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Reassessing Parliamentary Empowerment over Time: Agency, structure and practices on the European Parliament's institutional development

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Abstract

The institutional development of the European Parliament has been characterised by a gradual complexity of its organisation and its competences within the European decision-making system. The EP began as a consultative chamber to become a co-legislator organisation. This did not happen overnight. It was a process that changed direction at critical junctures. These have enabled the transformation and strengthening of EP vis-à-vis the Council of the European Union and the European Commission. This article argues that agency has played a key role, through some EP's practices - as parliamentary political reports, revision of rules of procedures, resolutions on the intergovernmental conferences - which have supported the empowerment of the parliament in European integration. By linking the impact of agency and structure over time, in both moments of institutional change and institutional stasis, this research intends to develop a theoretical framework to assess the institutional development of the European Parliament. After presenting each institutional stage of the EP's history, this article provides an overall synthesis of the EP's institutional development and reflects upon how agency and structure through selected parliamentary practices have impacted on the institutional path of the EP over the years, thereby transforming the characteristics of this parliamentary institution within the EU's political system.

INTRODUCTION

This article assesses the institutional development of the European Parliament over time. In order to do so, it applies some of the key concepts of historical institutionalism such as critical junctures and incremental changes, the importance of the interplay of structure and agency over time, as well as the conceptual contributions of the practice turn in both IR and regional integration studies to understand the institutional development of regional integration projects worldwide. Each one of the following sections focuses on one critical juncture of the institutional history of the EP. Firstly, it begins by stating the reasons why the selected period is seen as a critical juncture in the history of the EP. Secondly, it examines the key actors who pushed for change and their positions on the role and competences that the EP should play within the EU at each particular moment. Thirdly, it stresses how agency and structure through parliamentary practices have impacted on the institutional path of the EP over the years, thereby transforming the characteristics of this parliamentary institution within the EU's political system. After presenting each stage of the EP's history, this paper provides an overall synthesis of the EP's institutional development, through the combination of both periods of institutional changes and institutional stasis over time, and by highlighting the key parliamentary practices employed in the European case.

The key focus of this article is the institutional development of the European Parliament, which is characterised by a gradual process of complexity of its organisation and its competences within the European decision-making system. The EP began as a consultative chamber to become the co-legislating organisation. This did not happen overnight. It was a process that changed direction at several critical junctures. These have enabled the transformation and strengthening of EP vis-à-vis the Council of the European Union and the European Commission. This study argues that parliamentary agency has played a key role in this process, through the employment of specific practices – such as deliberating, overseeing, legislating and negotiating – which have supported the gradual empowerment of the EP within European integration.

Previous scholars who studied the EP's institutional development have either explained this particular phenomenon through a logic of rational preferences of the political actors involved, either intergovernmental and supranational (Hix, 2002; Kreppel, 2002) or according to a strategy of legitimacy-seeking (Rittberger, 2005). Nonetheless, this study considers that both arguments

are relevant but insufficient to explain why the EP has reached its current stage of institutionalisation. Instead, I propose to apply the ‘logic of practicality’ (Pouliot, 2008), which has recently been employed in EU studies (Adler-Nissen, 2016), in order to fully address the parliamentarisation of the EU. In this sense, this research highlights the importance of parliamentary practices on the empowerment of the EP. The practices intensely performed by parliamentary agents at the EU level led to a collective understanding from governmental and supranational agents that the EP should be empowered over time, achieving more similar characteristics with the national parliaments as far as the EU became a more complex political system.

By examining the practices employed by parliamentary agents in each of the selected critical junctures of the European integration, this research intends to link the impact of agency and structure over time, including moments of institutional change and institutional stasis, developing a more adequate theoretical framework to assess parliamentary institutionalisation in regional organisations worldwide. The EP’s case will serve the purpose of testing the proposed theoretical model, which is an academic effort to better understand the evolution of regional parliaments in the world.

Before analysing the European parliamentary case, it is important to point out that the critical junctures have been selected on the basis of the moments in time in which the EP has achieved a substantive transformation in terms of its institutional characteristics and competences. Within approximately 60 years of European integration, one could of course recognise other periods as key to a better understanding of the parliamentary evolution of the European project. However, given the limits of the length of this study, three junctures will be highlighted, as these had a fundamental impact on the EP’s roles within the European Communities/Union: *first, the Single European Act (1985); second, the Maastricht Treaty (1992); and, third, the European Convention (2001-2003)*. Although the holding of the first direct elections to the EP in 1979, for instance, is a remarkable moment of the EP’s history, the chosen junctures have established and/or fundamentally transformed the EP’s institutional shape over time. It is fundamental to note that although these critical junctures have taken place on a specific date, i.e. the year of the entry into force of selected foundational treaties/agreements, these junctures must be understood in a more comprehensive way, through the surrounding temporal context related to the constitution of these documents.

As this research intends to develop an assessment of the EP's institutional development, it will only take into account some of the key documents of the history of European integration. These documents were mostly obtained through the online database of the *Centre Virtuel de la Connaissance sur l'Europe* (CVCE), a Luxembourg-based repository. Hence, this analysis will focus on the European Foundational Treaties (such as the Treaty of Paris, Treaty of Rome, Treaty of Maastricht etc.); the EP's rules of procedures; the key reports from the EP's Committee on Constitutional Affairs and the European Commission; as well as interviews with EP's members and officials. Some of these interviews were recorded decades ago, but are available online at the multimedia gallery of the European Parliament, while others were conducted exclusively for this study in Brussels, on March 2017.

