

JYU DISSERTATIONS 23

Luís Sargento Freitas

The New European Parliament: The Common Agricultural Policy under Codecision after the Treaty of Lisbon



UNIVERSITY OF JYVÄSKYLÄ
FACULTY OF HUMANITIES AND
SOCIAL SCIENCES

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**The New European Parliament:
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Codecision after the Treaty of Lisbon**

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Editors

Olli-Pekka Moisio

Department of Social Sciences and Philosophy, University of Jyväskylä

Ville Korkiakangas

Open Science Centre, University of Jyväskylä

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ABSTRACT

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This research intends to analyze the impacts of codecision between the main three legislative institutions (Commission, Council of the EU and European Parliament [EP]) in the outcomes of legislation, how codecision developed through the years and how members of the European Parliament (MEP's) have addressed these issues, particularly regarding the Common Agricultural Policy (CAP), in their plenary speeches.

We chose the CAP as subject matter as it is the most expensive policy in the EU budget and one of the oldest common policies in the history of European integration, having for 50 years been decided merely between the Council of Ministers and the European Commission (and only after 2009 with the EP under the codecision system). Codecision was also chosen as it was the decisive factor that allowed the EP to no longer remain just an advisory institution with limited powers as it was before 1991. Codecision has been decisive, insofar as it has changed the nature of EU legislation particularly after the Lisbon treaty where it reaches 84 EU policy areas.

The literature in this field has yet to provide enough evidence on the results of the impact of codecision and the role of the newly empowered post-Lisbon EP (which has since possessed equal powers to the other two legislative institutions). This study intends to address these issues with a comparative analysis on a number of plenary speeches by MEPs and presidents of the EP in the seventh legislature of the EP (2009-2014). Only then can we clearly state what codecision did, in fact, change in the CAP and in the EU in general and how the MEPs have observed/debated these developments.

The Lisbon treaty was a decisive and very important development of European integration and the parliamentarization of the EU in recent years as it endowed the EP with 46 new areas that are now decided under codecision (85 in total). However, one can also state that the other two legislative institutions have tried to circumvent the role of the EP and that the financial and economic circumstances of the eurozone crisis diminished the role of this institution. The speeches of the MEPs and the Presidents of the EP that I analyze in this study clearly state that these events and concerns are true.

Keywords: European Union, co-decision, Lisbon Treaty, European Parliament, Common Agricultural Policy.

Author's address Luís Sargento Freitas
Travessa Nova Rua António José Almeida, 12-2º, 3000-
046, Coimbra, Portugal.
Luisnsaf@gmail.com or Luisnsaf1@gmail.com

Supervisors Kari Palonen
Department of Social Sciences and Philosophy /
Political Science
University of Jyväskylä

 Claudia Wiesner
University of Hamburg

Reviewers Katja Mäkinen
University of Jyväskylä

 Hilikka Vihinen
Luonnonvarakeskus, Natural Resources Institute
Finland

Opponent Hilikka Vihinen
Luonnonvarakeskus, Natural Resources Institute
Finland

TIIVISTELMÄ

Sergento Freitas, Luís

Uusi Euroopan parlamentti: Yhteinen maatalouspolitiikka yhteispäätösmenettelyssä Lissabonin sopimuksen jälkeisenä aikana

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Tämä tutkimus analysoi EU:n kolmen tärkeimmän lainsäädäntöelimen (Euroopan komissio, Euroopan unionin neuvosto ja Euroopan parlamentti [EP]) välistä yhteispäätösmenettelyä. Työ arvioi menettelyn vaikutuksia lainsäädäntöön, yhteispäätösmenttelyn kehittymistä vuosien varrella sekä sitä, miten Euroopan parlamentin jäsenet (engl. MEP) ovat käsitelleet näitä kysymyksiä täysistunnoissa, siten että erityinen huomio kohdistaan Euroopan unionin yhteiseen maatalouspolitiikkaan (YMP, engl. Common Agricultural Policy eli CAP).

Valitsimme tarkemman tutkimuksen kohteeksi YMP:n, koska se on EU:n talousarviossa kallein ja yksi Euroopan integraation historian vanhimmista yhteisen politiikan aloista, josta 50 vuoden ajan päättivät yksinomaan Euroopan unionin neuvosto (ministerineuvosto) sekä Euroopan komissio, mutta vasta vuodesta 2009 alkaen Euroopan parlamentti tuli yhteispäätösmenttelyn osapuoleksi.

Vuoteen 1991 asti parlamentti oli EU:ssa neuvoa-antava toimielin jolla oli niukat valtaoikeudet. Yhteispäätösmenttely muutti ratkaisevasti EU:n lainsäädännön luonnetta erityisesti Lissabonin sopimuksen solmimisen myötä, jolloin sitä alettiin soveltaa 84 EU:n politiikan alaan.

Aihepiiriin liittyvä tutkimus ei ole toistaiseksi tarjonnut riittävää näyttöä yhteispäätösmenttelyn ja Lissabonin sopimuksen myötä vahvistuneen Euroopan parlamentin roolin vaikutuksista (Euroopan parlamentilla on nyt yhtäläiset toimivaltuudet kuin kahdella muulla lainsäädäntöelimellä). Tutkimus pyrkiikin vastaamaan tähän kysymykseen Lissabonin sopimuksen jälkeisistä yhteisestä maatalouspolitiikasta tehdyillä vertailevilla analyysillä, erityisesti tutkimalla Euroopan parlamentin seitsemännellä vaalikaudella (2009–2014) toimineiden parlamentin jäsenten ja puhemiesten täysistunnoissa pitämiä puheenvuoroja. Ottamalla huomioon tämä politiikan taso, voidaan paremmin arvioida, mitä yhteispäätösmenttely itse asiassa muutti YMP:ssä ja EU:ssa yleisesti sekä miten Euroopan parlamentin jäsenet ovat arvioineet näitä muutoksia.

Kaiken kaikkiaan Lissabonin sopimus oli huomattava kehitysaskel Euroopan integraation ja EU:n parlamentarisoinnin kannalta viime kaudella, koska se toi Euroopan parlamentille 46 uutta politiikan alaa yhteispäätösmenttelyn alaisiksi (yhteensä 85). Mutta on myös selvää, että toiset lainsäädäntöelimet ovat yrittäneet sivuuttaa Euroopan parlamentin aseman, ja myös euroalueen taloudellinen kriisi heikensi sitä. Tässä tutkimuksessa analysoimani Euroopan parlamentin jäsenten ja puhemiesten puheenvuorot osoittavat selvästi, että nämä tapahtumat ja huolenaiheet ovat todellisia.

Avainsanat: Euroopan unioni, yhteispäätösmenttely, Lissabonin sopimus, Euroopan parlamentti, Euroopan unionin yhteinen maatalouspolitiikka.

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My research stay at the University of Jyväskylä during these last years has consisted of both methodological and substance-related discussions with research teams on the fields of parliamentary studies, European Union politics, critical policy analysis, and political theory. I have presented papers in workshops and panels in Jyväskylä and received comments from established and younger scholars as well as from Finnish PhD students on my research fields. At the same time, I proceeded with writing my dissertation.

The Centre for International Mobility's (CIMO) scholarship from the Finnish Government was awarded to me in the first years of this project. I must thereby thank the Finnish Government for believing in me and in this endeavour. Secondly, I must point out the valuable help from my supervisors Kari Palonen and Claudia Wiesner who have helped me generously and tirelessly through this whole process, having pointed out many important topics and issues in the thesis, as well as Kia Lindroos and Pekka Korhonen for the valuable comments, Mika Ojakangas as the director of the Department of Social Sciences and Philosophy, and Soili Petäjaniemi-Brown for the English language revision.

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I must not forget all my dear friends in Portugal, Finland, South Africa, and other countries.

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The University of Jyväskylä in Finland is a very good place for researchers and particularly welcoming when doing a doctorate. The years I needed to finish my doctorate were demanding but also an important part of my life and career. Jyväskylä provides its researchers with very good materials and online libraries as well as state of the art offices and equipment. The high quality of the facilities and the teachers, the fellow colleagues and the research done, particularly in Political Science are one more proof of why Finland is still considered a country with one of the best education systems in the world.

The University of Jyväskylä has a long-standing tradition of conceptual studies in political science. Conceptual research is nowadays increasingly popu-

lar in all subjects inside political science and gaining acclaim in European Union studies.

The CIMO Scholarship (Centre for International Mobility) from the Finnish Government was the first step necessary for my knowledge of the Finnish research culture to improve providing the starting point for my doctorate in Finland. In the years needed to complete this doctorate, I was also fortunate to be able to spend 22 months, fully funded, in South Africa.

As part of this scholarship and its contractual obligations I am therefore legally obliged to state that *this project has been funded with support of the European Commission. This publication (communication) reflects the view only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.*

I owe particular gratitude must be given to the University of Fort Hare in South Africa for taking me in, especially the people in Development Studies and Political Science such as Dr. Priscila Monyai and Dr. Aminur Rahim.

Although my doctorate focuses mainly on EU politics, I was able to learn a lot about different research designs and popular research topics in South Africa but also similar fields such as civil society and development policies.

Even though I was living in a country and on a continent with a different history and political and economic culture than Portugal or Finland, I was able to observe similar patterns and problems: some issues were not as relevant in the EU but many similarities were evident such as certain failed political reforms or failed rural development structures that also occur(ed) in the EEC and the EU. Other subjects were more relevant in South Africa such as the post-colonial power structures or the economic effects of severe drought and harsh climate conditions.

These fully funded 22 months spent in South Africa were very productive, taught me many things, and I am sure I will always remember them fondly. Since the funding for this period in South Africa came from European Union funds, I hope this thesis serves as an acknowledgment of my sincere appreciation and thankfulness for the trust that the European Union and the European Commission and the other institutions placed in me.

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Jyväskylä, 24.08.2018
Luís Sargento Freitas

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LIST OF ACRONYMS

AGRI - Committee on Agriculture and Rural Development (European Parliament).

BUDG - Budget Committee of the European Parliament

CAP - Common Agricultural Policy

CEU - Council of the European Union

COMAGRI - Committee on Agriculture and Rural Development (European Parliament).

CONT - Budgetary Control Committee

CPLP - Comunidade de Países de Língua Portuguesa (Community of Portuguese Language Countries).

CFSP - Common Foreign and Security Policy.

DEVE - Development Committee

EAFRD - European Agricultural Fund for Rural Development

EC - European Council

ECB - European Central Bank

ECCP - European Climate Change Package

ECJ - European Court of Justice

ECSC - European Coal and Steel Community

EEC - European Economic Community

EFTA - European Free Trade Association

EMAC - Committee on Economics and Monetary Affairs and Industrial Policy. The former name for the Committee on Economic and Monetary Affairs.

ENVI - Committee on Environment, Public Health and Food Safety

EP - European Parliament

EU - European Union

GATT - General Agreement on Tariffs and Trade

GFP - Good Farming Practice

HR - Horizontal Regulation

IMF - International Monetary Fund

INTA - Committee on International Trade

ITRE - Committee on Industry, Research and Energy

LFA - Less Favored Areas

LIBE - Committee on Civil Liberties, Justice and Home Affairs

MEP - Member of the European Parliament

MFF - Multiannual Financial Framework

NATO - North Atlantic Treaty Organization

OECD - Organisation for Economic Co-operation and Development

OEEC - Organisation for European Economic Co-operation

PECH - Committee on Fisheries of the European Parliament

REGI - Regional Development Committee

SCMO - Single Common Market Organisation

SURE - Special Committee on Policy Challenges and Budgetary Resources for a Sustainable EU after 2013.

TEC - Treaty establishing the European Community

TEU - Treaty on the European Union

TFEU - Treaty on the Functioning of the European Union

UK - United Kingdom

UN - United Nations

USA - United States of America

1 INTRODUCTION

The idea of this project is to analyze the consequences of giving co-decision to the European Parliament in the Common Agricultural Policy and to see how MEPs have debated this innovation in their plenary speeches. Co-decision is a legislative process where the EP, after the initial draft legislative act has been drawn by the European Commission, has the same power as the Council of the EU in the altering of this same act. In other words, as of today (and especially after 2009 and the signing of the Treaty of Lisbon), practically no legislative area in the EU, whether agricultural, environmental, human rights, transport policy or any other kind of (common) policy can be passed without the avail of the EP. This did not happen from 1957 until 1991 (the signing of the Treaty of Maastricht). It was Maastricht that allowed this first change to take place (initially under a limited number of policy areas) and eventually, as the years passed and new EU treaties were signed, all of EU legislation was being decided under this procedure.

The EU, its policies, working methodologies, historical and political shifts, are to be understood not only in a materialistic or empirical sense but as a continuum in a concept or concepts that evolve and can be used as explanatory systems to understand the political reality.

This conceptualization of EU polity has been a political science topic of great interest to me. Different contexts and events in different countries can sometimes be interpreted as part of a similar political conjunction of developments which can be conceptualized at a later stage. This is thus an extensive conceptual and philosophical study of concepts but one that is based in economic, political, historical and legal facts and well-documented laws and events.

Understanding how the European institutions work and developing a type of methodological approach that will serve the purpose of this investigation is challenging. Born at the onset of the European Economic Community (EEC), the CAP became one of the most disputed fields within European institutions. Its legal shape and operations were decided for decades between two institutions (the EC and the Council of Ministers). It was only after more or less 50 years and the Lisbon treaty that the CAP started to be designed and decided

between these two institutions and the EP, thereby originating a change that needed to be analyzed by political scientists.

The CAP is the oldest and still the most expensive common policy in the EU, presently representing around a third of the expenses of the EU budget and decided and managed by both the European institutions and the member states. However, we will focus our attention on the role of the EP after 2009 when it gained codecision powers in this common policy. It is this monetary, financial, historical and sociological importance that makes the CAP an extremely important topic in academic studies, and this is even more the case after it was radically changed in the Lisbon treaty when the EP finally became able to influence its political design.

As the EEC, and later the European Union (EU), increased its geographical space with the entry of new countries, it had to undergo several transformations. Moreover, the consensus in decision-making became increasingly hard to reach at times¹. Additionally, as the institutional balance swayed constantly in the course of decades, particularly with the increasing powers held by the European Parliament (EP), new political actors also emerged, civil society gained greater powers, multiplying opinions and, naturally, the final decisions were of a different nature.

The economic reality after World War II was used to justify a new system in terms of production, sustainability, quality, and number of food reserves. The stability of prices within the EEC constituted one of the main goals as well as one of the main obstacles of the CAP, together with an adequate supply of foodstuffs to citizens, which had been severely depleted in war times. This system was progressively changed in the 1970s and 1980s to one where production had to be controlled and direct financial support was started to be given to farmers that had to start adopting more and more environmental measures. A period covering several years of small and big scale changes, and their growing or decreasing impact on the EEC/EU budget, will be analyzed here in detail.

All types of legislation concerning agriculture and consequently food, particularly where genetic modification or chemical treatment is involved, raise ethical, scientific, environmental, agricultural, health, consumer risk management, economic competitive edge and domestic market related issues². From the 1980s onward, concerns with the well-being of the citizens and their health, and the proper storage and transportation of food items, led to a constant development of new laws at the supranational level, laws that could ensure the best quality of life for the EU citizens. Components such as food labels, nutritional information, and the adoption and banning of certain chemical substances were subjected to studies and subsequent legislation.

At the financial level, changes introduced in the financing of the CAP on the part of the European budget also force industries and workers to accept new compromises and new production, import, and export systems.

¹ Hill, 2012.

² Wallace, Pollack, Young, 2010.

The legislation process at the EU level involves every European institution and respective agencies, as well as every EU member state, each with its own opinions and interests. This wide scope and the need to reach comprehensive agreements render decision-making at the European level rather difficult sometimes because as the number of member states that compose the Union increases, a conclusion that would benefit all countries is harder to reach. The same applies to the CAP as the interests of the different nations within the space of the EU shape the operating and financing mechanisms of this policy and its many goals.

After these preliminary observations, we now disclose our research question: *If both European institutions and member states were relevant for the development of European political integration and for the growth of a parliamentary EU how did Members of the European Parliament evaluate the Common Agricultural Policy after the Lisbon Treaty?*

It is the contention of this study that as the MEPs were entitled with greater legislative powers and were forced to delve into and research new policy areas and specificities entailed by the CAP (in order to better represent the EU citizens that had elected such representative in European elections), these challenges, political issues, struggle for greater legislative power, political conduct from other institutions, and social, economic, environmental, legislative, and financial concerns - will be mentioned and debated in the MEPs speeches. After a concise examination of these speeches, a reader or researcher will gain a more incisive understanding of CAP affairs, codecision, the EP, the CAP and the treaty of Lisbon. This documental and qualitative type of research uses the MEP and his or her speeches and concerns as the main focus of attention.

This study thus plans to examine parliamentarism, codecision before and after the Lisbon treaty, the CAP, and MEPs speeches in this order.

First, a study will be conducted on theories and theorists of European integration such as neofunctionalism, intergovernmentalism, mixed theories and how the EP was approached in them will be made. After this chapter 4, research on the recent treaties of the EU (Maastricht, Amsterdam, Nice, the (failed) Constitutional treaty and the Lisbon treaty) will be presented. Following this approach, a historical analysis of the CAP will be formed, focusing particularly on its origins, and recent developments. Consequently, a study on the impacts of the EP in EU legislation (environment, transports and the CAP) will be presented and their political significance discussed. The parliamentarization of the CAP only recently occurred only recently (2009) but other policies were already under the codecision mechanism before. Therefore, it is necessary to understand why this change happened at this specific time. Furthermore, I will select speeches from the Presidents of the EP and MEPs in the 2009-2014 legislature and analyze and evaluate them respectively. As this is a qualitative research, it will focus on these small groups with typological representativeness. It uses interpretative analyses with numeric and conceptual readings and a group of general concepts used to describe and explain the causes and consequences of a number of political shifts in European polity. We will focus greatly on the Pres-

idents of the EP or MEPs who worked in the agricultural committee of the EP and have served as rapporteurs as well, although other MEPs from other committees shall also be reviewed (all of these speeches are available through contemporary information technologies). However, it is the self-evaluation of the MEPs on their own role in changing the CAP where our research brings the newest views for the political science academic world.

This was the best way contrived in order for our objectives to be met. This research will follow a top/down approach; in other words, it will first approach broader and macro-level issues and concepts and progressively direct itself to the analysis of micro-level changes. The conclusion will address these issues in a summarized way, pointing out the main findings of this thesis together with the innovations in concepts such as greening, parliamentarism and the role of the EP in this common policy, and after the Lisbon Treaty, or other numena as deliberation, representation, sovereignty, and responsibility as emphasized in the recent study *Parliament and Parliamentarism* of Ihalainen, Ilie, and Palonen³.

The reader will, in the end, be able to better understand the meaning of co-decision and its impact, the role of the EP as an institution that most directly represents the European Union citizen in these areas. We will observe the democratic scope of codecision, its real effects and the true role of the EP inside European decision-making after the Lisbon Treaty (but also before this treaty).

Inside the EP, opposing views are held towards many issues whether environmental, agricultural, or others. This factor can possibly lead to a less green CAP but it can equally lead to a push for more environmentally friendly techniques as the EP is often considered the greenest legislative institution of the EU⁴. As causes that may influence this oscillation we can mention the evolution of the powers held by the European Parliament (EP) and its constant demand for greater influence in decision-making processes, the entry of new countries in the EU space, or the quest for a more democratic EU. On the opposite side, article 4 of the Common Declaration concerning the practical modalities of the new 2007 codecision procedure forces the European Commission, the European Parliament and the Council of the EU to reach, whenever possible, the adoption of laws in the first reading, in order to accelerate decision-making favouring institutional agreement and concord⁵.

In the present investigation, we argue that the implementation of the co-decision mechanism will not significantly impact the CAP as we will continue to observe a great delegation of powers to the European Commission and decision-making will mainly follow a first reading agreement, as has been the case with the remaining policies that entered the codecision process after the Treaty of Lisbon (and occasionally even before 2009). According to our reading, the other institutions will adapt themselves in order to minimize the stronger role of the Parliament. The fact that the EP has, since the entrance of the Nice Treaty, been more effective in changing amendments of a detailed nature and not as

³ Ihalainen, Ilie, Palonen, ed., 2016.

⁴ Griller, Stefan; Ziller, Jacques; 2008.

⁵ European Parliament, 2012.

effective in changing dissentious macro-level policies can also lead to this conclusion. We may register some growth of the concerns pertaining to environmental issues but the policy will not change in its core. The global strategy of the CAP will not change drastically; accordingly, one can speak of a CAP change but not of a CAP reform (if we are to understand the concept of reform as a macro-level change in its operating systems and ideals). It is expectable that the CAP will therefore maintain a "business as usual" system.

2 RESEARCH DESIGN

The type of phenomena analysed in political science are phenomena that are expressed in sources such as documents, reports or speeches, constitutions or European treaties (as we wish to study the EU), in other words, legal documents that are applied partially or completely in a set of member states. From these sets of documents and the literature of academics, we must then derive new conclusions and understandings for the evolution of this discipline.

Sargento (2012) discussed comitology in the European Union after the Lisbon Treaty. This study did interviews to Members of the European Parliament (MEP's) to find out their views about the changes in Comitology after the signing of the Lisbon Treaty. These interviews, even though only six were made, were crucial in order to be able to have an insider's opinion on this decision-making system. The conclusions of that study proved to be highly interesting; the EP as a whole was still struggling in the legislative process. The MEP's still referred to the fact that the Commission frequently overlooks the opinion of the EP and chooses to follow the Council's proposal. The EP, even though after the Lisbon Treaty did become a much more capable institution with powers resembling those of the Council of the EU, still fails on some occasions to be the "super-parliament" one would expect. This partial failure was investigated in my masters' thesis regarding the comitology decision-making system.

This present study would then continue to assess the political significance of co-decision, also called the ordinary legislative procedure, and also its consequences in the shaping of three policy areas (environment, transports and most importantly agriculture) and how the MEP's have observed and evaluated this process in their speeches. Such a study is important not only for academics and decision-makers themselves, such as MEP's, the European Commission and the Council's officials but also for member states governments and European citizens who choose their representatives directly or indirectly in European elections.

For the academic world, inside and outside the area of political science, this study seeks to analyse this missing link that has failed to be deeply researched and which is also part of the consequences of the Lisbon Treaty.

The design, the nature and the history of the EU presents a challenge to the understanding of several common concepts in political science. Notions such as state, parliament and parliamentarism, government, intergovernmentalism, supranationalism or federalism must be understood in a different manner. These concepts have their historicity, in other words, they required an epistemological shift in order to be able to adapt to the new political circumstances inside the EU. The concepts of state, parliamentarism, or federalism must be taken in different theoretical and empirical assumptions than if we would instead focus on EU member states. Not only are its own political constitutions different but so are its types of sovereignty, its judicial and legal frameworks which, in the EU level, oblige member states to comply with supranational institutions that can limit the traditionally sovereign powers other countries might possess.

Numerous studies on the conceptual basis for political thinking and political science have debated on the study of politics, policies or polities. Academics or politicians can use concepts and these can themselves be used with different political purposes, however, the formulations used in Wiesner, Haapala and Palonen's studies have pointed certain directions (2017):

[...] Debates very seldom show the different conceptions of politics explicitly, even though there can be situations in which, for example, government representatives claim that something is "not a political question", whereas members of the opposition insist otherwise. The character of a question or phenomenon can always be turned into a matter of dispute. Therefore, it cannot be assumed that there exists one neutral judge that could resolve the dispute. Instead, it should be noted that the conceptual controversy itself is part of political action [...].

The starting point of any analysis of politics-as-action should be that the participants in a conceptual dispute do mean what they say. This implies that political agents are performing actions in accordance with a logic of their own, even if they seem to be lacking competence to identify some of the nuances of the expressions. The role of the scholars is to clarify and make explicit the conceptual horizons of debates. Scholars can identify what is typical in them, what aspects of the concept have been thematised and how this has been done ⁷.

These paragraphs are important as politicians in their profession frequently use several concepts for a particular objective, at times using them without very fixed and specific epistemological frontiers. EU scholars must then research in what way are these concepts used and how they have been used before. As no mathematical approach to such extensive concepts can be produced at times, it is the researcher's role to study the various approaches used over time to a specific concept so one can be able to understand all of its dualities and historicity. These are some of the reasons why this study develops an approach on the study of concepts such as these.

⁶ See also: Crick, B., 1962; Marchart, O., 2007; Palonen, K., 2006; Steinmetz, W., Gilcher-Holtey, I., Haupt, H., eds. 2013; Skinner, Q., 2002.

⁷ Wiesner, Haapala, Palonen, 2017, pp. 3. See also Palonen, 2003, Palonen, 2005, Palonen, 2006, Palonen, 2014, Palonen, 2016

In this work of Wiesner, Haapala and Palonen designed to research the modes of parliamentarism and the several traditions of parliamentary procedure and decision-making, the EP is referred as a special kind of parliament. It was created in a specific culture of parliamentary procedure, the francophone tradition⁸.

National parliaments in the EU, as one of the key institutions in political representation are now sided with a super-parliament, the European Parliament. Political representation is the basis for future policy-making through deliberation and in the end the materialization of the legislation. The institutional design of the EU was the result of a long evolution of political systems that survived through wars, political upheaval that grew larger through the years with the political ideals of peace, tolerance and human rights as its foundational core coupled with the struggle for stability and economic growth.

This research project is mostly a qualitative study. The qualitative part of this study is postulated on the use of academic literature and analysis of speeches of MEP's and presidents of the EP and its discourse dissection. No official quantitative study will be performed here but much quantitative literature will be analysed. The quantitative parts are theorized in the research of the statistical effects of the EP in EU legislation such as, for example, the most common alliances between EU institutions in the decision-making process of codecision or the areas/legislative acts in which the EP had an effective role in policy-change. Most of these quantitative studies⁹ offer the reader a pure descriptive analysis of what was done, therefore, this study shall extensively evaluate what these results mean for EU scholars. We will be able to see that at times the EP decides to align with the Council of the EU and other times with the Commission. In other occasions, it is the Council of the EU that follows the opinion of the Commission avoiding the EP. An analysis of these variations will be held in this study, additionally, a study on EU legislation, whether on the CAP, environmental or transports legislation, directly affected by the EP will be developed.

The preferred sources under study are usually written documents, detectable, frequent and permanent behaviours, or through the direct interview of an individual or a group of individuals. Qualitative research is more independent and subjective, it is gathered and structured by the researcher and usually relies on multiple materials instead of one sole data source¹⁰.

The way the target audience views a certain (political) issue or their role in the controversy at hand are all subjects to be analysed in this research. For this project, in particular, our choice relies on qualitative reports or qualitative documents as we will mainly analyse the speeches of MEP's and Presidents of the EP which are widely available in various public databases of the European Parliament. This analysis is therefore based on a documental/archival type of research. Other documents such as European treaties or academic literature are

⁸ Wiesner, Haapala and Palonen, 2017.

⁹ Such as for example Fertö and Kovacs, 2014.

¹⁰ Babbie, Mouton, 2011.

also some of the preferred objects for analysis¹¹. Detailed description of every kind of data must and always will be specified in order to make for a logical discourse.

Concepts are inconstant by nature, they change, they adapt and their (political or rhetorical) use changes over time, therefore it is plausible to understand concepts as uncertain and evolving phenomena. Such analysis forms the basis of conceptual history. Taking this aspect into consideration, namely the historical and controversial aspect of difficult concepts such as state, parliamentarism, intergovernmentalism, federalism, Europeanism among others, one must be aware of the historical mechanisms or social and political events that are responsible for this transformation. This study will thus also try to understand the evolution of some of these concepts and how they are perceived by scholars and politicians in their political discourse.

As Wiesner, Palonen and Turkka (2011) mention:

“Alexis de Tocqueville’s famous words from 1835 “A new world requires a new science of politics” – are also applicable to the new world of the European Union; the EU posits a challenge to major modern political concepts – such as state, government, parliament or citizenship – as well as to their rhetorical legitimisation before the Europeans. The challenge reopens a number of old conceptual and rhetorical struggles, reminding that the concepts and discourses of the daily political speech in the different European languages remain contingent and controversial. Parliament and Europe are part of this new constellation of concepts, fulfilling three roles: They are objects of change, objects of debate, and at the same time they set the structures for debate”¹².

New approaches among scholars and politicians towards these concepts have appeared in the second half of the 20th century. Quentin Skinner addresses this question by stating:

One way of expressing my underlying commitment would thus be to say that I wanted to treat the understanding of concepts as always, in part, a matter of understanding what can be done with them in argument. As Palonen points out, in announcing this belief I declared my allegiance to one particular tradition of twentieth-century social thought [...] the social philosophy of Max Weber. It is characterized by the belief that our concepts not only alter over time, but are incapable of providing us with anything more than a series of changing perspectives on the world in which we live and have our being. Our concepts form part of what we bring to the world in our efforts to understand it. The shifting conceptualizations to which this process gives rise constitute the very stuff of ideological debate, so that it makes no more sense to regret than to deny that such conceptual changes continually take place. [...] Koselleck and I both assume that we need to treat our normative concepts less as statements about the world than as tools and weapons of debate¹³.

It is important to remember this alternating character of concepts as they open the way to different understandings of similar political events. In the first part of this study one will be able to observe how various schools (neofunction-

¹¹ Fertő, Kovács, 2014.

¹² Wiesner, Palonen, Turkka, 2011, pp. 9. See also Tocqueville, edition of 1998 of “Democracy in America”.

¹³ Skinner, 1999, pp.62

alism, federalism, intergovernmentalism) have observed some of these concepts, the role of the EP and in which aspects these schools can be considered as methodologically strong, or not as strong. Besides this, a study on the conceptual changes on the CAP and the greening procedure shall also be performed. This study wishes to research on how certain concepts have been used over different times by political actors.

As a practical example, one can postulate that a pen is not a concept as it is widely known what it is. However, state, parliamentarism or supranationalism are concepts because of their inherent ambiguity and historicity. This polysemy in concepts is the reason for the demand for an epistemological approach to concepts and the research in their societal, historical and political use, as the understanding of concepts varies over time.

Other academic literature has also researched this evolving character of concepts such as parliamentarism by studying the *modus operandi*, procedural reforms, systems of regulating pro et contra debates of several parliaments in Europe and the world¹⁴. By the renovation of the study of parliaments, parliamentary political culture, the creation of new parliaments such as the EP and their political evolution, one is able to understand not only the processes but also how they affect legislation, its design and implementation. Understanding the structures of parliaments helps us understand legislation. This study has also continued this tradition, as the basis of this study is the understanding of certain concepts (parliamentarism and others), their historicity, how they have evolved, how they have been used in political rhetoric, how they have been operationalized in specific legislation, and how they have been materialized particularly in the 20th century.

After fully understanding the evolution of concepts, the various ways of understanding them and what they entail, a typical explanatory project is supposed to reach new conclusions based on the designing of a thesis or an argument and concluding with the verified strengths or weaknesses of its initial assumptions. Therefore, it is our contention that the inclusion of the CAP under the codecision method will not significantly alter the main pre-Lisbon prerogatives or directions of this policy. As it has similarly happened with the transport policy and environmental policy mainly after the Nice treaty (2003)¹⁵, the CAP will maintain its status quo as the political behaviour of the EP has not been a radical one for some years before the Lisbon treaty (as it was after Maastricht). The EP, as it had done before, will not push for radical reforms as it is aware that it is more successful in the application of amendments if it targets less divisive policies and more minute rectifications. The fact that it now deals with much more legislation under codecision might also have directed the EP to adopt this specific conduct. In other words, the EP has at recent times tended to be an effective institution at amending details but not at changing macro policy designs, hence, one can speak of CAP change but not of CAP reform. It is expectable that in conceptual terms the status quo of the CAP is not to be signifi-

¹⁴ Palonen, Rosales, Tukka, 2014; Ihalainen, Ilie, Palonen, 2016.

¹⁵ See also: Yataganas, 2001.

cantly altered with the entrance of the codecision system. However, one should not underestimate the importance of such an ability as the EP can judge as more politically appropriate to behave in such a way and the somewhat difficult position the Parliament faces everyday will serve as a basis for their speeches, decisions and performance.

The empowerment of the EP achieved a great legal evolution and materialization with the Lisbon treaty but its willingness (and possibly effectiveness) in changing the CAP or other political areas under codecision and even the EU as a whole remained relatively similar to what it was in other areas. The voting patterns and political behaviour remained somewhat unaltered, however, parliamentarism or this parliamentarization can still have room for growth and for greater political change if it is able to fight path-dependence on part of some member-states. Europeanism, or the increased delegation of powers to supranational institutions does still have space in which to grow.

The MEP's will generally try to produce a rhetoric that makes their legislative victories appear to have had much greater impact than what historical studies might have evaluated. The MEP's will naturally tend to defend their institution's achievements against the Commission or the Council to further establish and ascertain their institutional role in EU decision-making. The MEP's shall also emphasize their own role, the dossiers in which they were personally involved, valuing their own individual role. We can therefore, expect that the rhetoric of the speeches when compared to its actual legal materialisation either on macro-level policies or in small amendments to be more distant in nature.

After this study is complete, we will be able to observe in what sense is this argument strong or weak (to use Karl Popper's terminology), in other words, if indeed the MEP's really have hyperbolized their victories.

The results reached throughout this study will then be thoroughly reminded and summarized in the conclusion as its considerations deal with highly complex subjects which are always under scrutiny and are naturally open to criticism and debate, therefore, any particular shortcoming left from this project is a natural starting point for other specialists and other studies.

As the EU is a continuous process in the making, never finished and in unceasing change, new reviews will always be necessary. The topic of EU institutions, EU law and its conceptual history is then, one could say, eternal and in constant demand for new and improved understandings of its dialectical nature.

The co-decision system became the rule in 41 new EU political areas in the Lisbon treaty. The present analysis, although addressing all of these areas and their relationship with the ordinary legislative procedure, will not, for logistical reasons, encompass an intensive study of all these 41 new aspects. For that reason, we have decided to limit this study to three common areas: the CAP complemented with comments on environmental policy and transport policy. We will adopt a comparative analysis that will address the effects of the EP on the common agricultural policy, and, in a slightly separated way, the environmental policy and transport policy, which have been under a co-decision process for

a longer time. First, second and third reading amendments will be studied, some of the actual specific laws will be analysed, particularly those where the EP was particularly successful in its restructuring; the most effective Presidents of the EP, MEPs and rapporteurs shall also be indicated and their speeches scrutinized and the most successful alliances between EU institutions will also be indicated (Commission + Council of the EU; Council of the EU + EP; Commission + EP).

The Presidents of the EP that were part of this period between 2009-2014 were only two: Jerzy Buzek and Martin Schulz. Their speeches debated many issues inside the CAP, discussed the position, political behavior and abilities of the EP amidst the other legislative institutions. The MEPs' speeches were chosen according to their participation in each specific committee (environment, transports but most importantly the agricultural committee), and the relevance of their speeches for the subjects of this thesis. They debated the most important issues by which they were confronted in this legislature (EU budget, environmental concerns, and other issues) and also developed an analysis on their own role in EU legislation.

This research studies a policy that was for a long time decided in cooperation and is suddenly subjected to a co-decision process. Quantitative and qualitative studies will nevertheless continue to be developed, addressing co-decision and the conflicts in the EU. This leads us to another main aspect of our investigation work: the fact that this study opts for a more qualitative and concept-based approach by the analyses of speeches from Members of the European Parliament. There are several reasons behind these choices:

I chose the Common Agricultural Policy because this is still one of the most demanding areas, financially speaking, of the European budget. In the course of approximately 50 years, only the Commission and the Council of the EU (the former Council of Ministers) held political powers to manage the CAP. The EP could issue opinions but did not, and could not, influence, in almost any aspect, the fate of the CAP¹⁶. As this policy continues to be extremely demanding for the EU, in financial terms, with the entry of a new political actor in the decision-making process, the EP, new consequences will certainly emerge¹⁷.

The fact that this common policy recently had a third institution able to influence its political outcome makes it a valid and interesting academic choice.

The objectives of this study therefore are:

- to understand how theories of European integration have debated the role of the EP and how the EP is viewed in them.

- to historically analyze and operationalize the most important concepts in this study such as parliamentarism and parliamentarization (of the EU), Europeanism, federalism, supranationalism and intergovernmentalism. Other concepts such as "greening" shall also be debated but merely as mechanisms to understand the evolution of the CAP.

¹⁶ Hill, 2012.

¹⁷ Hill, 2012; Wallace, Pollack, Young, 2010.

- To make a methodological and conceptual analysis of the co-decision procedure since its beginning and later on how it affected the CAP.

- To understand the historical evolution of the CAP in the European construction.

- And to analyse how the MEP's and presidents of the EP have observed the parliamentarization of the CAP in their plenary speeches from 2009 until 2014 (seventh legislature of the EP) which is possibly the most important objective of all.

This legislature of 2009-2014 involved all the committees of the EP (25) of which we will mostly study three (agriculture, environment and transports), 491 hearings, 2821 meetings spread over 260 days which demanded 23551 votes in plenary over 2110 adopted reports.¹⁸ This was the first legislature ever with a fully empowered EP.

It is our contention that parliamentarization occurred in the EU and together with it an increased consensus over the years, which could be thought of as somewhat unexpected, since a third institution entered a system that used to be run solely by two institutions. Co-decision brought a push towards greater agri-environmental policies such as in Less Favoured Areas, health, productions and storage quality as the EP is an institution deeply concerned with environmental affairs - it is often considered the "greenest institution", while maintaining a status quo in financial investments and systems¹⁹. The parliamentarization of the CAP brought with it an increased greening process, it became even more environmentally regulated. However, this change was not paradigm-shifting due to the working methodologies of the EP and due to decades of evolution and adaptation, even after the implementation of the Lisbon treaty.

The EP is an institution that is elected by the European citizens, who are primarily concerned with their health and do not wish to see their incomes affected. Therefore, the EP will try to drive the attention of European institutions away from economic issues that may impact the revenues of companies and producers, and the economy in general, and towards issues that are more connected with healthcare, the quality of the offer given to the consumer, the quality of the agricultural and fish production or storage, climate changes, energy security and disease prevention, and the greening of its practices.

Additionally, most literature in this field points to this direction, as well as the European Commission reports²⁰. The expenditure is indeed increasing with environment related issues within the CAP, and it is our belief that this tendency will not change in the course of the EP legislatures in a near future, however, the 2008 financial crisis and the subsequent financial intervention in Greece, Ireland, Portugal, Cyprus and other countries and its aftermath can also work as factors that may continue to push for a decrease in the EU budget in coming years.

¹⁸ These values are available at: [accessed on the 27th of January, 2017]:
URL:< <http://www.europarl.europa.eu/EPRS/140781REV1-The-European-Parliament-2009-14-FINAL.pdf>>.

