73.4924
Observations	372	372	372	372	372

Robust standard errors in parentheses

\*\*\* p&lt;0.01, \*\* p&lt;0.05, \* p&lt;0.1

Figure 1: Marginal Effects of Shadow Rapporteurs on PNV, 95% CIs

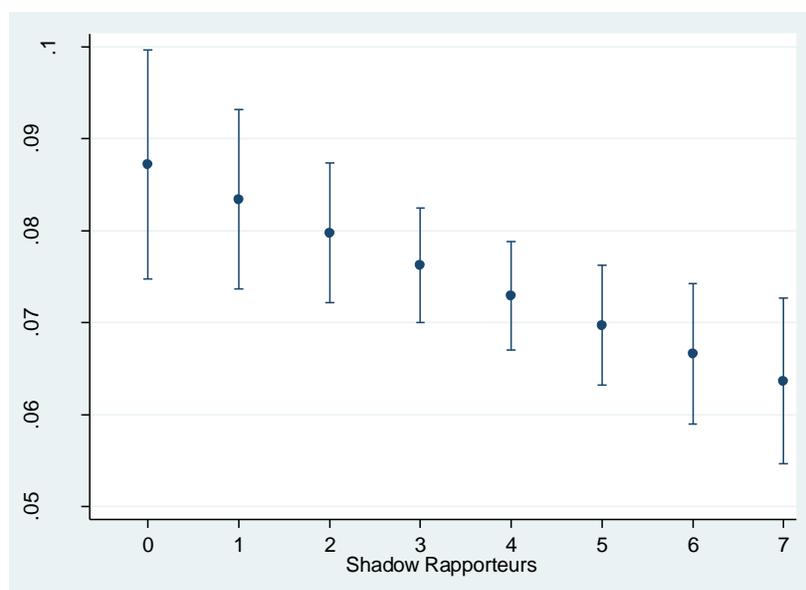


Table 3: PNV in codecision final votes by Political Groups during 7EP

	M3a EPP	M3b EPP	M3a S&D	M3b S&D	M3a ALDE	M3b ALDE	M3a GREENS/ EFA	M3b GREENS/ EFA
Shadows	-0.06*** (0.02)		-0.06*** (0.02)		-0.09*** (0.02)		-0.1*** (0.03)	
Rapp/shadow		-0.31** (0.12)		-0.05 (0.14)		-0.39*** (0.13)		-0.45*** (0.13)
Left-right distance	0.04 (0.06)	0.04 (0.06)	0.08 (0.06)	0.08 (0.06)	0.11 (0.07)	0.1 (0.07)	0.07 (0.07)	0.09 (0.07)
EU distance	0.18*** (0.07)	0.17** (0.07)	0.16** (0.07)	0.17** (0.07)	0.17** (0.09)	0.18** (0.09)	0.16 (0.1)	0.16 (0.1)
Party in government	0.12 (0.1)	0.15 (0.1)	0.14 (0.09)	0.11 (0.09)	0.26** (0.11)	0.25** (0.11)	0.1 (0.13)	0.09 (0.12)
Vote unity	0.21** (0.09)	0.21** (0.09)	0.15 (0.09)	0.16* (0.09)	0.15 (0.11)	0.15 (0.11)	0.16 (0.12)	0.13 (0.12)
Constant	-2.94*** (0.15)	-2.9*** (0.16)	-2.79*** (0.15)	-2.97*** (0.17)	-2.84*** (0.17)	-2.84*** (0.16)	-2.7*** (0.21)	-2.77*** (0.2)
Log pseudolikelihood	-67.3456	-67.3653	-74.0665	-74.2910	-74.2163	-74.3199	-71.3921	-71.4806
N	372	372	372	372	372	372	372	372