1. PARLIAMENTARY ACTIVISM AT THE SINGLE EUROPEAN ACT AND ESTABLISHMENT OF THE COOPERATIVE PARLIAMENT

A key critical juncture in the history of European integration emerged in the 1980s, when the establishment of the internal market and the direct elections of MEPs pressured for further reforms in the European supranational architecture. The signing of the Single European Act (SEA) in 1986 was an important step forward in the empowerment of European institutions and the expansion of the European project to new policy areas. With regard to the role of the EP, the SEA introduced a new legislative procedure – the cooperation procedure – thereby increasing the EP's leverage towards the Council and the Commission. Although the optimistic context shared by the political leaders in the 1980s encouraged further integration and provided a favourable momentum for institutional reform (Moravcsik, 1991), the role that the EP and some entrepreneurs MEPs played at this moment is fundamental to understanding the institutional transformations of the European project during this period. In contrast to the previous critical juncture identified, when the assembly was firstly created according to the sole decision of the Member States, this second juncture saw the EP developing into an established and directly elected supranational actor, aiming to achieve a more prominent role in European integration.

As stated by Guerrieri (2001, p. 236), “The Parliament elected by universal suffrage in 1979, with a membership increased from 198 to 410, suffered greatly from the fact that the introduction of the direct election was not accompanied by the granting of any new

responsibility”. Thus, the EP’s dissatisfaction made parliamentary agents keep pressuring European governments for further powers. A major role in the 1980s is attributed to the Italian Communist MEP Altiero Spinelli. By gathering parliamentarians from different ideologies and nationalities at the Crocodile Restaurant in Strasbourg, Spinelli and the *Crocodile Club* defended a large-scale reform of European institutions, which would necessarily include stronger competences for the newly elected EP in order to democratise and legitimise the European project. Consequently, the EP set up an *ad hoc* working group – chaired by Spinelli – responsible for drafting a new European Treaty that would afterwards be presented to the consideration of Member States (Lodge, 1984; Pinder, 2009).

Approved by the European Parliament’s plenary in 1984, the ‘Draft Treaty Establishing the European Union’ – also called Spinelli Report – was one of the EP’s major contributions to the European project. Key aspects of the current EU were suggested for the first time in this proposal: such as the co-decision procedure between Parliament and the Council; the concept of citizenship of the Union; the obligation of Member States to follow democratic principles and fundamental rights domestically; and the requirement of parliamentary approval to international agreements signed by the Commission (Bieber, 2009).

Member States responded to this particular parliamentary practice by organising an intergovernmental conference on the issue. However, the EP’s overall enthusiasm with the Spinelli Report differed significantly from the reluctant governmental reception of this document. According to Lodge (1986), although strongly supporting the consolidation of the internal market, governments preferred a narrower notion of ‘European Union’. After this intergovernmental meeting, Member States reached a common position on the next steps of the European project by signing the SEA. When compared to the Spinelli Report, the SEA was much more limited in terms of its capacity to substantially change the nature of European integration. For instance, although the EP’s legislative influence was extended by the SEA, this agreement guaranteed that the national governments’ position still prevailed within European decision-making system, leading to the disappointment of Spinelli and the *Crocodile Club*. Despite the high level of parliamentary activism identified in this period, the negotiations which led to the SEA were ultimately conducted and promoted by the key Member States (France, Germany and the United Kingdom), according to an intergovernmental and minimalist approach, excluding parliamentarians from the decisive forums (Moravcsik, 1991).

On the other hand, from a long-term perspective, one realises that practices such as the adoption of the Spinelli Report and EP's dynamism in the 1980s have pushed forward the integration project by provoking the Member States and making them react to parliamentary pressure for further integration. Although the short-term outcomes were not as substantive as Spinelli and others had imagined, the SEA put an end to the institutional stasis of the European project and led to the consolidation of the single market and the increasing involvement of the EP in the legislative process.

The SEA established, for the first time, a certain level of parliamentary influence in the EU's legislative process. The cooperation procedure allowed the Parliament to present amendments to the Community norms proposed by the Commission, which would have subsequently to be taken into account by the Council of Ministers in its deliberation on the issue. Although the national executives remained in control the final decision on European laws, the EP achieved an institutionalised way to impact the decision-making process, through new practices such as proposing amendments to European legislation. Despite the fact that giving legislative powers to the directly-elected EP would help address the democratic and legitimacy concerns with the European Communities, Rittberger (2003) also argued that the cooperation procedure may also be seen as a reaction from the Member States to the introduction of qualified majority voting (QMV) in the Council. QMV had eliminated States' veto powers over some policy areas, such as internal market, social policy, economic and social cohesion. Therefore, "A majority of Member State representatives wanted the EP to play a more prominent role in the Community legislative process once the Member States opted for the pooling of sovereignty" (Rittberger, 2003, p. 20). According to Lord Henry Plumb, EP's President (1987-1989), with the ratification of the SEA, MEPs realised that they were not merely a 'talking shop' anymore. Therefore, Parliament responded very positively to the new responsibilities granted, in particular to the cooperation procedure and the insertion of the second reading, which gave the EP a more prominent role and intensified the dialogue between MEPs with both the Council and the Commission (Plumb, 2015). From the SEA on, 'legislating' has also become a key practice performed by MEPs in order to regularly impact within the decision-making process.