¹⁹ Burns, Carter and Worsfold, 2012.

²⁰ Hill, 2012.

On the one hand, we know that the entry of Croatia could have led to an expansion of the CAP, that is, increase its weight within the European budget and raise awareness towards environmental issues, to the extent that this country encompasses a large agricultural population. On the other hand, the European Parliament, being an organization where decision-making takes longer (as opposed to the Council of the EU, where only the opinion of the Ministers of Agriculture is necessary), may be unable to comply with the calendar of proposals, which means that the decision may remain in the hands of the Council. Bearing this in mind, the first reading may continue as the main tendency as well as fast decision-making.

Members of the European Parliament are engaged in a parliamentary style of proceedings, can stand up for their countries' interests, they can stand up for their parties' interests; it would therefore be different to analyze, for example, the speeches, directives or other forms of government by the European Commission. The Commission cannot stand up for national interests, it has different working procedures, and a more technocratic staff, so this study, if directed towards the behaviour of the Commission or the Council, would need a different kind of methodological approach.

When we study European institutions, we need to study agreement and conflict between them and how they deal with each other, whether they are Nation States or the Parliament, the Commission, the Council of the EU or the European Council. Of course, in the CAP, the most relevant institutions are the European Commission, the Parliament and the Council of the EU (or possibly individual member-states). The European Council is not as discussed as the other three and, although relevant but not as important, is the European Central Bank (ECB) as it controls inflation, price fluctuation and indirectly the CAP.

The Council of the EU, or the European Council, could also be analyzed, but it is possibly more academically interesting to see the structure and the political movements of the European Parliament, because it is a unique kind of Parliament presently with 751 MEPs from 28 countries, which was changed in the Lisbon Treaty and will still be changed in the following years. There may be a reduction in the number of MEPs in the coming years (especially if the effective abandonment of the United Kingdom from the EU takes place after the results of the referendum). Henceforth, this is an institution that is changing almost every day. With new elections comes a completely different European Parliament and the power that this institution has affects the whole of the EU.

Frictions and dissensus in the EU decision-making systems still exist. For example, a delegation measure or initiative proposal started by the Commission passes through the three institutions - the Commission, the Council of the EU and the EP - but at times the other institutions seem indifferent to what the EP's opinion is, as the Commission frequently follows the opinion of the Council of the EU and disregards the opinion of the Parliament²¹. This shows the enormous conflict between institutions, as the EU is, at its core, a political and economic union that has enormous and complex structures in its core. The Com-

²¹ Sargento, 2012.

mission is dismissive sometimes of the EP's opinions, or dismissive of the opinion of certain Member States but it can also adapt its proposal already taking into account perceived interests from the member states or the EP.

The true macro political effect of the EP on the CAP thus remains to be seen and so does the self-evaluation of the MEP's on this regard.

In the beginning, the CAP was created to deliver an adequate amount of food stuffs to citizens, to regulate prices for consumers and have an effective control of the economy, the products or the merchandizing but through the years, and especially through the 70's and 80's - and also after the Maastricht Treaty - this philosophy transformed itself into a completely different one. The CAP turned into a policy that was mainly designed as an economic support for producers (a type of neo-liberal and redistributable kind of policy) as in this political and economic philosophy it is not relevant if commodity prices go down (this factor can even be positive market-wise) since as long as the producers are supported by European funds to accommodate their possible losses and lack of capital, then the agricultural system will remain stable. This wasn't the working philosophy and design of the CAP in the first years after the Treaty of Rome of 1957 where a Keynesian and protectionist style of economics with price controls for foodstuffs was preferred in the founding countries. This evolved into a system that preferred direct support for farmers instead of price controls in exchange for the respect for ever greater greening legislation.

It is academically possible to establish a difference with the Lisbon Treaty as the political core of the CAP completely changed over time. There is a third institution with equal powers affecting its evolution, so its essence is completely different. This does not necessarily mean that the changes or the consequences will be of a radical kind though, but since its most basic system of decision-making has changed, then researching the CAP became a task of a divergent nature.

What still intrigues academics is the mix and the power pressures between institutions. The subjects in which the Parliament is supporting some idea and where it continually blocks decision making and proposes new kinds of policies vary from case to case.

When starting such a research one must make decisions and these decisions must be academically and methodologically justified in the course of an investigation. Many studies have tried to analyze the CAP from the perspective of a single member state or a group of member states²² as this is a common policy that presently affects all the member states of the EU. Comparative studies on the impact of the CAP in one country (or in several countries) are thus numerous as it is academically and methodologically viable and interesting.

This study also faces its difficulties as several debates and policies must be read in a vast number of languages which one must master.

As a proposal for other researches, an approach between the political relationship between the CAP and civil society can be ensued. However, this study will be focused on the Brussels end, particularly in one of the three institutions

²² Vihinen, 2001, Kundera, 2013.

with legislative powers - the European Parliament. And since this institution did only recently gain the ability to change the CAP through co-decision this status quo became an obvious research subject.

Throughout the thesis, the reader will also be shown several tables and diagrams that will allow him to have a more direct understanding of the issues and values under discussion, consequently, a theoretical research can be met with occasional numeric and diagram-like explanations to help the reader and also to explain these issues in a more diversified and helpful manner.

3 AN OVERVIEW OF EUROPEAN INTEGRATION, EUROPEAN AGRICULTURAL POLICIES, AND THE PARLIAMENTARIZATION OF THE EU

In 2012, the EU received the Nobel Peace Prize. The following speech mentions some of the reasons as to why this award by the Nobel Committee was given:

After the decimation of the Second World War, reconciliation between Germany and France was an important step towards fostering peace in Europe. The two countries - which by then had fought three wars within the space of 70 years - built the European Coal and Steel Community together with four other countries in 1952. This organization became the foundation for an ever-broader cooperation within what has been known since 1993 as the European Union (EU).

In this time of economic and social unrest, the Norwegian Nobel Committee wished to reward the EU's successful struggle for peace, reconciliation and for democracy and human rights. When the community expanded to include additional countries during the 1970s and 1980s, democracy was a prerequisite for membership. After the fall of European communist regimes around 1990, the union was able to expand to include several countries in Central and Eastern Europe, where democracy had been strengthened and conflict checked.²³

The EU is a completely different entity from Europe. Geographical Europe consists of the EU and Ukraine, Belarus, Moldavia, Russia, Serbia, Macedonia, Albania, Montenegro, Bosnia and Herzegovina, Kosovo, and the western part of Turkey, among other Eurasian regions. Although several doubts still exist today on whether a certain country or region is indeed part of Europe, one thing is certain: all countries in the EU are part of Europe and the EU represents a very large section of the European geography.

Political science concepts must be reinterpreted when studying the particularities of the EU's multi-level polity as it demands a new epistemological approach and it is this same necessity that makes the EU such an interesting case study. Democracy, the decision-making methods of the EU, and the implement-

²³ "European Union (EU) - Facts". *Nobelprize.org*. Nobel Media AB 2014. Web. [Accessed on the 14 Mar 2016, URL: <http://www.nobelprize.org/nobel_prizes/peace/laureates/2012/eu-facts.html>].

ing of decisions require an epistemological method that is capable of linking different concepts and practices on the European stage and also analyze them comparatively.

The usage of conceptual history in the evolution of the EU has been proven to be fruitful in political science²⁴. The continuous struggle for greater democratization in the EU originated new political solutions that again call for new theoretical constructions. All of these factors were used to further democratize the EU. Concepts such as state, supranationalism, intergovernmentalism, federalism, or even codecision have gained new meanings and have changed a lot together with the EU. The political existence of the EU since the Treaty of Maastricht is the timeframe for this study (1991–2014); however, certain factors can still be relevant that date back to the beginnings of the EEC and the Treaty of Rome of 1957. If this research is able to understand the changes in the conceptualization of the EU, the CAP, and codecision since Maastricht with a particular focus on the post-Lisbon period, then it can be considered as a success.

These are some of the objectives of this study. This project plans to be a continuation and a starting-point for these types of discussions in the political science sphere where the EP can be understood as both a typical parliament, a European institution, and a special parliament that eclipses any parliament in the world.

The rhetoric principles adjacent in the treaties, speeches, and decisions of other EU institutions and agents are based on specific criteria that must be researched thoroughly if we wish to understand the EU. The treaties of the EU are some of the most important literature that we will analyze in this study. If the contributions of political scientists, economists, sociologists, or any other academics are unquestionably valuable for the course of this project, the written treaties of the EU are this study's strongest foundations since they provide material proof of the evolution of the EU and the most important historical facts that delineate the evolution of this communitarian system. Only after having acquired a deep understanding of EU treaties and their legal evolution can we further continue to delve in the academic knowledge and publications that continue to discuss EU affairs.

The parliaments and states are, on the other hand, understood today as institutions that are continuously losing power against stock markets and even civil society and interest groups. This change has accompanied the opposite occurrence of the empowering of the European Parliament and also national parliaments in the EU. Parliamentary procedure, or in other words, the use of opposing speeches and writings showing the pros and cons of a certain legislation or course of events has increasingly gained a stronger role in the EU decision-making.

The discussions between opposing members of parliament with conservative or radical, left or right political beliefs oppose each other and the one person or group able to bring the biggest number of members of parliament to agree with him or her can be considered the winner of the debate. Parliaments

²⁴ Wiesner, Turkka, Palonen, 2011.

that work in this manner through directly elected representatives serve as pillars for democracy. The EU had been based on this assumption, but governments were and still are the foundational setup of the EU. However, with the empowering of the EP, the EU gained a new parallel institution able to influence the decision-making, whereas before Maastricht decisions were almost exclusively made between governments (Council of Ministers) and the Commission. After Maastricht, decisions have been increasingly made between three institutions with the EP being the one institution where parliamentary procedure is the basis for its deliberations.

The national parliaments of the member states also have themselves changed as they have to create committees of EU affairs and work with democratic national governments and national or European parties and the EU as a whole, even though some of its members are known euro-sceptics. The integration of the EP in this multi-level political system as an institution with full co-decision powers was a long and arduous journey.

The very formation and development of the EU, an international organization, was a result of a tendency in the second half of the 20th century, particularly after World War II, for the increased creation of larger and more numerous international organizations. These contracts, made by several states, are defined by the use of charters or treaties with common objectives or ideals, which can later be adopted by new countries and states and may consequently affect the lives of numerous citizens and individuals. Naturally, these organizations also develop and change and some of its founding principles may or may not be altered through time.

International organizations such as the EU pose challenges to common conceptions of international law or even conceptual history. One can argue that, on the one hand, member states created and defined the EU, but the contrary is also a plausible understanding. The answer to this question is what led to the separation of theoretical assumptions made by neofunctionalists, federalists, and intergovernmentalists.

It can be assumed that the creation of states has always implied a parallel existence with international organizations, international law and international relations, hence, the contemporary constitutionalization of states has also accompanied the creation of international organizations²⁵.

The EEC, the EU, NATO (North Atlantic Treaty Organization) or the Warsaw Pact, the UN (United Nations), the African Union, the Common Wealth or CPLP (Comunidade de Países de Língua Portuguesa or Lusophone Commonwealth) are all good examples of the common existence, development, and even creation of new states or older states with post-revolutionary governments and new international organizations. International organizations are thus makers and changers of international law. The actors responsible for any kind of political change in these types of organizations can be states, governments, parliaments, interest groups, private companies, private banks or central banks, or civil society, each of them with their own individual agenda. International law

²⁵ Sinclair, 2015.

and its bureaucracy has also increased in the last decades together with international institutions that have needed to adapt their justice and financial systems between countries that have close diplomatic relations.

The EU is also a curious case as it is an international organization formed by several other international institutions. One can say that the EU is a union of institutions and member states or a union of unions. Even though the mutual influence of states and international institutions is real, only specific political events and situations can explain the desired membership of a certain country and the eventual future membership of that state in an international institution.

An important part of any study regarding international institutions or organizations is thus the research of the specific concepts, procedures, definitions and norms inherent in the powers of these organizations or institutions. The growth in the number and size of international organizations led to the inner advancement inside and outside these associations, which has in turn later led to the creation of even newer institutions. The entrance of new states supporting the ideals and systems of these organizations has not only enhanced their powers but also obliged them to change their internal design.

States are the main actors in international law but international organizations, particularly the EU, can act as a sole entity in some respects. The history of the EU is a complex one; we must understand how it began, why it was created, and to what extent it has been successful. It has merged and existed through several political and economic cycles and kept changing some of its regulations but its core principles have remained relatively similar.

The idea of Germany and France as politically and economically united was originally envisioned during the Vichy period in World War II. The war effort and the French resistance movements made this practically impossible²⁶. After the war's end this project became important again and with democracies and peace in place, it could start to be envisioned. Robert Schuman had this idea in mind and wanted this European partnership to be able to include more nation states, offering an economic partnership as an answer to the fear of possible future European wars. Besides Schuman, also Jean Monnet, Altiero Spinelli, Paul-Henri Spaak, Konrad Adenauer and Johan Willem Beyen, among others, promoted and helped push forward the ideal of a united Europe. Common problems, whether of a political, economic, agricultural, or social nature, were better resolved if the economies were interdependent, without barriers, and with robust trade. Different interpretations of these times do exist, however, that vary on methodology and points of departure. With the analysis of the works of Alan Milward, a more detailed comprehension of these phenomena will be attained.

This partnership became so economically prosperous that a second union was created as an economic opponent to the EEC. The European Free Trade Association (EFTA) was thus established in 1960 and was initially led by the UK.

In the Treaty of Rome of 1957, the founding treaty of the European communities, legislative and executive powers clearly remained in the hands of the Commission and the Council of Ministers. With this treaty, the phenomena that

²⁶ Lynch, 1984; Milward, 1984.

are relevant for this study began to emerge; in other words, the empirical variation of consensus or conflict within the European institutions can be traced to this moment.

Without delving deeply into the European Commission, it is important to note that this organism, as presented in 1957, constituted the highest organ in the space of the European Economic Community (EEC), holding a monopoly on initiation and proposing of legislation, that is, holding exclusive initiative powers. It represented the European interest and, at its inception, was formed by nine members. The structure of action of the Commission was determined by the Treaty of Rome, articles 155 to 163:

[Article 155] With a view to ensuring the functioning and development of the Common Market, the Commission shall:

- ensure the application of the provisions of this Treaty and of the provisions enacted by the institutions of the Community in pursuance thereof;*
- formulate recommendations or opinions in matters which are the subject of this Treaty, where the latter expressly so provides or where the Commission considers it necessary;*
- under the conditions laid down in this Treaty dispose of a power of decision of its own and participate in the preparation of acts of the Council and of the Assembly; and*
- exercise the competence conferred on it by the Council for the implementation of the rules laid down by the latter.*²⁷

This is the original article in the Treaty of Rome that detailed part of the powers and responsibilities of the European Commission even though this institution has changed through the decades (as did the Council of Ministers and the EP). A feature that needs to be kept in mind is the fact that its European Commissioners could not at the time, and still cannot, defend national interests. The European Commission implements European laws and acts as the guardian of the treaties. In other words, it can act as to ensure that countries comply with the treaties (imposing fines or sanctions and thereby fulfilling the role of the “police officer”) and acts with the sole purpose of guarding the welfare of the community/union.

The action scope of the Council of Ministers, representing the member states, was determined in articles 145 to 154 of the Treaty of Rome. In short, the central idea in these paragraphs is to establish that the legislative power was, in practical terms, mainly shared by the Council of Ministers and the Commission. These institutions have evolved greatly over the decades (as did the EP).

The role occupied by the Assembly, future European Parliament, within this structure was established by the Treaty of Rome in articles 137 to 144, where the entire scope of its activity is defined, from the number of parliamentarians to its operating mode and activities, among other aspects²⁸. Although the role of the Assembly, the future European Parliament, is merely advisory in the Treaty of Rome, the Assembly could manifest its confidence, or lack thereof, towards new

²⁷ This article is available at:
URL <<http://www.lexnet.dk/law/download/treaties/Ect-1957.pdf>> [Accessed on the 18-12-2015].

²⁸ Corbett; Jacobs; Shackleton; 2005.

Commission leaders with a vote, but could not interfere in the appointment of the President of the European Commission, or in any other type of legislation.

With the Single European Act, the European Parliament increased its legislative influence as the cooperation procedure (the predecessor of codecision) was introduced. The Council of Ministers lost powers as it became less capable of refusing proposals from the Parliament, which thus gained some legislative influence while still remaining in a difficult position as it still depended on the acceptance of the Commission and a majority vote of the Council. Together with this, two legislative readings were now required instead of one, as had previously been the case.

The codecision process, initially implemented by the Maastricht Treaty was one of the mechanisms that altered the interinstitutional action of the European Union (EU) to a greater extent²⁹. The European Parliament was now entitled to issue a political disposition as opposed to a mere opinion concerning a specific law, as was the case with the cooperation process³⁰.

Since the Single European Act and the first election of representatives to the European Parliament (EP) in 1979, this has probably been the institution that has gained most recognition and power over the last decades, making it an organ comparable to the Council of Ministers/Council of the EU. Presently, approximately 751 MEPs are elected by EU citizens, and every decision is made by a vote that approves, approves with modifications, or rejects, a legislative measure. The required majority varies according to the type of legislative or procedural activity.

As to the European Parliament and the expansion of its capacities within the Union or in the CAP, I was particularly interested in the study "The European Parliament"³¹. This work puts forth a descriptive analysis of all the developments of this institution, as well as its structure, parliamentary groups and duties. An analysis will be done later in this study (chapter 6.2) on how with the Treaty of Maastricht, codecision was applied in 15 areas (which will be individually described); with the subsequent Treaty of Amsterdam this number increased to 32; with the Treaty of Nice to 40; and finally, with the Treaty of Lisbon, this number almost doubled to 85 basis (including the CAP).

After the Treaty of Amsterdam, the Treaty of Nice and the Constitutional Treaty, which we will analyze further in this study, there came the Treaty of Lisbon, the last to the present day, given its name as it coincided with the Portuguese Presidency in the second half of 2007 (signed in December of that same year). This treaty raised a lot of scepticism and political statements by the MEPs and national governments both in favor and against it, and even two referendums were held in Ireland, in which the "no" to the treaty won the first referendum and the "yes" won the second.

From the very beginning, what was pursued in Lisbon was the safe and typical pattern of European construction was pursued in Lisbon, which basically

²⁹ Corbett; Jacobs; Shackleton; 2005.

³⁰ Rittberger, 2003.

³¹ Corbett; Jacobs; Shackleton; 2005.

recycled the Constitutional Treaty and, correcting its most problematic issues making it possible for it to enter into force in December, 2009. The pillar structure of the Union was then coming to an end as three Treaties came into existence: the Treaty on EU (Treaty of Maastricht), the Treaty on the Functioning of the EU (Treaty of Rome), and partially detached from these two, the EURATOM Treaty.

Within this new political framework, the European Parliament benefited significantly from the Treaty of Lisbon, mainly with the increase in codecision files. However, the European Council was the organ that gained the most as it gained an autonomous presidency and became an independent institution³².

Although, in recent times, the EU has been perceived as a technocratic union, it has tried to defend itself by attaching greater political significance to the vote cast by the citizens in European elections. The greater powers held by the EP in the ordinary legislative process gives more legitimacy to the votes of citizens. The EP, in the course of its existence, has always fought for more political powers and it has been able to develop efficient strategies to achieve this goal. The fact that the EP has become a codecider in most EU policies has nevertheless not triggered increasingly difficult decision-making processes. On the contrary, one can notice that the ordinary legislative processes with a first reading agreement have increased. Statistically speaking, agreements have been progressively easier to reach within European institutions with the creation of more EU treaties. From 2004 onward, first reading agreements have actually become the norm. If this tendency is maintained in the future, the EP may in part opt for a consensus policy base and may be entering a historical period of seeking agreement, in order to maintain its status quo. It is important to remember that this tendency for first reading joint decisions precedes the "Joint declaration on practical arrangements for the co-decision procedure". This means that this tendency towards a first reading agreement was already noticeable in the past. The implementation of the 2007 declaration merely accentuated this phenomenon.

Taking all these aspects into consideration, this section is thus coming to an end. In it, several concepts have been analyzed. These concepts, though not imperative for the development of this study, are nevertheless important as they will be frequently used. These have included concepts such as supranationalism or sovereignty, the evolution of international law and international organizations and institutions, and the idea of the state and its inherent ability to control violence, which was reshaped, particularly after 1957, when states started delegating political powers to supranational institutions such as those in the ECSC, the EEC and the EU.

After a brief analysis of these concepts it is now possible to advance more deeply into the subjects at hand. In the following chapter 4, an analysis of some of the most important scholars on European integration will be undertaken. Names such as Ernst Haas, Monnet, Schuman, Lynch, Hoffmann, Moravcsik, Milward, among others will be analyzed at the same time as we develop an account of the history of European integration and the several schools of thought that discussed the role of the EP in the EEC and the EU.

³² Metselaar; 2008; Griller and Ziller; 2008.

1950 - Robert Schuman delivers the "Schuman Declaration" on the 9th of May paving the way for the start of a new style of European political and economic integration.

1958 - Ernst Haas publishes "*The Uniting of Europe; Political, Social and Economic Forces*" one of the first and most important academic works until today on the first years of European integration.

1963 - Leon Lindberg publishes "*The political Dynamics of European Economic Integration*".

1984 - Frances Lynch publishes, among other works, "*Resolving the paradox of the Monnet Plan: National and International Planning in French Reconstruction*". Frances Lynch is still considered today as one of the most important intergovernmentalist authors. This decade was prolific in such works as they reanalyzed the first years of European integration.

1992 - Having already had a long career with numerous published works, Alan Milward publishes "*The European rescue of the Nation-State*" also one of the most important works in the intergovernmentalist school.

1995 - Stanley Hoffman publishes "*The European Sisyphus, Essays in Europe (1994-1994)*". However, other earlier works of his such as "*The state of war - Essays on the theory and practice of international politics*" of 1965 could also be mentioned.

1998 - Andrew Moravcsik publishes "*The choice for Europe; Social Purpose and State Power from Messina to Maastricht*" possibly the most important thesis of the intergovernmentalist school.

2010 - Sergio Pistone publishes, among other works, "*The Federal Perspective in the Schuman Declaration*" establishing a more contemporary analysis on these embryonic years.

Table 1
The Treaties of the European Union chronologically listed

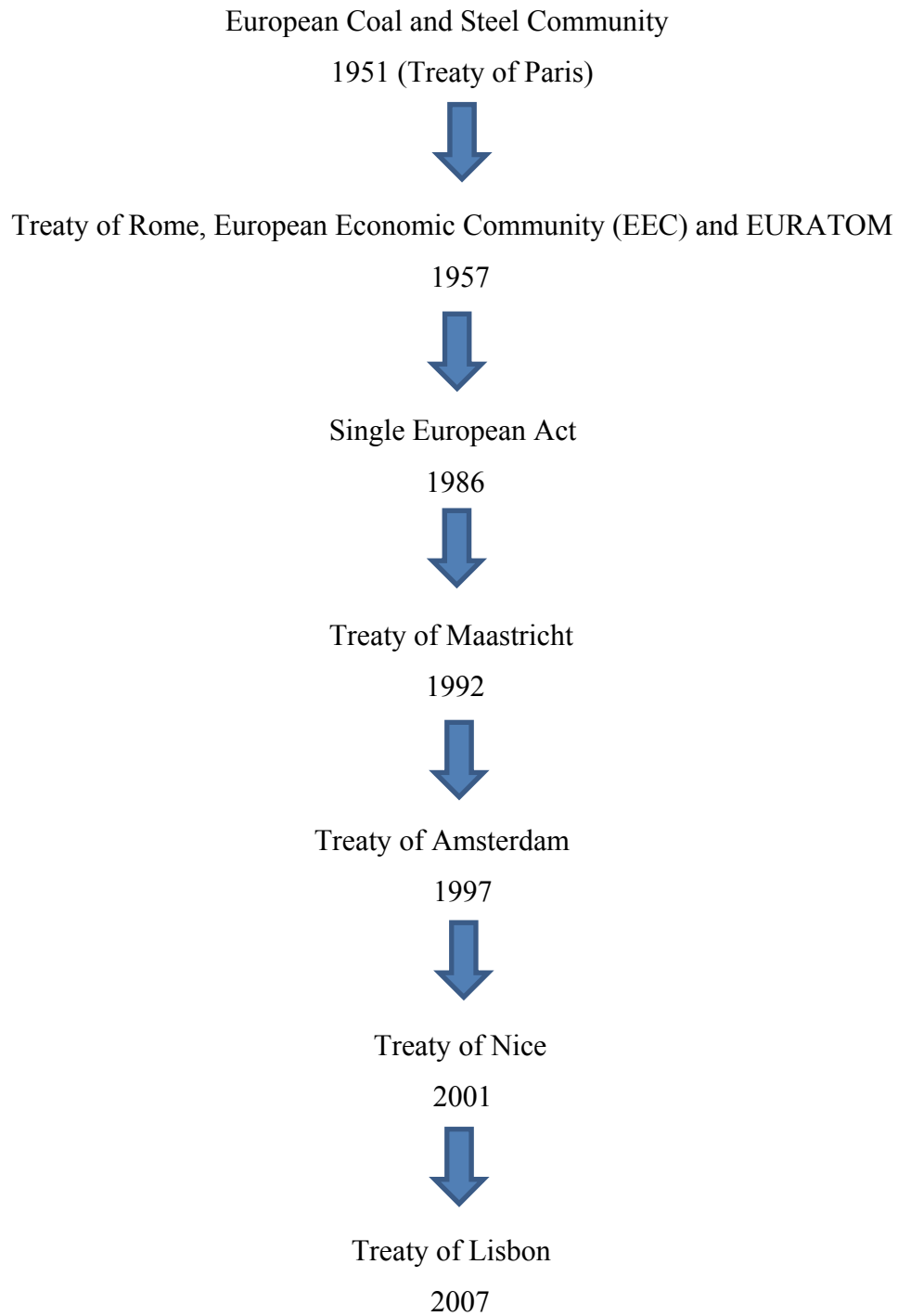


Table 2**The Enlargements of the EEC/EU chronologically ordered**

(Founding members)

Belgium, Germany, France, Italy, Luxembourg, the Netherlands

1957

Denmark, Ireland, the United Kingdom

1973

Greece

1981

Portugal, Spain

1986

Austria, Finland, Sweden

1995

TheCzech Republic, Estonia, Cyprus, Latvia, Lithuania,
Hungary, Malta, Poland, Slovenia, Slovakia

2004

Bulgaria, Romania

2007

Croatia

2013

Table 3: Main Developments in the History of the CAP

Treaty of Rome and the creation of the CAP

1957



Mansholt Plan

1968



MacSharry Reform

1992



[Berlin Agreement on the] Agenda 2000

2000



Mid-Term Agreement or Fischler Reform

2003



CAP Health Check

2008



Lisbon Treaty

2009



2013 CAP reform

Table 4
The Structure of the CAP and the main target areas
of the first and Second Pillar

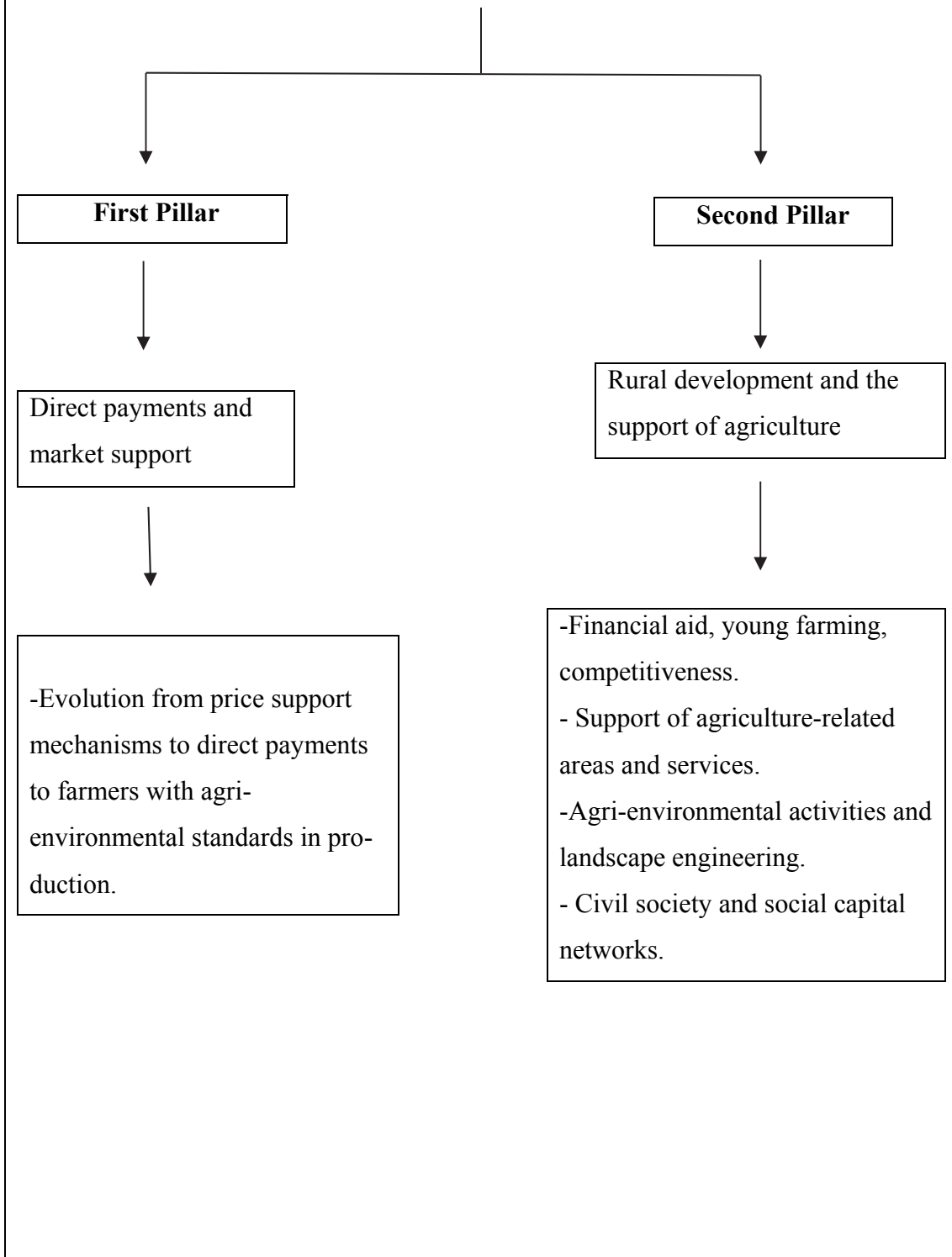


Table 5: The most important steps in the evolution of codecision:

- **November 1993: Treaty of Maastricht** (Article 189 B of the TEC); 15 areas under codecision.
- **May 1999: Treaty of Amsterdam**: simplification of the codecision procedure (article 251 of the TEC).
 - The ability to finish agreements at first reading.
 - The increase to 32 legal bases.
- **May 1999: *Joint Declaration on practical arrangements for the new co-decision procedure.***
- **January 2003: Treaty of Nice**: 40 legal bases under the codecision statute.
- **June 2007: *Revised Joint Declaration on practical arrangements for the co-decision procedure.***
- **September 2008: *Code of conduct for negotiating in the context of the Ordinary Legislative Procedure*** (Annex XXI of the rules of procedure). More transparency and effectiveness was the main goal.
- **December 2009: Treaty of Lisbon** (Article 294 TFEU) 85 areas are now under codecision.
- **December 2012**: Amended Rule 70 and new Rule 70A of the EP's rules of procedure.

4 THEORIES OF EUROPEAN INTEGRATION AND THE ROLE OF THE EUROPEAN PARLIAMENT IN THEM

This chapter aims to provide a macro vision on the authors - political scientists, historians, and economists - who dealt with the first theoretical approaches on the beginnings of the European construction after World War II, and how the EP is observed and debated by them. Our focus is therefore not on the theories themselves, although these are also necessary to study, but more on the way the theories have discussed the role of the EP in EEC and EU common policies and in the EU in general. This chapter forms part of the review of literature section where the primary sources are studied, and the author's own original opinion on these theories is developed.

Before entering into the discussion of the political significance of the institutional and procedural changes of the EEC/EU with a special focus on the role of the Parliament and the status of the CAP in these changes, a discussion on the competing theories regarding the European integration is needed. A small number of major theory traditions on the field exist, which are worth discussing and evaluating in their key claims, assumptions and presuppositions as well as in the explicit controversies between their supporters. In addition, the "empirical" studies on the EU politics also tend to be linked more or less clearly to definite research agendas of the traditions. What questions are taken up and how, and what is selected as "fact" in these studies must be understood and judged as such. In other words, much of the empirical EU studies must be viewed as a potential "party literature" of some of the research schools.

The works of Ernst Haas, Leon Lindberg, Jean Monnet, Schuman, de Rougemont, Sergio Pistone, and Walter Lipgens (federalists and neofunctionalists) are put together and compared to the literature of Stanley Hoffman, Moravcsik, Alan Milward, and Frances Lynch (intergovernmentalists).

Each of these authors had a different understanding of how European integration worked and what exactly explained its success, and they also differ on their understanding of the role of the EP. There are methodological differences

between all of these authors but a clearer distinction must be made between the ones who were academics and politicians such as Monnet and Schuman who were more prone to politically motivated speeches and writings and less to academic and historical criteria. In these texts, we can see that the concepts of parliamentarism and Europeanism were very relevant as macro and conceptual representations. I will use them empirically also at the micro level as we analyze the formation of the ECSC, the EEC and the EU and particularly the European Parliament, which is the main institution that we wish to study.

Parliamentarism or parliamentarization is to be understood here purely as the growth of the powers of the European Parliament amongst the European legislative institutions particularly in the workings of codecision. Europeanism is used in this context solely to denote the process of delegating traditionally state-held powers to European supranational institutions.

Europeanism or Europeanization was a concept greatly used by the founding fathers of the EU in the 1950s and 1960s. Today, its use has declined due to its evident federalist assumption. Europeanism is presently strongly associated with federalism, and therefore its use still occurs but not as frequently.

We will debate these theories and concepts, their pros and cons, and what they can teach us about European integration. It is our contention that there is great merit in all of these theories. We will later observe (chapter 4.5) that the neofunctionalists and federalists were partially replaced by the intergovernmentalists' perspectives in the 1970s and 1980s. However, the intergovernmentalists, through their main focus on the role of the governments and member states fail to rightfully address or acknowledge one of the main developments of the EU, which is the parliamentarization of its decision-making system or in other words, the growth of the powers of the European Parliament. Only by understanding this parliamentarization can we later begin to comprehend the effects of codecision in the legislative areas after the Treaty of Lisbon, and particularly, as our research objective demands, the consequences of giving codecision powers to the European Parliament in the Common Agricultural Policy.

The aim behind European integration was always to give Europe a certain political, economic, cultural and institutional structure that would be able to maintain peace for long periods of time and avoid the bloodshed that led to the Franco-Prussian war, the World War I and World War II and many other wars in between.

Many debates were initiated, particularly after the end of World War II. Some were of a theoretical nature, others ideological, or economic. Intellectuals, politicians, diplomats, academics, industrialists, unions, and even factory workers were all joined in this quest for the designing of a system that would avoid further tensions in Europe, particularly between France and Germany. Many projects were debated to a greater or lesser extent and all of them met with opposition.

European security and harmony became goals for any treaty or plan aspiring to have clear, realistic, and pacifist prospects. The multiethnic and identity-rich continent of Europe with its many macro and micro cultures had to be re-

grouped in a manner that would allow for a peaceful grouping of nations united in this same prospect of lasting peace and economic prosperity. European civilization and its historical evolution would force its people to make compromises of various nature (whether political, economic or social). The inability to reach such compromises would either lead this continent to further civil war or to a decline in the political and economic importance of this grouping of countries. The realistic and pressing need for lasting peace led numerous individuals to debate on the best ideal, concept, or construction that would fit this project for peace.

The most discussed ideas or conceptual formulations were federalism, communitarianism, intergovernmentalism, or (neo)functionalism that are guided by the notion of strong international and political catalysts for change - such as international institutions, governments, and nation-states - with respect to the singular national constitutions, democratic principles, and public opinion. We must remember that even fascism and Soviet communism were embedded with the idea of a united Europe (and a united world) with specific political and economic regional designs, but the difference of these regimes when compared to the EEC and the EU is that this latter unity was achieved without a military assault on protestors, political opposition or nation-states.

The debates and propositions that eventually led to the creation of the EEC and the future EU are still today some of the best historical proofs of the intense theoretical, philosophical, economic and political discussions and concerns that governed these years. The actors that entered these discussions were numerous and so were their nationalities or their professional backgrounds; yet whether journalists, academics, pressure groups, or economists, the subject of the future Europe, a hypothetical unity in Europe, or even a parliamentary Europe was one of the most debated topics in this continent and in the world.

The history of the European integration and construction is an extremely complex one, including numerous historical variables. This is perhaps one of the reasons it is such a debated issue in academia and amidst civil society. The end of World War I, the collapse of four empires, and the creation of a completely new geopolitical system made the European intelligentsia wonder how such a decline could happen in a period no longer than a decade.

The signing of the peace treaties solved the temporary power struggle but only for a limited time. The League of Nations was one of the first materializations of this quest for unity and peace, however, it was unsuccessful, or at least it was successful only for a very short period of time. The Second World War declared an eventual end to the League of Nations. The League was nevertheless a symptom for a desire to create international institutions that would fight for unity and peace between large economic and political blocks.

A similar ideal, which also serves as a proof for this intellectual and perhaps hierarchical belief in the unity of Europe, common to many European scholars and politicians, was Coudenhove-Kalergi's idea of *PanEuropa*, a federated region that would encompass a great part of the European continent and tried to view the world in great federated regions. Although these ideas are

hardly a predecessor of the present EU, they do serve as yet one more example of this feeling for European identity.

The availability of historical and factual resources and documents regarding the beginning of the EEC and the EU have increasingly grown since the 1970s³³. As of today, in the 21st century, the rate of accessibility and the emission of new documents such as debates in the European Parliament, new legislative acts and conciliation committees has increased enormously due to the growth of communication technologies. All these debates, writings, and publications of the post-World War II period were largely constructed on the basis of a few concepts that centered the entire philosophical and political ideals on which that generation was so keen.

Some of these key concepts were federalism, intergovernmentalism, neofunctionalism, and also parliamentarism or Europeanism. These narratives evolved together and tried to join not only multilateral political systems and European governments but also a social and economic matrix in the process.

Political philosophers and politicians were the main catalyst for the start of these conceptual and methodological discussions. It was only decades later that historians started to give us a clearer understanding of these troubled times when many documents and facts were discovered and became available to the public. A European unity was in a sense an objective in itself, in other words, it was a teleological inevitability to some of these authors.