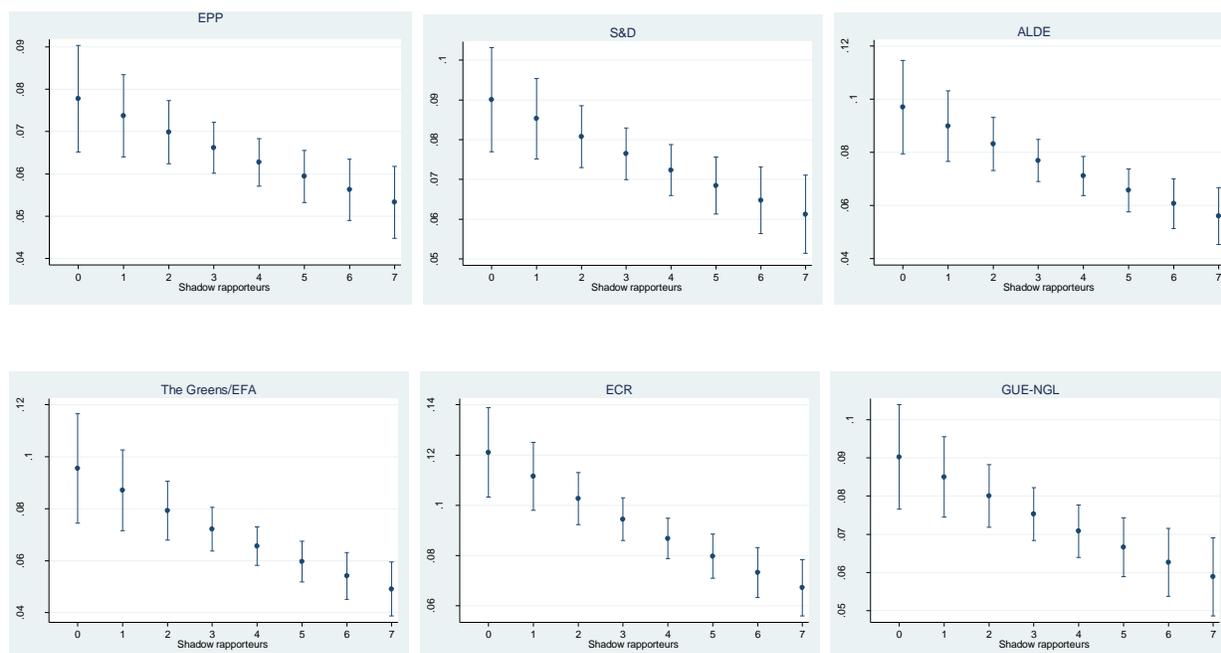
Robust standard errors in parentheses, \*\*\* p<0.01, \*\* p<0.05, \* p<0.1

*continued*

	M4a ECR	M4b ECR	M4a GUE-NGL	M4b GUE-NGL	M4a EFD	M4b EFD
Shadows	-0.09*** (0.02)		-0.07*** (0.02)		-0.04 (0.03)	
Rapp/shadow		-0.37*** (0.1)		0.12 (0.1)		-0.13 (0.12)
Left-right distance	0.1* (0.06)	0.01* (0.06)	0.11* (0.06)	0.13** (0.06)	0.16** (0.07)	0.16** (0.07)
EU distance	0.08 (0.09)	0.11 (0.09)	0.18*** (0.07)	0.18*** (0.07)	0.05 (0.12)	0.05 (0.1)
Party in government	0.17 (0.1)	0.18* (0.1)	0.17* (0.1)	0.15 (0.1)	0.07 (0.12)	0.06 (0.12)
Vote unity	0.12 (0.11)	0.12 (0.11)	0.14 (0.1)	0.15 (0.1)	-0.28** (0.14)	-0.27** (0.14)
Constant	-2.39*** (0.18)	-2.52*** (0.18)	-2.87*** (0.17)	-3.07*** (0.16)	-2.4*** (0.23)	-2.5*** (0.19)
Log pseudolikelihood	-84.5421	-84.7349	-73.3278	-73.5635	-83.0261	-83.0815
N	372	372	372	372	372	372

Robust standard errors in parentheses, \*\*\* p<0.01, \*\* p<0.05, \* p<0.1

Figure 2. Predictive Margins of PNV by groups, with 95% CIs




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## Notes

<sup>i</sup> We employ Noury's (2004) acronym.

<sup>ii</sup> Rule 166 in 2009; Rule 179 in 2014.

<sup>iii</sup> The data correspond to the first six months of the legislatures, <http://www.votewatch.eu>

<sup>iv</sup> In the calculation of our dependent variable, we include 'I abstain' (in the denominator) as this is a type of vote in the EP. MEPs not attending the chamber are excluded.

<sup>v</sup> Parliaments and governments database, <http://www.parlgov.org/>

<sup>vi</sup> The committees included are: Agriculture and Rural Development; Economic and Monetary Affairs; Employment and Social Affairs; Environment, Public Health and Food Safety; Internal Market and Consumer Protection; International Trade; Industry, Research and Energy; Legal Affairs; Civil Liberties, Justice and Home Affairs; and Transport and Tourism.