Although the SEA granted the EP a more powerful institutional position, MEPs were not fully satisfied with the outcome of the intergovernmental agreement, considering that the Spinelli Report had demanded more extensive competences for the EP, towards the transformation of the

Parliament into a full legislative body. Thus, one of the responses from the EP was to take the opportunity created by the SEA to reform its own rules of procedure in order to guarantee that the new parliamentary powers – and particularly the cooperation procedure – would be fully exploited by the EP over the following years.

As Kreppel (2003) points out, “The hierarchical structures that govern the EP are established by the rules and in turn serve to structure the day-to-day activities of the Parliament including all activities related to the policy-making process” (p. 893). In this regard, reforming its own internal rules would be one of the parliamentary practices that the EP is able to use according to its own objectives and ambitions. For instance, a parliament wanting to increase its political relevance may adapt its rules of procedures to make sure that its internal organisation is structured with the aim of making the most of its current powers and to consequently pressure the executive for further empowerment. The EP’s relative disappointment with the SEA led to a far-reaching reform of its rules of procedures, in an attempt to both adapt its procedures to the new powers granted as well as to unilaterally enhance its powers beyond the limits expressed in the treaties. For instance, according to Kreppel (2003), one quarter of the parliamentary reforms after the SEA were related to its unilateral empowerment within the European decision-making system.

The Spinelli Report on the European Union and the reform of EP’s rule of procedures after the implementation of the SEA are clear examples of parliamentary deliberative practices used by the EP during the 1980s aiming to not position the EP as a passive body in European integration. Deliberating was the key parliamentary practice performed by MEPs since the establishment of the Common Assembly. Although it showed limited impacts on the outcome of institutional change, it enabled MEPs so constantly pressure the national governments for further institutional reforms. Therefore, the EP and entrepreneurs MEPs such as Altiero Spinelli must be seen as important collective and individual agents of change. They pushed national governments in the direction of a deeper reform of the European project in a moment of ‘euro-paralysis’, which ultimately led to the establishment of the internal market and the expansion of Community policies. They also led to the Parliament’s stronger role in legislative matters, through the introduction of the cooperation procedure. For instance, this was confirmed by Jacques Delors in a speech at the College of Europe in Bruges, in which he declared that:

In the meantime, however, how could we not mention the growing influence exercised by the European Parliament, in its present form, on the course of European construction? I

am asking you: would it have been as easy to convene the intergovernmental conference which resulted in the Single Act if the European Parliament had not brought all its weight to bear, on the basis of the draft Treaty it adopted at the initiative of this great European, Altiero Spinelli? (Delors, 1989a, p.6)

However, the actual reforms introduced by the SEA were not considered sufficient by the EP. As a consequence, the EP translated its disappointment through its practices, investing in a major reform of its own rules of procedure, aiming to unilaterally expand its competences vis-à-vis the other institutions. Hence, although Spinelli's ambitious plans were not accomplished during his lifetime – he died in 1986, a few months after the signature of the SEA – most of the ideas found in the Spinelli Report were taken up in the 1990s, at a new critical juncture: the creation of the European Union.

2. LEGISLATING AT THE EU LEVEL: THE TREATY OF THE EUROPEAN UNION AND THE CO-DECISIVE PARLIAMENT

The end of the cold war and German unification altered the dynamics of Europe and opened a new window of opportunities towards a deeper integration project through a significant institutional reform. In order to attach the unified Germany to the European project and avoid a renaissance of German nationalism, European leaders – and in particular French representatives – favoured further integration and the establishment of an Economic and Monetary Union (Baun, 1995; Ludow, 2013). Therefore, the ideas proposed in the 1980s by Spinelli and others were rediscovered and reformatted with the aim to move the European project to the next level.

Supranational actors played a significant role in the negotiations held in Maastricht. Similarly to the preparations of the SEA, European Commission President Jacques Delors played a fundamental and influential role in guaranteeing a comprehensive but pragmatic compromise agreed by all Member States, which included a more prominent role for the EP. In a statement to the European Parliament (1989), Delors acknowledged the EP's involvement in European integration.

Also supported by the German government, the EP's empowerment and the institutionalisation of a new legislative procedure were central aspects of the intergovernmental negotiations in the 1990s. For instance, in 1983, German Chancellor Helmut Kohl had already expressed during a speech to the European Parliament that "As far as I am concerned, I stick to my conviction that the position and authority of the European Parliament must be strengthened" (Kohl, 1983, p.6). Although the cooperation procedure created by the SEA enhanced significantly the EP's involvement in EC legislation, "this increase in parliamentarians' influence had only whet the appetite of MEPs and their numerous backers for further movement in the same direction" (Ludow, 2013, p.16).

Bargaining over a new foundational treaty is a key practice and a great opportunity for supranational entrepreneurs to impact on the decisions taken and to assure the implementation of institutional innovations over time (Mazzucelli, 2007). Therefore, the European Commission and the Parliament have seen moments of treaty reform as junctures at which institutions are more prone to be changed and substantial transformations as well as institutional innovations are more likely to happen. This is precisely what was identified in the negotiations of the Maastricht Treaty (1992). According to Forster (1998), "negotiations in the EP dossier were complicated by the active role of the EP in campaigning for greater powers, and the fact that the German government had made a public commitment to strengthen the powers of the EP" (p.356). In this sense, Enrique Barón Crespo, President of the EP from 1989 to 1992, agreed that the EP played a very pro-active role when it came to the conception of the Political Union after the fall of the Berlin Wall. Not only was the Parliament understood as a resonance box of proposal and ideas, but, for the first time, it was allowed to participate in the negotiations as a protagonist (Barón Crespo, 2015). Since then, we can observe a growing parliamentary practice, i.e. negotiating, being performed by parliamentarians.