The Hague Congress of 1948 was another important step in this post-war Europe where a federalist mentality was first exposed with participants such as Altiero Spinelli, Winston Churchill, François Mitterrand, Konrad Adenauer and Denis de Rougemont. In a parallel perspective to federalism came intergovernmentalism and neofunctionalism on which this study will examine further.

4.1 The Works of Denis de Rougemont

The first author we will briefly analyze is Denis de Rougemont and his work "*The Idea of Europe*" from 1966³⁴.

Rougemont (1906-1985) was a Swiss philosopher and an avid writer on issues related to federalism, European political unity and, peace studies. He also created numerous research institutes devoted to European studies and related matters, mostly in his native Switzerland.

Rougemont was a renowned federalist that, through a mostly philosophical and highly theoretical approach, researched the European myths, the European values and history, in order to justify the need for a federation of Europe. His work is important to this thesis as a showcase of the philosophical interest inherent in the years following the end of World War II, in a unity in central Europe and in Europe as a whole. His writings are eminently abstract, which is

³³ Ribeiro, 2002.

³⁴ See Rougemont, D., 1966, *The idea of Europe*, New York, Macmillan.

the reason why he is not as useful and valuable to this thesis as Haas, Lindberg, Milward or Moravcsik as well as his theorization on the parliamentarization of this community which is practically non-existent. However, his account in *"The Idea of Europe"* is a summary of dozens of contributions that have emerged throughout the European history from ancient Greece to the middle ages, to Dante, Petrarch, Voltaire, Rousseau, Kant, Hegel, George Sorel, Marx, Tolstoy, Spengler, and many others. In all of these authors the search for a method for achieving peace in Europe existed and was at times debated. The main hindrance for this process of unification was always, although with several differences, derived from historical circumstances and symbolized in the idea of heightened nationalism.

In Rougemont's words: *"The evil of nationalism does not consist in its loyalty to the traditions of the past or in its vindication of national unity and right of self-determination. What is wrong is the identification of this unity with the ultimate and inclusive unity of culture which is a supranational thing."*

The ultimate foundation of our culture is not the national state, but the European unity" ³⁵.

A federative type of governance was for this author purely the valuing of the supranational and European. The national and local culture would still have its intrinsic value. A federation would thus join the local and the national with the European where all aspects of this duality would need to be protected and valued.

Rougemont referred to several authors (such as Hermann von Keyserling as in the following example) to justify for his shared belief that a federated Europe would solve its political and economic problems:

"The glorification of one's own country at the expense of the others, once accepted as the eleventh commandment, has suddenly become an absurdity" ³⁶.

We must remember that these ideas were formulated at a time when Europe and the world had, only a few years before, recovered from a world war for which nationalism had been one of the most important and effective catalysts for war. The intrinsically contrasting nature of such a speech is therefore understandable in the 1950s and 1960s.

"To set a European state means, therefore, to give geographical and political unity to a territory which historical development was already shaping... Land hunger will be relieved by the unification of nations; nor is there any more just solution. How they are to live together in their new home will be laid down in the constitution" ³⁷.

This author, at least in this work, offers merely a philosophical, cultural, and exceedingly theoretical approach to European unity, focused on the European myths and philosophy and political thought but not on the legal and empiric changes necessary to achieve this unity, nor on the possible parliamentary aspects that such unity might entail. His work is nevertheless important as a

³⁵ Rougemont, 1966, pp. 422.

³⁶ Rougemont, 1966, pp. 426.

³⁷ Rougemont, 1966, pp. 428.

mirror into the mentality of the time and the philosophical and teleological belief of a unity in Central Europe and Europe as a whole.

One of the main theses behind federalism was the idea that nation-states and the increased statism or nationalism of its leaders were one of the main causes for continuous wars in the European continent. Nation-states would then have to lose some of their autonomy and sovereignty to international organizations in order to preserve peace, organizations that would in turn also have to make impartial decisions that would mutually benefit all the states in contention. Peace and future economic growth would thus have a solid ground on which to flourish³⁸.

4.2 The words of Schuman and Monnet

Robert Schuman (1886-1963), who is still considered as one of the founding fathers of the ECSC, EEC, and the EU, was born in Luxembourg but later acquired French citizenship. He was Prime Minister of France from 1947-1948 (a period of great political turmoil due to constitutional, institutional and social issues) and the first President of the EP from 1958 until 1960, having also occupied other positions, such as Minister of Finance and Minister of Foreign Affairs.

Robert Schuman uttered these historical words in the Schuman Declaration on the 9th of May, 1950:

[...] Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity. The coming together of the nations of Europe requires the elimination of the age-old opposition of France and Germany. Any action taken must in the first place concern these two countries.

With this aim in view, the French Government proposes that action be taken immediately on one limited but decisive point.

It proposes that Franco-German production of coal and steel as a whole be placed under a common High Authority, within the framework of an organization open to the participation of the other countries of Europe. The pooling of coal and steel production should immediately provide for the setting up of common foundations for economic development as a first step in the federation of Europe, and will change the destinies of those regions which have long been devoted to the manufacture of munitions of war, of which they have been the most constant victims.

*The solidarity in production thus established will make it plain that any war between France and Germany becomes not merely unthinkable, but materially impossible [...]*³⁹.

As we can see from these paragraphs, Schuman's federalist mentality and possibly ideological purpose of Schuman are clearly visible. Schuman can be

³⁸ Stenger, 2015.

³⁹ This speech is available at: URL: http://europa.eu/about-eu/basic-information/symbols/europe-day/schuman-declaration/index_en.htm [Accessed on the 31-05-2016].

understood as a federalist with more of a politician's kind of rhetoric, different from Haas, who is an academic and empirically and scientifically not a federalist.

Jean Monnet (1888-1979), born in Cognac, France, was an economist and a diplomat working behind the curtains, as he never held or was elected to a public office. Monnet is considered to be another founding father of the EEC⁴⁰ and the EU. Through his writings and political work, he indeed became an authority in international relations and contemporary politics and an important persona in the development of European integration through a communitarian method. In his words, the European project was a "*great test and a new beginning*"⁴¹. Despite his relevance, this study will also analyze authors such as Moravcsik who dispute the actual political role of Monnet, a question still today open for debate.

Jean Monnet, a person of influence in both world wars that paved the way for the beginning of European integration, we can assume, was a federalist and a Europeanist. However, some of his political actions were criticized by Moravcsik as we shall see in chapter 4.5.2. As he always fought for the creation of more political and federalized institutions, we can postulate that the empowering of the EP through codecision after Maastricht would have been praised by Monnet.

Monnet's thought can be considered as a type of federalist idealism. The intergovernmentalists like Moravcsik, Alan Milward or Frances Lynch, whom we will study later (chapter 4.5), will counter this proposal with an approach we can consider as intergovernmental realism based on economic and national principles.

Haas further states (when discussing Monnet's federalist idealism):

"Federation, not a union of states, is the method for achieving unity because of Monnet's conviction that governments and politicians act only when prodded by a superior power. Hence, intergovernmental co-operation is condemned as futile".

Monnet's position or individual philosophical approach to European integration is debatable and maybe even controversial. He partially undermined the role of the Council as it was the most intergovernmental and least federalized institution. In theory, any European institution's interest would come before the national political preferences, even though France's role was understood as one of a leader. In Monnet's preferred view, the High Authority or the European Commission would represent the materialization of Europeanism and the member states' governments would merely count as the factual portrayal of their egoistic needs and struggles.

The Schuman plan was also another stepping stone in the development of a hypothetical European federation as was the European Defense Community of 1950 in creating this postulated federation. All of these projects are historical

⁴⁰ Robert Schuman, Walter Hallstein, Alcide de Gasperi, Spaak and Monnet are considered to be some of the most important founding fathers although many other names can be mentioned.

⁴¹ Monnet, 1976.

proofs for the intrinsic need for a political and economic unity that existed in the minds of this generation of politicians. Many of these plans also served as drafts for future European treaties, institutions, and organizations that would shape the European continent years later, such as the EP which is the focus of this study. The EP does seem to be overlooked in these embryonic times, as it was the High Authority (the future European Commission) that was the novelty in this emerging supranational structure. As we shall see in detail in the coming pages through Ernst Haas' work (chapter 4.3), the EP was not given a political chance to be an active and influential institution in the ECSC and for several decades during the EEC.

Partially different from the federalist method was the concept of neofunctionalism which we can understand as a middle point between nationalism and federalism with only a few selected policy areas that are decided at the Community level. Jean Monnet began as a federalist but ended up supporting a functionalist approach to the European project. He believed an economic path to peace and political unity was the most realistic architecture possible for such an endeavor.

4.3 The impact of Ernst Haas' work on academic and European integration studies

If most of the variables in this study are focused on the period between the Maastricht Treaty and the Lisbon Treaty, the conceptual and historical importance of this embryonic period of the EEC between 1957 and 1991 is evident as it was when most of these concepts (such as federalism, neofunctionalism, intergovernmentalism, neoliberalism or even Keynesianism) gained new impetus and became conceptual structures for the building of the ECSC, the EEC and the future EU.

Other concepts, such as parliamentarism, were relevant at this time in the typical categorizations and systems of presidential republics, semi-presidential republics, and parliamentary republics (among other subjects)⁴². Another interesting question is whether political representation in the EU's institutions is more based on parliament or government structures, a question in which different theoretical approaches differ⁴³.

The ECSC and the EEC were the first successful European-wide contracts, whose systematization raised great questions and numerous debates.

The ECSC and its initial success generated a positive belief in the capacity of post-war federalism and neofunctionalism. The positive experience of the ECSC opened the way for further political and economic integration through

⁴² In these initial decades of the EEC, the Common Assembly or the European Parliament were merely advisory institutions with little legal or effective powers. The national parliaments were much more important than this supranational institution.

⁴³ See also, for example, Lijphart, 2000; Eckes, 2014; Shackleton, Raunio, 2003; Hix, Abdul, Gerard, 2002; Petrovas, 2008; Palonen, Wiesner, Turkka, 2011; Sigalas, Mokre, Bruell, 2011.

the EEC and, decades later, the EU, while the study of international relations and conceptual history opened new borders in these decades. The specific way of studying these disciplines also changed. Even though the subjects of these studies were focused on the same issues, the way in which they were analyzed and explained varied greatly.

The types of political unification envisioned at the time and the way this unity evolved continuously gave and still gives researchers a large number of variables and new theories suitable for analysis, one of which is the role of the Common Assembly/European Parliament in this evolution. All of these conceptual frameworks were visible in different forms in the history of the ECSC, the EEC and the EU. Further along we will see how these concepts were still important even after the Lisbon Treaty of 2009 (chapter 5.1, chapter 8).

Ernst B. Haas (1924-2003) was the most famous figure in this neofunctionalist approach to European concord. He was a German-American citizen of Jewish ancestry who had escaped Nazi Germany and an academic, international relations historian and a Professor at the University of California in Berkeley. Possibly because of his escape from Nazi Germany, he wanted to understand how states work and how such a country could be reconstructed peacefully after World War II. His most important work was *"The Uniting of Europe; Political, Social and Economic Forces"* published in 1958, which, despite all the criticism that followed years and even decades later, still remains one of the most important writings on the process of European integration.

Political or governmental alliance was for Haas:

"(...) the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities towards a new center whose institutions possess or demand jurisdiction over the pre-existing national states" ⁴⁴.

Shared governance and common group mentality are necessary elements for a political alliance. Political integration can thus evolve and increasingly encompass more areas ⁴⁵. The gathering of Central European states was seen at first as a possible new renaissance inside Europe in order for these countries to be able to economically compete with the USA or the former Soviet block. Haas approached neofunctionalism by analyzing of the ECSC (European Coal and Steel Community): how it was created and how it worked were understood as patterns in neofunctionalism. In *"The Uniting of Europe"*, Haas preferred to use terms such as Europeanism, federalism, supranationalism, and others such as constructivism. However, he has later been labelled as a supporter of the conceptual, academic, and empirical use of neofunctionalism as other papers of his, or his preface in *The Uniting of Europe* written in 1968 indicate. Neofunctionalism was the middle ground between the federalism of Schuman (as the ECSC, the EEC, or the EU were never a federation) and state sovereignty, even though its focus was always centered on supranational institutions. Haas did, however,

⁴⁴ Haas, 1958, pp. 16.

⁴⁵ Rosamond, 2005.

express the need for the continued adaptation and remodeling of neofunctionalism to new historic times and necessities.

"If economic integration merely implied the removal of barriers to trade and fails to be accompanied by new centrally made fiscal, labor, welfare and investment measures, the relation to political integration is not established. If, however, the integration of a specific section (e.g. coal and steel) or of economics generally (e.g., the General Common Market)" goes hand in hand with the gradual extension of the scope of central decision-making to take in economic pursuits not initially "federated" the relation to the growth of political community is clear" ⁴⁶.

It is curious to note, however, that the future European Union developed into a far greater and far-reaching political and economic union than he envisioned at this time, since not only did the common market become a subject matter for intergovernmental and European institutions but the EU also created European elections for the EP, and a common currency for most of its states.

Leon Lindberg, (born in 1932) is a US political scientist, a disciple of Ernst B. Haas and another important author in the theorization of neofunctionalism. To Lindberg, political integration was *"the development of devices and processes for arriving at collective decisions by means other than autonomous actions by national governments"* ⁴⁷.

All of these authors not only debated the political and economic necessities of post-war Europe, they also rationalized the new conceptual approach that the study of these concepts needed. Contemporary historiography has deemed them as extremely relevant in these times as the academic background against which many of these historical developments took place⁴⁸. The theoretical work began with an analysis of the reasoning behind the renewed importance of concepts such as federalism and federalization, (neo)functionalism and intergovernmentalism. These concepts needed to be operationalized. After this dissection came the empirical or materialist task of the application of these concepts to the Europe of the time, particularly during the creation of the European Coal and Steel Community (ECSC), and the European Economic Community (EEC), and the Treaty of Rome of 1957. Instantly, the great questions derived from these post-war times were not so much which empirical changes were inherent to this political progress, but which theories could explain and define such success. However, most of these on-the-field tasks concerned political agents; theorists did not face the same problems.

Academics were trying to understand how it was possible that countries that had shared such great animosity towards each other just a few years before could have achieved a European contract where all of these nation-states willingly agreed to delegate several political powers to European institutions and therefore achieve political peace and economic prosperity. This was and still is a great dilemma. The scale of this European contract was unforeseen and had been unmatched until the Treaty of Rome of 1957.

⁴⁶ Haas, 1958, pp. 12, 13.

⁴⁷ Lindberg, 1963, pp.5.

⁴⁸ Ribeiro, 2002.

Haas claimed the events at the beginning of the European integration to be of a *sui generis* type. Neofunctionalist theory is nevertheless applicable to many case studies around the world. It was also conceived by Haas as a contrary both to Kant's idealism and classical realism as theories in international relations. Haas continued: "*State preferences are seen as resulting from changing domestic competitions for influence; there is no fixed and knowable national interest. Preferences of political actors are formulated on the basis of the values held; they, in turn, determine an actor's sense of interest. In short, neofunctionalism carried the assumptions of democratic pluralism over into policy formulations relating to international matters by disaggregating the state into its actor-components*"⁴⁹.

Haas deconstructed states and international relations into several building blocks, reorganizing them in a logical structure that would be able to explain a number of historical developments, particularly the start of the ECSC, the EEC, the Treaty of Rome and possibly the evolution of the EU and the EP. Considering Haas' theorizing, it is interesting to note not only the elasticity of his approach and its conceptualization but also how this European contract evolved and how his premise is still partially valid if we bear in mind all of the political changes, particularly after the Maastricht Treaty.

If we understand the European Union's decision-making system as a mix between intergovernmental, communitarian (or federalist) and parliamentary rule (as institutionalized in the triad of the Council of the EU, the European Commission and the EP respectively), we see that Haas laid the foundations for the study of how this coordination was created. However, great care must be taken in the study of these concepts since, for example intergovernmentalism, when studied in the EU context, with its key focus on the nation-state can never rule out the intrinsic and embryonic semi-federalist side of the EU. The conceptual and empirical borders between federalism and intergovernmentalism are nevertheless very intertwined.

At the same time, federalism or federalist thinking and neofunctionalism, although envisioned at first as solutions for economic development and peace in the early stages of the ECSC, can never rule out the fact that, for example, all of the European treaties are addressed to each of the governments of the member states⁵⁰. These concepts are extremely important for the periods we are researching but it is necessary to remain alert to their inherent flexibility.

*"Political community, as here defined, need not presuppose the emergence of a federal state, though this is one possibility and certainly the aim of many contemporary European statesman and thinkers"*⁵¹.

The future EU would not evolve into a full-fledged federal state but one can envision the mentality or the "Weltanschauung" of the time postulated by Haas in these paragraphs.

National interest can and did evolve into a European-wide concern. The very nature of the European Commission, for example, prevents it from favor-

⁴⁹ Haas, 1958, pp. xiv.

⁵⁰ This was also the case with the thirteen states that ratified the US constitution in 1779.

⁵¹ Haas, 1958, pp. 7.

ing national sympathies in so far as this institution acts and initiates legislation on the basis of European common good.

Haas recognized that unity in Europe was understood in multiple ways. This European unity would be able to save and redeem this geopolitical space from centuries of self-destruction. Other individuals such as Valéry Giscard d'Estaing (who was a President of the French Republic from 1974 to 1981) saw this "Europeanism" as a supposed search for high competitiveness since it would serve as a materialization of a fully liberal "free market". Other scholars referred to by Haas are for example Alexander Rüstow, a German economist, who regarded the ECSC as a form of economic rationalization that would also ensure that none of the future federalized or communitarian institutions could ever be permitted to freely dictate their policies without general consensus.

Rüstow and with him the West-German Finance Minister and short-time Federal Chancellor Ludwig Erhard saw unity in Europe as a path towards further liberalization or technocratization of the European economy, but what essentially joined most of these observers was their devotion and philosophical concern for the understanding of Europe as a whole, as an idea. They mostly differed on every other issue. Extremist parties, or countries and governments whose foreign policy would not entirely fit into the interests of the ECSC, would usually not take these concerns into consideration.

One of the objectives of conceptual history is to analyze the evolution of the (rhetorical use of the) concepts we wish to study and how they are able to explain the differences in societies decades or even centuries apart. As Haas put it, the very concept of "Europe" served as a basis for "Europeanization" (1958) although there was still an inherent vagueness to both concepts particularly in their empiricization.

The importance of this organization not only stems from the fact that it implied strong political commitments between governments but also a common management of two far-reaching sectors of any economy - the steel and coal production and administration - not to mention the very controversial nature of this organization, particularly between the governments of its member states and the civil society that also affected its decisions, which is another aspect that Haas notices as a fundamental difference between the ECSC and any other similar institution. The development of political integration of the post-World War II decades was deeply affected by the decisions taken in the ECSC.

It is the contention of this study that the EU has managed to combine some insights of these academic theories into an intricate new type of "separation of powers" system. It is possible to postulate that politicians better understand how complex and contingent the world is, whereas scholars try to build quasi-logical incompatibilities and tend to accentuate the breakdowns in systems⁵².

⁵² See also: Patomäki, H., 2013, as this Finnish scholar tries to understand the more contemporary Eurozone crisis, through political, academic and economic theories and their application in real-life European political structures and policies.

As Haas points out, Schuman referred to the ECSC as a midpoint between federalism and intergovernmentalism. Haas also gives us a description of great relevance to the understanding of these concepts:

*“The feature common to most of the jurists who were active in the drafting of ECSC is an admission that supranationality refers to a type of integration in which more power is given to the new central agency than is customary in the case of conventional international organizations, but less than is generally yielded to an emergent federal government”*⁵³.

Taking into consideration the Lisbon Treaty of 2009, we can infer that the EEC and the EU increased the federalization of this polity, but also its intergovernmentalism and its link to European civil society. Therefore, the above citation by Haas is somewhat true and relevant.

Haas describes a federation as a *“form of government in which sovereignty or political power is divided between the central and local governments, so that each of them within its own sphere is independent of the other”*⁵⁴. However, understanding federation in this sense is still problematic as it is arguably better to study each particular geographical and political unit separately in order to establish and understand the different assets and systems of federations.

The term “intergovernmentalism” appears not to have been used by Haas at this point as he speaks of international institutions only, clearly understanding that the governments – and not parliaments – usually appoint their representatives to these. This leads us to the belief that one of the main founders of the concept or the understanding of intergovernmentalism was Stanley Hoffman, whose work will be studied further along in this study (chapter 4.5.1). Hoffmann was the first to synthesize the various components into a theory, which would later be further conceptualized into intergovernmentalism by Moravcsik, among others.

The European Commission was known in these years as the “High Authority”. The Council of Ministers had the same name. The Common Assembly will be the future European Parliament. The Court of Justice and finally the Consultative Committee were similar to the contemporary European Economic and Social Committee or the Committee of Regions.

Haas recognized at the time that the Council of Ministers was the institution that, by its structure, better served the purpose of those (intergovernmentalists) who argued that the federalist approach to the ECSC was misleading as, in their view, all the political innovations were made by the states and governments out of pure will and not by pressure from international institutions’ pressure such as the High Authority of the ECSC (the Common Assembly did not possess significant legislative powers). Haas preferred to describe the ECSC as a *“hybrid form, short of federation”*⁵⁵.

The common market was thus started in 1953 and was continuously expanded in the Treaty of Rome and the subsequent treaties, leading to a mix of

⁵³ Haas, 1958, pp. 34.

⁵⁴ Haas, 1958, pp.34.

⁵⁵ Haas, 1958, pp. vii.

markets that had been highly protected in the past. The effect of spillover began to be seen in the ECSC as legislation started to affect several sectors that were not supposed to be altered. It was Monnet, however, who was among the defenders of the expansion of the powers of the ECSC that ultimately led to the Treaty of Rome. According to Haas, the ECSC ended up being a factor for greater federalization due to the fact that a community with combined powers acting in a common market mostly responsible for the management of two types of commodities was seen as insufficient. Increased federalization meant more federalized policy areas.

Even taking into account the opinions of multiple sectors of society inside the founding member states that would not have had a positive view on the ECSC or the EEC, this expansion did indeed continue. An end to the ECSC would have possibly put an end to the integration procedure and required a completely new formulation and a new set of institutions as substitutes. The Schuman Plan still remained the basis for political integration, for federalists, neofunctionalists and intergovernmentalists, although it was still partially uncertain whether this economic plan for Europe could in fact be understood as having an effect on European integration. Historians like Alan Milward, whom we will study later (chapter 4.5.3), disputed this account.

Ludwig Erhard, as Minister of Economics in Germany under Chancellor Konrad Adenauer stated in 1952 that:

*“The Schuman Plan has two implications [...] One incorporates the principles of supranational [...] dirigisme under the scope of power of the High Authority. We also and simultaneously find in it the other principle, the preparation for free competition in a common market [...] We in Germany will certainly attempt to send people to the Schuman Plan organization who will stress the spirit of freedom – of the common market – and who will trust more to competition than to planning”*⁵⁶.

One can say that the ECSC and the soon to appear Treaty of Rome of 1957 were a mix of economic schools clearly separated from any type of communist economic thinking. A political desire for unity in Central Europe to prevent new wars combined with the need for an opposition to the Soviet Union and the Warsaw Pact remained important reasons for the extension of this Community and its scope of common policies.

The ECSC was nevertheless a clear political victory at a time when “Europeanism” was growing. Many reasons were examined by Haas as potentially motivating this political success. A mutual commitment to European democratic values was not a sufficiently satisfactory answer to explain these phenomena as many national parties were eurosceptic. Haas claims that it was rather the “dominance of pluralism” and nation-level dissent that led to a European-level loyalty. In order to combat internal and national opposition, Europeanism became an answer shared by numerous states as national ideologies found like-minded mentalities in other neighboring countries that allowed for several sec-

⁵⁶ Haas, 1958, pp. 129.

tors of the Central European society and economy of the time to write and form common intergovernmental approaches to governance as a method for peace.

Neo-democratic socialism and liberal democracy, or in other terms, center left and center right parties displayed an ideological propensity for supranational or semi-federalist structures, a kind of European compromise.⁵⁷ Let us remember that if one were to cross the English Channel, these opinions would not have been reflected in England or the UK either by the Labor Party or the Conservative Party as Haas (1958) describes⁵⁸. Even further removed from such a mentality were the Spanish or Portuguese governments of the time with a fascist tendency or practically all of the Eastern European countries under Soviet Russian influence, or other cases such as Austria, Finland, or Sweden that were considered as neutral states with great economic collaboration with both the Soviet Union and Central Europe.

Through this economic and political partnership, "Europeanism" gained an empirical meaning and European integration its foundational basis. Most European governments of the time that were part of this structure were formed by several parties, mostly coalition governments. The fact that they were coalitions increases the relevance of a theory of a joining of multigovernmental interests and their parliamentary parties' opinions.

Haas introduces an interesting topic in his 1958 work when he states that the first French conception for this federation would consist of a High Authority that would be obliged to directly negotiate with the Common Assembly (the future EP). We can thus postulate that Haas here laid a seed for the future parliamentarization of the EEC and particularly the future EU. This French proposal was not, however, successful. The ECSC and the EEC would function on a Council against High Authority/European Commission system. A parliamentarist approach and inclusion into this system would still have to wait some decades for it to be materialized.

Both German and French interests, as well those of all the other countries, were taken into account, however, at different levels. It was the Beyen Plan of 1955 that would lay the first foundations for the enlargement of the common market, the creation of Euratom. It is curious to note that the process of the extension of the common market from the ECSC to the EEC and the following treaties was similar to the expansion of codecision, and the growth of powers of the EP after the Treaty of Maastricht. Each expansionist or integrationist advancement served as a laboratory for the evaluation of its economic, social, and political impacts and for further breakthroughs. The economic effect was the

⁵⁷ See also Ankersmit, F. R., 1996, and Ankersmit, F. R., 2002, as they provide a structured interpretation of the differences between the concepts of consensus and compromise and how they can be used in the understanding of European political theories and the rules of procedure in EU institutions, as compromise usually entails a basis on the smallest common denominator that does not provoke a veto.

⁵⁸ The EEC was viewed as a competitor to the Commonwealth but would later lead to the creation of EFTA, that was started by the British.

most visible one at this time, as the political union did not exist or was at its beginnings⁵⁹.

The origins of the EP in the Common (parliamentary) Assembly derive from the ECSC, the EEC, and the Treaty of Rome. Haas did in 1958 already refer to the parliamentary side of the EEC in these words:

“Parliamentarians, however, are part of the institutions which shape the emerging European political community: they do not merely react to their stimulus. Parliamentarians in the Common Assembly are crucial actors on the stage of integration for two reasons. First, they deliberately and self-consciously seek to create a federal Europe by prescribing appropriate policy for the High Authority, by stressing their own latent " legislative " powers and by stimulating the conclusion of new treaties looking toward integration” ⁶⁰.

We must remind ourselves, however, that Haas wrote these words when this Assembly was not yet elected by European-wide elections, as it is nowadays (since 1979), at a time when it had no real legislative powers such as co-decision. It is noteworthy, nevertheless, to mention the significant political importance of this institution. Haas' words are relevant for the historical evaluation of this institution. However, a crucial aspect in the parliamentarization of the European integration is that even the Parliamentary Assembly, named the EP in 1963, was from the beginning under the assumption that it was a real parliament and not merely an advisory body to the governments' cooperation. From early on, it also began to take a stand in issues that did not formally belong under its jurisdiction ⁶¹.

The federalist approach of the Common Assembly and future EP was of a different type. Even though the EP did only after Maastricht start to have materialized legislative powers, the parliamentarist style of decision-making inherent to this institution makes it intrinsically different from the other two legislative institutions. Nevertheless, the federalist side of the Common Assembly was already noted by Haas in 1958:

“In short, they are advocates and proponents of federalism in their parliamentary activity. Second, the parliamentarians in their conduct have the facility of furthering the growth of practices and codes of behavior typical of federations quite apart from the specific advocacy of substantive federal measures. Alternatively, their conduct may be such as to negate the growth of the principles they advocate. It may be suggested that at the outset of our discussion that the modes of conduct evolved by the Common Assembly are probably of greater significance in tracing processes of political integration than the specific measures proposed in it ⁶².

These observations by Haas were made in the 1950s when the Common Assembly could only give legislative advice to the High Authority / European Commission but neither the Commission, nor the Council did in fact have to

⁵⁹ The Suez crisis was important for the integration process as it further increased the notion for the necessity for greater approximation of these nations facing the dominant economic, political and military powers of the USA and the Soviet Union.

⁶⁰ Haas, 1958, pp. 390.

⁶¹ Tiilikainen, Wiesner, 2016, Tiilikainen, 2011, Tiilikainen, 2014, Tiilikainen, 2014a

⁶² Haas, 1958, pp. 390.

follow it. However, he still acknowledges the federative role of this early Common Assembly, which is debatable. The situation after Maastricht and particularly after the Treaty of Lisbon of 2009 is a completely different one where the EP has an equal legislative role as the Council and Commission, even though this latter institution merely initiates legislation and its effective influence on the final legislative act is still debated. The control and supervision of the High Authority was in any case the main responsibility of the Common Assembly, and therefore its federal role is recognizable.

MEPs thus had and continue to have an immanently dual relationship with the Union. On the one hand they are part of a federalist style institution and on the other hand they, nowadays, tend to serve national party politics and sometimes national-level interests since the member states still form the electoral districts of the EP. The nature of this position is dual by origin and variable according to the subject at hand. However, at the time Haas wrote his thesis, the role of these European parliamentarians was much more federalized but also less capable. It was only after the first elections to the EP and the acceptance and start of the codecision procedure that this dual role became more accentuated. The supervision of legislative activities by the Common Assembly's executives in the 50's and 60's only meant an organized type of criticism if we observe it through today's lenses. The link to the national parties and parliaments was also affected as communists were prevented from entering the delegations. This Common Assembly was therefore an institution that we may theoretically position between a federalist one and an intergovernmentalist one as it possessed aspects of dual nature in its workings.

The Council at the time did not have any parliamentarist approach to decision-making, as besides the natural opposing of views on a subject, they were mostly responsible to their national parliaments. The intergovernmentalist approach of the Council was almost complete, which created the need for the European Commission, after Rome, to have one singular power that no other institution could have – the power of initiating legislation. This initiative power was what transformed the High Authority and the new European Commission of Rome into a federalized institution. The main federalist aspect of the Commission was its constitution, its responsibilities, and its supervision by the Council and the Common Assembly (and future EP) but most pivotally its initiative power, in other words, the power to start legislation.

The mutual asymmetry or even animosity of the Council towards the Common Assembly was already visible in the ECSC as Haas shows us:

“Since 1955, certain ministers have regularly attended Assembly meetings, contributed to the debate, answered questions, consented to appear at sessions of the commissions and received delegations of deputies. They have not, however, in a single instance deferred to the wishes of the Assembly or pretended regularly to consult the parliamentarians about future decisions”⁶³.

If we believe in the historical veracity of these words, we can see that this battle for greater power by the Common Assembly, and the prospective EP, has

⁶³ Haas, 1958, pp. 399.

been a long one. It dates back to the origins of the ECSC. It took approximately 30 years for the EP and its predecessor to receive, in our opinion, the first proper effective and materialized legislative powers through the process of codecision in the Treaty of Maastricht, even though before this treaty certain procedures had already been established that gave the EP certain measures to further delay legislation and increasingly oversee the activities of the Commission.

The main European parties that exist today have their foundations in the parties of the Common Assembly that still to some extent maintain their original descriptive names: Christian Democrats, Socialists or Liberals, among others. The first president of the Common Assembly was Paul Henri Spaak, another “founding father” of the ECSC, the EEC and the EU. Haas merely points out that: *“The truly vital development is the growth of a code of conduct considered appropriate to supranational legislators: the right to be continually consulted by executive agencies, to put forward programs not clearly and previously declared to be national policy, to organize, investigate and criticize on the basis of opinions and convictions developed as a result of contacts with ideologically kindred but nationally different colleagues”*⁶⁴.

The initial role of the Common Assembly could be understood, as these fragments by Haas suggest, as one of vigilance. The true federalist, Europeanist, and parliamentarist basis of this institution was settled at that time, even though its role would increasingly change in the decades to come, particularly after Maastricht. If we wish to understand the European Parliament as an institution, its basis and its history, we must understand how it was created, the very reason of its former existence as the Common Assembly materialized in this period, and in the ECSC, the EEC and the EU to come. Its mode of proceeding was more akin to the French parliamentary tradition, as its origins lie in a time when Britain was not yet a member.

The concept of Europeanism comes together in all of this discussion purely by the sense of an understanding of a common European political identity that would ultimately be accomplished in this federation with the High Authority (the future European Commission) as its most representative identity.

Even though their powers differed, both the High Authority and the Court of Justice could become the final decider on conflicting issues between the member states.

Supranationality or supranationalism is thus a term that could be used to describe the middle point between a pure federation and intergovernmentalism. However, Haas tends to believe that supranationalism tends to favor more integration and ultimately more federalism. The socio-economic processes created with the union of states creates spillovers that work as mechanisms for the augmentation of the common market that led the ECSC to EURATOM, to the EEC, and the Treaty of Rome. Federalism in Haas’ perspective would in theory be an end in itself but one that is always subjected to scrutiny by the member states.

⁶⁴ Haas, 1958, pp. 438.

The typical federalist, neofunctionalist, intergovernmentalist, and constructivist discussion regarding the EU and its foundations is commonly constructed using these main four perspectives on the advancement of the uniting of Europe. However, in this study, we are using these systems and theories comparatively observing them together with the process of parliamentarization of the ECSC, the EEC and the EU's institutions. Europeanism is therefore understood as merely the joining of the interests of member states to achieve peace, economic prosperity, solidarity, a greater democratization and, if we want to equally include, the parliamentarization of the union through the delegation of certain political powers to supranational institutions.

4.4 Other federalist or neofunctionalist influenced scholars

Sergio Pistone was another federalist author that had a similar but also different understanding of the inner construction and integration process of these institutions. Pistone is a professor at the University of Turin, Italy, who has published works since the 1980s and whose main interests are European political integration and Italy's relationship with the European Union⁶⁵.

His theorization is curious:

"If by federation we mean the overcoming of absolute national sovereignty through the creation of a federal state (a state of people and states), i.e. of supranational democratic institutions with direct power over the citizens of the federation and with direct participation by the nation-states in the decision-making process, hence ensuring the preservation of their inviolable autonomy, then it is evident that Schuman's initiative contains a federal perspective." ⁶⁶.

Pistone tells us that the Schuman Declaration is one of the main texts everyone must use in the comprehension of the EU, even though the person behind its philosophy was Monnet, and Altiero Spinelli was its promoter. A step-by-step process was thus the system used to gradually have more competences conferred upon supranational institutions and after some decades, particularly after 1991, the parliamentarization of these systems.

As Pistone reminds us (2010), Monnet was a neofunctionalist or a weak federalist in contrast to Spinelli, who was a strong federalist. Pistone gives us a very clear understanding of these two conceptions, however, one must take into consideration the natural animosity the intergovernmentalists would have to such definitions:

"The federalist approach is the constantly reasserted belief that European integration is doomed to remain precarious and reversible until a federal constitution is implemented, which can be achieved not by intergovernmental conferences (unanimous and secret resolutions by government representatives and unanimous ratifications) but only through a democratic constituent method (resolutions by ma-

⁶⁵ Information available at: [Accessed on the 27th of May, 2017]; URL:< <http://www.scipol.unito.it/index.php?page=54&iddoc=228>>.

⁶⁶ Pistone, 2010, pp.23.

majority approved by representatives of citizens and ratifications by majority). The second feature is being in contrast with functionalist automatism, being persuaded that achieving a federal state requires the creation of a movement for the European union, which can also pursue intermediate objectives but must be independent from governments and parties as well as capable of mobilizing the public opinion pointing out the structural limits of functionalist integration. These limits lie mainly in its precariousness and inefficiency (due to the need for unanimous decisions concerning key issues) and in the so-called democratic deficit (the draining of national sovereignties without the establishment of a fully developed supranational democratic sovereignty)"⁶⁷.

Pistone, as he writes having a clear historical distance, gives us an increasingly more detailed perspective than Haas, as Haas' writings, though seminal and crucial at understanding the EU and its origins, were written at a time when the European integration was in its beginnings. Pistone's conceptualization is therefore more logical and historically based on the long process of Europeanization and parliamentarization. We will see in this study how these aspects of increased or diminished role and perception of the rate of federalization that each European treaty had, particularly from Treaty of Maastricht onwards, were essential for the success or failure of the particular treaties.

The Constitutional Treaty (or the Treaty establishing a Constitution for Europe of 2004 that was unable to get sufficient consensus on the EU level for ratification) is relevant for this discussion as the perceived high level of federalization was one of the reasons that led to its demise even though the Lisbon Treaty had a very similar formulation.

The questions posed by these theorists and analysts lie at the very core of what European integration is and how the road was opened for the signing of the Maastricht, Amsterdam, Nice and Lisbon treaties. According to Pistone, the Schuman Declaration has numerous federalist aspects, most of which we have already analyzed in our observations of Haas' seminal work. Pistone reminds us that all of the developments in the evolution of the EEC and the EU are proof of the federalist assumptions in all of these intricate constructions. The parliamentarization of the EU and the growth of the system of codecision as well as the signing of the Lisbon Treaty also exemplify these assumptions. The decentralized federalism of the EEC and the EU are what makes it original if we compare it to other possible cases of study such as the USA, or even Brazil. However, even after the Lisbon Treaty there are still many areas that are not yet fully federalized: national defense policies, foreign policy, security, or the European economic, taxation and financial governance.

This union bridges together nation-states and European institutions that work under a combination of three federalized legislative viewpoints. Codecision provided this tripartite decision-making system that was brought to completion by Lisbon treaty. The federalized legislative institutions are thus the Commission, the Council and the European Parliament. With this division into three legislative institutions with equilibrated powers, the dangers of the over-

⁶⁷ Pistone, 2010, pp. 25.

federalization of the EU are solved with an established equilibrium between several forms of legislative power: a parliamentarist approach to decision-making (EP), an intergovernmentalist one (the Council of the EU) and a communitarian one (European Commission). However, for most of its history the legislative sector was divided between the Commission and the Council.

Another author we chose to research for this thesis is Leon Lindberg. He was an Emeritus Professor in the University of Wisconsin with numerous published works⁶⁸. His seminal work entitled “The Political Dynamics of European Economic Integration”, although published in 1963 at the beginnings of the EEC, became one of the most important examples of literature on the process of European integration. Lindberg, as a disciple of Haas, used many of the latter’s initial conceptual bases but later directed his thinking in an original way. It is curious to note that some of the most important scholars of EU integration were actually US scholars. The interdisciplinary and transatlantic (or even global) contours of European integration are a given fact in the search for a method to understand this type of federalization and decision-making procedures.

Lindberg is an author that can be included in the neofunctionalist or federalist perspective.

“In Haas’s work, this definition [of political integration] is tied to an ideal-type analysis in which the institutions of the ECSC are compared to those of an ideal federal-type system. This kind of heuristic device is certainly above reproach and did in fact yield extremely valuable results. My own investigations, however, have led me to adopt a more cautious conception of political integration, one limited to the development of devices and processes for arriving at collective decisions by means other than autonomous action by national governments. It seems to me that it is logically and empirically possible that collective decision-making procedures involving a significant amount of political integration can be achieved without moving toward a “political community” as defined by Haas”⁶⁹.

We will be able to see how Lindberg uses some of Haas’ ideas but gives them a conceptual and methodological shift in order to be able to assess his research aims, though most conceptual bases that Lindberg uses are adaptations of Haas. For example:

“We shall formulate it [spill-over] as follows: the initial task and grant of power to the central institutions creates a situation or series of situations that can be dealt with only by further expanding the task and the grant of power. Spill-over implies that a situation has developed in which the ability of a Member-State to achieve a policy goal may depend upon the attainment by another Member-State of one of its policy goals”⁷⁰.

For Lindberg, the concept of spillover comes not only from governments but from several different sources such as civil society, neighborhood policy and international relations as the supranational institutions themselves. From his writing, we can see that Lindberg, does not succumb to the excesses of fed-

⁶⁸ Information is available at: (Seen on the 07.06.2017)
URL:< <https://polisci.wisc.edu/people/faculty/leon-lindberg>>.

⁶⁹ Lindberg, 1963, pp. 5.

⁷⁰ Lindberg, 1963, pp. 10.

eralism. He occupies a middle position between an intergovernmentalist and a federalist or neofunctionalist as governments still remain central to his research. What drives him away from intergovernmentalism is the understanding that the methodological practices of decision-making under such a system of shared powers facilitate the need for more delegation and thus more spillover. European integration is based on a political necessity rather than a teleological finality⁷¹ or inevitability. We can assume that Lindberg would view the parliamentarization of the EU as a political necessity in the same way as he observed the need for spill-overs.

His work is nevertheless dependent on the time of its writing, more precisely, the beginnings of the European integration procedure. Lindberg saw both economic, legal, and political developments from the Treaty of Paris that created the ECSC to the treaty of Rome that formed the EEC.

“One of the treaty’s unique characteristics, much discussed by commentators, is that, with the exception of specific obligations clearly spelled out in regard to the customs unions provisions, it amounts to a general statement of goals with a set of institutions and a procedure for their attainment. This is in sharp contrast to the Treaty of the European Coal and Steel Community, which is a quite precise statement of rules and a machinery for their application, and gives EEC institutions far wider latitude for quasi-legislative functions. So we see the Treaty widely referred to as a “traité cadre” (framework treaty). It sets forth the basis of economic unification, leaving much of the content vague, but establishing an institutional system with the power to define the future order of things” ⁷².

Even if we can consider the Treaty of Rome as a framework for a process of economic and political integration that would last for decades, it is nevertheless this agreement on which most of the EEC and the EU law base themselves. On the other hand, it is correct to assume that this treaty was consequential for a desired extension of the common market for coal and steel which also increased the scope of the European institutions. The mere enlarging of the common market would nevertheless automatically imply an increase in the legal powers of the Council and the Commission (as at this time the EP did not have effective legal capacities).

An economic development of the scope of the EEC would accordingly signify a political increase of its powers through its legislative institutions as one cannot be completely dissociated from the other.

As noticed before, neofunctionalists and federalists were numerous in the years following the establishment of the ECSC and the EEC. The intergovernmentalists started to appear mostly from the 1970s onward. Most literature that was being written in the 1950s and 1960s on European integration followed the writings of Haas, Monnet and the other politicians and writers commonly known as the founding fathers of European unity⁷³.

⁷¹ I chose to use the expression of a “teleological finality” as a type of goal-directedness separated from others, a system apart by its own specific nature.

⁷² Lindberg, 1963, pp. 27.

⁷³ In the Council of Ministers and in the present-day European Council there are proto-parliamentary elements, at least in the cases in which the member states do not have

Lindberg was also among the authors that followed these works, particularly the writings of Haas, but with a different methodological and theoretical approach. The details of the Treaty of Rome specified clear separation of powers between the European institutions but the evolution of the EU would increase the specificity of the legislation leading to an increase in the scope and number of codes and procedures.

The Treaty of Rome is referred by Lindberg as both generic and specific. Lindberg can be to some extent set apart from the other neofunctionalists or federalists as his understanding is a balanced one, arguably positioned between the assumption of a state or government as central to the European construction and the role of European institutions.

*"We have seen that in principle the States do not lose competences, and conversely that there is hardly an economic matter in which the Community does not have some competence. The institutions [even the EP] act to prohibit, or, more often, to complete, the actions of the States rather than substituting for them. Policy-making in the EEC may resemble a kind of intergovernmental negotiating process, but it is cast in a new framework that transforms its fundamental characteristics"*⁷⁴.

It is possible to say that the author, Leon Lindberg, is perhaps a proto-intergovernmentalist exhibiting aspects from both neofunctionalists, federalists, and intergovernmentalists alike.

Some of the analysis that Lindberg developed focused on the same patterns as Haas, particularly regarding the relationship between European institutions and the European civil society of the member states of the time, although he focused on attempting to discover the true political and economic consequences of the EEC and the Treaty of Rome in the process of political integration.

One of the most important developments of the EEC that particularly concerns us in this study, as the CAP is our main example, is the fact that while an open and single Central-European market was to be created in the first years of integration to facilitate economic and market growth, even another innovation was to accompany this advancement which was the creation of common policies.

These common policies as Lindberg tells us are an improvement, if we were to compare it to the EFTA or other similar systems. This meant that not only was a market for specific commodities being created but, together with it, a system designed by member states and European institutions with the purpose of implementing a certain schema of laws aimed at harmonizing the practice of agriculture and its legislation in the member states. This system of com-

an absolute vote but where a majority decision is possible. In other words, the ministers/prime ministers participating in these councils cannot simply advocate their national interests, but must act like "senators" in the sense of trying to contribute to the majority formation. In that sense, these formally intergovernmental bodies contain a proto-parliamentary element, similar to the UN General Assembly and to some extent even the Security Council, as well as other international organizations.

⁷⁴ Lindberg, 1963, pp. 46.

mon policies had in the CAP one of its first and most important successes and was to be expanded into many other policies and commodities. Nowadays, in post-Lisbon Treaty era there are common policies for a great number of commodities and practices.

Lindberg's thesis in the "*Political Dynamics of European Economic Integration*" (1963) was possibly the first to analyze in detail the true implications of the CAP. Its relevance to this study is therefore evident. As Lindberg points out the initial ideas for a common policy had a significant French support. The French-German economic and political alliance had some of its first positive developments in these times as both countries preferred to attend to each other's interests rather than to deal with other OEEC⁷⁵ states and/or with the UK, even if influential people in the German society of the time were aware of the dangers that a single (but closed) Central European market might constitute for the German economy, such as Ludwig Erhard.

For the German government, a common Central European market was a desirable event, but also appropriate was an economic and political philosophy that could bring solutions beyond the six founding states. The German economy might not have enough markets for its exports and its economy to grow in the constellation of the six founding states. The Benelux countries, (Belgium, the Netherlands and Luxembourg), always chose to find a unified solution between themselves as to gain political influence among the larger economies of the member states. Their governments were avid supporters of the common market and political integration from the start of the EEC ⁷⁶.

We must always remember the fact that the European integration procedure was at its beginning in the 1950s and 1960s. There was continuous distrust and ambivalence regarding its development on the part of some of the governments and even amidst the institutions (including the EP), since many other attempts at creating a common market and political union in Central Europe had failed in the past.

The idea of political integration in Central Europe in these early times was still embryonic. A constant fear shared between governments, was the idea that the EEC was dividing Europe into two blocks and not unifying it: countries inside the EEC and states in EFTA or OEEC⁷⁷. Thus, it became clear for Lindberg that a possible academic problematic started to develop as to whether the EEC was indeed a source for political integration or merely a process of approximation of a limited number of markets. Along with these issues, the nature of the types of agreements to be made in the organization of the EEC, namely the

⁷⁵ Organisation for European Economic Co-operation, currently the OECD, or Organisation for Economic Co-operation and Development, was firstly created as to facilitate the implementation of the Marshall Plan in 1948.

⁷⁶ Lindberg, 1963.

⁷⁷ The Organisation for Economic Co-operation and Development was founded in 1960 in order to help with the practicalities of the Marshall Plan. Its founding countries were the USA, the UK, Norway, Spain, Italy, France, Denmark, Ireland, Portugal, Turkey, Switzerland, the Netherlands, Iceland, Canada, Belgium, Austria, Western Germany, Greece, Luxembourg and Sweden. As we can observe, many of these states were part of the EEC, the EFTA, or other types of institutions.

structure of its market, which was a free market for its member states but a less accessible one for outsiders, led many officials and civil society to believe that it could actually debilitate some of the economies of the member states. As an example for these fears and (re)negotiations, Lindberg gives the Dutch industrial spheres who shared some of these concerns before the signing of the Treaty of Rome:

*“In absolute contradiction with its objectives as defined in the preamble to the Rome treaty, the EEC has realized a disintegration of Europe... The shortening of the transition period should be subordinated to the creation of this association [of other European countries] ... The Netherlands must take the initiative. And if, despite all efforts, this idea is not affected by our EEC partners, the Netherlands must not renew her error of 1957; also, when the convention for shortening the transition period is signed, [the Netherlands] must make formal reservations in order that this association see the light of day”*⁷⁸.

The establishment of the EEC was nevertheless a success and the first step in a process of political and economic approximation of states and markets. Lindberg thus tried to research who had been the most responsible actor for the success of this endeavor, whether a specific state, institution, or official. Two different and opposing views thus emerged: France and the European Commission who wanted a closed single market in which the EEC would grow, and the remaining member states of the EEC who wanted a more open market towards the OEEC and the United States⁷⁹. The structure designed at first by the European Commission (and France) won.

In Lindberg’s opinion the Commission was the political structure that was mostly responsible for this outcome. In this regard we can, therefore, clearly regard Lindberg as a neofunctionalist, although not to the extent of Haas or Monnet. At this time, the EP or Common Assembly was thus a secondary feature in this political design which serves as good starting point for the analyses that will be done further ahead in this study as observe the evolution of powers of the EP.

“In terms of political integration as we have defined it, the most interesting aspect of these negotiations is the striking role the Commission succeeded in playing. Little more than a year after the publication of the Commission’s First Memorandum, all the members of the EEC had come to accept the proposals sketched out therein and later expanded in the Second Memorandum. This confirms our expectation that the ability of any of the Six to make policy autonomously will be substantially limited, at least when some of the basic gains expected from the undertaking are threatened. The Maudling Committee [responsible for the final report that would ultimately reach the final decision] negotiations had revealed that the Six were unable to achieve a solution to the problem of a free trade area by which all could abide, but, at the same time, that they were unwilling to negotiate without one. The only way out of this difficulty was to give the task of elaborating a

⁷⁸ Lindberg, 1963, pp. 135.

⁷⁹ Lindberg, 1963.

solution to the organization that represented the interests of the Community as a whole, namely, the Commission”⁸⁰.

The political stability of the first years after the Treaty of Rome actually allowed for an acceleration of the integration procedure. Although there was reluctance for this celerity on the part of member states such as France or Italy that feared their inability to compete with a fully restructured German economy, this accelerating process did in fact occur⁸¹. It was then a mix of political stability and economic growth that allowed this supranational development.

The relatively stable economic growth in all member states at the beginning of the 1960s was also the basis for this desired promptitude for the acceleration and further implementation of the common market and the first roots of a political union. This speeding up of the common market had a clear political background, not only through the belief in the inevitability and successfulness of the initial (and future) structure of the common market but also its irreversibility. This process would be another test, to be prolonged over 10 to 15 years, for the EEC. The European Commission was naturally supporting such a process due to its obvious inherent “Europeanist” values.

Dissensus was visible among the six member states on the subject of this acceleration based more or less on the same reasons they had showed towards the implementation of the Treaty of Rome. The economic concerns and dangers they perceived as possible instruments of instability in the community were mostly based on the scope of tariffs, trade barriers and quotas that were already an entanglement before the Rome treaty. Most European civil society of the time also favored an acceleration of the common market. The problem regarding this procedure was more in the method and not the idea of acceleration itself.

Another aspect that is important to bear in mind, is that this was a community of six member states where it was comparatively easier to reach consensus due to the low number of possible internal adversaries. The continuous enlargements the Community and the Union would eventually make and the empowerment of the EP made dissensus theoretically more prone to happen.

The studies of Lindberg thus give great importance to the High Authority and the European Commission whereas the European Parliament is understandably underrepresented in his studies. His work nevertheless provides the reader with an idea of how much (and with what procedures, methodologies and types of votes) the actions of the EP have changed this scenario over the following decades.

The Commission was again, for Lindberg, the creator of consensus on the method of the acceleration and the procedure for its implementation.⁸² The success of the method and application of the acceleration procedures was again for the federalists and neofunctionalists a materialization of the principle of spillo-

⁸⁰ Lindberg, 1963, pp. 164.

⁸¹ Lindberg, 1963.

⁸² The most problematic area was the implementation of the reduction of around 20% of the common external tariff.

ver, one of the most basic and most valued principles of federalist and neofunctionalist mentality.

“Our analysis has shown that although there was a convergence of support for some kind of acceleration, a decision would not have been achieved without the Commission. The inability of the governments to agree on a precise formula forced them to delegate the task of formulation to the Commission. None was willing to accept the possibility of a deadlock.

The ensuing negotiations illustrated in a striking manner the mediating and brokerage functions of the Commission. Throughout the two months of preparation and during the marathon sessions of the Council and the various working groups, the Commission continued to play an active role in many ways: campaigning for the adoption of its proposals, representing the Community interest, offering compromises when this seemed necessary, agreeing to modifications in its own recommendations – in effect, sharing the responsibility and the decision-making powers [even though the final decision was an agreement that involved member states, European institutions and civil society]”⁸³.

A consensus was reached, in Lindberg’s view, through the active and beneficial support and leadership of the Commission. This intrinsic view, held by the federalists and neofunctionalists, is one subjugated to the common beliefs these thinkers upheld.

The common external tariff was also the factor that set apart this community apart from other similar examples implemented in the world, such as the OEEC and the future OECD, or EFTA.

This community was already then different from anything in the world, not only because of a single Central European market protected from the outside economies through the common external tariff - a type of open and closed market - but also because of the nature of its decision-making.

In order for the EEC’s common market not to go against GATT⁸⁴ regulations, it was decided that (in Lindberg’s words):

“In deciding on a level for the common external tariff, the Member States were bound by GATT, which stipulates that the general rate of customs duties in a customs union cannot be higher than the rate previously in force in the countries constituting the union. The general solution agreed upon was that the level would be at the arithmetical average of the duties applied in the four customs areas of the Community”⁸⁵.

This initial characteristic of a community based on both a closed and open market (open to member states and somewhat closed to the world) would become central in its relations with the UK, the USA, and the British and French foreign territories. The political and economic integration of this community therefore advanced from the inside to the outside. Full integration using the methods of the time was designed and accelerated in order to approximate the member states’ economies and governments to each other. Only after this initial

⁸³ Lindberg, 1963, pp. 202.

⁸⁴ GATT: General Agreement on Tariffs and Trade.

⁸⁵ Lindberg, 1963, pp. 206.

procedure would the community have proved to be able and willing to start enlargements.

According to Leon Lindberg, the European Commission proved again to be one of the most important negotiators, with François Ortoli as its agent, dealing as a representative of the six countries in the negotiations with the GATT. The community's member states would progressively have to impose these measures starting in 1961⁸⁶.

Lindberg's thesis is to be understood again as of a neofunctionalist or federalist type, albeit showing signs of intergovernmentalism in its theoretical construction, as he believes that a typical decision-making practice had started to develop in these times involving discussions between the member states and the European Commission. The European Commission was, nonetheless, the one structure that made the ultimate difference, despite the important role of the member states and of civil society as well. The negotiations with the GATT about the List G that specified certain procedures and commodities in the implementation of the general tariff was another example that in his view proved his argument⁸⁷.

The same kind of methodologies and results were also applied and achieved in the study that Lindberg developed on the CAP. This study will, however, for methodological purposes, prefer to delve into these results further along (chapter 6), particularly when it engages a historical and theoretical analysis of the CAP.

The European Commission remained for Lindberg a unique case for observation due to its multilateral role in the advancement of the EEC. It served as a creator of consensus, as a defender of the communitarian good, as a negotiator in all phases of decision-making, as a representative of the community in relations with other world states; it assisted the governments of the member states in the writing and materialization of the legislation. For Lindberg, the community could not exist without this institution and that is something with which anyone can agree, making the role of the Common Assembly/European Parliament an obviously obscured one.

Whether we prefer to focus on the Commission or the member states, this communitarian method was firstly developed in these embryonic years.

In Lindberg's words: "Our analysis of this institutional system, and of decision-making in it, has revealed that there is a subtle mixture of delegated and shared policy-making. A vast and complex multinational bureaucracy has evolved, composed of national and Community civil servants and politicians. Policy-making, or the pattern of bargaining and exchanging of concessions that it has come to mean, involves not only six governments, but also an autonomous representative of the interests of the community as a whole, the Commission. The Commission enjoys some unique advantages by virtue of its ability to embody the authority of a Community consensus. It can claim to speak for the common interests of all six countries and has repeatedly demonstrated its capacity to precipitate

⁸⁶ Lindberg, 1963.

⁸⁷ Lindberg, 1963

*unity by taking divergent demands and breaking them into their constituent parts, thus obliging each party to a conflict to re-examine its position in the perspective of the common interest”*⁸⁸.

Lindberg seems to hypothesize that the Commissioners have been politicians from the beginning and the Commission’s officials rather a pro-European think-tank than merely bureaucrats limited to a specific sector.

Though we are aware of the intrinsic neofunctionalist nature of Lindberg’s approach and his preference for a deep analysis of the role of the Commission in the process of European integration, one must remember that the European Commission (much like the EP after the introduction of codecision in the Treaty of Maastricht in 1991) was at an initial stage of conduct. It was a relatively new institution, altered from the introductory design of the ECSC’s High Authority and still trying to adapt itself to new modes of communitarian policy-making. Thus, it is noteworthy that even in these developing years, the European Commission and its delegates and officials, even if partially lacking in experience as this institution was a recent one, were able to have a clearly influential and almost a leadership role in the making of consensus, in foreign relations and in the materialization and advancement of the community.

Lindberg showed us several important legislative areas such as the common external tariff and the acceleration of the materialization of the single market as worthy examples of the Commission’s role in the process of European integration⁸⁹. However, more recent developments have made it necessary to devise broader research perspectives.

The Council of Ministers, according to Lindberg, also tended to favor communitarian interests under the guidance of the Commission and would not typically and purely achieve the desired consensus through the intergovernmental approach purely. Domestic and supranational decision-making procedures and political affairs became mixed factors. This association of common interests can be somewhat understood as a materialization of the concept of a given Europeanist ideal, or purely as Europeanism in the making. Together with this increased Europeanism the need for further togetherness and political approximation led most ministries in the early years of the community to have numerous and regular encounters⁹⁰.

The basis on which this unity was created did nevertheless rely on relatively stable grounds that allowed it to grow and further implement the common market as fears of a drastic change in one of the six governments, or variations in economic patterns and the events of the cold war could undermine the developments already achieved.

“Our studies of decision-making in the EEC have shown that no stable voting coalitions have appeared, and that the French and Germans have been on opposite sides in Council debates more often than not. It might be argued that this is beside the point, and that the essence of the Community’s success is still German willingness to accede to

⁸⁸ Lindberg, 1963, pp. 284.

⁸⁹ See also Tiilikainen, T., 2011, on the discussion on the role of the Commission in Nice and its possible assumption as a *de facto* government.

⁹⁰ Here, the proto-parliamentary character of the Council of Ministers is clearly visible.

French demands. But even if this were demonstrable, it would not prove that the Community is dominated by the French and Germans.

Up to 1962, all indications had been that the Six, including the French, were trying not to escape the logic of integration, but to embrace it”⁹¹.

It is curious to note that Leon Lindberg at the time of the writing of his most important work “*The Political Dynamics of European Economic Integration*” (1963) had already pointed out the problems that countries and states that did not participate in the building of the common market might encounter if they would later wish to join the community. But most importantly, he had already mentioned that a partial loss of powers on the part of national parliaments in the evolution of the community could eventually require a future empowering of the EP. This would indeed come to occur decades later in Maastricht and Lisbon⁹². We can thus contend that the question of the accreditation of the EP is an old one, dating back to the Treaty of Rome and even the ECSC. The parliamentary procedure did indeed become necessary for the evolution, enlargement, and stabilization of the EEC and the EU.

Decision-making at the supranational level became divided between these three institutions after Maastricht and particularly after the Lisbon treaty. However, it is by understanding the dynamics of federalism, neofunctionalism, intergovernmentalism and parliamentarism that we discover how this happened, how both the institutions and the member states agreed to such a political development and how specific academics have viewed this process.

Not only political scientists, economists or politicians were delving into these European-wide issues. Many historians, mainly after the 70s began addressing these first times of the European integration process. The neofunctionalist and federalist perspective was contradicted, almost from its most basic and initial theoretical approach, by the intergovernmentalist perspective on the European construction. The neofunctionalist and federalist theoretical approaches were nevertheless the most important ones in the first years of this community mostly because the founders of the union used these same concepts to describe it. The intergovernmentalists operated alone and inwardly trying to discover internal mistakes in their discourse.

4.5 The intergovernmentalist school of European political integration

Intergovernmentalists proposed a different approach to EU studies, its process of integration and parliamentarization. Even though, the subject of the studies was the same, the building blocks and theoretical construction of these theorists was rather a revival of the classical “national interest” doctrine in foreign policy. One of the most important intergovernmentalist authors is Andrew Moravcsik,

⁹¹ Lindberg, 1963, pp. 291, 292.

⁹² Lindberg, 1963.

but other names could be mentioned such as Stanley Hoffman, Alan Milward, and Frances Lynch.

The main thesis of these authors was that the process of the unification of Europe was mostly owing to the member states working together in full capacity for mutual benefit. The governments, when facing specific historical circumstances and constraints, sought for a joining of interests and further diplomatic relations that began with the mutual decision of delegating of certain economic and political areas to European institutions. The governments were the start and the end of the European project. It is the highest representative of each government that validates the inclusion of such treaty in the legal framework of that country⁹³. The empowering of the EP would also be a natural occurrence deriving from the political intent of some member states to have this institution reinforced. However, as we shall see in chapter 4.5, intergovernmentalism and its subjacent ideas are very open for debate and possible criticism for a variety of reasons.

The “Empty chair crisis” started in 1965 by Charles de Gaulle (1890-1970), was one of the most important political events that arguably led to the necessity of renewing academic methodologies to better observe European integration. It was curiously the CAP (which is under scrutiny in this study) and qualified majority voting that were the main reasons that made De Gaulle order a withdrawal of his representatives from the Council of Ministers. It was only in the following year of 1966 that an agreement was obtained that satisfied all participants (the Luxembourg Compromise). De Gaulle had always been (perhaps through his participation in both world wars) a vigorous French nationalist who had tended to view the first years of European integration as a system for the maintenance and growth of the political power and influence of France. Nevertheless, this staunch opposition by a member-state led academics to devise or renew older approaches in international relations commonly known as “realist” where the “national interest” or the “raison d’état” is a kind of natural aim of every state’s foreign policy.

Equally important, De Gaulle’s ideas for the future of the community as embodied by the Fouchet plans were immediately discarded. However, his legacy for future political developments of the community was unequivocal: both the adoption of the Luxembourg compromise in 1966 and, later, the introduction of the European Council reflected de Gaulle’s belief that the heads of state and government should provide Europe with political momentum.

To both Dehousse and his supporters and de Gaulle and his own supporters, however, the political dimension of the EEC was not in dispute, nor were its democratic credentials. Yet, on this point, there was a fundamental difference: the former believed it was possible to transfer democratic mechanisms at the core of the institutional balance

⁹³ Curiously enough, many of these scholars, though not all, were either British or American, representing not only the multi-continental and external perspectives on European integration and political and academic interest on these issues but also a possible academic model less prone to Europeanist teleological theorizations. As some intra-EU theorists of integration were rather politicians than academics, this could suit Quentin Skinner’s thesis that politics set the issues of political theory and vice versa (see Skinner, 1978 and Palonen, 2003).

*of the community; to the latter, the community should be governed by democratic states.*⁹⁴

These paragraphs by Umberto Tulli show us the dissent between the parliamentary intent of some of the early scholars and politicians, materialized in the Dehousse convention which supported an empowered European Parliament and the state interest approach mostly led by de Gaulle and his supporters which preferred a community of sovereign states or a realist perspective. This understanding leads us to postulate that De Gaulle's view on Europe is the political background for intergovernmentalism.

Stanley Hoffman was possibly the first intergovernmentalist (although he very rarely used that term to describe himself or his theories), having been followed by Moravcsik (who was supervised by Hoffmann in some of his works) Frances Lynch, and Alan Milward, among others.

4.5.1 The works of Stanley Hoffmann

Stanley Hoffmann (1928-2015), an Austrian-born French citizen and professor at Harvard University, was possibly the first intergovernmentalist, even though he rarely used that word, at least in his earlier writings. Yet his works defined what intergovernmentalism was and is and what it means when studying European integration. His interpretations are also a fruit of the times in which he lived and worked, which is why the "empty chair crisis" was a topic into which he delved extensively.

In his own words: "[...] *the French inclination to nationalism was higher because of an internal component of the national situation as well: there was in France one political force that was clearly nationalist; that had indeed presided over the Liberation, given whatever unity they had to the resistance movements, and achieved in the most impressive way a highly original convergence of Jacobin universalist nationalism and of "traditionalist", right-wing, defensive nationalism – the force of General de Gaulle. [...] his durability, first as a political leader, later as a "capital that belongs to all and to none", reflected a lasting nostalgia for nationalism; and it was equally symbolic that the crisis which returned him to power was a crisis over Algeria*"⁹⁵

This citation is important for this thesis as it reminds us that the Europeanist feeling and the desire or need for a greater federalization, which politicians such as Monnet and Schuman defended and academics such as Haas viewed as systematic or teleological, was not without criticism or opponents. De Gaulle, a veteran of both world wars who embodied the French traditional and conservative wing, always tried to push European federalization into a system benefiting French farmers and France's position in world affairs, hence his repeated opposition to the entrance of the UK into the EEC (a movement that would give the US an even greater role in European affairs).

He continues: [...] *But the nation-state, preserved as the basic unit, survives transformed. Among the men who see in "national sovereignty" the Nemesis of man-*

⁹⁴ Tulli U., 2017, pp. 17.

⁹⁵ Hoffmann, S., 1966, pp. 872.

kind, those who put their hopes in the development of regional superstates are illogical, those who put their hopes in the growth of functional political communities more inclusive than the nation-state are too optimistic. What has to be understood and studied now – far more than has been done, and certainly far more than this essay was able to do – is, rather than the creation of rival communities, the transformation of “national sovereignty”: it has not been superseded, but to a large extent it has been emptied of its former sting; there is no supershrew, and yet the shrew has been somewhat tamed.⁹⁶

This argument, which has its similarities with Alan Milward, who is also under scrutiny in this study, claims that the state is the formula on which all politics is based, and on which economic integration relies; therefore, it is still the cornerstone of European integration and its parliamentarization. Hence, the delegation of powers to supranational institutions and its effects on each individual state merely alters the nature of the state but not its basis. Member states form the roots of European integration and, were it to happen, a fully federated Europe would mean the creation of a new state. Therefore, states will continue to have their existential reason. In other words, the European states did not come to an end, they merely adapted. So, national sovereignty with its judicial, economic, monetary, financial, legal, and military powers does not symbolize a demise in integration but it does open the door for an academic to perceive these events as a metamorphosis of the state.

Hoffmann in his earlier and later writings is understandably quite skeptical about the role and importance of the European Parliament and codecision.

The parliament, despite its new powers (granted by the Single Act) of amending council decisions and approving agreements of association between the Community and other states, continues to appear remote and bogged down in technicalities. The election campaigns were much more about domestic politics than about Europe⁹⁷. This opinion by Hoffmann can be considered relevant as domestic politics tends to be more relevant in public discourse, but, despite all the important advancements, such as the implementation of the codecision mechanism, this author does continue to undermine the role of the EP, which can be considered as a flaw in its approach. The EP, as a delegation of the member-state’s powers, is understood only as a conveyance of national sovereignty. Understanding or analyzing the EP is also, from this perspective, as a study on state delegation, a study on states as policy-delegators and on supranational institutions as “beyond the state actors” with relatively minor but important state-appointed powers. Researching the EP is, at best, researching how this new (member) state, which works under a common market and influencing supranational institutions has evolved in its legislative and constitutional mandate.

In his later texts, written in 1993 (after the signing of the Treaty of Maastricht) he says:

Most of the European governments have been reluctant to increase the Strasbourg Parliament’s powers and to change its make-up not only because they are the major beneficiaries of the “democratic deficit” but because both reforms would clearly turn the

⁹⁶ Hoffmann, 1966, pp. 911.

⁹⁷ Hoffmann, 1995, pp. 236.

*European Community in a federal direction. The reforms would thus dissipate the deliberate ambiguity that has characterized the Community since the beginning and has allowed it to proceed despite the different conceptions that exist among and within its members about its goals.*⁹⁸

The role of the EU and automatically the EP is undermined by Hoffmann's methodology. Codecision is understood as a minor process not sufficiently advanced or incisive enough to undermine a purely intergovernmentalist perspective on most issues. He says: "[...] Brussels firmly controls little more than agriculture, the elimination of regulations that hamper competition and trade among Community members, and trade with countries outside the Community. The European Community does not try to establish uniform standards and rules. As long as certain minimum standards set by the Community are observed (for instance for health and safety or environmental protection) each state is simply obliged to recognize as valid the standards and regulations set up by each of its partners"⁹⁹.

One can say that Hoffmann is correct in the assessment that states (or institutions), as competence maximizers, want to have as much control over legislation as possible. However, he clearly undermines (perhaps because of lack of historical distance) the role of the EP in environment and other areas, as a study by Fertő and Kovács (2014) will show us. He prefers to highlight how both the Council of Ministers and several of its states (UK and France) as well as the Commission, have preferred to maintain their legislative status quo and frequently barricaded the Parliament's claims and evolution in the years before Maastricht. If, on the one hand, this understanding does serve the intergovernmentalist rhetoric, on the other hand, the fact that the Lisbon treaty (close to 20 years later) endowed the EP with codecision powers on practically all legislative areas in the EU does provide a starting point for a different type of analysis based on understanding states and institutions as similar actors, all wanting to push their own agendas under a basis of consensus and compromise¹⁰⁰.

While Stanley Hoffmann was indeed one of the first intergovernmentalists, it was Moravcsik (his supervisee) that established a greater understanding of what intergovernmentalism indeed means. Moravcsik's speech tends to be more empirical than Hoffmann's which is more based on the international relations field whereas Moravcsik highlights a more economic and empirical view.

4.5.2 Andrew Moravcsik and his interpretation of (liberal) intergovernmentalism

Andrew Moravcsik called neofunctionalism a framework to understand the European unification and not a theory¹⁰¹. Andrew Moravcsik claims that Haas built the foundation of his work on a view against the traditional Kantian realism on international relations. He asserted that the joining together of the claims of influential civil society members, governments, and Europeanists that

⁹⁸ Hoffmann, 1995, 308.

⁹⁹ Hoffmann, 1995, 308, 309.

¹⁰⁰ Hoffmann, 1995.

¹⁰¹ Moravcsik, 2005.

put forward a unified desire for European integration, was in its essence a process for economic growth and it would generate automatic “spillover” to more delegable political areas. Moravcsik also contends that European integration did not evolve at a steady pace as Haas had believed but at a step-by-step approach. The de Gaulle crisis of 1965 (the famous “Empty chair crisis”) is a proof of this discontinuity in its evolution.

Moravcsik thus states: *“Neofunctionalism is only as valid as the individual theories that form the links in its chain of argument. And any test of the neofunctionalist framework as a whole against the track record of integration will be at best imprecise and at worst inherently inconclusive – particularly if, as we shall see is the case, the individual elements are underspecified”*¹⁰².

This author enlightens the inherent problems of neofunctionalists by addressing the lack of micro evidence for the supposed deep-rooted need and consequential commitment to a Europeanization of the economic and political sectors. Neofunctionalism was in fact lead the leading theoretical framework for several decades until the intergovernmentalists appeared¹⁰³.

As Moravcsik put it: *“With neofunctionalism remaining underspecified, and few alternative frameworks at hand, a rule of thumb emerged in research on the European Community: Whenever integration stagnated, scholars criticized neofunctionalism; whenever integration progressed, they rediscovered it”*¹⁰⁴.

Moravcsik nevertheless distinguishes two types of intergovernmentalism: the classical one and liberal intergovernmentalism. He mentions the name of Alan Milward as one of the first historians to put forward a coherent philosophical structure to combat neofunctionalism. In a similar fashion, Moravcsik further developed this theory into what is known as “liberal intergovernmentalism”. This author clearly explains how these two branches of intergovernmentalist thought differ:

“Their view [intergovernmentalists] rests on the premise that major steps toward regional integration result, as does global economic integration, from a three-step process: (a) national preferences develop in response to exogenous changes in the nature of issue-specific functional interdependence; (b) interstate negotiation proceeds on the basis of relative bargaining power; and (c) delegation to supranational institutions is designed to facilitate credible commitments. Their view does not differ much from neofunctionalism in its broad assumption that states are (often) rational and instrumental, or in its assumption that modern states place a high value on interests linked to the provision of welfare and security for the citizens of an advanced industrial democracy. Yet liberal intergovernmentalism departs in assuming that the primary sources of economic integration are exogenous rather than endogenous, interstate bargaining re-

¹⁰² Moravcsik, 2005, pp. 355.

¹⁰³ For further reading on how intergovernmentalists fit the history of studies on international relations, see Morgenthau, 1978, E. H. Carr and Hirschman, A. (1991). In the international relations field, the ‘national interest’ or ‘national realism’ approach has been a prevailing one – although misreading both Hans Morgenthau and E.H. Carr. Part of this heritage is that the reason for the state’s existence is above domestic politics, thus parliaments should not be allowed to intervene in foreign policy at all. In this sense, intergovernmentalism is a part of the nationalistic rhetoric of reaction.

¹⁰⁴ Moravcsik, 2005, pp. 357.

*flects intentional state action on the basis of relative power rather than supranational entrepreneurship, and, unlike neofunctionalism, provides a clear theoretical starting point for explaining delegation to supranational institutions."*¹⁰⁵.

From these paragraphs one can gather that Moravcsik tends to see integration theories as matters of truth versus falsity. However, we prefer to view them in terms of their strengths and weaknesses. The intergovernmentalists also hardly pay attention to the new political forms created by the integration process and underplay the parliamentary aspects in favor of traditional diplomatic inter-state negotiations. On the other hand, other academics have pointed out the intergovernmentalist mentality of some European commissioners over the legislatures which can give praise to some of the intergovernmentalist method as intergovernmentalism and national concerns and preferences can affect the initiation of legislation¹⁰⁶.

The intergovernmentalist methodology puts the emphasis on governments, diplomacy, international relations and the economy and less on the spillover effects and consequential politics of supranational institutions, which they consider to be secondary and not as influential in the process of European integration. As the center for European integration lies in the states and governments themselves, the role of the European institutions is a succeeding one. It occurs after the initial enterprise of the states.

Moravcsik claims that the validity of liberal intergovernmentalism lies not in its assumptions, methodologies, or results, which are relatively similar to neofunctionalism, but more in the use and structure of each of its research elements that in the end prove to be of greater validity if one is to create a solidified general theory of European integration and the growth of the policy areas that were gradually delegated to European institutions. In metaphorical terms, liberal intergovernmentalism concerns itself with each individual brick and tile that makes a building, while neofunctionalism relies on a macro view or structure of the object at hand.

*"Haas also overrides evidence that, he acknowledges, demonstrates that the institutional structure of the EEC was less centralized than that of the preceding ECSC – an apparent anomaly for neofunctionalist thinking. Instead of acknowledging the disconfirmation, he redefines "supranational" to include any forward movement toward integration, even where it reduces central authority"*¹⁰⁷.

This American author criticizes Haas' thinking due to some of its unclear statements. It was through the locating of inconsistencies of neofunctionalism and also the historical evidence of Haas', Monnet's and Schuman's work that the breaches in neofunctionalist theory were identified. Not only was a new understanding of European integration created (that had a new theoretical structure to understand this subject, focused on the role of the states and not the supranational institutions) but the very essence of neofunctionalism and its most important work *"The Uniting of Europe"* of Ernst Haas came under great

¹⁰⁵ Moravcsik, 2005, pp. 358.

¹⁰⁶ Héritier, 1997 and Dehousse, R., Thompson, A., 2012.

¹⁰⁷ Moravcsik, 2005, pp. 359.

pressure. All of its micro-level assumptions and delimitations faced considerable critique from these scholars.

Haas' work, though seminal, was not to be left uncriticized, on the contrary, it was one of the main targets for these academics. For Moravcsik, the change in the world's geographical structure of trade (from a North/South to a North/North industrial exchange orientation) was one of the main reasons to explain the governments' determination to shift their liberal economic interests to their closest European partners and thus lead to the abolition of tariffs and increase the common market areas which then led to the creation of European institutions and frameworks for the delimitation and regulation of such an economic market.

The change in the typical economic patterns in the world is stated, however, as only one of the reasons for this change. German and Dutch economic interests and political convergence of concerns coupled with the French need for more economic and political partners on the world stage (after its initial defeat and occupied status during most of World War II) were also some of the factors that, combined, led to the creation of the ECSC and the EEC.

The EEC is thus understood by Moravcsik as an expected consequence of political and economic interests focusing on the shift in global economic trade, although many more elements had causal bearing on the matter. Moravcsik centers his approach on a member state's traditional political standing towards its neighbors, a kind of neighborhood policy, that can at times remain untouched throughout several governments and therefore be subsumed under a common national mentality. Government's intentions and government planning can stay unaltered even if its representatives change in different legislatures.