The Treaty of Maastricht, which established the European Union (EU), introduced a new legislative procedure: the co-decision procedure. The EP achieved a stronger legislative role in areas related to the internal market, environment, research and education policies, deciding on equal terms with the Council of Ministers on the laws proposed by the Commission. In contrast to the cooperation procedure, in which the Council could refute parliamentary amendments at a final reading, the co-decision procedure required that Parliament and Council, as a last resort, jointly reached a final legislative position, through a conciliation meeting. The creation of this

new legislative process indicated that, step by step, the EP has progressively and steadily acquired more means to influence the European decision-making system (Maurer, 2003).

The new legislative procedure has had an important impact on the organisation of EU bodies, and in particular the EP. The implementation of co-decision and the extension of co-decision to other EU policies throughout time have led to a ‘functional specialisation’ within the EP (Maurer, 2003). Thus, MEPs started to spend more time and resources on the practices associated to the co-decision procedure, aiming to increase their expertise and influence in this area. For instance, Rasmussen and Toshkov (2011) stressed “that the EP spends more time reaching its first reading opinion in co-decision than it does in the consultation procedure, where it has less power” (p.71). In addition, MEPs and political groups started to compete for the allocation of legislative reports, given that being a rapporteur¹ became one of the most effective ways for individual MEPs to influence in EU legislation. Consequently, there was a stronger demand for drafting legislation ruled by the co-decision procedure than for those related to the less influent legislative procedures, such as consultation (Yordanova, 2011). Thus, since the establishment of the co-decision procedure, one may identify a parliamentary preference on performing more influential practices such as ‘legislating’ which would generate a deeper parliamentary impact on the EU’s decision-making system.

Once again, the EP seized the juncture of treaty reform to strengthen its powers, thereby aiming to make the most of the competences acquired by the Treaty of Maastricht. Through informal and formal practices, parliamentary agents kept allocating their own resources (political influence and time) with the ultimate goal to increase its weight in European decision-making system. In this sense, the co-decision procedure not only partially satisfied Parliament’s demand for a greater role in certain areas but it also became a key instrument to strengthen its position vis-à-vis the Council and the Commission. As Maurer (2003) stated,

The EP’s performance clearly indicates that by building on precedents – conditional vetoes in codecision, linking policy-making with institutional, financial and procedural aims and inter-institutional agreements – Parliament has been able to steer the geometry of institutional relations from a two-sided into a triangular form (Maurer, 2003, p.244).

¹ Rapporteurs are the MEPs responsible for drafting a report on the legislation which will be deliberated in the specialised committees and the EP’s plenary sessions.

In addition, following previous practices, the EP's rules of procedures were again reformed in order to adapt parliamentary internal structures to the new constitutional powers. As Maastricht granted more powers to the EP than the SEA, a broader reform of the rules of procedures was implemented by parliamentarians in the beginnings of the 1990s. While most of the amendments made in the 1980s after the SEA were an attempt to expand the competences gained – outcome of parliamentary dissatisfaction with the actual powers obtained – the Maastricht reforms focused more on incorporating the newly-acquired powers and increasing the efficiency and control of the EP's activities (Kreppel, 2003).

2.1 Successive European Treaties: Enlargement and Deepening

The two following European treaties, Amsterdam (1999) and Nice (2003), did not substantially change the role of the EP within the EU political system. They were mostly related to the adaptation of the EU rules for the successive enlargements of the 1990s and the early 2000s, when the number of EU countries rose from 12 in 1992 to 25 in 2004. With the increase in Member States, adjustments on the QMV and on national representations in both the European Parliament and the European Commission had to be addressed in order to secure the efficiency of an enlarged union.

Moreover, both treaties confirmed the tendency of incremental changes to the EP's powers over time. As discussed by Hix (2002), the Amsterdam Treaty is a clear example of how treaties are incomplete contracts, which enable the EP to interpret and manipulate the rules in order to extend its own legislative and supervisory powers, thereby constituting itself as a key agenda-setter. Each treaty reform, in this sense, is an opportunity that agents have to change the rules of the game in their favour. Thus, Amsterdam was a window that Parliament found to assure the fast implementation of the co-decision procedure, as well as to extend the areas under this legislative process. According to Farrell and Héritier (2007), the Treaty of Amsterdam, in fact, formalised an already existing informal practice used by the EP when dealing with the Council under the co-decision procedure since the Maastricht Treaty, i.e. negotiating legislation right after the first reading, aiming to accelerate the inter-institutional dialogue between the

Parliament and the Council. Therefore, from the point of view of the EP, Amsterdam was important to reform and extend the co-decision procedure (Kreppel, 2003).

This document, the European Parliament resolution on the Treaty of Nice and the future of the European Union (2001), confirms that not only was the EP concerned with expanding its own institutional powers within the EU, but also supported a substantial reform in the way that EU treaties are negotiated and criticised the manner in which supranational actors and citizens had few means to impact and scrutinise the outcome of negotiations. Pat Cox, former President of the EP (2002-2004), confirmed this sense of disappointment within the EP and the perception of a missed opportunity amongst MEPs. Since then, the EP starts issuing reports calling for the replacement of the intergovernmental method for future treaty reforms (Cox, 2015). Parliament, thus, started to demand a more open constitutional process which would enable the European project to move on to a next stage of integration, and in which the EP would become a key supranational actor.