That is why he says: "*Charles de Gaulle sought to exploit integration to modernize French industry; the German and French governments consistently argued in favor of integration as a means to banish conflict among European nations; France sought to exploit the European Community to avoid the creation of a Free trade association (FTA); and Helmut Schmidt employed the European Monetary System (EMS) to discourage currency devaluation by neighboring countries*"¹⁰⁸.

The assumption that the crucial role of individuals like Jean Monnet and Schuman, among others, was vital for the success of the ECSC and the EEC, is according to Moravcsik unsubstantiated or lacking proof. Though their roles are certainly important, democratically elected post-war governments and their neighboring policies in Europe are the main catalysts for change and not the theory of "spillover".

The supposed leverage that Haas uses to describe the way in which these actors led the path towards further integration is for Moravcsik unrectified and lacking in materialistic, historical, and academic proof. We can thus understand that the liberal intergovernmentalist theory of Andrew Moravcsik is mostly based on governmental, economic, and financial patterns that determine the decisions taken by each member state through the years. It exists as a theoretical

¹⁰⁸ Moravcsik, 2005, pp. 361.

construct made by a mix of economic, social, and political phenomena designed to understand the intricate process of European integration. The fact that the very name of liberal intergovernmentalism sounds as a mix between politics and economics bringing the theories of liberalism to bear an understanding of the relationships between governments does not constitute a surprise for us, although many other elements are important to this methodological structure as well.

The fact of the symmetry (or asymmetry) in the level of information between government officials and European officials is also debatable as pointed out by Moravcsik. There is no reason to believe that European technocrats possess greater and more privileged information regarding economic or political statistics than government officials¹⁰⁹. This subject is nevertheless debatable. It is our contention that both governments and European institutions are prone to make mistakes and both learn from each other.

As economic and political theory are both sciences that are always under constant renewal due to new historical circumstances, one can never convincingly argue that either European or governmental officials possess a significant advantage over the other. What can be pointed out are the working methodologies of certain European institutions, such as the EP, that by making most of their gatherings open to the public make the expected decisions easier to predict. The EP is therefore the most transparent of the European institutions, but even this parliament must negotiate with both the Council and the Commission as well as the ECJ and the member states governments.

Moravcsik, as an historian that later became a political scientist, keenly investigates the historical records and claims that most of the great names in the early times of the European construction, such as Monnet and Spaak were almost deified, even when most of their actions were actually detrimental to the process of the system's integration.

“Monnet himself, far from being a successful political entrepreneur, played a counterproductive role for most of his period. He stuck to the theory – also at the heart of Haas’ neofunctionalism – that integration would stem from regulated and technically sophisticated sectors of the economy like energy, nuclear and transport cooperation, rather than from market liberalization. He was thus so hostile to the customs union plan in 1955-56 that he begged Spaak, Beyen, and Konrad Adenauer persistently to kill it. Nor was Monnet to enjoy much success later. Even his best and most sympathetic biographer admits that he had little impact after 1950 – precisely the opposite prediction from that of Haas. [...] neither the public discourse of the EU, nor scholarly studies of European integration, have taken note of these historical facts” ¹¹⁰.

Moravcsik, through these words, can be understood as an avid analyzer of the neofunctionalist school, not forgetting to point out its important and realistic assumptions, but one that continuously and passionately delineates the nu-

¹⁰⁹ One might revert to the old Hegelian theorization of state officials as the materialization of the “objective interests”, who remain suspicious of parliaments, parties and politicians or in this case Commission officials.

¹¹⁰ Moravcsik, 2005, pp. 362.

merous mistakes in this approach. This author also invokes the fact that political systems of delegation of powers in the EU (like comitology for example) are not entirely clear proofs of neofunctionalist assumptions, although it is our opinion that these systems can also work as a proof against intergovernmentalism. Comitology, for example, while a very specific decision-making mechanism with clear legal methodologies, is not thereby, as most delegating systems, a clear proof for either theories. Moravcsik is nevertheless adamant about the idea that the European legislative institutions' influence (including the EP) was either minimal or even damaging to the process of the European merging of interests throughout its evolution. Most of the allegations of this author stem from his specific ideological and methodological doctrine that we understand as liberal intergovernmentalism, and they continue to face criticism and debate.

The advancements in the codecision procedure through all of the European treaties can also be used to attack this theory as well as the growth of the powers of the EP in general. Recent literature has tried to combine a neofunctionalist and an intergovernmentalist approach to European Union, studies which we will analyze further along in this study (chapter 4.6, 4.7).

Andrew Moravcsik points out many policies that continue to have almost complete governmental authority and where European intervention is limited, including defense, social policies, and fiscal policies. However the recent Eurozone crisis proved that only through cooperation and the ECB management were several countries able to survive financially and remain members of the common currency and, automatically, the EU.

*"The EU is thus condemned in perpetuity to be what one scholar terms a "regulatory polity" – a system with instruments of regulation, but little fiscal discretion. It is similarly condemned to delegate back to member states the implementation of its own regulations. Both aspects are critical because the most important issues that remain in the hands of national policy-makers – issues such as welfare provision, health care, pensions, defense, education, and local infrastructural policy – all involve both discretionary taxation and fiscal capacity, as well as complex systems of bureaucratic monitoring and implementation"*¹¹¹.

Moravcsik does make a good point but one must also remember that in agri-environmental policy, for example, the role of the EU and the EP was crucial for the diversification and the introduction of these policies through the arable lands of the EU. He points out the specificity and the uniqueness of the ECJ in this dilemma as an independent policy decider but we may also include the ECB, a true federalized or neofunctionalist institution that decides the monetary policy of a large group of countries in the EU, i.e. the ones that share the Euro currency.

This author also states that *"the EP is weaker than national counterparts, and its elections are decentralized, apathetic affairs, in which a small number of voters act on the basis of national rather than EU concerns"*¹¹² but it is my contention that the EP is in fact much more influential than national parliaments, particularly after

¹¹¹ Moravcsik, 2005, pp. 368.

¹¹² Moravcsik, 2005, pp. 369.

the Lisbon treaty that brought 80 areas under the codecision procedure. We can also argue that the European voters, as they vote in European elections, are upholding both their own national and European concerns. The first cannot be entirely separated from the second. We agree, however, with the conception that *“Only the exceptional interdependence of European states, which creates important convergence of interest, makes legislation possible at all”*¹¹³. However, this convergence of ideas and projects comes not only from member states but also from amidst the European institutions themselves as the rules of procedure between European institutions dictate.

A characteristic aspect in this scenario is a disinterest for the internal procedures and practices of parliamentary politics. Despite its weaknesses, the EP has added the European level of parliamentary debate to the national one, also including a confrontation and partial transcendence of different parliamentary cultures.

The principle of subsidiarity contraposed to the effect of the European institutions is one more factor that Moravcsik uses for this intergovernmentalist leverage. The importance of the national parliaments in the final steps of the application of EU legislation is also a basis in this understanding of European integration. The supposed belief of Haas in the privileged information the supranational institutions can have is therefore understood as false.

Moravcsik does recognize the multi-level type of governance the EU consists of, but, as is common in his methodological philosophy, his focus relies completely on the individual approaches of governments and member states to a European communion of interests. This author nevertheless not only recognizes Haas' worth as a scholar, but is an intellectual descendent of the latter, even if he mostly contradicts neofunctionalism's claims:

*“Neofunctionalism may be incorrect about the preeminence of endogenous economic change, political entrepreneurs, unintended consequences, and continuous movement toward centralization in the integration process. Yet at a deeper level it is valid, indeed visionary. In the 1950s Haas correctly perceived that the EU would not become a success by pursuing the federalist strategy of public debate, elections, and other techniques for building popular democratic legitimacy. Nor would it succeed by building up an army and taking strong positions on the military-political issues of the day, as realists have always recommended. Instead, as we now know, it established itself by helping to meet concrete functional challenges within the context of the power that national governments delegated to or pooled in it. In this Haas has been proven correct.”*¹¹⁴.

If the intergovernmentalist approach is at times foundationally used in EU studies, then the issues of democratic legitimacy or further democratic accountability are not necessary as everything is decided at the member state level and all questions of representativeness are also already solved at the state level. Through this methodology, many issues that political scientists pose as governance problems in the EU simply no longer exist, as they are government's ob-

¹¹³ Moravcsik, 2005, pp. 370.

¹¹⁴ Moravcsik, 2005, pp. 377.

stacles and not European institutions' matters of contention. The triad of European institutions is therefore just a consequence of the governments' attitudes towards integration. This political and methodological approach to integration is, as one can assume, quite radical. If its methodological proposal is logical and academically valid, one must remember the intrinsically sectarian or dogmatic view these authors propose that almost as matter of course rules out any developments achieved in the European institutions, particularly the European Parliament.

All of Moravcsik's judgements are issued regardless of the differences or circumstances of historical time.

*"The contemporary EU is far narrower and weaker a federation than any extant national federation – so weak, indeed, that we might question whether it is a federation at all. The EU plays almost no role – at most a weak sort of international coordination – in most of the issue-areas about which European voters care most, such as taxation, social welfare provision, defense, high foreign policy, policing, education, cultural policy, human rights, and small business policy. European Union institutions are tightly constrained, moreover, by supermajoritarian decision rules, a tiny administration, radical openness, stringent provisions for subsidiarity, a distinct professional ethos, and the near-total absence of power to tax and coerce. [...] The EU constitutional order is not only barely a federal state; it is barely recognizable as a state at all. To term it a "superstate" is absurd"*¹¹⁵. [However, we must remember this text is from 2001 and many changes have occurred since then].

Though Moravcsik's arguments in the above paragraph are true, one must remember the economic and budgetary rules necessary for EU accession and continued membership, particularly in the control and management of budget deficits, which can severely constrain free policy-making in all of these areas. Moravcsik prefers to designate the EU as a quasi-regulatory state with the Commission as a central institution that design legislation but never implements it, and the Court of Justice that can create new consensus but also leaves to the central governments the power to enforce these new measures. This author also views COREPER as a much more able and professionally gifted institution than the Commission. COREPER works in the midst of a technocratic, diplomatic and highly specialized group of professionals that are fluent in specific areas of policy-making¹¹⁶.

"First geopolitical considerations such as the rehabilitation and reintegration of West Germany [and perhaps later Eastern Germany and the Eastern European states], the relative decline of Britain and France vis-à-vis the superpowers, and the soviet threat, not to mention the attractiveness of European ideology as a centrist alternative to proletarian internationalism, played significant, though clearly secondary, roles. Second the ECJ, in a process described in detail elsewhere, established the important constitutional principles of supremacy and direct effect, which in turn contributed to the effectiveness of European governance. Still, for

¹¹⁵ Moravcsik, 2001, pp. 163, 164.

¹¹⁶ Nicolaidis and Howse, 2001.

50 years, European integration has been, above all else, a functional adaptation to economic interdependence"¹¹⁷.

This paragraph of Moravcsik is very debatable. The notion that the fear of communism and the allure of Europeanist ideals were secondary is a very subjective one. What is academically true is that these ideals (and their inherent methodological applications to political structures) were frequently used in several of the speeches of national government representatives and the commonly known founding fathers, as conceptual and philosophical solutions to (Central) European problems. To consider them as "clearly secondary" is an idiosyncratic judgment of value evading empirical justification.

Moravcsik's ideas are thus constructed in order to fit his methodological system. We must remember that the (liberal) intergovernmentalists ideas are not wrong, and neither is intergovernmentalism as a method to academically understand European integration. What is important is that this is but one single method in a myriad of many systems of analysis. One that, due to its rigorously embodied nature of typified research, partially prevents the study of other aspects of European integration, particularly the ones centered on European institutions. Therefore, some of the aspects that Moravcsik emphasizes are indeed true, for instance the enduring lack of European confluence at European elections when compared to national elections that still endures today; *the absence of a [European] common identity*¹¹⁸; and the lack of a Europeanist education and the traditional process of "path dependence" in member states and European institutions that may slow the implementation of legislation or more globally the writing of new European treaties¹¹⁹ (the process that led to the Treaty of Lisbon and the failure of the preceding Constitutional Treaty are examples of this path dependency process)¹²⁰.

It is nonetheless true that the ECSC, the EEC and the EU were created from the gathering of several centennial states and other more contemporary states with long histories of conflict between each other. This fact can at times undermine or slow down the policy-making structures and several of the policies of this political union. Many EU policies were designed because of the European anathemas that still afflict this community particularly, but not only, the holocaust. Having and maintaining a political union under democratic principles and all these social and political circumstances is much more difficult than in the federative type of polity of the United States of America or even Brazil that can at times be used comparatively. Local federalized states in a single unifying national government prevent many problems that can occur in the EU. In this regard Moravcsik's claims are correct in understanding the EU not as a super-state but as a gathering of states at times under common rules¹²¹. On the other hand, the fact that the member states have comparatively less room for

¹¹⁷ Moravcsik, 2001, pp. 177, 178.

¹¹⁸ Moravcsik, 2011, pp. 178.

¹¹⁹ European integration can also be understood as a process to get rid of the monocratic 'national identity' without adopting a new one

¹²⁰ Moravcsik, 2001; Nicolaidis and Howse, 2001.

¹²¹ Moravcsik, 2001.

maneuver, than states in the USA or Brazil, does lead to a growth of consensus in decision-making due to the very nature of this political system but also due to the effort of European institutions to fight for more consensus among states and the institutions themselves.

One might argue that the European integration as such breaks with the well-established assumption that national states are 'natural' units of politics, introducing - even in the intergovernmentalist terms - a dimension of complexity and contingency that must be considered for example in choosing ministers, who must now be able and willing to actively participate in the Council meetings. The *pro et contra* debates taken at the Council of the EU (and possibly even at the European Council) can also pose this institution as a quasi-parliament. Therefore, it is the contention of this study that intergovernmentalism is indeed an extremely relevant theory in European integration studies but one that must be dealt with caution and certain limitations.

Moravcsik is also right when he states that strong member states are the reason for the success of this union but also one of its Achilles' heels as it is difficult for any supranational institution to surpass their influence. The statutes of all member states are creations of centuries of diplomacy and social transformations that have endowed each government with a monopoly of legislative power together with its social, economic, financial, budgetary, and monetary policies. Therefore, the role of the EU can actually be considered obtrusive at times and several governments and national political parties have underlined this point over the years. This is the reason why several countries and subsequent governments have decided to retain a monopoly over certain policy areas where they consider that maintaining full control is crucial. Such is the case, for example, with Sweden and Denmark that retained their own currencies, or the UK that still has control over monetary policy and its borders, not having adhered to the Schengen space (how the UK will look like after the "Brexit" procedure is not to be debated in this study).

Studying the EP from this perspective becomes mostly focused on member states agreements on the empowering of this institution, leaving behind all of the political advancements and changes made at the supranational level that allowed this institution to become a codecider. The role and history of the EP is to be observed from an external point of view, putting aside many inner developments. This is one of the reasons why we believe that a parallel methodology becomes necessary, one that includes both the roles of the member states and European institutions roles in the development of European political integration. Neither of the approaches can be ever be left unused. Both methodologies have great merit and must be exercised equally.

It is the contention of this study that in order to fully grasp the intrinsic development of the ECSC, the EEC and the EU, particularly the growth of the powers of the EP, one must not deviate from a bilateral methodology involving both of these aspects of European political integration. In much of the literature that we will be discussing many of these issues have already been addressed and, therefore one must adopt this methodological orientation from the begin-

ning of this thesis. However, many other historians partially followed the mentality of Moravcsik's claims in the understanding of the European economic and political history such as Frances Lynch, Alan Milward, Stanley Hoffman.

The establishment of most European institutions was done through national representatives that were prohibited from defending national interests and would always put communitarian objectives as the most important parameters (particularly in the European Commission). However, regarding other institutions, the national priorities were the crucial factors and the former served only as a continuation of national policies.

These historians and researchers brought about a breach in the research of European reconstruction and evolution was made by these historians and researchers. Their methodologies and understanding of this historical period varied, however, enormously - not only due to the discovery of new historical facts but also in the very theorization of those facts and its inherent methodology.

4.5.3 Alan Milward, Frances Lynch and their interpretation

"Alan Milward's research method and findings were so much at odds with those of Lipgens that he did not contribute to Lipgens'¹²² further publications (Documents on the history of European integration). Whereas Lipgens saw weak states whose hold on power was to be weakened still further, Milward saw many discredited states in western Europe, apart from the British, determined to rebuild their strength and legitimacy by extending their control over the economy."¹²³

Alan Milward was indeed a historian with a particular view on world history and the evolution of European confederation. In his belief, the founding fathers of the EU, such as Monnet, Spaak, or Schuman, were not able by themselves alone to move enough political mass audience for the creation of European supranational institutions. It was the respective and singular governments that jointly pushed for this creation. Also, the Marshall Plan was, according to Milward, not the economic boom for Western Europe that most historians like Immanuel Wexler would believe it to be. The payments crisis of 1947 was not, as the name would suggest, not an economic crisis but one of shifting dynamics in the imports and exports trade when balanced with productivity levels. By this year, all of the economies of Western Europe were in economic recovery except Germany and Austria. According this logic, the Marshall Plan was not as revolutionary and positive for this economic area as most historians believe.

In Milward's contention, the ECSC, the EEC, and later (and in a different way) the EU were the result of the political actions of singular post-war governments that, having experienced the failure of the liberal state and its economic philosophies that had ultimately led to WWII, were trying to win back

¹²² Walter Lipgens was a German historian who published the work *"A History of European Integration, 1945-1947"* where he argued that nongovernmental groups were highly responsible for the political and economic approximation of European countries. This view is obviously in stark opposition to the intergovernmentalists as they say the states were the main drivers for change and unity in Central Europe in the first years after the end of World War II.

¹²³ Lynch and Guirao, 2011, pp. 69.

the support of their constituents for whom greater ideas had to be designed. To get back this political foothold and backing, states needed new, improved political designs as their multiple-party coalition governments were lacking in social support. The solution came through the realization that most of these governments favored a closer unity with its Central European neighbors now that the German aggression potential was voided ¹²⁴.

The ERP (European Payments Union) and the Marshall Plan were also, according to Milward, intermediate and relatively unsuccessful attempts of creating a unity in Central Europe. In France, security meant a more protected and efficient French economy that equally needed a number of German commodities. The historical French and German enmity became the start to a solution for peace, even though the French side gained the most at the beginning, as the German economy was still strangled by post-war economic and foreign-imposed political discipline. Industrialization and mutual development was therefore, in these historical circumstances, a synonym of peace.

The original French plan was for the country to become the economic and political center in Western Europe, which ultimately and partially failed as the German economy, through its restructuring and new governments, was able to once again modernize their industries and become essential to their neighbors and also to continue as a main exporter and supplier of other Central European countries. It was France's inability to create a political design for Western Europe created, that ultimately led it to change its international policy and view Germany as a potential ally in the creation of a united Europe ¹²⁵.

Milward's claims are somewhat similar to other intergovernmentalists but some of his views became important and recognized academically as a different and sometimes unique interpretation of the history and economic history of Europe. In his understanding, it was only a shift in the French foreign policy that allowed a Central European economic unity to take place. Had this shift not occurred, the economic and political victories of the ECSC and EEC might not have happened and hence the EP could not have developed the way it did. Milward's perspective is greatly based on geopolitics, and international relations, and the analysis of the workings of the post-war state, as opposed to Moravcsik who tends to put a greater emphasis on the criticism of neofunctionalism, the founding fathers, and the European institutions.

In the United States' point of view, the open market that had served as the basis for North American growth was to be replicated in Western Europe. However, Central European governments did it in a different way, with the states protecting their economies and using their economic and political advantages and/or disadvantages as the basis for the formulation of their foreign policy.

All of the founding countries of the ECSC had certain political goals: France wanted security and a leading role in this geographical area with a partial control of Germany's coal and steel industries; Germany wanted to rebuild

¹²⁴ Lynch and Guirao, 2011.

¹²⁵ Lynch and Guirao, 2011.

its economy and its state under an occupied status; Belgium needed to condition the coal production which was in decline; Italy wanted its northern regions to regain economic and industrial pre-war levels of production; the Netherlands wanted to rebuild its harbors and its economy making sure that Germany's historic expansionary ideas were in the past, which was also true for Luxembourg. Such was the mix of ideas that culminated in the creation of supranational institutions that would not undermine the role of any member-state. This was then the political puzzle that the several unitary governments had to respond to in order to appease all the interests of the governments involved and push for greater political and economic conciliation of interests.

One of Milward's most important and debatable claims was that economic recovery in Western Europe could have happened with or without the Marshall Plan. The Marshall Plan was consequently not necessary for economic growth in this region and for the process of European integration. The European reconstruction was almost completed by 1948, but the Marshall Plan did, however, serve as guide to economic policies and entrance into the liberal market system and Bretton Woods. The Marshall Plan was therefore a facilitator for economic growth but not an initiator; it was not a decisive factor for European integration according to this economic historian.

Alan Milward was fortunate as an academic, as he worked extensively on the subject of European integration around 1983 and even before, which was the period when many documents on this subject were first released to the public.

Milward stated at the time: *"four more years of research [at the European University Institute] have convinced me that the historical evidence from the 1950s demonstrates that there was indeed an imperative towards wholly new forms of interdependence and to the transfer of national 'sovereignty' to non-national institutions, which the nation-state had to follow to make itself once more an accepted and strong unit of organization. It would now be possible to replace the theories rejected in the last chapter [of The Reconstruction] and formulate a historically-convincing intellectual foundation for the process of European 'integration', although it would be equally disappointing to federalists and their associates"*¹²⁶.

Milward is referring to his most important work *"The reconstruction of Western Europe"* of 1984.¹²⁷ Milward was skeptical of the common integration theories that had existed before him but he was also trying to understand why these feeble states were able to generate not only economic growth but also a multilateral integration. Interdependence was not a sufficient reason to explain these historical evolutions. Economic alliance was not a synonym for political integration even though they are mutually connected.

Keynesian economics was also not a reason or cause by itself. The exact political mechanisms for economic growth, international alliances, and European integration were the missing links that Milward, as an economic historian, wanted to discover. Therefore, the intrinsic national, political, and economic

¹²⁶ Lynch and Guirao, 2011, pp.84

¹²⁷ Milward, A, 1984; Milward, 1992, Milward, 2000; Milward, 2002.

changes that occurred in Central European states became the focus of his research. European integration was for Milward, not a debilitating factor for states, as traditional neofunctionalist theories would have it, but an enabling element. Intergovernmentalism was designed to observe these factors as political changes that strengthened governments and states in general. The inexistent and then inefficient traditional methods for policy approval became the *raison d'être* for those governments. In this perspective, the growth of powers of the European Parliament, as it is an institution that was granted full codecision in Lisbon by the EU states, is therefore one more proof of the need for the states as the ultimate makers of integration. The European integration benefited states and their governments and they themselves endowed the EP with ever greater legislative powers. The relationship between states and European institutions and the EP demanded a different political dynamic and also new points of departure in academic work.

The concept of state would gain new parameters and new dynamics. The sovereignty delegated to international institutions did not mean a loss or disappearance of the typical state form, but a new development in its dialectics.

Alan Milward joins political and economic theory in one multi-level analysis of the developments of the contemporary notions of the concept and the philosophy of state and statehood. *The European rescue of the nation state* (1999)¹²⁸ was done by an inherent change in its philosophical, political, economic, and material construct. The legitimate role of contemporary democratic states was at stake after the Nazi (and Communist) period. War and military power which was understood as the end of diplomacy, as Clausewitz would put it, became merely a shadow in a new type of state that demanded welfare economics, interdependence, and wider political consensus if it were to survive the new political impetus of post-war history.

Neofunctionalism was for Milward, in a way, similar to communist propaganda: different in subject but similar in the search for a teleological ideology.

He planned to have a broader perspective on this subject, adding several reflections on the role of economic and social hypotheses and dynamics to his development.

He thus stated: “[...] *To explain what the forces were which brought the Community into existence I have analyzed in detail three issues where national policy became Europeanized. These are: employment and welfare; foreign trade and its relationship to economic growth; the protection and development of agriculture and the maintenance of agricultural incomes. These detailed studies are set inside general essays about the nature of integration, the character of the post-war state, and the nature of security in the post-war world*”¹²⁹.

Milward placed great importance on the development of the first post-war agricultural policies that were in part responsible for the different levels of European unification, which we will also analyze.

¹²⁸ The name of one of Milward's main publications.

¹²⁹ Milward, 2000, pp. xi.

Milward sums up his argument or research question or objective of in *The European Rescue of the Nation State* (1999) by saying:

*“But is there in fact an antithesis between the European Community and the nation-state? Does the evolution of the Community imply the replacement of the nation-state as an organizational framework and its eventual supersession? It is the argument of this book that there is no such antithesis and that the evolution of the European Community since 1945 has been an integral part of the reassertion of the nation-state as an organizational concept”*¹³⁰.

This economic historian understands European communitarian interests as symbiotic to the contemporary state. One could not have survived without the other. Opposite to the understanding of states and supranational entities as distinct and mutually encumbering phenomena, Milward put forward a new philosophy of symbiosis for the contemporary state. It was his contention that it was the pre-world war understanding of this concept of statehood with its traditional nationalist policies, born and developed by a common understanding of language and territory, as well as social, economic, and foreign policy and ideology that ultimately led to the cataclysms of the two world wars. Therefore, in order for (democratic) states to survive, a new parameter in the understanding of this noumenon had to be added. This parameter that changed and enlarged the nature of states was supranationality, incorporated by the creation of supranational entities, i.e. international organizations, such as the ECSC by the Treaty of Paris in 1950 or the EEC by the Treaty of Rome in 1957 and automatically the European Commission and later on the European Parliament. These treaties, organizations and institutions are nothing more than the materialization of a new type, a new understanding, or a new commencement of a post-war state; different from the Proudhon’s state, or an authoritarian or totalitarian state, but still a continuation, a development, a supranational type of state.

The EP is therefore working in a symbiosis with states. It is an easy, obvious, and evident statement, which any specialist in the subject of European integration could reach, that although most of these authors have centered their approach on the first years of the European (re)construction, particularly of the ECSC and the EEC, their theories and methodologies could be applied to any of the enlargements these institutions or the EU in general underwent. In fact, the seven enlargements that the EEC and the EU experienced together with the growth of legislative powers of the EP, all serve as bases for the empiricization of these theories, since they all serve as facts for both intergovernmentalism and neofunctionalism or other theories of integration in international relations¹³¹.

¹³⁰ Milward, 2000, pp. 3.

¹³¹ Even the recent circumstance of the British exit from the European Union in 2016, commonly known as “Brexit”, could be interpreted as either a neofunctionalist step back or slowdown from a European union of interests, or as an intergovernmentalist political step by an independent state and government to regain the control of the political areas formerly delegated to European institutions. However, as this phenomenon is very recent, it is still very difficult to effectively assert its full implications. The nature of this occurrence will, nevertheless, sparkle great interest in the academic world. We will not, however, delve into deeper consideration on this topic as it is not the subject of this thesis, and the short period of time passed since the dec-

The interests of each government at a specific time of its history that served as a basis for its entrance into this union can all be observed independently. This would be the ideal approach of an intergovernmentalist while a neofunctionalist would try to observe not only these facts but also the common concerns some of these states expressed that could briefly be considered or understood as "Europeanism" in the making or a general push for or against "Europeanism".

The Finnish, Swedish, and Austrian policies for accession to this union in 1995 could be comparatively analyzed with the Portuguese or Spanish political interests in 1986. All of them vary as independent countries, as individual governments beginning to uphold EU law in order to be allowed in the common market, but on certain singular aspects some of their interests can be observed globally as neofunctionalist theory claims and be understood as a common purpose or objective accomplished in different ways, at different times, by divergent historical circumstances, and distinct materialization.

Returning to Milward's perspective, an emphasis was put in the very understanding of the commonly used concept of "integration" as a separate state of mind and political stance between the "State" and the European confederation of interests, a larger singularity or in Milward's words, "supranation".

The noumenon of (European) political integration was understood as either a new kind or a new development of the State, a central and unitary element of political life attached to a government, a language or a group of languages, a geographic delimitation, a culture, and a citizen, that is responsible for the development of that political and economic unity which had suffered a forced transformation in its basis and development, mostly due to the two world wars, which also led to a shared community of interests. Whereas European integration was for Milward simply a new and improved kind of State, most theorists, historians, and political scientists tend to understand the State as contrary to (European) integration or the desire and development of a supranation, as opposite variables and concepts in meaning and its empiricization.

States and governments were the core of any political activity to which the process of integration came as a debilitating factor. The novelty of Milward's view stems from this understanding. In this manner he was able to retain the teachings of the neofunctionalists and combine them with intergovernmentalist presumptions, and thus provide the political science academic world with a new, original framework of European conceptual history. In this lies most of Milward's importance in the academic sphere.

We can hypothesize that, according to Milward, the numerous authors that defended the idea of the demise and possible end of the State caused by communitarian integration failed to understand the innovative dimensions these historic integrating events brought to this new rhetoric of the conceptual-

laration of this exit does not enable us to make clear judgements. Given enough (historical) time, it is certain that a correlation between neofunctionalist and intergovernmentalist theories could be comparatively analyzed in order to understand the first exit of a country and government from the EU.

ization of the contemporary State. Therefore, the states changed in nature, and legal composition and statute.

One might say that Milward was a special kind of intergovernmentalist as rather than understanding European integration in terms of traditional interstate diplomacy, the European institutions, procedures and practices became included in the concept of the state.

Integration meant the economies could expand more easily and many asymmetries could and would be adjusted. One example Milward deeply researched was the Belgian coal industry, which was in a declining cycle and needed supranational financial support in order to survive the first decades of European integration and the competition by the United States and other world economies. The open market was consequently used in order for the member states to be able to retain the social policies, the welfare policies, and low unemployment levels they intended to maintain. Low-priced imports were then mostly avoided as a solution opposed to the adoption and maintenance of welfare policies. Belgium was considered as a perfect example in European integration as, contrary to France and Germany that were the leading political and economic member states, it was a country that best exemplified the variables attached to the single market and supranational cooperation. The economic profile of these Central European states of the time revolved around a mix of liberalism and open markets with protectionism on manufactured crafts.

The Netherlands would instead need Germany to focus its attention on Western European goods, which was opposite to the pre-war German tendency to prefer the Eastern and Southeastern European markets¹³².

This shift in German economic and trade trends developed not only because of the geopolitical situation of the Cold War, in other words, the absence of full sovereignty of its borders and geographical space, but also due to the preferences of Germany and the other member states that recognized their economies were also dependent on German economic growth and welfare. Therefore, Milward explained European integration through shifts in economic preferences and economic history and not through traditional historians' methods that mostly tried to understand these phenomena by the political circumstances of the time and political theorization, in other words, one might say, neofunctionalist mentality.

The single market allowed for economic improvement and openness but it also increased the codependency of its members, thus pressuring supranational institutions to adopt legislation faster, on a more equilibrated manner and more efficiently (one aspect that concerns us deeply when studying the EP after Maastricht). A long path towards the codecision mechanism was opened in this matter that took decades of debates and vigorous law-making to be achieved.

As any economic historian or political scientist can observe, Milward's claims and perceptions are very original and groundbreaking and thus controversial, which is why he is included in this thesis. Any researcher on European integration, whether neofunctionalist or intergovernmentalist or one that pre-

¹³² Lynch and Guirao, 2011.

fers other methods must always delve in the interpretation of this inceptive economic historian. International relations and political economy became the factors or areas used to analyze the developments in this sector mainly characterized by the desired purpose of the irreversibility of this process of the communitarian approach.

The understanding of the state as a concept or materialization, whether autonomous or neoliberal, authoritarian or totalitarian, or in the paradigm of European integration state by Milward, or a state under the auspices of supranationalism, gained new impetus after the ECSC, the EEC, and the EU. The notion and conceptualization of the state gained new relevance in the 20th century for any political scientist. From this sum of ideas, the feud between intergovernmentalists, and neofunctionalists, and other schools becomes more apparent in its causes.

The entrance of the UK, more than that of Denmark or Ireland, that joined it in the same enlargement of the EEC in 1973, proved the EEC to be adaptable and inclusive of other economies and since the UK had vast multi-continental states spread throughout the world, this meant that the EEC would gain more markets, more political responsibilities, and more legitimacy in the world stage¹³³. The EEC and its political design proved to be tempting solutions to several political and economic problems many democratic governments in Europe were facing. When it came to dictatorial regimes in the European geography of the time (which were numerous), more political advances were required as these member states and this community relied on the basis of democratically elected governments as one of its most important pillars.

The EEC served as a beacon both for already established democracies that looked for more markets and partners and for other countries under dictatorial regimes that would undoubtedly have to go through a period of change so that democratic governance could start to be enforced, liberal economic programs could be implemented, and accession to the community could become a possibility. In due course, many countries would enter this community at different points in history; however, this first enlargement was one of the most important, not only because it was the first, but also because of the political and economic relevance of the countries concerned.

The EEC was changed by this first enlargement, as were its institutions and also the new member states. We will later observe how the Common Agricultural Policy was also affected by these enlargements (chapter 6).

The UK's entrance was still quite debated as it was accompanied by two other states; Ireland and Denmark. These two states saw the British perspective on accession as running alongside their own interests, and the fact that the UK had allegiant governments spread all over the world made this new enlargement have truly global effects.

In identifying causes for the desire for this accession on the part of new member states since 1973 (the date of the first enlargement) Milward went beyond the typical understanding of most historians. Exceeding the standard rea-

¹³³ See also: Haapala, Häkkinen, 2017.

sons - search for economic profit arising from a common market; the proximity to an economic and military power bloc that was neither the Soviet Union nor the United States, but with its own political design created with the purpose of peace and prosperity; the profitability of European regional trade, or the necessity of certain economies to further liberalize themselves - Milward tried to understand each enlargement as specific to the nature of the policy objectives of each member state.

In the search for the reasons for accession, Milward again used the inter-governmentalist approach when seeking to understand these processes. As for the Republic of Ireland's reasons for entrance in this community, he pointed out the political need of this country to assert its own relatively new independence, its own identity, a new post-war political ideal based on the adoption of values of a specific community¹³⁴ and not the model used by EFTA, which Ireland did not follow at first¹³⁵.

Economically, Irish agricultural commodities were better protected under an assured price, and Irish industries would gain new markets and room for improvement while working in competitive markets. Denmark had more economic maneuverability, as its most important markets were Germany, Britain and Scandinavia¹³⁶. Its foreign policy was divided between its Scandinavian partners and the EEC. The push for accession was mostly attributed to the entrance of the UK and the proximity of the German market. Greenland, which still owes allegiance to the Danish monarchy, chose to abandon the EEC years later in a referendum in 1985.

In Frances Lynch's words, the EEC and the prospective EU, "*exerted real power and leverage; it was a common market that had global weight*"¹³⁷.

In Britain's new position inside this economic union a closer dialogue with French officials was inevitable and desirable, as for most of the negotiations throughout the history of the EEC and the EU, Britain had not wanted to overshadow the importance of the French eminence in the community's affairs. It merely wanted an equal seat, even if historically, it mostly chose to opt out of many of the advancements or changes in this union, such as the Schengen or the Euro areas.¹³⁸ Britain's role in the EEC and the EU can be characterized as both an avid participator and a distant partner. For decades, it remained a *sui generis* member state. If the UK indeed wanted this community to be an independent economic market and a community of states capable of rivalling that of the United States, it did pursue policies that preferred to retain greater control

¹³⁴ It is important to remember that this republic was recognized as fully independent from the UK in 1922.

¹³⁵ Lynch and Guirao, 2011.

¹³⁶ More precisely Sweden and Norway which were part of the EFTA. Sweden joined the EU in 1995. Norway is still not a member of the EU. Finland was not a part of the EFTA until 1986 nor the EEC. It only joined the EU in 1995. Iceland only joined the EFTA in 1970 and is still today not a member of the EU.

¹³⁷ Lynch and Guirao, 2011 pp. 123.

¹³⁸ And currently, in the 2016 referendum, its citizens even voted to abandon the EU in a nation-wide referendum.

of several of its policy areas. The delegation of policies to European supranational institutions in the UK was by and large reduced to the minimum.

In Frances Lynch's observations of Alan Milward's work she states that this economic historian:

"[...] Did not live to acknowledge that he had developed a theory of historical change, or to make it explicit, it has become clear to us that over the course of his lifetime's research he had developed such a theory. The lessons of history which he drew upon in formulating his theory was that change – social, political, and economic – for it to be sustainable, had to be a gradual process rather than one resulting from a sudden, cataclysmic revolutionary event occurring in one sector of the economy or society. Benign change depended much less on natural economic endowment or technological developments than on the ability of state institutions to respond to changing political demands from within each society. State bureaucracies were fundamental to formulating those political demands and advising politicians of ways to meet them"¹³⁹.

As intergovernmentalists, both Frances Lynch and Milward's words and methodologies always return back to the states and governments as they are central to their approaches, even if macro-economic changes, social uprisings or other exterior factors are always scrutinized.

"Since there was no single model of development each nation-state had to find its own response to the political demands from within its own society. It was how nation-states responded to those domestic political demands rather than to any external pressures arising from a supposedly greater degree of economic interdependence, which determined the nature of historical change"¹⁴⁰.

These words can serve as a methodology for any historical or economic study, whether in political science, development studies or when researching the evolution of European integration and the growth of powers of the EP. What one would have to analyze, when talking about the EP, was why each individual state chose to endow the EP with greater codecision powers in the treaties following Maastricht. This is then the starting point for the subsequent analysis of the effects of the EP in EU legislation and polity. These author's interpretation is also, however, born from the starting point of the intergovernmentalists, who, as a method, prefer to conduct their analysis in this manner. Their methodologies can always be criticized.

It is therefore expectable that most intergovernmental studies on the process of the European reconstruction and integration are focused on specific member states. Intergovernmental literature is prolific in this type of research.

Frances Lynch, a recognized intergovernmental political scientist, devoted many of her studies to her country's own political history:

"To salvage the essentials of the Modernization Plan [i.e. Monnet Plan], namely French access to the resources of the Ruhr, the planners were later to be used again to disguise the highly political nature of the Schuman Plan to set up the European Coal and Steel Community. The Schuman Plan thus represented a further

¹³⁹ Lynch and Guirao, 2011, pp. 126.

¹⁴⁰ Lynch and Guirao, 2011, pp. 126.

attempt by the French to shape the international environment to suit the needs of the Modernization Plan. By couching the plan in the rhetoric of European integration, so dear to the Americans, the planners hoped to preserve the French brand of managed capitalism from a more liberal international or European economic system. The Schuman plan also laid the basis for the enduring, and seemingly invincible, Franco-German alliance which provided the security so conducive to the high growth rates of domestic product and trade experienced by both countries.”¹⁴¹.

As a methodological research basis and intergovernmental procedural rule, all her analysis stem from the research on the French government’s policies, and its governmental structures, and main political actors. All other variables, though important for any study, are to some extent left aside.

“All the three parties in the government were committed to an ideology of growth which would both raise French living standards and provide France with a greater measure of security vis-à-vis Germany; a security which would not depend on international agreement but on French strength. France was the first western country to be committed to economic growth as a public concept. But it was the French economy’s dependence on the international economy which proved responsible for the gradual abandonment of the principles of economic and social democracy dreamed up by the Resistance and for the institution of a form of capitalist planning accompanied by high growth rates. More significantly, these principles were responsible for laying the basis for the Franco-German alliance which has proved to be the main bulwark of post-war prosperity and political stability in western Europe”¹⁴².

Lynch’s account was particularly decisive in the understanding of French attitudes and role towards the European reconstruction and integration procedure since the post-war period until today. Many of her academic papers delve into the criticism of the traditionally held historical views on these matters. One might add that this author seems to underestimate the change involved in the new institutions and EU-level agenda setting, which require a style of doing politics no longer compatible with the domestic politics of nation states¹⁴³.

European integration is a difficult subject matter for any political scientist or historian due to its multilateral and multidisciplinary research points of departure, a fact from which the intergovernmentalists were aware but at times appear to be distanced. De Gaulle, who was a deeply patriotic and nationalist individual, was personally if partially responsible for several common policies, such as the CAP and other supranational political strategies. On the other hand, some of the founding fathers of the community were at times fighting for less supranational delegation (Lynch, 2004).

Many French elites saw the EMS¹⁴⁴ and SEA¹⁴⁵ themselves as causes of their monetary predicament. Indeed, divisions of opinion within the financial adminis-

¹⁴¹ Lynch, 1984, pp. 242, 243.

¹⁴² Lynch, 1984, pp. 232, 233. See also Lynch, 2004.

¹⁴³ On this issue see also: Nillo, K. 2010; whose central topic is that it is the international relations scholars who tend to dominate EU studies and stick with intergovernmentalism and similar philosophies.

¹⁴⁴ European Monetary System.

trative elite are used by Howarth¹⁴⁶ as evidence that Mitterrand's decision to support EMU was taken to enhance French power rather than in response to economic realities or economic theory, and by Parsons to support his theory that Mitterrand's actions can be explained by his pro-Community ideas. But apart from differing in their interpretation of his motives, both Howarth and Parsons¹⁴⁷ agree on the key role played by Mitterrand¹⁴⁸ in the EMU¹⁴⁹ project¹⁵⁰.

Lynch frequently uses historical facts to substantiate her belief in the intergovernmentalist methodology of the supremacy of the role of the states, particularly the French state, in the construction of European integration. Political elites and government officials are frequently her research targets.

Parsons' belief in the supremacy of pro-community ideas as the driving force in French decision-making towards Europe creates difficulties for him in explaining the French rejection of the EDC [European Defense Community]¹⁵¹.

If the intergovernmentalist approach is designed from a "bottom-up" perspective, the bottom being the member states and up, the European institutions, the neofunctionalist, federalist, and other mixed methodologies often prefer to observe European political integration from a "top-down" perspective analyzing how European decision-making affects the member states. Both methodologies are logical and applicable; it will be the nature of the research at hand that can make the researcher choose one of the two variants. This study in particular, as it is intended to explore the effects of codecision in the CAP, will then naturally be better included under the "top-down" methodology. Even if both European institutions and member states are to be understood as theoretically and approximately equal in their power and role in European political integration, several methodological distinctions must be underlined in order for a study to be logically designed.

No incisive EU study can ever be written without mentioning these authors, politicians, economists, historians, and theories, as they form a theoretical background for understanding these issues in methodological, ideological, and philosophical terms. A special type of dialectics evolved with authors on the one side, others on the other and even other scholars between the two. It is our contention that, as contemporary scholars have shown, both states and supranational institutions were equally important at various levels, and many historical facts that we observed serve both theories. Recent literature has equally advanced research designs that develop a combination of these theories.

¹⁴⁵ Single European Act.

¹⁴⁶ David Howarth is a scholar on European integration whose main publications (among others) are Howarth, D., 2001.

¹⁴⁷ Craig Parsons is another important EU scholar; see also: Parsons C., A., 2003.

¹⁴⁸ François Mitterrand was the President of France from 1981 to 1995 and thus, an important entity in the beginning and conclusion of the negotiations of the Maastricht treaty.

¹⁴⁹ European Monetary Union.

¹⁵⁰ Lynch, 1984, pp. 8, 9.

¹⁵¹ Lynch, 1984, pp. 6.

4.5.4 Pierre Renouvin and his theory on "profound forces".

Pierre Renouvin had in his study of international relations proposed similar methodologies for the study of European integration. Even though he was a French historian and explored by and large French history, his approach on international history and international relations proposed a mixture of several factors for such types of study.

In the below paragraphs Robert Franck, a scholar on international relations states in his analysis of Renouvin:

Certes, la méthode communautaire se veut radicalement différente de la méthode du concert européen; certes, la place et le rôle des petites puissances – c'est le principe même de la Communauté, puis de l'Union – sont respectés, ce qui n'était pas le cas dans l'ordre européen traditionnel ; néanmoins, l'intergouvernementalisme qui fait la part belle aux souverainetés nationales reste décisif et il est facile de repérer le jeu de puissance et d'influence, ainsi que les stratégies d'équilibre entre les membres les plus importants de l'UE. De plus, quelle que soit la façon dont on définit et conçoit celle-ci, la sécurité du continent ne dépend pas d'elle seule, mais aussi des Etats-Unis et de la Russie. Voilà pourquoi le système paneuropéen, qui les inclut et repose sur une construction diplomatique plus classique, paraît néanmoins nécessaire à côté de la construction européenne nouvelle.¹⁵²

Pierre Renouvin preferred to address the European integration history as a chapter or an occasion in the global study of international relations. This field was understood by this historian as a mix of member states decisions, supranational institutions' powers, markets, civil society, economic, and social factors leading to different political changes that, all combined, engender a vast interchange of socio-political mutations that must all be researched. Studying European integration purely through the eyes of governments and member states therefore becomes, through this methodology, very reductive.

[...] la notion des « forces profondes », ces forces qui pèsent sur le cours des relations internationales: selon lui, à côté des « forces matérielles » – les facteurs géographiques, les conditions démographiques, les forces économiques – figurent les « forces spirituelles » ou les « mentalités collectives », en particulier le sentiment national, les nationalismes et le sentiment pacifiste.”¹⁵³

Renouvin coined the notions of "profound forces" and "collective mentalities" as gatherings of social, economic and political events that may determine political change or, in other words, the empowerment of the EP. These concepts are thus historically applicable at the government and state level but also when studying international organizations.

The study of international relations for Renouvin was thus intended to be a discipline that should involve the research of many fields in a multidisciplinary way and using a multilateral methodology that would equally involve states, governments, civil society, financial markets (that would increasingly

¹⁵² R. Frank, 2003, p. 42-65.

¹⁵³ Franck, 2003, pp. 52.

gain more power through the decades) migrations, and monetary, economic and financial policies. All these variables were to be taken into account in any study, but particularly one about the European reconstruction, and not only concerning the subject matter but also in its intrinsic methodology, hence the concept of “profound forces” – a simple concept designed to embrace all these aspects. One can clearly see a difference between such an approach and intergovernmentalism, as former also includes the EP and the parliamentarization of supranational systems in its methodology.

Intergovernmentalism thus seemed to forget the intrinsic political nature of this community or union of nations.

“Ce n’est pas d’ailleurs une raison pour l’historien de se rallier pleinement à l’interprétation réaliste ou intergouvernementaliste. D’abord, il est trop tôt pour juger de la réussite ou de l’échec du pari politique de l’euro: l’Union Economique et Monétaire, la monnaie unique, ont évidemment aussi pour ambition de créer une fuite en avant vers plus d’Europe politique. De ce point de vue, le fonctionnalisme ainsi réactivé n’est tout à fait mort, ni dans sa pratique ni dans la grille interprétative qu’il construit. D’autre part, l’intergouvernementalisme, plus dans son approche théorique que dans son application pratique, a le tort de ne pas percevoir l’évolution des identités européennes. L’approche constructiviste permet de renvoyer dos à dos intergouvernementalistes et fonctionnalistes et d’appréhender plus finement les mutations. Certes, la « conscience européenne » [...] est assez forte pour créer une dynamique d’unité de l’Europe, mais est trop molle (le fameux consensus mou) pour créer des enthousiasmes” ¹⁵⁴.

Renouvin and Robert Franck, cited above, grant great merit to both theories and methodologies as one is to a large extent derived from the other. They should not be considered as opposing theories but as complements to one another.

The whole history of the ECSC, EEC, the EU, and the EP can thus be used as evidence for the supranational effects that these institutions can deliver, whether or not they were originally created by individual member states. The fact that these European institutions were created by the will of the member states does not undermine their role in achieving a greater Europeanization, or in other words, a greater delegation of traditionally state sovereign legislative powers to supranational institutions.

4.6 A note on contemporary theories of European Integration

Other contemporary theories have also begun to get more purchase in the academic world, particularly distributive bargaining theory and rational-choice theory or constructivism, among others, that rely on the assumption that each and every institution or state wishes to have the greatest possible impact on legislation, and will therefore do its utmost in order to have the final legislation

¹⁵⁴ Franck, 2003, pp. 55.

resemble its original idea. In this mix of powers, all the institutions and governments will almost egoistically try to pursue their own ideas that can be accepted at the national or supranational level. Both supranational institutions and states can thus be considered as equal actors, different in methods or effective power but similar in objectives.

In an early application of rational-choice theory to the EU, for example, Fritz Scharpf (1988) argued that the inefficiency and rigidity of the CAP and other EU policies was due not simply to the EU's intergovernmentalism, but also to specific institutional rules, such as unanimous decision-making and the "default condition" in the event that the member states failed to agree on a common policy [...]. By the mid-1990's, George Tsebelis, Geoffrey Garrett, and many others sought to model both the choice and the functioning of EU institutions in rational choice terms ¹⁵⁵.

In these philosophies, the discussion of European political integration begins with the assumption that both supranational institutions and member states and their governments matter in the final legislative outcomes. Therefore, their methodology is logical and noteworthy. However, intergovernmentalism still survives any academic criticism from these theories as their bases are very localized and their logic very centered. Intergovernmentalism may always be a useful logic in any EU study but while analyzing the EP and its role in the CAP after the Lisbon treaty from a national perspective is indeed possible, it is not the objective of this study. Such a change would require a completely new methodological approach. Our focus will still remain on the research of the MEPs' plenary speeches and therefore, our assumption of the effective powers of European institutions, particularly the EP after codecision, is a basis for this study. We must remember that although this is an assumption that serves as a building block for this thesis, the intergovernmentalist approach to political integration does not lose its merit.

*"In sum, for both rational-choice and historical institutionalists, EU institutions "matter", shaping both the policy process and policy outcomes in predictable ways, and indeed shaping the long-term process of European integration. In both cases, however, the effects of EU institutions are assumed to influence only the incentives confronting the various public and private actors – the actor themselves are assumed to remain unchanged in their fundamental preferences and identities. Indeed, despite their differences on substantive issues, liberal intergovernmentalism, rational-choice institutionalism, and most historical institutionalism arguably constitute a shared rationalist research agenda – a community of scholars operating from similar basic assumptions and seeking to test hypothesis about the most important determinants of European integration"*¹⁵⁶.

Many of these theories had already been used for the study of other continents and governmental systems and only later in the EU context. Their inherent logic is therefore adaptable to several different political variants and geographies. It is important to remember the advances of this literature, as the inter-

¹⁵⁵ Wallace, Pollack and Young, 2010, pp. 22.

¹⁵⁶ Wallace, Pollack and Young, 2010. Kauppi, 2010

governmentalists often prefer to forget the noteworthy developments and the evolution of the EP in the midst of European integration. The study of the evolution of the political powers of the EP has been a prolific subject, having given rise to numerous academic contributions all over the world.

The preference for researching the EEC and the EU through a perspective mainly focused on the governments and the member states and often overlooking the curious, important and growing role of the EP, from an outsider institution with no legislative powers to a supranational institution with virtually the same powers as the Council - can be considered as a deficit on part of the intergovernmentalists. One must also remember that the intergovernmentalists fail to recognize that the Council of the EU also works as a "parliament to be" since debates *pro et contra* exist and persuasion, as in a parliament, is necessary.

At an overall political decision-making level, the attempt to push European policymaking forward by the open method of coordination and voluntary accords may be seen as a "third way" between supranationalism and intergovernmentalism, which is needed when moving into core areas of member states' policy-making [...]157. It offers a possibility to overcome the "joint decision trap" [...]158, i.e. that trap encountered by member states which desire a closer cooperation in social issues, but are not willing to embark upon supranational decision-making [...]159. From the viewpoint of democratic legitimation, advantages and disadvantages of the open method of coordination exist, too: Members of the European Parliament view the process with some scepticism since they are not involved in this soft mode of policy-making, and they opt for legislation instead. [...]160 161.

A multi level approach to the European decision-making and integration process appears as more valid and academically useful to the type of integrated society the EU and its member states seem to embrace and resemble. Not only states and European institutions but also markets and civil society seem to be increasingly be able to affect the nature of the policies adopted and the basis of the European polity as well.

This third way, as Héritier named it, has also been denominated as institutionalism although many concepts are possible. Unlike neofunctionalism and intergovernmentalism that gained unique conceptual frameworks and fixed terms for their designations, many lexicons have been used to describe this third approach. It was the Single European Act of 1986 that first brought legal scientists to explore this development, as it was through this act that the EP gained its first victories, mainly through the delaying of legislation, thereby giving rise to a new approach to European political integration had arisen.

A new, institutional approach to European integration started developing after the signing of the Single European Act (1987). Researchers started observing that through the legislative process, a single market was emerging. and they started describing and analysing the institutions that produced this market. Articles and

157 See also: Jacobsson, K. 2001.

158 See also: Scharpf, F. W. 1999.

159 See also: Streeck, W. 1995.

160 See also: De la Porte, C., P. Pochet, and G. Room. 2001.

161 Héritier, 2001, pp. 17. Héritier, 1997.

books on the institutions of the EU proliferated [...] ¹⁶². Part of this institutional literature was a series of formal analyses of the powers assigned to different institutional actors by the new legislative procedures, and to the EP in particular [...]. This literature made more detailed analyses of the Cooperation procedure, and more specific predictions about the legislative outcomes and the influence that different institutions exercise on final outcomes.

As institutions and the framework for European decision-making changed with the Single European Act and the treaties of the 1990s, particularly Maastricht, this literature only increased in number and appeal. This third way or institutionalism in no way undermined either neofunctionalism or intergovernmentalism, it merely provided a bridge between the two: One that did not go to the methodological extremes of intergovernmentalism with its assessment largely and specifically focused on member states, but one that also delivered an approach that included a new pursuit for a clear understanding of the European institutions' powers, especially this newly empowered institution that was the EP. It is therefore important to state that this research follows the way paved by such literature. Adrienne Héritier, Tsebelis, Moury, Wiesner, and others are only some of the theorists who have developed such research methodology and elaborated numerous studies that deal with the study of the effects of the EP, whether in comitology procedures, in codecision mechanisms, in treaty changes, or in conceptual history, among other subjects. Our research, due to its objectives, methodology, and study subjects cannot detach itself from this kind of literature that still proves to be highly recommended and logical in its approach, even if the authors of neofunctionalism and intergovernmentalism are not to be forgotten or undermined. When analyzing the victories or defeats of institutions or other actors, a distributive bargaining theory based on a rationalist approach would be able to assess an actor's behavioral success in a given policy area ¹⁶³.

As the EP is one of the main focuses of this research, we would naturally have to analyze all the literature that has historically been proven to be relevant, not forgetting the aspects that are open to criticism. Any theory on European integration procedures is debatable, however; and we believe that even though there are strong and weak points in all theoretical constructions, all must be openly discussed. There are also research subjects, that must be organized and analyzed openly and thoroughly in order for certain missing links to be discovered and equally considered in the course of a study.

I have tried to observe these theories together with the historical advancements, from the ECSC to the Lisbon Treaty, and was able to show the growth of the parliamentarist trend in this union, how it was first created, how it emerged, and how it exponentially grew.

¹⁶² See also: Sbragia, A., 1992. Lodge, J., 1987; Lodge, J., 1989; Dehousse, R., 1989; De Zwaan, J. W., 1986; Fitzmaurice, J., 1988; Weiler, J.H.H., 1991; Scharpf, F.W., 1988; Tsebelis, G., 1994; Tsebelis, G., 1995a; Tsebelis, G. & Garrett, G., 1996 and 2001; Schneider, G., 1995; Stuenkel, B., 1994; Tsebelis, Kalandrakis, 1999, pp. 121.

¹⁶³ Héritier, Moury, Bischoff, Bergström, 2013.

4.7 The (European) Parliament in the theories of European integration

We can thus conclude that parliamentarism or parliamentarist mentality was indeed a significant factor in the development of the ECSC, EEC and the EU until the Lisbon treaty, including, however, different trends in its history.

Parliamentarism is therefore an important and operational concept in the study of the ECSC, the EEC, and the EU. It serves in understanding of the idea of one institution gaining greater and greater powers through the decades, particularly after 1991 and the Treaty of Maastricht: the European Parliament. Such a concept, if based on the structure that we delineated for its logical empirical use, is thus a valid framework that serves its main purpose, which is the understanding of the evolution of the process, of European political integration. This concept has since not lost its effectiveness since, its empiricism or validity in the understanding of such a long and detailed process in political and academic terms.

The parliamentary assemblies were a regular part of international organizations already at the time of the League of Nations, but in particular in those created after World War II, such as the Council of Europe, NATO, and the Nordic Council among others. Members of national parliaments have also participated as delegates in the UN General Assembly. Even if these assemblies were in session only for a short time annually and their members came from the member state parliaments, all of this created an interparliamentary culture, which was celebrated by the Inter-Parliamentary Union in Geneva and of course in the ECSC, EEC, and the EU, which are the subject of this thesis.

Europeanism is also a relevant concept, if we choose to understand it as merely the process of delegating to supranational institutions further and further political areas to supranational institutions that were traditionally under the national sovereign power of states. This process is still valid and still exists today. However, Europeanism has arguably come to connote a federalist mentality in recent years, particularly after the failure of the Constitutional Treaty. Nevertheless, it is still a valid concept if we choose to understand it purely and solely in this manner.

Parliamentarism is, consequently, a smaller process than Europeanism that was put to test in the 1950s, whilst parliamentarism in European political integration has only truly been undertaken ever since the Single European Act and especially the Treaty of Maastricht. These two frameworks are what will subsequently be analyzed in a detailed manner in history and in process when we study the mechanism of codecision and the CAP.

We have discovered that the only parliamentarist institution of the EU began as an advisory institution with no real legislative power (because of the failure of France's original project of an empowered common assembly in the 1950s) that was yet able, however, through the delaying of legislation and the

support of member states, to grow into a full codecider with equal powers to those of the Council of Ministers/Council of the EU.

The period from the 1950s until 1990 was the period when a parliamentary-style approach to integration was mostly neglected, although the first victories of the EP can be traced to the Single European Act. It was mainly after 1991 and the entrance of the Treaty of Maastricht, that the EP increasingly gained new powers in more areas with each new treaty. The European Parliament after the Lisbon Treaty seems very much like the Common Assembly that the French government originally intended to build at the beginning of the ECSC. It will be our task now to examine these EU treaties, the process of co-decision, the CAP, and other common policies so that we may achieve the results we want and the conclusions which we are searching.

After this long chapter 4 on the theories of European integration we have come to several conclusions:

The first and probably most important conclusion to draw was that the original reason behind the empowerment of the EP was created by France's request to grant more powers to the then Common Assembly in the ECSC. But since this option did not receive enough support, the Europeans had to wait almost 40 years to witness the first real changes in the EP, mainly the European elections and the starting of the codecision processes. Secondly, we observed how the theories of neofunctionalism, (liberal) intergovernmentalism, and institutionalism encouraged a decades-long debate on the process of European integration; one centered on the spillover effects and the importance of European institutions and the other focused on the dominance of governments and states and their individual action as the core and decisive units of the European conjunction.

European federalism is nevertheless an ancient ism that dates back to the times of Proudhon, whose ideas experienced a great revival after World War II with Haas, Monnet, Schuman, and others.

Many other concepts could have been investigated more centrally in this chapter 4, such as "integration" or more precisely "political integration", or "state". They also form a strong basis for the study of these subjects as they are constantly repeated and researched in the academic works of this kind. However, since our main focus in this thesis is to understand the evolution of the EP since the ECSC and the EEC and through the EU, it is impossible to include a wider proponent view on the evolution of some of these concepts. We believe, however, that the analysis that we have carried out is thorough enough to understand how these concepts serve our thesis and how several theorists, economists, economic historians and political scientists have observed the crucial factors that these concepts entail and how the dialectics of these concepts have changed.

We also discovered that it was through the enlargement of the common market that the CAP (one of the main focuses of this study) was first created. This policy is nothing more than another addition to a process that started with the ECSC, in other words, a supranationally managed common market for the

coal and steel commodities which was later enlarged to include other areas of economic production. Together with the increase of this common market came several political enlargements and the numerous identified changes to the inner functioning and structures of the European institutions.

With time, the EP increasingly became a subject matter for federalists, neofunctionalists, intergovernmentalists, and more contemporary scholars. Haas and the early scholars purely denoted the parliamentarist and Europeanist ideals defended by the MEPs of the time and their recognized role as observers, critics, and debaters of European integration. The intergovernmentalists, namely Hoffmann and Moravcsik, on the one hand, decided to emphasize and understand the EP as a continuation of the member states in its organization and structure. On the other, Alan Milward and Frances Lynch would state that not only is this empowerment of the EP a prolongation of national sovereignty but the states themselves have changed, they have evolved into new kinds of states, i.e., supranational states, or in other words, sovereign states working under supranational partnerships. As the Empty Chair Crisis had already denoted, states continued to be the crucial building blocks of the ECSC, the EEC, and the EU; however, and despite the intergovernmentalists' denial, the growth of powers of the EP after Maastricht posed a problem for the intergovernmentalist rhetoric. Together with this, the fact that the Council of Ministers/Council of the EU also behaves in a quasi-parliamentary way should be noted as well. The EP, the Commission, the Council of Ministers/Council of the EU, and the member states would thus have to be understood as independent "actors", all of which with the ability and the desire to have legislation passed according to their own beliefs and ideals.

All of these authors debated the European Parliament, some more than others, but for all of the works reviewed, it is true that this was an institution that captured the attention of ECSC, EEC, and EU scholars through different means. It is important to remember all of these facts as, after this study analyzes the Lisbon Treaty, the CAP, the codecision mechanism, and the MEPs' speeches in the 2009-2014 legislature in a fully empowered EP, one can develop a clearer idea on the role of the EP, its advances and its setbacks, and how these schools of thought can help us better understand the issues at hand and possibly provide solutions for the future in an academic mindset.

5 THE EUROPEAN TREATIES: FROM MAASTRICHT TO LISBON

This chapter is mostly focused on the Lisbon Treaty, the road that led to the signing of this treaty, its features, system, and all of the academic discussions that surround it. The role of this chapter is thus to give an incisive approach to the understanding of this reformative treaty that parliamentarized the Union as none other had ever done before.

The Maastricht Treaty was indeed a defining moment in EU politics; it not only changed the EU as a whole, it also paved the way for more treaties which increasingly altered its structure. Prior to the Maastricht Treaty, all treaty revisions were of a limited nature and dealt with issues such as communitarian budgetary rules or the fusion of institutions, only made necessary because of enlargements. Hence, different positions existed, such as Helmut Kohl's, who defended an economic and political union while Mitterrand wanted an economic union but not a political one. Continuously, political issues were left aside and postponed which were academically called "leftovers". However, the Maastricht Treaty was the starter for a continuous revision of the treaties. More or less every five years a new European treaty would be signed in an ongoing quest for a new EU political model where parliamentarism or a parliamentarist mentality was undoubtedly an important part despite the existence of several views on this parliamentarist trend, all open to debate.

The opposition between the federalist and intergovernmentalist approaches to European integration was always a present phenomenon in the politics of the EEC and the EU through the Maastricht, Amsterdam and Nice treaties. The years preceding the implementation of the Lisbon Treaty were no exception. These schools are not only research methodologies and subjects by themselves, they are also political motives for increased or decreased federalization of policies.

Since the EU, before the treaty of Lisbon, was functioning under four treaties a simplification procedure was needed. The Laeken Declaration was the

first official political move designed with this purpose¹⁶⁴. Although these problems were frequently mentioned in the past, only now was an actual investigation being prepared to solve this situation.

This Laeken Declaration was the first step to a future Constitution of the EU, or the Constitutional Treaty. A bit similarly to the USA and its constitution, it seemed natural to call this conjugation a Constitutional Treaty since it served practically the same purposes as the future Lisbon Treaty. However, the semantics of this initial treaty did create problems and fears of greater federalization of the EU. This conceptual and political vacuum was overcome in the end but it still remains a topic of great interest today. Several reasons can be claimed as responsible for the failure of the Constitutional Treaty and the success of the Lisbon Treaty and one can even say that the Constitutional Treaty (and its failure) was indeed necessary for the Lisbon Treaty to exist. The Lisbon Treaty was written with more political and legal precautions and under a typical and established communitarian method.

It was the European Council of June 2007 that ended the Constitutional Treaty and started an Intergovernmental Conference assigned to prepare a new treaty. This new treaty of Lisbon was accomplished quite rapidly and was signed in the 13th of December in 2007, having been given the name of the Portuguese city as it coincided with Portugal's presidency of the EU. All member states approved the new treaty with a parliamentary vote except Ireland (the Czech Republic withheld its vote until the result of the Irish referendum was known). In Ireland, two referendums were held. In the first "no" to Lisbon won but in the second the "yes" to Lisbon won.

It is possible to admit that the financial crisis of 2008 may have had an impact on this impasse as a new union with greater proximity between citizens and member states was necessary.

On the 1st of December 2009, the Lisbon Treaty came into legal existence,¹⁶⁵ inheriting the form of the Treaty of Rome, although its content is closer to the Constitutional Treaty. Thus, the Treaty on the Functioning of the European Union was crafted by joining the Treaty on EU and the Treaty of the European Community (Nice). Its rhetoric encompasses 467 articles, 37 protocols and 65 declarations making it longer than the Constitutional Treaty or the Treaty of Nice. Even after all of these details and differentiations, the EU is built under two treaties: The Treaty on European Union and the Treaty on the Functioning of the European Union. Although the names of these two treaties may sound confusing, it is the Treaty on the Functioning of the European Union that outlines in greater detail the EU policies and practices¹⁶⁶.

Federalism and the idea of closer ties between member states and the Union was mostly left aside from the Lisbon Treaty, at least in its rhetoric and this is possibly one more reason for its success. The very name and concept of "con-

¹⁶⁴ Duarte, 2010.

¹⁶⁵ The full text of this treaty is available at: URL: <<http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%206655%202008%20INIT>> [visited at 20-11-2015].

¹⁶⁶ Duarte 2010.

stitution” meant not only a turn from the typical designation of “treaty” but also an inherent political message. The basis of legitimacy had always remained in the hands of the member states and their citizens. In that sense, the term “constitution” created further problems as a possible constitution could not suffice by itself, since the EU substantially relies on the idea of the importance and centrality of the member state and ideas of greater federalization were during these times viewed in a critical manner. The European treaties traditionally tended to take into account the national constitutions and not the opposite.

In history and human civilization there is a continuous chance, one might say even a risk, that certain facts of a similar nature may occur repeatedly. The communitarian method in the EEC and the EU was of a mixed kind. This concept is thus still separate from ideas of full federalism.

The Lisbon Treaty was successful because it relied on a typical conceptual structure used in EEC and EU political rhetoric. This mixed method set limits to federalism and gained more acceptance in the member states. However, the EU is still a union of unions; there is the Euro currency union, the Schengen Union, the EEA union, and even the NATO, of which some countries can be part or not. This creates even more detailed legislation and exceptions for certain member states.

A step-by-step approach was always the preferred method in this European procedure. The increase in codecision statutes was also a step in this communitarian approach, but of a particular type. When it comes to codecision, a specific legislation, once it is under this statute, cannot be decided in any other way, a factor which is called a “point of no return” as the member states and political parties continue to have their say in the EP and the Council, even though the initiation of legislation is almost always done by the Commission.

The original idea behind the EEC was to have international institutions deciding on common laws in order to avoid the strong nationalist tendencies that were partially responsible for the initiation and the outcome of World War II. Therefore, the EU is in a continuous evolution between federalism and (neo)functionalism and intergovernmentalism. Too much federalism, among other reasons, led to the downfall of the Constitutional Treaty.

5.1 The political content of the Treaty of Lisbon

The content of this chapter will center on the Treaty of Lisbon as well as a political analysis of how it alters the power predetermination between the EU institutions, its new political and economic aspects, its changes when compared to former treaties in the EU (Maastricht, Amsterdam, Nice, and the failed constitutional treaty). In order for this study to obtain its results, a precise and detailed research on this treaty and its text is, therefore, a methodological necessity.

Numerous authors have debated the various ways in which the Lisbon treaty can be analyzed, and the way by which it was innovative or not as inno-

vative¹⁶⁷. Most scholars have confirmed the idea (that is also suggested in this study) that the Lisbon treaty was successful and adopted because it was not as federative as the Constitutional Treaty (although both treaties share many similarities)¹⁶⁸, and it was an instrument that had endowed the Union with new legal capabilities to fight the world financial crisis (and automatically the Eurozone crisis)¹⁶⁹, and at the same time to make the EU more democratic through the growth in codecision areas (which automatically leads to the parliamentarization of the EU budget and of most of supranational legislation in general), the citizen's initiative and stronger national parliaments that can more easily defend the principle of subsidiarity¹⁷⁰. Other points of interest are for example, the enhanced role that the Treaty of Lisbon had in making the EU a more united actor in foreign policy (although an intergovernmental method can at times be more efficient than the CFSP)¹⁷¹ or in external trade policy where a great deal of federalization was made¹⁷². In this particular area of external trade policy, the national governments and sometimes its national parliaments had already increasingly delegate some of the design of micro-policies in international trade agreements towards the Commission, therefore, this quasi-federalization did not come as real reform¹⁷³.

In the next paragraphs, this study will analyze some of the most important articles that are part of this treaty and the reason why they are of importance to this study particularly for areas such as the CAP or the power relations between EU institutions.

Article 4, number 2 of the Treaty on European Union states:

*The Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government. It shall respect their essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security (...)*¹⁷⁴.

When it comes to enlargements, the Lisbon Treaty delineates that it is easier to leave the EU than to join it, as entering the EU requires the approval of all member states whilst leaving the EU is a matter for the specific country and the EU by qualified majority.

A similar statement is also preserved in the citizenship of the EU. This particular statute inherited from Maastricht also holds that the citizenship of the EU is a special principle separated from the national citizenship and therefore, all citizens of an EU member state are citizens of the EU but not all citizens of the EU are citizens of all the EU's member states.

¹⁶⁷ Burns, C., 2013; Burns, C., Rasmussen, A., and Reh, C., 2013.

¹⁶⁸ Dinan, D., 2011, Duarte, M. 2010.

¹⁶⁹ Dinan, D., 2011; Bogdandy, A. and Stephan S., 2011.

¹⁷⁰ Dinan, D., 2011, Duarte, M. 2010.

¹⁷¹ Wessels, W., Bopp, F., 2008.

¹⁷² Woolcock, S., 2008.

¹⁷³ Woolcock, S., 2008.

¹⁶⁵ This treaty is available at: URL:

<<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:12012M/TXT>> [seen on the 17-11-2015].

The “opting-out clauses” which have existed since Maastricht and which are numerous in the Lisbon Treaty are also an example of the power a particular member state can have in a singular policy area since the growth in the number of these clauses. Many of these clauses, for example, apply to countries such as Denmark or Sweden who are part of the EU but not of the Eurozone, Switzerland who is not part of the EU or the EEA but is part of Schengen, or the governments of Montenegro or Kosovo who have unilaterally decided to use the Euro currency even if they are not part of the Eurozone or the EU.

The EU is an entity in itself with a legal precedent and specific statutes so that article 47 on the Treaty on European Union states “*The Union shall have legal personality*”¹⁷⁵. It can therefore act as a single political entity that lives under the rule of international law. The importance and relevance of the EU as a whole would be necessary in an ever-changing political world in globalization times, having succeeded the EEC and including its older and newer member states. Materialized in this ideal is article 216, number 2, of the Treaty on the Functioning on the European Union which states that this global role of the EU is always under the jurisdiction of international law through its institutions and procedures.

2. *Agreements concluded by the Union are binding upon the institutions of the Union and on its Member States.*¹⁷⁶

Although it is not the subject of this thesis we must also point out the insertion of the Charter of Fundamental Rights of the EU into the Treaty of Lisbon which has the same jurisdictional status as the treaties themselves.

The Treaty of Lisbon was a construct faithful to all precedent treaties and at the same time it widened the scope of the Union’s legal capabilities and it deployed very detailed regulatory ways of action. The member states did indeed delegate more of their original political powers to the Union while at the same time keeping stronger limits and surveillance of its actions through co-decision, comitology, and other procedures so that greater transparency, supervision, parliamentarization and multilevel governance served as a counterbalance for this delegation of powers.

Article 5, numbers 2 and 3 on the Treaty on European Union states that:

“2. *Under the principle of conferral, the Union shall act only within the limits of the competences conferred upon it by the member states in the treaties to attain the objectives set out therein. Competences not conferred upon the Union in the Treaties remain with the member states.*

3. *Under the principle of subsidiarity in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed actions cannot be sufficiently achieved by the member states, either at a*

¹⁷⁵ This Treaty is available at: URL: <<http://www.lexnet.dk/law/download/treaties/Eut-2007-first.pdf>> [seen at 17-11-2015].

¹⁷⁶ Ibid.

*central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level*¹⁷⁷.

The member states have the highest competences in this political framework as the political powers themselves are defined by the member states in their scope, content, and deadlines. The treaties are used by the member states in order to delegate powers to the Union so that this Union can secure the initiation, realization, change, and outcome of European laws. The laws that are not delegated to the Union remain in the scope of the member states, therefore, the subsidiarity and proportionality principles inherited from Amsterdam control the possible actions of the EU in order to avoid excesses and also by measuring the need for a certain legal change. However, the Lisbon Treaty gave more powers to national parliaments, endowing them with the ability to end a legislative act if it gets one third of support from other EU parliaments. Any national parliament may end a legislative act with the help of the Court of Justice if it is able to prove that there is a violation of the subsidiarity principle or if it goes against the constitution of a specific member state.

Articles 2, 3, 4, 5 and 6 of the Treaty on the Functioning of the European Union divide the types of competences between the Union and the member states as follows¹⁷⁸:

Article 3:

1. The Union shall have exclusive competence in the following areas:

- (a) customs union;*
- (b) the establishing of the competition rules necessary for the functioning of the internal market;*
- (c) monetary policy for the Member States whose currency is the euro;*
- (d) the conservation of marine biological resources under the common fisheries policy;*
- (e) common commercial policy.*

2. The Union shall also have exclusive competence for the conclusion of an international agreement when its conclusion is provided for in a legislative act of the Union or is necessary to enable the Union to exercise its internal competence, or in so far as its conclusion may affect common rules or alter their scope.

Article 4

[...] 2. Shared competence between the Union and the Member States applies in the following principal areas:

- (a) internal market;*
- (b) social policy, for the aspects defined in this Treaty;*
- (c) economic, social and territorial cohesion;*
- (d) agriculture and fisheries, excluding the conservation of marine biological resources;*
- (e) environment;*
- (f) consumer protection;*

¹³² This article is available at: URL: <http://www.lexnet.dk/law/download/treaties/Eut-2007-first.pdf> [visited at: 17-12-2015].

¹⁷⁸ Idem.

- (g) transport;
- (h) trans-European networks;
- (i) energy;
- (j) area of freedom, security and justice;
- (k) common safety concerns in public health matters, for the aspects defined in this Treaty.

3. In the areas of research, technological development and space, the Union shall have competence to carry out activities, in particular to define and implement programmes; however, the exercise of that competence shall not result in Member States being prevented from exercising theirs.

4. In the areas of development cooperation and humanitarian aid, the Union shall have competence to carry out activities and conduct a common policy; however, the exercise of that competence shall not result in Member States being prevented from exercising theirs [...].

Article 6

The Union shall have competence to carry out actions to support, coordinate or supplement the actions of the Member States. The areas of such action shall, at European level, be:

- (a) protection and improvement of human health;
- (b) industry;
- (c) culture;
- (d) tourism;
- (e) education, vocational training, youth and sport;
- (f) civil protection;
- (g) administrative cooperation.

Agriculture and fisheries fall within the group of shared competence of the Union and the member states. In short, there are three statutes when it comes to the division of powers between EU institutions and member states (as stated in article 2 of the TFEU): exclusive competence, where the Union has complete capability to adopt binding acts; shared competence, where member states and the Union share capacities; and complementary competence, where the Union only adds its expertise in the support, coordination, and implementation of the laws by the member states. Economic and employment policies, foreign policy and defence policy are the only ones that are not under these three areas as both sides coordinate competences in greater detail and differently from the rest.

Historically, we can observe an increase in the powers given to the Community/Union mainly due to the partnership between the Commission, Council and the Court of Justice. The Lisbon Treaty continued this tradition, however, codecision has also been growing in the legislative areas it encompasses since adding a third institution in the decision-making procedures further increases this mix of powers.

The EP was also seen by member states as a different and mixed institution that would be able to act as a separate actor between the Council and the Commission. Consequently, the way in which decisions were made in the

whole Union would get even more blended and varied and, in the end, more democratic.

It is unlikely, but nevertheless possible, that member states will wish to regain certain competences back from the EU as it has been this way since the beginning of the EEC. However, they can legally try to recover such powers under article 48 number 2 of the Treaty on European Union. This article specifies that: *The Government of any Member State, the European Parliament or the Commission may submit to the Council proposals for the amendment of the Treaties. These proposals may, inter alia, serve either to increase or to reduce the competences conferred on the Union in the Treaties. These proposals shall be submitted to the European Council by the Council and the national Parliaments shall be notified*¹⁷⁹.