Thus, the Treaty of the European Union promoted the most important institutional transformation regarding the EP's legislative role through the co-decision procedure. Since then, the EP has become a protagonist in most policy areas, sharing with the Council of Ministers the power to approve and amend EU legislations. The new competences had a profound impact on the bureaucratic and political organisation of the EP, which had to review and improve its practices in order to make the most of its acquired powers. Thus, particular attention was given to allocating most of its resources to the areas ruled by co-decision aiming to convert 'legislating' as one of its most significant parliamentary practices. Thereby, European political groups become key actors in distributing rapporteurships and in guaranteeing coherent voting patterns, replacing individual leaderships over time.

The successive treaties (Amsterdam, Nice) aimed to improve the Maastricht Treaty in a context of Eastern enlargement. Once again, Parliament gained more powers and co-decision was effectively implemented as the EP's most important political instrument. Informal parliamentary practices were formalised, such as the negotiations with the Council after the first reading of co-decision and the procedure to appoint the European Commission (Hix, 2002). As Rasmussen and Toshkov (2001) summed up, "there is no doubt that the EP has been an active agent and has adapted strategically to inter-institutional changes over the years by changing its procedures and working methods in order to maximise its influence" (p.72). However, Parliament was still not

satisfied with the conduction of previous intergovernmental negotiations, and demanded a deeper reform of the European Union, but this time embedded in a constitutional fashion.

3. NEGOTIATING THE CONVENTION OF EUROPE: AN UNSUCCESSFUL CRITICAL JUNCTURE?

The Convention on the Future of Europe (2001-2003) was a key critical juncture in the history of the EU. It presented a high potential to change the nature of the European Union as a supranational and constitutional political entity. The Convention was an opportunity that enabled the EU's profound institutional re-design, towards an innovative constitutional model of European governance (Lehmann and Schunz, 2005). In contrast to the previous intergovernmental conferences conducted behind closed doors, the Convention was organised in a distinct manner: Not only were the Member States active participants of the negotiations, but other supranational and national actors were formally invited to take part in the discussions (Christiansen and Gray, 2003), such as the European Commission, the European Parliament, national parliaments, as well as the governments and parliaments from the accession candidate countries.

The Convention proved to be a chance for MEPs – for the first time – to engage directly in the discussions of a major EU reform (Costa and Brack, 2013). In comparison with the previous intergovernmental conferences, where the EP had no formal participation in the discussions held by Member States and mediated by the Commission, the European Convention opened to the EP a space of engagement. Negotiating within the framework of the Convention was a innovative practice which fully incorporated the EP in the discussions over the EU's key institutional reforms. In terms of individual representatives, the EP delegation – as a single body – was composed by the highest number of representatives at the Convention (16), especially when compared to the number of delegates from the Commission (3) and of each Member State (1). In comparison to previous treaty conferences, representatives of national governments were a minority in this case (Menon, 2003).

Therefore, during the Convention, the MEPs' strong presence brought significant privileges in terms of participation in working groups and speaking time. In addition, Costa and Brack

(2013) emphasised that the EP had an informational advantage vis-à-vis the other delegations, strengthening the impact of its opinions in the Convention's outcomes. This privileged position of the MEPs, especially when compared to the national governmental delegations, increased the likelihood of the EP to achieve its main goals at the Convention, such as the expansion of the co-decision procedure and the enhancement of its budgetary powers.

However, the Member States did not yield completely to the EP's numerical advantage. The overwhelming presence of the EP in the Convention was balanced within the Convention's most decisive body: the Praesidium. When it comes to the composition of the Praesidium – the political council of the European Convention – the EP's delegation was composed by just two representatives, the same amount of representatives from the EU Commission and the national parliaments, while the Presidency of the Council of Ministers was represented by three representatives.

In addition, importance must be given to the President of the Convention, former French President Giscard d'Estaing, and his influence on the final outcome of the negotiations. His position over the status of the EP was that it would eventually become a "true" Parliament which would work transparently to vote on European laws (Giscard d'Estaing, 2005). For instance, besides stating that the main purpose of the Convention would be to present a Constitutional Draft, Giscard d'Estaing was the person responsible for dividing the activities of the Convention into three stages: listening, studying, and proposal (Closa, 2003; Magnette and Nicolaïdis, 2004). The plenary of the convention was very active in the first phases of the negotiations, but when it came to the final stage, the focus was on the members of the Praesidium, including its President.

A clear constitutional principle was embedded in these negotiations, which ultimately led to the signing of a Treaty establishing a Constitution for Europe, thereby promoting the logic of constitutionalisation at the European level. Alongside this direction, Roederer-Rynning and Schimmelfennig (2012) discussed how the Convention on the Future of Europe was crucial to the parliamentarisation of one of the most significant policy areas, i.e. the Common Agriculture Policy. Although agriculture policy was one of the areas more associated to the interests of the Member States, the constitutional logic defended by most of the members of the Convention, including the vast of the majority of the EP's representatives, supported the idea that the expansion of the co-decision procedure to further key policy areas, such as agriculture, should be an automatic path in the European project. In this sense, the EP's position in the Convention was

clearly in accordance with the general ideas behind the negotiations, i.e. constitutionalisation, democratisation and simplification, taking into account that the strengthening of the EP was considered a means to increase the democratic legitimacy of the EU and a constitutional response to further integration (Costa and Brack, 2013).