The increase of powers of the EP was also a way to balance the capabilities delegated to the European Commission and to increase its supervision by a third actor. The Lisbon Treaty did increase the competences of the EU but at the same time made the EP a full codecider. Therefore, we can assume there was a balanced shift of commands as the EP would serve as a direct representative of the union's citizens amidst European institutions. This mixed or hybrid and fair share of expertise may also be one more reason for the success of the Lisbon Treaty as the EP is a European institution but a particular one, being formed by members elected on the basis of the member states forming the electoral districts. It is our contention that the increase in codecision statutes can be seen as an increase in the EU's competences but a very particular one due to the nature and composition of the EP and its influence in decision-making processes. It is also possible to theorize that this treaty had the objective of creating the foundations for greater democracy combined with increased institutional efficiency. This institutional balance was also reinforced by the autonomy of the European Council and its new type of presidency, as well as the new High Representative of the Union for Foreign Affairs and Security Policy (whose responsibilities were shared before the Lisbon Treaty by the European Commissioner for External Relations and the High Representative for Common Foreign and Security Policy (Articles 18 and 27 of the TEU)).

The Treaty of Lisbon was, however, a weakening factor for the Council of the EU as, apart for small changes, it merely changed the system of its presidency. It was weakened at the cost of the European Council as a semi-presidential institution and proto-parliamentary senate at the same time.

The European Commission did not gain from the Lisbon Treaty either as only its composition and the system for electing its president were changed. As of now, a new president of the European Commission is but a mirror of the results of European and national elections. The Commission continues with its traditional power of initiative and being the "guardian" of the treaties; however, after the Lisbon Treaty, legislation can be initiated by a group of European citizens or institutions.

¹⁷⁹ This article is available at URL: <http://www.lexnet.dk/law/download/treaties/Eut-2007-first.pdf> [visited at 17-12-2015].

Regarding the Court of Justice of the EU, a division was made inside this institution making it split into three bodies: The Court of Justice (28 judges); the General Court (28 judges), and the Civil Service Tribunal (7 judges). Its main functions remain practically the same: to ensure that EU law is applied similarly and legally in any EU member state and to serve as a balance between EU institutions, governments, and individuals that have legal disputes between themselves.

Other two institutions worth mentioning are the European Economic and Social Committee and the Committee of Regions as both are consultative organs which means that they serve as a bridge between civil society and EU institutions while also giving opinions on certain EU laws, but their ability to change legislation is very low compared to the Council of the EU or the EP.

Institutions such as the Commission, Council or EP, are part of the institutional structure for decision-making. The EU has other institutions such as the ECB, responsible for the control of inflation, with its own structure and legal statute independent from the common EU mechanisms. While its independence is legal, this central bank cannot be totally separated from the EU's political situation as its exclusive role is massively powerful in the monetary, banking, economic and financial policies of the EU, particularly in the Eurozone.

Other examples of EU bodies are FRONTEX or European Border and Coast Guard Agency, responsible for the external borders of the Member States of the European Union, the European Banking Authority, and the European Maritime Safety Agency. Many others could be named, but this study is focused on institutions (not agencies) that are able to initiate and change EU legislation, and hence we will primarily focus on the European Commission, the Council of the EU and the EP. Secondly, the Court of Justice or national parliaments may come under the scope of this study, albeit rarely, as well as the European Council or the ECB due its economic and financial influence.

The EU is a union of unions, it is formed by member states that have evolved with centuries or even millennia of history, each one with its own social, cultural, political, and legal traditions. One might imagine it would be extremely difficult to reach decisions and consensus among such a vast number of member states and institutions. This fear is understandable and justified and still present in the EU's political life. The EU is a unified and solidified group but at the same time part of an ever-changing political world whose macro values were already known before the signing of this treaty.

One might add that the Lisbon Treaty only changed the political way and the decision-making mechanisms used to achieve these values, such as democracy, transparency, parliamentarism, human rights, and human dignity. These are core values that will probably never change for as long as the EU exists but the system in which these values are achieved was changed in the Lisbon Treaty, and will most likely be changed in the years to come. Therefore, these changes in the decision-making structures have altered the type of EU polity and its inner procedures for debates, negotiations, and decision-making. Not only did the institutional triangle become solidified with the increase of the

scope of codecision, a new, unequalled institution became more prominent in the political stage – the European Council.

Intergovernmental practice, parliamentarization, the increase of the number of presidencies, as well as the ambiguity and lack of detail in the responsibilities of each institution that sometimes become blurred are also some of the issues that create problems in the struggle for reaching decisions.

In analysing the Lisbon Treaty, one must be aware of the development that the European Council underwent in its political architecture. This institution, which has existed since the Single European Act of 1986, formed by the heads of all member states together with the President of the European Commission, had to some extent remained apart from power procedures as political decision power had always been under the sphere of the traditional triangle of European Commission, CEU, and EP.

The European Council now has a stable presidency and deals with matters of institutional arrangements. This institutional polygon is self-balanced as no institution is entirely superior to the others because each institution has its fair share of powers, allowing for democratic and intergovernmental legitimacy. Any changes in this design can significantly alter its political equilibrium. The EP is responsible for the democratic gain in decision-making and increased supervision; the CEU for the intergovernmental accord, and the Commission for validating a communitarian approach. In this intricate and mixed set of powers it becomes practically impossible for any one institution to have vastly superior powers to any other as all institutions balance each other.

The same thing happens between member states, as even though countries like France or Germany, with bigger economies and political might can have the upper hand in a given dossier, agreement must always be reached by a group of member states. We can even say that, as with the institutions, the member states counterbalance each other. Even after all of these political associations and political alliances, the EU's institutions and member states must again make reparations between themselves. This is indeed a long and complicated political maze, but consensus is indeed possible, as numerous examples have shown us.

The Lisbon Treaty changed the existing plan derived from Nice in its institutional equilibrium, legitimacy and organization to the point where the intergovernmental approach gained momentum as well as democratic legitimacy (mainly due to the increase in codecision statutes and other mechanisms). The communitarian approach was circumscribed, since otherwise the Lisbon Treaty might have failed to get the necessary support among citizens and member states. One can perhaps speculate that the biggest winners were the European Council, the EP – while national parliaments gained influence in decision-making mechanisms under subsidiarity – as well as the EU citizens who gained the power to start legislation, which was also another example of a functionalist working method giving more powers to civil society.

The European Commission did not lose powers but, with the increased relevance of the European Council and the EP, it has partially lost its centrality.

However, no political actor has fully lost its purpose to exist under this system because as the communitarian method implies a shared competence between member state activities and independent supervision mandated by the European Commission, the European Court of Justice and, in some financial and economic aspects, the ECB. This intricate system of shared and mixed competences forms a complex equation of political elements designed to ensure the materialization of the traditional values upheld in the EU decision-making systems.

A strict intergovernmentalist approach also has its downsides as countries with larger economies, population, and political power can claim more influence in the search for consensus and push European institutions to follow their concerns and not the interests of the smaller member states. Equality and political trust can sometimes be deformed, which is why such an intricate mixing of powers was necessary, in other words, so that no singular member state (or institution) could dictate and effectively hold a monopoly on decision-making, despite the fact that many governments and politicians still say this occurs.

The high number of presidencies, permanent or not, can also be a damaging factor when fast response capabilities are needed. Many political actors from different institutions and member states strive for more relevance on the European stage, such as the President of the EP, the President of the European Council, the Presidency of the Council of the EU, the High Representative of the Union for Foreign Affairs, the President of the ECB or the President of the Eurogroup – all actors under the political and media spotlights.

The first elects for President of the European Council and the High Representative (Van Rompuy and Catherine Ashton) were relatively unknown among European citizens and many debates still continue on the reasons behind such choices.

More importantly, codecision became the “ordinary legislative procedure” under the Lisbon treaty, a designation used for legal ends and symbolizing the understanding of codecision as the current normal decision-making system among the three main EU institutions with legislative powers. Apart from the ordinary legislative procedure there is yet another system: the special legislative procedure (article 289 TFEU). This type of procedure is applied on an ad hoc basis according to the TEU and TFEU articles as an exception to codecision. The EP or the Council can act as unilateral deciders in this type of practice. The formerly existing consultative, cooperation, and assent procedures are thus substituted by the special legislative procedure. The EP can only use this special legislative procedure in two situations (article 223, number 2 TFEU and article 228, number 4, TFEU).

The Council can use this procedure in nearly 30 types of cases (articles 19, number 1, TFEU; article 25 (2nd paragraph) TFEU; article 81, number 3 TFEU; article 86, number 1 TFEU; article 89 TFEU, and article 153 sector B paragraph 3 TFEU).¹⁸⁰

¹¹ These articles are available at URL: <http://www.lexnet.dk/law/download/treaties/Eut-2007-first.pdf> [Seen on the 17-12-2015].

Democratization and parliamentarization of European law and its opening to civil society came under the practical terms of the ordinary legislative procedure, the political ability of national parliaments to intervene under the subsidiarity principle, and the possibility of citizens to start a legislative act under article 24 of the TFEU. However, a total number of one million citizens is required for such a process to begin and obtaining such a high number of people is nevertheless an intimidating factor. To be able to reach such a number can be problematic, this system has been used by EU citizens in a significantly high number of legislative acts, despite all its inherent difficulties notwithstanding. It is, nevertheless, one more step, legally upheld by the treaties, in which EU institutions open the door to civil society.

The Lisbon Treaty, and the EU in general, continued their struggle for more political transparency. This principle is legally materialized in article 298 of the TFEU:

1. *The ordinary legislative procedure shall consist in the joint adoption by the European Parliament and the Council of a regulation, directive or decision on a proposal from the Commission. This procedure is defined in Article 294.*
2. *In the specific cases provided for by the Treaties, the adoption of a regulation, directive or decision by the European Parliament with the participation of the Council, or by the latter with the participation of the European Parliament, shall constitute a special legislative procedure.*
3. *Legal acts adopted by legislative procedure shall constitute legislative acts.*
4. *In the specific cases provided for by the Treaties, legislative acts may be adopted on the initiative of a group of Member States or of the European Parliament, on a recommendation from the European Central Bank or at the request of the Court of Justice or the European Investment Bank.¹⁸¹*

Other relevant articles concerning this last issue are article 11 TEU; article 16 number 8 TEU, and in the Charter of Fundamental Rights article 41 and article 15 of the TFEU.

This delicate system of policy-making can create difficulties for the institutions and delay the implementation of laws as the Council of the EU must deliberate taking into account the variety of member states and their cultural and political diversity. Article 16, number 4 of the TEU states that in this type of qualified majority a law must have a percentage of population (65%), a minimum number of member states (15), and a percentage of the number of member states (55%) to pass after the 1st of November 2014. This system may change in the future due to enlargements of the EU.

As stated, multi-level and multi-state negotiations must be held in order to reach decisions; consequently, member states tend to form alliances with other EU countries that may have similar perspectives on a certain policy field. Any policy decided under co decision is known as a legislative act and the decision-making system used to achieve a final solution is what defines a legislative act, not the content of the act.

¹⁸¹ Idem.

Comitology was also changed in the Lisbon Treaty in its designing of delegated acts and implementing acts (articles 290 and 291 TFEU), while other instances which increased in number with the Lisbon Treaty were the passerelle clauses where the Council or the European Council can switch from the use of codecision to the special legislative procedure.

The signing of a new treaty requires a deep understanding of the concerns of member states. It is the EU governments are who primarily set the topics for future changes to European law but these projects can stem from any institution or civil society as well. Accordingly, increased European integration can be seen through the treaties ever since the Treaty of Rome of 1957 until the Treaty of Lisbon as decision-making systems and their evolution give the Union the means to work as an independent legal actor and as a bridge between intergovernmentalism and the communitarian method, neofunctionalism and federalism. The Union will always stand as a complicated mix between different patterns; thus, the Lisbon Treaty as it was carefully designed was successful as its design was carefully made in order not to go against the Union's traditional methods by creating bridges between the citizens, civil society, European institutions, governments, and national constitutions.

Many reasons could be named in order to understand why the Lisbon Treaty was successful and this study has approached the most important ones. However, since this is the last treaty of the EU up to date it is possible that in the future, historians, economists, political scientists, and academics will be able to provide new understandings and facts to comprehend the success of this treaty. In the meantime, further enlargements of the EU and political and legal battles between different political players may pave the way to new treaties.

5.2 Opening up a struggle for power between the institutions

Academic literature is still probing on the actual reasons for the success of the Lisbon Treaty. The historical proximity contemporary academic literature shares with the implementation of this intergovernmental and institutional agreement may dampen the prospect of a full analysis of such a problematic. In future years, the writing of new literature and the appearance of new documents may give us a better picture of this long process, whether at a member state or government level or even amidst supranational institutions. Any historical study or political science research faces this kind of temporal problems.

If the actual text of this treaty was mostly adapted from the Constitutional treaty and the process for the ratification of this treaty was deeply problematic involving several referendums and political doubts from many member state's representatives and their governments, the important fact is that this treaty did in fact succeed and gathered the necessary consensus for its viability.

The most important fact for this research is the fact that codecision was now understood as the "common legislative procedure", which meant that codecision became the most used decision-making mechanism, thus making the

EP a full codecider. Only after the implementation of this institutional and intergovernmental agreement can we clearly state that the EP became an institution with powers equaling those of the Council. Before Lisbon, the EP did in fact already have the ability to co-decide but only in a specific number of areas. With Lisbon, the EP came to share a hypothetical one third of legal influence in all European-level decision-making procedures (if we assume that the Council of the EU held another third as well as the Commission). Each institution is nevertheless at times more able and other times less able to stand its ground and have the final legislation resemble its initial proposition and, consequently, this sharing of power is thus very dependent on the issue at hand and the type of negotiations held.

Later on (chapter 6.4), this study will analyze some of these codecision procedures and find that one of these three institutions was, at times, more able to uphold its own agenda than the other two. Either Parliament, Council or the Commission can in some cases be the winner, and in other legislative acts, the loser. The important thing to remember is that they all have the mechanisms to push their political agenda in practically every area of EU legislation, a fact that did not exist prior to the signing of the Lisbon treaty.

6 THE PARLIAMENTARIZATION OF THE CAP AND ITS POLITICAL AND ACADEMIC IMPORTANCE

After the research that has been done so far and the introduction to the history and development of the EP and the European Commission as EU institutions with their own political character, we will return to the main subject of this thesis which is the evolution of the Common Agricultural Policy. This chapter will study some of the most important authors that have debated the CAP, codecision, the Lisbon Treaty as well as the most important advancements that have shaped this common policy (such as the case of its parliamentarization), and how MEP's have debated these issues in their plenary speeches.

6.1 The history of the Common Agricultural Policy

If we choose to analyze the history of the CAP in a summarized manner, it is easy to conclude that the first years of European political integration were quite protectionist regarding agricultural policies and the agricultural market of the Community. The Treaty of Rome of 1957 allowed foodstuffs in the Community to rise significantly over the first years as it was crucial for European economies to reestablish pre-war levels of productivity. With this phenomenon of overproduction and the so-called "mountains of butter", in the 1970s, the first measures were created, at the Community level in order to curb the abundance of foodstuffs. One of those first systems was the Mansholt Plan of 1972 that was aimed at regulating agricultural practices, modernization and more effective farm training. These measures would oblige farmers to be more efficient in their practice and perform less damage to their soils.

The economic philosophy of the time was gradually more prone to accept a more liberalized economy and less state and supranational intervention and regulation in the market, although the agricultural sector was still a highly protected political area. The Fontainebleau Summit of 1984 or the Green Paper

from the European Commission of 1985 were examples where this push for a more competitive CAP was structured.

It is curious to note that the use of concepts such as competitiveness becomes more evident and repeated in several community reports. However, this concept of competitiveness is to be understood dubiously as the CAP continued to be a closed policy for a relatively closed, heavily subsidized, and protected agricultural market. The aspect that did indeed change was the way in which that subsidization was made: at first, through price support and having been later adapted into a direct support for farmers.

Over-expenditure and overproduction were reasons for the creation of quotas, income aids, and more environment-related laws.

The MacSharry reform of 1992 therefore started to view the farmer as not only a producer but also a protector of the lands. He/she needed to comply with several greening measures in order to be able to receive financial support. The Agenda 2000 was a project that continued the ideals of MacSharry particularly regarding rural diversification and greening. The prospect of an Eastern enlargement of ten new countries that would enter the EU in 2004 demanded new solutions from supranational institutions. The objectives were the curbing of soil degradation, the defense of biodiversity, while maintaining a system of direct financial support to farmers that had to comply with several greening measures. This "greening" process was well accepted by civil society, European governments, and institutions. The growth in green parties all over Europe in parliaments and governments also helped this process.

The CAP thus became an enormously influent policy. It was not only a supranational policy, it regulated the market, production, it was an environmental policy, a cohesion policy, and a health policy.

The Fischler Reform of 2003 or Mid-Term review pushed for greater decoupling, in other words, a more incisive separation between agriculture and rural development. The scientific specialization behind the understanding of the challenges of rural development demanded more technical expertise and more greening measures. The Fischler Reform was thus an important reformative step in the evolution of the CAP having continued some of the ideals of the past as the maintenance of direct income schemes while demanding a greater compliance with greening measures therefore pushing this common policy to an ideal of sustainability. The Single Farm Payment was an innovation as it was a financial incentive that would be attributed once a year at the member-state level simplifying procedures through the removal of bureaucratic and time-consuming procedures forcing the farmer to be aware of European and world market shifts while regulating its agricultural output. The CAP subsidies were now separated from production, maintaining overall sustainability and mixed with modulation which is the process of exchanging funds from Pillar I to Pillar II.

The CAP Health Check of 2008 continued on this same track, now in a Union of 27 member states pushing for the end of quotas, the slashing of bureaucracy, the struggle for biodiversity, and compulsory modulation. The Single

Area Payment Scheme that was designed for the 2004 enlargement was also allowed to continue until 2013. Additionally, young farmers would receive further financial aid as this was an attempt to maintain younger generations working in agriculture. The next great advancement came with the Lisbon Treaty and the parliamentarization of the CAP, which will be studied further ahead in this research.

After these introductory remarks that delve on the history of the CAP in a summarized manner, we will observe how several authors have observed this specific policy over the decades.

In order to research the economy of agriculture and its political aspects one must remember the situation in which Europe found itself in the middle and the end of World War II.

The intergovernmentalist economic historian Alan Milward offers an interesting description of the economic situation of this sector in the middle and after the war:

*“The investment climate for European farmers was very poor. They were being asked to change their operations to meet what they perceived as only a temporary [war] situation and patriotism combined with commercial wisdom to make them resist German pressures. Their reluctance to invest was greatly reinforced by the immediate economic difficulties which European agriculture experienced throughout the war”*¹⁸².

As for the consequences of the war Milward contented that (in Frances Lynch’s words):

*“One result of the Second World War was to reduce the world’s total available food supply and make it difficult for world agriculture to regain its former output levels. Of the main outputs of agriculture only grains were still produced in quantities close to the pre-war levels. The devastation of battles, the deterioration of capital equipment, the loss of labour (for large numbers of former agricultural workers were either unable or did not choose to return to their previous employment), the loss of draught animals and the delays in retooling factories to produce agricultural machinery all played their part. And even in countries where output had gone up, a certain percentage of this rise had been due to a concentration on short-term gains which, because of soil exhaustion, could not be sustained in peacetime. As incomes improved and people’s expectations rose it became clear that the war had been the turning point between the apparent food surpluses of the 1930s and a new situation in which, in terms of human expectations, food shortage was to become a permanent feature of the post-war world”*¹⁸³.

Both intergovernmentalist and neofunctionalist authors discussed the CAP. As this is the largest common policy of this union, one of its first and possibly most complex policies as it legislates an activity that is dependent on weather conditions, technological advances, environmental regulation, customs and quotas, agricultural subsidies, practices, and size and production of farms -

¹⁸² Lynch and Guirao, 2011, pp. 54.

¹⁸³ Lynch and Guirao, 2011, pp. 54.

it is quite natural that so many political scientists and economists have decided to discuss and research these issues.

In the neofunctionalist or proto-intergovernmentalist perspective of Alan Lindberg:

“The key to the common agricultural policy is to be a common organization of agricultural markets consisting of price controls, subsidies on production and marketing, arrangements for stockpiling and carry-forward, and a common machinery for stabilizing importation or exportation (Article 40, paragraph 3). Wide latitude is left the Community institutions in regard to such specifics as price levels and the form of market organization”¹⁸⁴.

Taking into perspective the treaty of Rome, we can say that these statements are true, and yet, they are victims of the time they were written in. The CAP has evolved a great deal since then.

Andrew Moravcsik, the renowned liberal intergovernmentalist actually precludes the CAP as the main driving force for the types of policies it would at times support:

[...] “if we consider national and EU policies as a whole, it is very difficult to conclude that European policy is radically at odds with underlying popular sentiment. Scharpf’s¹⁸⁵ critique implies that there exists majority support, both within and across EU member states, for different policies – for example, lower agricultural subsidies and higher social spending, which would prevail absent a joint-decision trap. There is little evidence for this. In the case of agricultural spending, as Elmar Rieger¹⁸⁶ has shown, the claim is demonstrably false. High price subsidies for major agricultural commodities were not created by the EU, they pre-dated it. Prominent non-member states with similar economic structures, most notably Switzerland, have long maintained higher agricultural subsidies than governments in the EU. As for social policy, most European governments realize the need to control government spending, often for reasons having to do interdependence. If any majority emerged in the EU, Paul Pierson¹⁸⁷ and Stefan Leibfried¹⁸⁸ conclude in what is surely the most authoritative study in EU social-policy making, it would most likely support lower than higher social expenditures. There is, in sum, every reason to believe that the current structure of the EU serves primarily to strengthen, rather than obstruct, underlying tendencies in Member State policy”¹⁸⁹.

It is noteworthy to visualize how intergovernmentalist methodology is easily adapted to the study of the CAP, as Moravcsik keeps its focus on the (member) states whose policy preferences in agriculture, based on “high price subsidies” after the Rome Treaty, were not a federative tool but an intent of states to balance their economic and agricultural output.

¹⁸⁴ Lindberg, 1963, pp. 18.

¹⁸⁵ Fritz Scharpf is a political scientist at the Max Planck Institute for the Study of Societies.

¹⁸⁶ Elmar Rieger is a Professor of Sociology, European politics and Globalization at the University of Bamberg, Germany.

¹⁸⁷ Paul Pierson is a Professor in Political Science at the University of California, Berkeley.

¹⁸⁸ Stefan Leibfried is a political sociologist at the University of Bremen, Germany.

¹⁸⁹ Moravcsik, 2001, pp. 185, 186. See also Moravcsik, 1998; Moravcsik, 2005.

It was the Treaty of Rome that initially created this common policy as a direct result of the expansion of the common market.

Article 39 is the CAP's founding article as it states its basic and most important values and objectives that remain almost unchanged until today:

(a) to increase agricultural productivity by developing technical progress and by ensuring the rational development of agricultural production and the optimum utilization of the factors of production, particularly labour;

(b) to ensure thereby a fair standard of living for the agricultural population, particularly by the increasing of the individual earnings of persons engaged in agriculture;

(c) to stabilize markets;

(d) to guarantee regular supplies; and

(e) to ensure reasonable prices in supplies to consumers ¹⁹⁰.

After reading and understanding this founding article of the CAP we must analyze its two main areas or pillars: the first pillar related to direct payments to farmers and market support, and the second pillar which is focused on rural development¹⁹¹.

The intergovernmentalist historian Frances Lynch clearly states the reasons behind this structuring of the common market as consequences of a change in economic patterns and later as movements by individual governments.

She states: *"In western Europe the increase in the demand for foodstuffs put an end to the agricultural stagnation that had characterized the pre-war period. The war increased farmers' incomes in almost every country, gave birth to forms of public intervention that were on the whole perceived as successful and thus difficult to put aside when hostilities ended, undermined the social position of elites opposed to the modernization of the primary sector, and speeded up the rationalization of units of landholding. When in the immediate postwar years the demand for food remained high and world production levels stayed low, the role of food producers had to be recognized by policy-makers. In the six years that it took for agriculture in western Europe to regain pre-war levels of output, farming producer organizations were able to exploit their power over governments and to define the terms for intervention in west European agriculture which were to last for many years. The Second World War, both Martin and Milward wrote in their preface, accelerated the 'speed of social and political change in the agricultural sector'"¹⁹².*

Andrew Moravcsik, one of the intergovernmentalists we studied before, stated in 2005 that:

"Though the European Community has moved toward greater trade liberalization and re-established an element of monetary cooperation, the relative positions of governments have remained surprisingly stable over four decades. Germany and Britain favoured industrial trade liberalization, while France is more sceptical. Since 1950, France has consistently advocated the creation of subsidized markets

¹⁹⁰ This treaty is available at:
URL:<http://ec.europa.eu/archives/emu_history/documents/treaties/rometreaty2.pdf> [Accessed on 21-07-2016].

¹⁹¹ See Table 4.

¹⁹² Lynch and Guirao, 2011, pp. 55.

for surplus agricultural products, while Germany demands high prices, and Britain has opposed all agricultural cooperation. Views on regulatory harmonization have moved toward liberalization, but the configuration of national preferences continues to reflect per capita income and trading interests”¹⁹³.

This observation is nevertheless debatable as many of these variables can be interpreted in different ways. Nevertheless, they do show some of the core interests subjacent to some of the member states. But, as one shall see, there are many more micro-level policies that need to be analyzed.

The very issue of the CAP as discussed between neofunctionalists and intergovernmentalists also dates back to its foundations:

“Haas neglects the quiet but essential role of agriculture in the founding of the EEC. Concern about agriculture, and the notion that agricultural problems could be solved by finding neighbouring export markets, were not created by the EEC. There is overwhelming evidence that French leaders would never have secured the votes to ratify the treaty without the votes of the agricultural bloc. [...] Craig Parsons (in an interesting and informed, if one-sided, analysis) seeks to defend the even more radically neofunctionalist thesis that French policy-makers did not think about agriculture in the context of Europe until induced to do so by EEC discussions in 1962 or 1963. [...] Empirically, this is an utterly unsustainable position, as the evidence above suggests. It gains credibility only because it conflates a state having a preference with an item being prominent on international agendas. Agriculture was not discussed in detail in the EU before the early 1960s, for tactical reasons, but it played an important role in French thinking throughout”¹⁹⁴.

This author has, as is typical in liberal intergovernmentalist doctrine, fixed its focus on the preferences of individual governments in order to explain a development in a certain policy area. The contention and the shielding of the idea of a supranational role for the agricultural sector was a recognizable Dutch ideal. They were one of the main supporters of the political belief that the agricultural sector should mainly be decided under communitarian law and not national law¹⁹⁵.

The economic and intergovernmentalist historian Alan Milward, whom we have also studied before, was an avid researcher on the Common Agricultural Policy. It was his contention that the CAP, unlike many historians had believed, was not entirely created as a deal between rural France and industrial Germany. The contents of this deal were usually understood and described as an exchange between German industries and French agricultural commodities. Basically, France would win the German market for its agricultural exports while Germany would get easy access for its industrial exports in France. The perceived small-scale type of European farming was also understood as a historic myth that Milward intended to deny¹⁹⁶.

¹⁹³ Moravcsik, 2005, pp. 360.

¹⁹⁴ Moravcsik, 2005, pp. 382.

¹⁹⁵ Lynch and Guirao, 2011.

¹⁹⁶ Lynch and Guirao, 2011.

After careful consideration and research Alan Milward gave us the notion that, differently than it was believed, the French did not possess an idealistic or nationalistic idea that France was or should be a primarily agricultural nation. His argument stems from the fact that the main ideas of the French governments of post-war times were based on improving the French industrial sector.

The Treaty of Rome, or also the establishment of the CAP, was thus a method used to improve the French industry and maintain its agricultural market stabilized (although it was showing signs of endemic problems). The Monnet Plan was also partially developed under these guidelines: to allow time for French industries to recover and improve while having more developed and advanced German competition partially stifled. This does not undermine the French need for a wider market for its agricultural surpluses, however, this was not the main cause for these plans.

The agricultural sector was largely described, before World War II, as an economic stratum of society with low productivity levels and low incomes for farmers, whence the notion of some historians of the typical family farm as the solution of most families in rural areas. However, with the end of the Second World War, the rise in capital and in economic growth, in the midst of the reconstruction of almost all of the European economy and industry coupled with the rise in incomes, social warfare and Keynesian and protectionist types of economies led to a greater necessity for foodstuffs and consequently the need for a revitalization of the European agricultural sector, that was delivered with the signing of the Treaty of Rome¹⁹⁷.

As the industrial sector (and the military sector that derives from it) greatly increased after WWII, large sections of the population that used to grow up as farmers shifted to the booming industrial sector and the services sector. This, on the other hand, led to a growing political importance of the farmer and agricultural policies and economics in the governments' budgets, which changed the political attitudes towards this area. Democratic and liberal governmental stability had, more than ever, a strong need for public acceptance and this acknowledgment also relied on the agricultural sector. Local private and family rural gatherings that used to be the norm in the interior regions would have to economically evolve through market means in order for a greater population to be satisfied.

The modernization of the agricultural domain was changed some years before and likewise during the Second World War. The pre-war governments were not completely able to remodernize agriculture successfully; hence this economic area was mostly considered as unproductive, costly, and with minute potential. The civil and military war necessities and hardships led to a change in the approach to modern agriculture and agricultural policies. This sector became prevalent to the national GDP's and national budgets.

The typically low levels of agricultural commodities productivity and demand of pre-war times practically ended¹⁹⁸. The, at times, nationalistic and ide-

¹⁹⁷ Lynch and Guirao, 2011.

¹⁹⁸ Lynch and Guirao, 2011.

alized imagery of the archetypal farming family (sometimes used even by the European Commission) could (and indeed was according to Milward) nonetheless have been appropriated as material for political propaganda in post-war times. This fact, however, does not diminish or hide the intrinsic change that this sector was, and would be, facing.

If this stratum of society was decreasing in number, its productivity was rising. Growing demand and capacity coupled with augmenting agricultural subsidies and new modes of practice changed this economic block. Food shortages were now, in post-war Europe and also the world the problem to tackle. Increased demand needed to be answered by a more equilibrated market and society. Once more was the identical solution, primarily designed for the ECSC for the coal and steel sectors, to be adopted for the agricultural market.

The first ideas for a co-management of agricultural policies date back to the 1950s even before the ECSC. Using the same principles as before, Alan Milward continues to argue that the historical records proved that the founding fathers of the European integration were not the main catalysts for this unification but the states and governments themselves which at the same time were forced to change most of their policies due to inherent changes in world economic patterns.

Milward is actually quite critical of the founding fathers, or the idea posed by historians of the role they had. He believes Monnet to be the less democratic of the founding fathers as he never had to compete in a democratic election and was first opposed to the common market. "Europeanism" was for Milward, a quasi-propagandistic ideal for a unity that was achieved through many other different factors, none of which of a metaphysical or teleological nature.

As any contemporary political scientist could understand, Milward's contentions are sometimes not easy to accept. The continuous references of MEPs, of national governments, or of European Commissioners to the founding fathers and their important role in European integration are overwhelming. While Milward's ideas were criticized by many historians, such as Roger Morgan or Anthony Hartley, their impression and impact on contemporary European political and economic political science is nevertheless still relevant today.

In Frances Lynch's words: *The Treaty of Rome signed in 1957 establishing the EEC was designed to offer to the Six member states of the ECSC economic security through a commercial treaty which provided for the gradual liberalization of trade in manufactured goods, combined with continued protection for the rest of the economy, including agriculture, while at the same time locking West Germany into that trading structure. The Single European Act signed in 1986 was designed to provide for economic security through the gradual liberalization of trade in services as employment in the service sector increasingly replaced employment in manufacturing and in agriculture as western Europe faced increasing competition from Asia. The Treaty of Maastricht signed in 1992 was designed to lock the new unified Germany into western Europe by controlling German monetary policy within a European monetary union (EMU)*¹⁹⁹.

¹⁹⁹ Lynch and Guirao, 2011, pp. 127.

I decided to include this paragraph, as it is an acceptable summary of the beginnings of the European construction and how agriculture was included in the midst of this development. However, if the relationship between the CAP, the European institutions, and civil society is observed in this study, particularly the changing rules of decision-making that allow civil society to have a better involvement in the adoption of communitarian laws, one must remember that this is not a recent phenomenon. Ever since the Treaty of Rome and the establishment of the EEC, these dialogues have occurred on a regular basis. As Leon Lindberg, the political scientist who we previously described as a mix between a neofunctionalist and an intergovernmentalist, stated in 1963:

“The Commission had been engaged actively since mid-1958 in the elaboration of its proposals for a common agricultural policy, envisaging the ultimate establishment of a single market and a single agricultural market for the six countries. All groups involved in agriculture – whether producers, distributors, workers, or consumers – stand to gain or lose a great deal, and have actively sought to influence the content. Practically all of the groups involved agree that there should be a common agricultural policy, but all are concerned that it approximates their particular needs and desires as far as possible. Already one can detect a growing feeling of solidarity among farmer’s organizations of the EEC (organised in COPA²⁰⁰) as a result of their long efforts to achieve a common position and to influence the Commission²⁰¹”²⁰².

Lindberg reminded us in 1963 that the countries whose economies were greatly associated with agriculture, or in other words, where agriculture was one of the main areas for exports, were Italy and the Netherlands. This situation, particularly after the EU’s enlargement of 2004, has changed enormously, as agriculture partially lost its importance in the European market and its economies, and the entrance of new Eastern European countries in this union brought with it more population working in agriculture and thus greater reliance on the agricultural sector.

²⁰⁰ COPA - Committee of Professional Agricultural Organisations was created in 1958. It was later enlarged and merged into COGECA or the General Committee for Agricultural cooperation in the European Union. This is still today the highest and most recognized organization for the representation of agricultural, fisheries, forestry and food interests amidst the European institutions. Its most important activities rely on agriculture research and the lobbying of the European institutions as their representativeness is of a great level, if one is to consider the agriculture community of today. For more information please visit:
URL:<<http://www.copa-cogeca.be/Main.aspx?page=CogecaHistory&lang=en>> [Accessed on the 25.07.2016].

²⁰¹ Although it is not the objective of this study to analyze the influence of lobbying groups in European legislation, it is noteworthy to remind ourselves that the Lisbon treaty created parallel systems of decision-making and procedures to start legislation that accompanied the growth of co-decision and its areas of application, particularly systems that give more powers to European citizens and civil society. This consequently improved their political approach capabilities and relationship with the European community. If a parliamentarist approach to decision-making gained momentum and legal powers with the Lisbon treaty, so did lobbying in the European institutions by civil society.

²⁰² Lindberg, 1963, pp. 101.

In Lindberg's words: *"In short, then, we can expect the greatest internal pressures in favour of a special trading association between the EEC and the other European countries to come from the following sectors: Belgian and Dutch commerce and transportation, machinery industries in Germany and the Netherlands, chemicals and manufactured goods in Germany and the Netherlands, and agriculture in Italy and the Netherlands"*²⁰³.

It is nevertheless positive to remember the initial economic situation of the member states in the Treaty of Rome and how that was correlated with the agricultural sector.

The country of France and its succeeding governments was one of the member states that throughout the history of the EEC and the EU remained one of the strongest defenders of the CAP and its budgeting as well as the European and national agricultural sector.

The CAP, after this initial phase, had to fight against a problem that appeared in the years after the Treaty of Rome which was overproduction and the so-called "mountains of butter". Gradually, the mechanisms of the CAP turned into systems of direct payment to farmers and not, as it was before, price support. With the first real changes of the CAP such as the Mansholt plan of 1968, and the Green Paper from the European Commission of 1985 the first ideas for the implementation of direct payments and greening appeared.

The Green Paper from the EC of 1985, the MacSharry Reform of 1992, the Agenda 2000, the Fischler Reform of 2003, the CAP Health Check of 2008 and the CAP Reform of 2013 all included several greening advancements.

Another fundamental and very contemporary question for us concerns environmental issues and the environmental sector of the CAP, in other words greening. We believe that this is an important aspect in our analysis of the CAP under the codecision regime. Additionally, where the expenses connected with the environmental sector of the CAP are concerned, the literature mentions an increasing concern with the environment, recognizable in the growing parcels of the budget reserved for this effect²⁰⁴ and legal avances such as the MacSharry reform of 1992 or the Agenda 2000. We believe that this concern with the environment will prevail even in times of crisis, and probably even increase its percentage within the budget of the CAP. The environmental funds of the CAP cover various purposes, some of which address local phenomena while other address global issues. Some of these issues are, for instance, connected with environmental problems on a global scale, the implementation of European environmental legislation, global climate action, implementation of European legislation for climate action, or integration for climate protection and innovation. The budgets of the EAGF and the EAFRD²⁰⁵ also include expenses directed to areas with an international scope. Here too an increase has been registered in the expenses (as well as revenues) since 2010.

²⁰³ Lindberg, 1963, pp. 116.

²⁰⁴ Hill, 2012.

²⁰⁵ European Agricultural Guarantee Fund (EAGF) and European Agricultural Fund for Rural Development (EAFRD).

Industrialization accelerated the agricultural process and this made mere profit and supply the most important goal in agricultural policies for decades. This process is associated with the process of “decoupling”, which means the separation between agriculture and rural development because of globalization (these two aspects were usually understood together) leading to a great specialization and more micro-level policies. Its antonym, coupling, is therefore the joining of these two political areas. In other words, rural development and the defense of the environment became the norm, whereas pure financial profit obtained at times through land erosion, biodiversity depletion, and waste became the problems to solve on a political and economic basis.

With the development of environmental sciences, and more importantly, the growth in Green parties’ representation and the growing significance of such questions on the political agenda, agriculture also had to be transformed in order to meet the demands of new environmental protection laws. Profit and productivity were no longer the main focus of agricultural policies but also the environment, soil erosion, product quality and consumer health. Agriculture as a whole changed, not to mention that with the ever-expanding influence of civil society this change was even greater as the decision-making institutions had to take into account the demands from several social sectors, whether in transports, environment, or agriculture itself. Increased agricultural production without proper regulation would bring negative consequences that had to be reversed.

A neoliberal approach would state that individuals always try to gain as much profit as they possibly can. Yet, in the EU’s agricultural policies the push we see throughout the decades is that pure financial or monetary profit and production have stopped being the most relevant factors. Environmental groups put pressure on producers and the governments which led to changes in the manufacturing and commercial process. The EU could have fought against this wave of increased democratization and environmental defence policies but it did not. The EU after Maastricht increasingly allowed civil society and the European citizen to be more active in the shaping of the Union and with this democratization came a greening process. It is still not completely clear if this greening process would have happened without greater democratization, however, the two processes are intertwined and one followed the other.

The “cross compliance” measure (a synonym of greening) that increased crop rotation, decreased the use of fertilizers, and introduced the Less Favored Areas (LFA’s) scheme are some of the legal evidence and materializations of this greening process. In present times, about 57% of agricultural lands in the EU are LFA’s. All these greening measures are enforced on the producer and can be beneficial to the latter, who will receive higher financial aid by following such directions. This is therefore a symbiotic relationship, as the environment is less affected and the farmer is more financially stable. Sustainable agriculture is thus a continuously important factor in the EU’s agricultural system as the EU’s natural capital is vast in its biology and geography.