Through one of its most common practices, parliamentary resolution, the EP expressed its approval on the general outcome of the Convention, supporting its ratification by the Member States. It has also acknowledged that, in contrast to from previous treaty reforms,

(...) the result of the Convention, in which the representatives of the European Parliament and of national parliaments played a central role, shows that open discussions within the Convention are far more successful than the method followed up to now of intergovernmental conferences held in camera (European Parliament, 2003, p.2).

The European Convention thus represented a new stage of parliamentary influence in the EU's treaty reforms, through the formalisation of a new EP's practice at the EU level, i.e. negotiating alongside the Member States and the Commission over further institutional changes. Before the Convention, MEPs were only able to indirectly influence treaty reforms through the use of particular parliamentary practices, such as drafting reports on European integration, reforming its own rules of procedures, issuing resolutions on the EU treaties, and establishing inter-institutional relations with the Commission and the Council. Through these practices, the EP demanded more powers. Through the Convention's new *modus operandi*, MEPs were able to formally propose and discuss key issues of EU reform, impacting directly on the final outcome of the negotiations in their own favour. Although the Constitutional Treaty was not ratified, after being rejected by the Dutch and French voters in referendums in 2005, most of its key elements were covered subsequently by a new treaty signed in Lisbon, four years later. Therefore, the fact that the Convention was not ultimately ratified by Member States did not necessarily mean that this critical juncture was lost, inasmuch as some aspects of the Convention method started to be adopted in treaty reforms since then. As a consequence, new practices were set and supranational actors, such as the MEPs, as well as national parliaments have gained a formal place in treaty negotiations. They were now able to directly engage in the deliberations and decisions on treaty changes.

3.1 Lisbon Treaty: Towards a European co-legislature

The Lisbon Treaty, signed in 2007, was the pragmatic solution found to accommodate some of the most important institutional decisions made by the Convention, without the need to adopt the constitutional format rejected by the referendums in France and the Netherlands. Amongst the key changes brought by this reform treaty are: the extension of the areas covered by the co-decision procedure – which now became the ordinary legislative procedure; the expansion of the EP's budget powers (Benedetto, 2015); the requirement of the EP's ratification of international agreements; the attribution of an international personality to the EU, and the approval of the EU Charter of Fundamental Rights.

Regarding the EP's legislative powers, two institutional transformations must be highlighted: the process of selecting the President of the European Commission and the fact that co-decision became the ordinary legislative procedure. Both topics demonstrate how the EP keeps campaigning to become an even more influential actor. On the new way of appointing the President of the Commission, the Lisbon Treaty stated that the nomination of the President must take into account the results of the elections to the EP. Thus, the EP and the biggest European political groups relied on this institutional reform to assure parliamentary influence on the appointment of a new President amid the 2014 European elections (Hobolt, 2014). Thus, MEPs interpreted the Lisbon Treaty rules to their own favour and established a new practice of selecting the chief of the European executive, in which the European political groups and the outcome of EP elections play a decisive role.

The expansion of co-decision – to key policies such as agriculture (mentioned before), fisheries, security and justice, and commercial policy – and its new denomination as 'ordinary legislative procedure' can also be seen as significant steps in the empowerment of the EP. The concept of ordinary legislative procedure, in particular, carries the assumption that this procedure shall be the normal way of passing EU legislation and that the parliamentary practices of 'legislating' should be performed more often. Consequently, all further legislative processes, in which the Parliament has a low profile, must eventually be replaced by the ordinary procedure, making the EP a stronger legislative actor.

In contrast to previous treaty reforms and bearing in mind the failure of the Constitutional Project, the EP was overall satisfied with the institutional changes of the Lisbon Treaty. In a resolution approved in February 2008, 525 of the MEPs agreed that:

(...) taken as a whole, the Treaty of Lisbon is a substantial improvement on the existing Treaties, which will bring more democratic accountability to the Union and enhance its decision-making (through a strengthening of the roles of the European Parliament and the national parliaments), enhance the rights of European citizens vis-à-vis the Union and improve the effective functioning of the Union's institutions (European Parliament, 2008, p.1).

The 2000s were marked by a challenging environment for European integration. While most European political leaders have supported the widening and deepening of European integration, this preference was not shared by all European citizens. The rejection of the European Constitutional Treaty in France and the Netherlands and the growth of Eurosceptic and nationalist political parties at the national and the European level – 15% of MEPs elected in the 2014 European elections belong to Eurosceptic parties (the proportion was of 7% in 2009) – indicates that an anti-European sentiment is gaining strength on the continent and that the recent transformations of European institutions have not satisfied citizens' concerns (Economist, 2014).

However, this challenging context has not hindered the EP to become a more prominent agent. The active and formal participation of the MEPs in the negotiations of the European Convention and subsequently of the Lisbon Treaty has guaranteed a significant enhancement of its competences over the last decade. Besides using its 'traditional' practices to impact EU treaty reforms – resolutions, reports, reforms of the rules of procedures, and inter-institutional dialogue – the Convention's open deliberative method assured the definition of 'negotiating' as a key parliamentary practice of the EP, enabling MEPs' direct influence in the constitutional negotiations, thereby supporting both the constitutionalisation and the parliamentarisation of the EU. Despite the setback of the European Constitutional Project, the Lisbon Treaty has kept some of the main demands of the European convention, thereby avoiding a complete failure of this critical juncture in terms of substantially changing European integration.

4. THE INSTITUTIONAL EVOLUTION OF THE EP: A HISTORICAL AND PRACTICAL INSTITUTIONALIST SYNTHESIS

This section summarises the findings on the institutional development of the EP, since its creation until the most recent reforms introduced by the Lisbon Treaty. Grounded in some HI key concepts (such as critical junctures and incremental changes), acknowledging the interplay between agency, structure and context over time, and identifying and assessing parliamentary practices related to the institutionalisation of the EP, this case study aimed to stress the importance parliamentary agency and practices over time. Thus, in contrast to previous approaches, which have focused on both the prominence of Member States in intergovernmental conferences and on understanding why national governments agreed to empower the EP (Moravcsik, 1991; Rittberger, 2003), this research has centred on the role of parliamentary agents and parliamentary practices over time and their impact in EU's institutional development.

Therefore, critical junctures were identified in the history of EU's and EP's institutional history. By examining the institutional path of the EP, one can observe a significant process of parliamentary empowerment since the beginning of European integration in the 1950s. Over time, moments of both institutional change and institutional stasis were identified. While critical junctures enabled institutional innovation, they were usually followed by periods of institutional stasis, when transformations were unlikely, although one can find particular instances of incremental change.

The three critical junctures observed (the negotiation of the SEA, the Maastricht Treaty and the European Convention/Lisbon Treaty) were fundamental periods in which European institutions were open for change and significant transformations were allowed to happen. In the 1980s, the SEA was the first step to deeply enhance the Parliament's role in the European legislative procedure, through the cooperation procedure. Although Member States remained the key legislative actors, this change enabled the EP to get more involved in legislative deliberations. Over the 1990s, the Treaty of the European Union (TEU) established the co-decision procedure, making the EP a strong legislative actor in some policy areas. In the 2000s, the European Convention introduced a new method of deliberating on treaty reform and the Lisbon Treaty materialised some of the Convention's most important decisions. All junctures explored showed that the EP's institutional path was characterised by the exponential widening and deepening of

its own powers. First created as a consultative assembly, today's EP is a nearly fully-fledged legislative actor which cannot be ignored anymore by the other supranational and intergovernmental organisations.

On the other hand, moments of institutional stasis have also been identified, when innovation was less likely to happen, even though some small, incremental changes were possible. The most important incremental changes observed are the Treaty of Amsterdam and the Treaty of Nice. Although these changes did not substantially transform the EP's role, they signalled the trend to keep empowering the EP over time, even if sometimes on a small scale.

The aim of this research was to understand why the EP has taken this institutional path over the last decades. In order to do that, this study highlighted the reasons why the EP reached its current stage of institutional development, particularly examining institutional change within the critical junctures of European integration. Not only does it take into account the key HI concern of inserting institutions in context (Pierson, 1998), but it also highlights the interaction between agency and structure in HI (Hay and Wincott, 1998; Mahoney and Snyder, 1999). In order to do so, this study has also taken into account the recent contributions of the practice turn in IR and European studies (Pouliot, 2008; Adler-Nissen, 2016) and has conducted an identification and an assessment of parliamentary practices over time and its impact on the parliamentarisation of the EU.

The historical context and circumstances in which European integration happened have favoured the incremental empowerment of its institutions, especially the supranational and parliamentary ones. Thereby, three characteristics of the European context must be stressed: democracy, parliamentarianism, and the Post-War environment. The Post-World War 2 context favoured the adoption of the pooling of sovereignty in specific policies as a strategy of Western European states to avoid further military conflicts in the region. Thus, the establishment of a supranational executive was the solution created to deal with the management of the Coal and Steel Community and subsequently with the Economic Community. In addition, the European project was not exclusively conceived by its founding fathers as an essentially economic project, but also as a wider political enterprise.

Moreover, the democratic concerns shared by European Member States demanded the creation and strengthening of legitimate channels to oversee and scrutinise the activities of the European Commission. In this sense, the parliamentary traditions in most European countries

favoured strong parliamentary bodies and parliamentarians in the European project. Acknowledging the limitations of national parliaments to perform this role, Member States decided to establish the European Parliament and to increase its legislative, supervisory and budgetary competences throughout time. As Costa and Brack (2013) stress, “the predisposition of national leaders to ‘parliamentarize’ the EU because they are familiar with the parliamentarist matrix, which is not necessarily federalist; and the absence of any other credible scenario to address the democratic deficit” (p.63) have played an important role. Therefore, relevant practices performed by parliaments at the national level were transported to the European level through the gradual empowerment of the EP within the EU’s decision-making system.

Furthermore, stressing the importance of the interplay between agency and structure on the institutional development of the EP, this case study shows that both agentic and structural forces have played a fundamental role on the empowerment of the EP over time. The coexistence of supranational and intergovernmental structures inside the European project enabled the further strengthening of supranational bodies, such as the European Commission and the European Parliament. As some scholars have argued, the institutionalisation of the European Parliament may also be seen as a response from national governments to the increasing powers of the European Commission, which was not accountable to national parliaments (Rittberger, 2003). Furthermore, the flexible nature of the still young EU project allowed the gradual and substantial transformation of its institutions and the incorporation of innovative institutional formulas over time. These flexible and supranational characteristics of the EU have facilitated the development of unintended consequences, such as the empowerment of the EP, which were not foreseen by national governments in the moment of its creation (Pierson, 1998).

On the other hand, the development of the EP not only was determined by European integrationist structures. A fundamental recognition must be made to parliamentary agents, especially to key MEPs and the European political groups, which through several parliamentary practices have incessantly demanded for more institutional powers to the EP. Although the literature acknowledged that the responsibility for treaty reforms ultimately has lied in the hands of Member States during intergovernmental conferences (Moravcsik, 1991), this research defends that parliamentary agents, through their pro-activeness and using particular practices, also played a key role in the institutional development of the EP, thereby pushing national governments to allow to increase the EP’s powers over time.

The practice turn in IR presents an important contribution to better understanding how agency and structure interact in international and regional politics. Instead of looking at agency and structure as isolated explanatory elements, investigating practices over time might be an alternative to understanding the relation between structure and agency in context (Pouliot, 2008; Adler-Nissen, 2016). Therefore, when it comes to the history of the EP, one may identify some practices adopted by MEPs which ultimately aimed to pressure the other European bodies in order to grant the EP further competences. While investigating the several critical junctures in the EP’s history, this research has identified parliamentary practices which, taken collectively, served as important means to highlight the MEPs position on the future of the European project and the role of the EP within it. While table 1 specifies these practices, table 2 emphasises which ones were more relevant in each critical juncture assessed. Through the performance of these regular activities, parliamentarians influenced the posture and the perceptions of the Commission and the Member States regarding the EP’s role within the EU, leading to the strengthening of its own competences over time. These practices were not only embedded in the agency of parliamentarians, but they were also deeply rooted in the democratic and parliamentary structures of Europe, which favoured the ‘uploading’ of these principles to the European level.

Table 1 lists the four general parliamentary practices adopted by the EP over time (deliberating, oversighting, legislating, and negotiating) and details how these practices were explored in the context of the EP’s institutional development. Not only are they related to the overall EP’s competences established by the founding treaties, but they are also associated to the internal activities and organisation of parliamentary agents over the last decades of European integration. For instance, as shown in the first sections of this paper, practices such as the reforms of the RoP and the adoption of political reports on the future of the EU were the deliberating practices more employed by agents to influence EU’s institutional development and the role of the EP within this framework. Besides, this list of practices is not exhaustive and only opted to emphasise those practices mostly employed by parliamentary agents over time.

Table 1. EP’s parliamentary practices

Practices	Sub-practices
Deliberating	<ul style="list-style-type: none"> • Reforms of the rules of procedures • Approval of political reports and resolutions on EU

	<ul style="list-style-type: none"> reforms and treaties Discussions on plenary sessions and specialised committees
Oversighting	<ul style="list-style-type: none"> Approval of EU's budget Monitoring the activities of the Commission
Legislating	<ul style="list-style-type: none"> Approval/Rejection of EU legislations Proposal of amendments
Negotiating	<ul style="list-style-type: none"> Inter-institutional dialogue with the Commission and the Council Participation on IGCs and the European Convention

When examining which particular practices were more intensively performed with the aim of strengthening the EP's positions at the EU level, one may note that the EP has preferred to invest in more influent practices over time, intensively using the new competences acquired by the subsequent EU's institutional reforms. While in the first junctures (ECSC's creation and the SEA) deliberating and oversighting were the most prevalent practices associated to parliamentary agency – which relates to the limited powers of the parliament until the 1990s – the last junctures assessed, and particularly the European Convention, is marked by the employment of more significant parliamentary practices in terms of directly influencing the intergovernmental positions within the EU (legislating and negotiating). The co-decision powers and the active parliamentary participation through the Convention model assured that the MEPs have become more prominent agents in the EU, starting to resemble the roles occupied by national parliamentarians in the domestic context of European countries. Since then, both the Member States and the European Commission have not been able to marginalise the EP from key institutional decisions, which symbolises the advanced stage of parliamentarisation reached by the EU.

Table 2. Critical Junctures and EP's parliamentary practices

Critical Junctures	Key practices employed
Single European Act	Deliberating and oversighting
Treaty of the EU	Deliberating and legislating
European Convention	Negotiating and legislating

CONCLUSIONS

This article has examined the institutional development of the European Parliament since its conception until the last reforms introduced by the Lisbon Treaty. After identifying the critical junctures of the parliamentarisation of the EU, this research highlighted the role of parliamentary agents on treaty reforms. It has demonstrated how MEPs, through specific parliamentary practices, have demanded more competences for the EP. Therefore, this research stressed that both structural and agentic explaining factors must be taken into account if we want to fully understand the institutional development of parliaments in regional organisations. Moreover, this article showed that the practice turn may offer important contributions to deeply understand parliamentary performance over time and its impact on the institutional trajectory of the EP.

When examining each critical juncture in the history of European integration, one cannot fail to notice that over time, the EP has progressively gained more powers. In contrast to the previous literature which mainly focused on the decision-making power of the Member States to grant more powers to the EP (Moravcsik, 1991), and how EP's strengthening was led by legitimacy-seeking motivations from national governments (Rittberger, 2005), this article emphasised that MEPs were highly pro-active actors who fought for the empowerment of the EP. Through several parliamentary practices employed over time – deliberating, oversighting, legislating and negotiating – they supported the deepening of integration and at the same time demanded more competences from national governments.

However, when compared to national parliaments, the EP is often not seen as a full legislative actor, mainly because it lacks the right to initiate legislations and additional budgetary powers. Thus, parliamentary agents keep demanding further powers for the EP from the Member States. For instance, parliamentary practices have been still employed to increase EP's institutional powers. More recently, two parliamentary reports (Bresso-Brok Report and Verhofstadt Report), which explore the new and future parliamentary competences in a post-Lisbon context, have been discussed at the EP's Committee on Constitutional Affairs (AFCO). To sum up, just as it has done in the past, the EP still uses most of its formal and informal resources and practices to enhance its own powers, even in the current context of the EU's financial, economic and political crises (Rittberger, 2014).

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