In the European Parliament (or in the Council of the EU with the respective ministers) many MEPs vote against their party and prefer to choose their

national orientation. This cannot happen in the European Commission which cannot defend national interests but only the EU's common good, so it is much more difficult to reach conclusions and common decisions. However, when it comes to the European agricultural market and the European agricultural production capacity, if we study them in a macroeconomic view, they are still highly competitive worldwide. However, they are still a highly subsidized market.

The idea to remove the State from the economies so that businesses could grow by themselves with the least public friction possible, only happened to some degree in the CAP. Since there was not going to be a system of product support or price support anymore, the EU started to give financial help directly to the producers so that the prices of commodities could eventually decrease in market terms, but in order for the producers not to lose their profits, the EU budget would cover these eventual losses with direct financial support. The prices would decrease but the farmers would be compensated for their losses by European funds. This is the philosophy that still exists today, but the difference is that there are even more environmental regulations nowadays, which means that either the producers obey certain strict environmental rules or they do not get the financial support. This is a philosophy that continued ever since the Green Paper from the European Commission of 1985 where these ideas first appeared: to reduce surpluses, increase environmental concerns and practices, and overall budget stabilization.

The 2004 EU enlargement created many doubts as it opened the European market to Eastern European farmers and also made them eligible to receive financial aid from European funds. Productivity and the local economies could be negatively affected, and the Eastern European governments had to give substantial aid to their farmers in order to generate greater support for EU membership.

The desire to enter the EU and win social acceptance from its population was not the greatest problem for these governments. The majority of its population and political parties had long hoped to be part of the EU, as the Soviet dominance of these countries after WWII with its dictatorial and militaristic style of government had lasted for over forty years. After the Soviet collapse in 1991, most of the newly democratically elected post-Soviet governments perceived the EU as their next natural economic ally. After economic proximity and social and political changes these countries would, in short time, be able to become a political part of the EU.

So, in the CAP, before 2003, we see the principles of market orientation, consumers, rural development, environmental simplification, and WTO (World Trade and Environment Organization) compatibility. Thus, the reinforcing of the 2003 Fischler reform brought with it new challenges and greater risk management. This philosophy continues at its core until later, even in the Lisbon Treaty. Presently, there is even greater regulation, particularly in LFA's²⁰⁶.

The structure of the CAP after 2003 did not come without criticism. A relevant example of the opposing views on agricultural integration (particularly as

²⁰⁶ The Less Favoured Areas Directive (75/268/EEC) was instated in 1975.

they were stated at a time when the EP did not possess codecision powers) is this speech from António Campos, a Portuguese MEP from the Socialists Group. He stated on the 3rd of June 2003, representing the European Socialists²⁰⁷:

Mr President, Commissioner, I shall begin by expressing my deep disappointment with this reform of the common agricultural policy and I wish to challenge your conscience, Commissioner, with the injustices and the discrimination that your policy is perpetrating against farmers and also with regard to the way in which you are protecting desertification and damaging the credibility of the Union itself. Let us look at the injustices: you are responsible, Commissioner, for around seven million farmers in the Community. Only three-and-a-half million are entitled to direct aid – only three-and-a-half million. Of these three-and-a-half million farmers, 52% receive only 4.5% of the aid. Is this or is this not a profound injustice? In my own country, one hundred farmers – the one hundred largest – receive more than 60% of farmers in my country do. I challenge your conscience with this injustice.

Next, Commissioner, your policy is discriminatory! Two areas of production, cereals and bovines, which between them account for 21% of Community produc-

²⁰⁷ This speech was in response to the analysis of the following reports (as expressed in the EP's website) in an attempt to change the Commission's initial proposal for the renewal of the CAP by modulation and aid reduction rates (the Commission's President was Romano Prodi):
 "A5-0197/2003 , by Mr Cunha, on behalf of the Committee on Agriculture and Rural Development, on the proposal for a Council regulation on establishing common rules for direct support schemes under the common agricultural policy and support schemes for producers of certain crops (COM(2003) 23 C5-0040/2003 2003/0006(CNS));
 - A5-0182/2003 , by Mr Olsson, on behalf of the Committee on Agriculture and Rural Development, on the proposal for a Council regulation amending Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and repealing Regulation (EC) No 2826/2000 (COM(2003) 23 C5-0041/2003 2003/0007(CNS));
 - A5-0174/2003 , by Mr Souchet, on behalf of the Committee on Agriculture and Rural Development, on the proposal for a Council regulation on the common organisation of the market in cereals (COM(2003) 23 C5-0042/2003 2003/0008(CNS));
 - A5-0175/2003 , by Mr Souchet, on behalf of the Committee on Agriculture and Rural Development, on the proposal for a Council regulation on the common organisation of the market in dried fodder for the marketing years 2004/05 to 2007/08 (COM(2003) 23 C5-0044/2003 2003/0010(CNS));
 - A5-0183/2003 , by Mr Bautista Ojeda, on behalf of the Committee on and Rural Development, on the proposal for a Council regulation on the common organisation of the market in rice (COM(2003) 23 C5-0043/2003 2003/0009(CNS));
 - A5-0177/2003 , by Mrs Jeggle, on behalf of the Committee on Agriculture and Rural Development, on the proposal for a Council regulation establishing a levy in the milk and milk-products sector (COM(2003) 23 C5-0046/2003 2003/0012(CNS));
 - A5-0181/2003 , by Mrs Jeggle, on behalf of the Committee on Agriculture and Rural Development, on the proposal for a Council regulation amending Regulation (EC) No 1255/1999 on the common organisation of the market in milk and milk products (COM(2003) 23 C5-0045/2003 2003/0011(CNS));
 - A5-0189/2003 , by Mrs Rodríguez Ramos, on behalf of the Committee on Agriculture and Rural Development, on multifunctional agriculture and the reform of the CAP (2003/2048(INI))". These speeches are available at: [Accessed on the 27.06.2017] URL:<<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20030603+ITEMS+DOC+XML+V0//EN&language=EN#creitem6>>.

tion, receive 60% of aid; I repeat, 21% of production receives 60% of all aid. I call that discriminatory, Commissioner! It is all the more discriminatory because these two areas of production are those most responsible for desertification. By not opposing this policy, Commissioner, you have contributed to the enormous increase in unemployment throughout the Union, because the only winner is something that causes unemployment and not the areas of production that actually employ people.

The third issue concerns the damage done to our credibility, because the institutions have a duty to protect the weakest. Commissioner, I have probably been involved in politics as long as you have, and the basic duty of the institutions is certainly to protect the weakest members of society and yet you have put yourself in the position of protecting only the strongest. Why have you abandoned the ceiling, Commissioner? Even the United States, which has companies that are two hundred times larger, has a ceiling of EUR 350 000, and you, who initially had a ceiling in place, abandoned it, concluding that it was excessive because it should not exceed EUR 100 000. You and this Parliament will go down in history as being profoundly unfair and discriminatory and for having damaged the credibility of the political process.²⁰⁸

As an example that demonstrates the fears and national concerns towards the CAP, Finland, for example, was a country that had a large percentage of LFAs when it entered the EU in 1995. The Finnish government intended to consider the entire Finnish geographical space as an LFA, but the European Commission opposed it by objecting that only above a certain latitude would Finnish land mass be considered an LFA. The regions south of that latitude would receive Mountain Region support, which is a different kind of financial support. Because of this country having a harsh weather (similarly to other nations such as Sweden or Denmark), if it did not receive a bigger agricultural support, it would not be able to compete on equal grounds with Spain, France, Italy, and others, where climate conditions significantly help the agricultural sector. However, the intergovernmental school failed to gather a bullet-proof approach to this parliamentarization of the CAP that only happened with the Lisbon Treaty of 2009 and is one of the most important topics for this thesis. As Roederer and Schimmelfennig state:

The evidence shows, however, that no such powerful coalition existed [after 2002 and at the time of the Convention on the Future of Europe] in favor of codecision. Whereas Denmark supported both CAP reform and the shift to codecision in agriculture [...] ²⁰⁹, the status quo countries rejected a change in the decision-making rules. The Irish government was opposed to abolishing compulsory expenditure in order 'to protect CAP expenditure' [...] ²¹⁰ and France, a key player in agriculture, opposed the growing role of the EP in agriculture [...] ²¹¹; [...] ²¹². Moreover, the connection between decision-

²⁰⁸ This speech is available at: [Accessed on the 21-03-2017] URL:<
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20030603+ITEM-006+DOC+XML+V0//EN&language=en&query=INTERV&detail=2-205>>.

²⁰⁹ See also Laursen, F., 2008.

²¹⁰ See also Benedetto, G. And Hoyland, B., 2007.

²¹¹ See also Beach, D., 2008.

making rules and policy outcomes appears not to have been well understood. A case can be made that codecision might actually strengthen the hand of status-quo oriented players in the CAP by giving them the legitimacy of EP-backed legislation. After all, the EP's agricultural committee had always been notorious for the salience of territorial politics and its conservatism in farm affairs, and the prospect of MEPs being able to bring (CAP) money back home could be seen as a potential contributor to policy inertia"²¹³.

Member state support for the parliamentarization of the CAP was not at a high level around 2002 as we can see from these paragraphs. Parliamentarization is understood as a platform for change but possibly also for the maintenance of a status quo; therefore, a pure analysis on the role of the member states in this parliamentarization may not be enough for a full understanding of this topic.

In Roederer and Schimmelfennig's (2012) interpretation it was actually the Convention on the Future of Europe, formed by members of the EP, the Commission, and the Council, that formulated the first written legal attempts for the parliamentarization of the CAP. This Convention ceased its functions soon after the implementation of the Nice treaty and was partially responsible for the Constitutional Treaty and automatically the Lisbon treaty. A more mixed view between the federalist perspective and the intergovernmental school, which these authors denote as a constitutionalization of policy-making, serves their point as they state:

*Codecision was introduced together with QMV (as, for instance, in Articles 48 and 91(1) and in many former third-pillar articles) and was not introduced where unanimity in the Council was maintained (e.g., in Articles 21(3) and 22(1) and the area of taxation). In agriculture, however, QMV had for decades existed without codecision. In the absence of strong policy-seeking interests, the need for legitimacy-seeking compensation, or prior informal agreement, only the constitutional logic of democratic legal rationalization could have revealed and corrected this inconsistency. We have argued that the Convention, with its institutional features and discursive focus, favored the logic of constitutionalization. One may in fact speculate that the parliamentarization of the EU entered a new phase with the Convention, in which the principled, constitutional logic of parliamentarization has replaced the issue-specific logic that was dominant in the period between the Single European Act and Nice. Future constitutional change in the EU will tell*²¹⁴.

This quote is relevant as it illustrates how the politically high-profile Convention, backed by all three EU assemblies could gain power over the sectorial policy-specialists and lobbyists and also how a pure intergovernmentalist approach to these issues needs further corroboration as it does not explain the important role of this Convention on the Future of Europe.

The CAP is, in sum, a set of laws that decide how agricultural products should be made and agriculture practiced in the EU. It is also built by currency.

²¹² See also Norman, P., 2005.

²¹³ Roederer-Rynning, Schimmelfennig, 2012, pp. 8.

²¹⁴ Roederer-Rynning, Schimmelfennig, 2012, pp. 16.

This financial structure comes from the European budget and in order to understand the CAP we need to understand how the European budget works. This budget comes mainly from member states' Gross National Incomes, when financial transactions are made into a unified budget, which is subsequently distributed according to the necessities of each country. Later, specific agriculture-related agencies in each country decide how the budget should be allocated. Most of the basis of this European budget comes directly from the member state contributions ($\approx 70\%$), but there are also VAT (Value Added Tax) sources ($\approx 10\%$), which are interests and taxes on exports and other items, the previous year's surpluses ($\approx 4\%$), traditional own resources ($\approx 13\%$), and other income sources ($\approx 4\%$).

In 2011, 73% of the CAP's expenditure was directed to the support of producers (in order for producers to receive this financial aid they would have to comply with several types of regulations, including, but not only, environmental regulations), while the remaining funds were directed towards rural development (22%) (which consists in helping certain areas of the European geographical space, for example LFAs and Mountain Regions support) and also the interventions in agricultural markets to control inflation and to control the prices themselves (5%).²¹⁵

In other regards, when it comes to environmental defence policies, agri-environmental payments were the highest ($\approx 50\%$). This is done to help the producers get capitalized so that price reductions would not have a strong negative effect on them. After this, the highest values were for the compensation for unfavored areas - the LFAs and the Mountain Regions supports (32%) - and 6% for the forestation of agricultural land. If one increases forestation, one is also defending the environment, since more oxygen is created and less CO₂ is released. The 11% left of this expenditure was destined for other agri-environmental areas.

The environmental challenges for the future (2020) are the reduction of GHG (greenhouse gas) emissions, soil erosion, air and water purity, and defending biodiversity, whereas the geographical challenges are preservation, rural space and the diversification of EU agriculture²¹⁶.

This may also be a case that can be interpreted in terms of conceptual change initiated from the European Commission's part. The Commission had stated that productivity was the most important factor at the beginning of the CAP, then there was competitiveness, and presently there is the aim of sustainability.

Conceptual change in the CAP is also an important side of this investigation. This idea of state or supranational intervention and state control of the

²¹⁵ See also Hill, 2012. The European Central Bank (ECB) has some influence on some of these matters, as their main target is to tackle inflation.

²¹⁶ Agriculture is responsible for $\approx 7\%$ of EU's exports; pharmaceuticals ($\approx 8\%$); chemicals ($\approx 11\%$); machinery and appliances ($\approx 21\%$); construction and equipment ($\approx 2\%$); textiles ($\approx 3\%$); vehicles and parts ($\approx 6\%$) and others ($\approx 42\%$). However, the EU tends to import more agricultural commodities than it exports, although the difference between agricultural exports and imports is not high (≈ 3 billion euros) (Hill, 2012).

economy was important and one of its bases, and then after this period, mainly due to the oil crisis in the 70s and 80s we have this push towards neoliberalism and a different type of agricultural support, not directed at commodity prices but more at direct help to the producers and the protection of the environment.

As Roederer-Rynning and Schimmelfennig (2012) state, when analyzing the CAP:

“Before Lisbon, the EP did not have control over either the agricultural policy-making process or the agricultural budget, which was considered ‘compulsory expenditure’. After Lisbon, legislation relating to the ‘common organization of agricultural markets ... and the other provisions necessary for the pursuit of the objectives of the common agricultural policy and the common fisheries policy’ is regulated by codecision (Art. 43.2 Treaty on the Functioning of the European Union, TFEU). Only measures relating to ‘fixing prices, levies, aid and quantitative limitations and on the fixing and allocation of fishing opportunities’ (Art. 43.3 TFEU) are to be adopted by Council on a proposal from the Commission. In terms of budgetary competences, the Lisbon Treaty abolishes the distinction between compulsory and non-compulsory expenditure, thus providing for budgetary equality between Parliament and Council – including expenditure on agriculture”²¹⁷.

These authors are correct in the assessment of the CAP as a difficult common policy for parliamentarization, as it involves a great number of financial assets²¹⁸, relates to a very important sector of the European economy with environmental and health concerns attached to it, and about which certain EU member states can be very defensive. We will later (chapter 6.4), nevertheless, be able to observe how the EP acted or what its political behaviour was when facing these new responsibilities. One can speculate that the path-dependence that the EC faced even before Maastricht when addressing the CAP was to be faced again by the EP after 2009. The resistance of member states to reform is still visible, particularly when it relates to the CAP. Making the EP a codecider would perhaps bring more equilibrium in the legislative sector of the EU and an equilibrium in the workload of these three institutions, but it would not completely erase member state opposition and path-dependence. Henceforth, one can agree with the contention that the CAP is indeed a “hard case of parliamentarization” as Roederer-Rynning and Schimmelfennig (2012) state.

The environment must also become an important issue for discussion in order for it not to be negatively affected. The soil can get erode or entire animal and vegetable crops be lost which is why legislation in the EU has tried to avoid such losses for several decades giving rise to the process of “greening”. Policies aimed at having larger areas of permanent grassland, the creation of ecological areas, reducing chemical dependency and crop diversification are the general foci of the post-2015 CAP reforms, some of which were achieved through spe-

²¹⁷ Roederer-Rynning, Schimmelfennig, 2012, pp. 1.

²¹⁸ The EU each year produces, just considering cereals, ≈300 million tons (≈270 metric tons); Russia produces ≈150-170 tons (≈85 or 90 metric tons) and the US ≈141; agriculture represents 7% of the EU’s exports, which is considerable. The countries that currently have the most employed civilian population in agriculture are Romania and Poland but their agricultural impact values compared to their GDP are not the highest, which means there is greater room for improvement and productivity.

cific EP codecision-led victories. However, in the coming chapters (particularly chapter 6.4) we will be able to observe how exactly the EP has behaved when facing this common policy and what exactly it was able to change.

6.2 The evolution of codecision in the European Union

According to the objectives of this research, its built-in methodology, and the necessary revision of literature, this chapter is thus intended to study the origins and the development of the codecision mechanism, how it presently works, and the consequences it has had on some political areas since the treaty of Maastricht in 1991; in other words, which victories has the EP had with this procedure.

Not only will the history of this *modus operandi* be scrutinized, and which rules were effectively placed on EU officials and the functioning of the EP, but also the necessary underlining of the clear and objective political victories it represented for the EP will also be simultaneously be debated. The study of the impacts of codecision in the CAP, which are objectively only researchable after 2009 and the Treaty of Lisbon, will be left for subsequent chapters (mostly chapter 6.4.2).

6.2.1 From Rome to Maastricht

The origins of the codecision mechanism are vast and can be traced almost back to the ECSC and the Treaty of Rome of 1957. As we have discovered in the chapter 4.3 on parliamentarism and Europeanism as foundational and operational concepts in the evolution of the ESCS, the EEC, and the EU, the original French plan was to have a Common Assembly or European Parliament with powers equal to the Council or the Commission. That idea or project did not go forward. The EP endured several decades of relative obscurity and power void. It was only through its endured resistance and commitment that the EP, with its working methods, began to be able to effectively change the nature of the adopted legislation through a variety of methods, some of which we will analyze, and become a productive codecider in the midst of the European supranational institutions after the Lisbon Treaty. This evolution can be roughly delineated between the years of 1957 and the Treaty of Rome and 2009 with the entrance of the Treaty of Lisbon. We will thus try to observe the main political advancements between 1957 and 2009 that made the EP what it is today. These 52 years will be the objective of our analysis even though it is understandable that other researchers could have used different dates for such a study. The point is also that the more important the EEC level became, the more doubtful merely intergovernmental procedures and practices became more doubtful (in which neither debate nor representation was essential), increasingly losing belief in their legitimacy.

The consultation procedure was the original power of the EP which was substantiated in the ability of the EP to write reports on certain legislation, but some of these reports were at times not taken into consideration or even read by the Council or the Commission. Historically, no serious European parliament after World War I was content with a merely consultative role. We can thus postulate that these two institutions (Commission and Council), notwithstanding, held a divided monopoly on legislation up until 1991 and the treaty of Maastricht.

Certain mechanisms that preceded the Treaty of Maastricht slowly began to endow the parliament with a few political capacities that gradually made it a very curious case for political science and other disciplines. The first great change to the EP came with its electability in the first European-held elections in 1979.

“Nearly 80% of the 410 newly elected members were no longer serving another legislative mandate. In order to establish their authority and to bolster their European mandate, they attempted to establish a power relationship with the Commission and the Council, notably by wielding their budgetary powers. They thus obtained implementation of the so-called “concertation” procedure, which enhanced their ability to amend legislative proposals having budgetary implications”²¹⁹.

The Spinelli Report of 1984 was one of the first writings proposing an enhanced Parliament to rival the positions of the Council and the Commission.

The Single European Act of 1986, at first and incompletely, initiated a new procedure in EU decision-making entitled the “co-operation procedure”. Even though it did not supply the EP with substantive powers capable of significant revisions of EU law, it did demand for a closer contact and dialogue between the Council and the Parliament. This process was construed as a first possibility and a first test of these European-elected officials. All of this progression was partially made under a testing process on the EP. Both the Council and the Commission, which were both used to dealing uniquely with each other, and through the consent of the individual governments and national parliaments, increasingly tested the EP as an individual institution to see whether it could obey deadlines, and bring constructive criticism and possibly new proposals. The EP can be considered to have passed all these tests successfully.

The ability of the EP to play a constructive role in EU affairs was what led the other European institutions and the governments of the member states to delegate these powers to this new institution, even if in its beginnings its procedural powers were very rudimentary. The empowerment of the EP was therefore a slow process with subsequent increments as the status quo of the time was based on a dual and unique relationship between the Council and the Commission. This status quo does not exist anymore but some of its legacy still remains. Studies have shown that despite the already established full empowerment of the EP as a codecision maker after the Lisbon treaty in 2009, a special relationship between the Council and the Commission still exists that can some-

²¹⁹ Costa, Dehousse, Trakalová, 2011, pp. 5, 6.

times undermine the role of the EP ²²⁰. All these variables thus constitute a mix of elements that make the pre- and post-Maastricht times an interesting study subject. What the European treaties clearly state can sometimes be externalized in different ways in the actual decision-making mechanisms and procedures. MEPs have referred to this matter on several occasions.

These first victories of the EP in the pre-Maastricht era were enough to convince the member state representatives that a third institution with a parliamentary composition did have a place in EU decision-making. Perhaps even more important than this was the fact that the nature of the legislative powers and the composition of the Commission and particularly of the Council constantly needed revision. This was due to the several political enlargements that demanded a third institution that was directly elected by the European electorate and that through its formation relied on both party politics and national and institutional interests as well as a parliamentary procedure based on thorough debates in plenum and committees preceding the vote. This empowerment solved part of the problems the political enlargements were to create as it would partially endow the Union with new mechanisms to combat any lack of consensus at the Council level.

During the times preceding the Constitutional treaty, which was the failed treaty that led to the designing of the new Lisbon treaty that, paradoxically, still contained much of the old text, it was understood that:

“The governments are most likely to back an institutional reform proposal from the Parliament if this relates to an area where the governments are delegating new powers to the EU level and are uncertain about the consequences of these powers, for example by establishing that the Ordinary Legislative Procedure should be used in all areas where a qualified majority is used in the Council. Also, where the European Parliament is united in support of a reform proposal and lobbies the governments to support its proposal, it is more able to persuade the governments that this proposal should be accepted, particularly the governments of those states that are either well represented in the European Parliament or have convergent policy preferences with it”.²²¹

These paragraphs are important as in it, Benedetto and Hix, after analyzing several theories usually used for the understanding of the growth of the powers of the EP, argue that it is the uncertainty in the type of statutes and typology of the delegation to the European Commission where the EP finds its natural ground for the push for more power. This uncertainty towards the future is thus a big driver for change, particularly inside the parliamentary chamber, where if and when all the European parties unite, a push for a greater parliamentarization in EU decision-making is much more attainable²²².

We can however state that the EP was not an identical institution to the Council or the Commission until the Treaty of Lisbon since if it indeed had co-

²²⁰ In the study Sargento, 2012; the MEP's, in their interviews, repeatedly stated the preference of the European Commission for the opinions of the Council of the EU and their reluctance for the choices of the EP.

²²¹ Hix, Benedetto, 2007, pp. 128.

²²² On this regard, see also: Hix, Hoyland, 2013 and Hix, 2002; Hix, Abdul, Gerard, 2002.

decision powers since Maastricht, they were limited to some specific areas. All the subsequent treaties of the EU after Maastricht (Amsterdam, Nice, and Lisbon) were political victories for the EP. Lisbon was then the final stage for the complete empowerment of the EP.

“This procedure’s implementation [after Maastricht] met with considerable objections inasmuch as the MEPs demanded equal footing with the Council, which was not provided for in the Treaty, as well as a change of attitude on the part of the ministers, who were somewhat reluctant to accept the idea of directly negotiating with the parliamentarians. After a genuine form of institutional warfare, the States’ representatives finally agreed to the MEPs’ demands and to amend the co-decision procedure in the Treaty of Amsterdam (1997). As already pointed out, it was then that the right to conclude legislative procedures at first reading was acknowledged. Furthermore, over time, as additional treaties were ratified, the co-decision procedure underwent a formal two-fold development: its scope was progressively broadened to include new areas which until then had been governed by other procedures or were deemed to be outside of the Union’s jurisdiction, until the Treaty of Lisbon recognised it as an ordinary legislative procedure. Moreover, the growing use of the qualified majority voting rule within the Council enhanced the EP’s negotiation capacity”²²³.

The reasons for the growth of the powers of the EP and its parliamentarians are quite numerous as these paragraphs reveal but one thing is certain: the EP has tried to use its new powers to the maximum effect possible even though the Commission is still not fully transformed into an elected government responsible to the parliament and it still retains the quasi-monopoly of legislative initiative. This effectiveness or inefficiency and its consequences are what must then be studied.

The influence of the European Parliament in the codecision procedure has had an accelerated evolution since the Treaty of Maastricht. Regardless, it is still controversial today when academics talk about the democratic role of the EP in the EU’s decision-making procedures²²⁴. The true scope and political powers of this institution can be seen as both effective and ineffective. The codecision mechanism, also known today as the common legislative procedure, was one of the main structures through which the EP tried to increasingly gain significant leverage in the EU. Its ability to transform legislation was virtually inexistent at the time of the Treaty of Rome. After the Lisbon Treaty, almost 50 years later, the EP has full codecision powers in 85 legal bases. These 85 areas affect practically the entire everyday life of an ordinary citizen. The EP is a codecider and also one of the authors of parts of legislation, therefore, codecision can be understood as both a valid democratic procedure for an increased parliamentarization of EU polity or just a time-consuming mechanism delaying the application of legislation. These developments, the delays, the growth of consensus or dissensus can be consequences of inconsistencies inside these institutions or inside the decision-making procedures. We can maybe say that the two are pos-

²²³ Costa, Dehousse, Trakalová, 2011, pp. 6.

²²⁴ Kohler-Koch; Rittberger 2007.

sible causes for this delaying phenomenon. The Union and the triad of legislative institutions have at times grown in dissensus and at other times in consensus. At the time of the Maastricht treaty, these inefficiencies were even more visible as codecision was only applied to a small number of legislative areas. In the EU's environmental policy, for example, there were areas that were decided under codecision, others under the cooperation procedure, and even others under consultation.

The Commission is, under codecision, still an important actor, but it is possible for the EP and the Council to deal and decide on a result behind the Commission's back. The shifts of power and the political power struggle shifted from two institutions (European Commission and Council) to a triangle of institutions (Commission, Council, and Parliament).

The legislative scope of the EP has expanded to cover new political areas but also its practical influence in changing the original European Commission proposals has grown, so that having a third institution with equal political powers as the Council changes not only the relationship between institutions but also the final decisions, in other words, the laws themselves.

Codecision has also been the focus of an important debate for intergovernmentalists and federalists/neofunctionalists and other schools. If the intergovernmentalists can always claim, and rightfully so, that the codecision procedure only exists due to the will of certain member states to delegate the necessary powers for this change to take place, a different point of view will be taken by neofunctionalists or federalists that may understand this decision-making procedure as one more step in a continuous succession of events along the federalizing path. This institutionalization and parliamentarization of the main decision-making procedure in the EU is of enormous importance but it can be understood from different points of view. Recently, academics have tried to interpret these struggles by taking institutions and states as political actors, each trying to gain as much leverage in decision-making procedures as possible (distributive bargaining theory).

The EP gained numerous legislative powers, which we will analyze thoroughly. Codecision, which is one of the focuses of this research, is but one power of the EP that is sub-divided into dozens of policy areas that must now be decided under this specific set of rules. It is nevertheless just one power among many others that this institution has gained over the years.

"According to intergovernmentalists [...]225, shifts of competences only reflect member states' preferences, which are considered exogenous at the moment of Treaty negotiations. Given that several large member states were initially reluctant to allow an increase in the Parliament's power regarding the appointment of the Commission and its President, how can we explain the increase in these competences over time?

An alternative theory has been proposed by scholars who argue that the granting of power to the Parliament is the result of general concerns about a democratic

²²⁵ See also: Moravcsik, A., 1998, *The choice for Europe, Social Purpose and State Power from Messina to Maastricht*, Ithaca, NY: Cornell University Press.

deficit in the European Union [...]226. This theory certainly helps to explain why some member-states are in favour of granting more power to the Parliament, but it fails to explain why these powers were not granted to the Parliament immediately, or why the competences of the Parliament have significantly increased in some spheres (legislation, investiture of the Commission) and less or not at all in others (such as the budget and comitology)227.

The issue of the EU's democracy deficit and its supranational order does not exist for intergovernmentalists, as all starting points for research are to be set at the member state level. If the greatest share of political power still remains with national governments, then all issues of political representativeness are already accounted for at the national election level. Understanding the evolution of powers of the EP from this point of view mostly relies on discovering how and why the member states decided to increase the powers of this institution that is quite reductive. Its consequences are but a natural effect of this entitlement, one of only relative importance.

"The first body of literature on European integration maintains that any increase in the Parliament's power will only depend on member states preferences. According to Moravcsik (1998), the outcome of negotiations is close to the lowest common denominator given member state preferences. However, because member states can make "package deals" and establish issue linkages, making concessions to other member states requests when they have little at stake, and demanding concessions when an issue is important to them, the outcomes in individual issue areas are not necessarily equal to the lowest common denominator"228.

The intergovernmentalist literature was initially a response against the classical neofunctionalist authors such as Haas, Monnet, but quickly enough, other academics once again started to put the intergovernmentalist school under scrutiny.

"A second approach [different than the intergovernmentalists] draws on ideas proposed by Hix [...]229 and Farrell and Héritier [...]230231 [...]232. These authors begin from the assumption that treaty provisions are "incomplete contracts" made by actors with imperfect information and short time horizons, which may have "unintended consequences" [...]. Such "unintended consequences" may include interpretations of the Treaty by the Parliament according to its own preferences which diverge from those of member states. Because the latter's choice is an incomplete contract, there is room for interpretation"233.

226 Rittberger, B, 2003, The Creation and Empowerment of the European Parliament, *Journal of Common Market Studies*, 41:2, 203-25.

227 Moury, 2007, 367, 368.

228 Moury, 2007, 368.

229 Hix, S. 2002, "Constitutional Agenda-Setting Through Discretion in Rule Interpretation: Why the European Parliament Won at Amsterdam", *British Journal of Political Science*, 32:2, 259-80.

230 Farrel H. and Héritier, A., 2007a, "Codecision and Institutional Change", *West European Politics*, 30:2, 285-300.

231 Farrell, H. and Héritier, A., 2007b, "Introduction: Contested Competences in the European Union", *West European Politics*, 30:2, 227-43.

232 Farrell, H. and Héritier, A., 2003, "Continuous Constitution-Building in Europe: Codecision and Informal and Formal Institutions", *Governance*, 16:4, 577-600.

233 Moury, 2007, 369.

Even though this study by Catherine Moury was directed at investigating the EP's power to invest and scrutinize the body of the Commission and its negotiations, certain aspects are important to keep in mind: the first is the still present and continuous discussion between the various schools of political integration on the correct or merely different modules for analyzing European integration, and the other is the materialization of the many areas in which the EP has constantly gained influence and political capabilities, among which the growth of powers by the codecision mechanism is but one single, albeit extremely relevant, example. A even a third aspect of great relevance in the above citations is the fact that political actors and (European) institutions can sometimes act as sole entities (despite of the existence of political parties with different political philosophies in their internal dynamics) and can automatically seek to maximize their political profit as a whole, as a single political unit. Not only will these institutions try to materialize their bargaining power through changes in legislation and decision-making systems, they will also automatically assume themselves to be relevant decision-makers willing to have their ideas imprinted in the final decisions. This final aspect is relevant and has already been partially researched concerning codecision by academics since the Treaty of Maastricht through to the Treaty of Nice and in the years after the implementation of the Lisbon Treaty. From this point of view the intergovernmentalist approach can be considered as too extremist and circumscribed for the purpose of this research.

On the other hand, all the European institutions - Parliament, Council, and Commission have their own treaty-substantiated powers and therefore, all of them will try (almost in a liberal way) to maximize their political influence. The same can be said about each individual member state and its government with equal concerns on retaining influence at national, European and global level. A consensus, or rather an accord or agreement between them, is thus necessary in order to equilibrate all the forces at hand. Consensus is an important concept for the understanding of the EU as every actor can be both a partial winner and a partial loser in the negotiations, whether it is a supranational institution, a member state or a group of member states.

Agreement and dissensus are thus two very important concepts for any study on the EU. How an agreement is reached and the nature of the agreement obtained is what is usually under study. This would be the nature of the conceptual history behind these two concepts in the study of the ECSC, the EEC and the EU. The empirical study of variations of consensus or dissensus in the different decision-making procedures and the actual decisions taken can therefore indicate whether political consensus has increased or decreased.

Even though all the powers of the EP were originally delegated by the member states, after this empowerment, several consequences can occur that were not primarily expected by the states. Therefore, the intergovernmentalist research methodology and approach would not be entirely appropriate in certain cases. As Moury asserts, a failure to appoint the body of the Commission could have harsher consequences for this institution (and possibly the EU) than

for the Parliament, hence it is expectable that this institution would exert maximum influence in this procedure²³⁴.

The Parliament, in this procedure for the approval or rejection of the Commission body that was only materialized in legislation in 1983, serves the electability and the democratic principles of the Union. This procedure was one more case, comparable to the increase in codecision areas, where the EP knew how to gain political powers through specific technicalities where no specific rule of procedure existed.

*“Several months before the beginning of the Intergovernmental Conference (IGC) of 1985, Italy declared that it would only ratify a new treaty if it were accepted by the Parliament [...]”*²³⁵.

Although these cases are not directly associated with the growth of codecision-based powers of the Parliament, they serve the purpose of understanding how the EP knew how to use its minimal political advantages to the greatest outcome possible. It was with such political moves, many of which we will study in this thesis, that the EP developed from an observational institution with no real political powers to the present EP after the Lisbon Treaty that has equal powers to the Council of the EU.

Deciding and having a vote in the official body of the Commission is a strong political capability for a supranational institution to have. Since that body is approved or rejected according to the presented projects and proposals of each body of officials, the overall political direction of the Union can be decided at this stage. This power can later affect the nature of the initiatives of the Commission and, automatically, the necessary codecision procedures and trilogues. From this evolution, we can see that all these building blocks were increasingly organised by the EP making it the present institution it is today.

All of these factors and procedures are simultaneously different and related. Even though they are clearly separable as individual mechanisms to enforce the democratic principles of the EU, they cannot be effectively detached when analyzing epiphenomena such as the evolution of the powers of the EP. While this political process for the empowering of the EP did take decades to complete, codecision was first materialized in the Treaty of Maastricht in articles 189 B; C, 190 and 191:

Article 189 specifies the three types of legislative acts i.e. regulations, directives and decisions.

In order to carry out their task and in accordance with the provisions of this Treaty, the European Parliament acting jointly with the Council, the Council and the Commission shall make regulations and issue directives, take decisions, make recommendations or deliver opinions.

A regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States.

²³⁴ Moury, 2007.

²³⁵ Moury, 2007, pp. 373.

A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods.

A decision shall be binding in its entirety upon those to whom it is addressed.

*Recommendations and opinions shall have no binding force*²³⁶.

Article 189 subsections B and C are the ones that delineate the practices to be followed in the whole codecision procedure. Article 191 deals with the final stages of a legislative act, particularly the entering into force. All these articles stipulate the way in which codecision was supposed to work at the time of the Maastricht treaty when more democratic legitimacy, transparency and effectiveness in a political and economic union were the main political ideals for this change.

A communitarian method was then initiated, improved, and applied. The European Commission initiates the decision-making mechanism, the Council and the EP adopt it, and the Court of Justice monitors its accordance within EU law. The MEPs and their parties are therefore recognized as an integral part of the EU's legislative core.

Codecision opened the door to further European integration through enlargements and future revisions of the treaties. The shifting of competences from member states to European institutions came with the segmentation of political powers and a decision-making mechanism that involved all three political institutions with legislative powers. However, in Maastricht, the EP only had the ability to decide under codecision in a limited number of areas. It was still quite clear that the main decision actors were the Commission and the Council, for while European chambers work together towards common goals, but competitiveness is nevertheless an existing factor.

Cooperation and combativeness exist together in the negotiations with each chamber trying to gain the upper hand and have legislation outcomes similar to their own principles. One reason for this animosity between the three main legislative European institutions with legal powers can be gauged through by the fact that the Treaty of Maastricht and the subsequent treaties start with, for example, "*His Majesty the King of Belgians; Her Majesty the Queen of Denmark; The President of the Federal Republic of Germany*"²³⁷[...]" which means that it is the member state and its government and not the European citizen or the EP or even the Commission, the first addressee of the treaties. This is still an important premise for any intergovernmentalist.

This premise is also continued as the treaties aim "*to continue in the process of creating an ever-closer Union among the peoples of Europe*"²³⁸. European citizens are not taken as a single entity but as a gathering of distinct groups even though they share a common European citizenship. European citizens did however gradually increase their capabilities to act as cooperating interest groups and

²³⁶ These articles are available at:
URL: < <http://www.lexnet.dk/law/download/treaties/Ect-1992.pdf> > [Seen on the 24-11-2015].

²³⁷ Idem.

²³⁸ Idem.

increasingly have their voices heard by their own governments and other supranational institutions through a multitude of processes.

It was only after 1991 and Maastricht that the EP and the citizens that voted through European elections began to have a significant representational and effective power. Therefore, codecision began to have political importance with enough empirical proof even though, it was only a statute under a limited number of legislative areas. Even with all the political improvements of the Maastricht Treaty, as the start of a political and monetary union, the introduction of the citizenship of the EU, the European Parliament still remained aside on a large number of political areas. It was nonetheless the start of codecision that formed the roots of the increasing and future parliamentarization of the EU's political life.

There were several reasons as for why the EP was not given full codecision statute in all political areas right at the time of the signing of the Maastricht treaty. One reason is arguably the inherent distrust of the EP's capabilities to deal with such difficult dossiers and to respect deadlines of formal opinions regarding certain legislative proposals²³⁹. The EP had to assure its partners that it was up to the task and willing to have its opinion heard on the European stage. It took the EP more or less 18 years for it to gain the necessary confidence and support from its European colleagues. Through the determination it showed and the maximum use of every small political victory, the EP became able to significantly and increasingly affect the EU's political system.

The EP would need to be an institution with European parties in a direct relationship with civil society, the media and European citizens for it to effectively be able to fight against this perceived democratic deficit.

Jacques Delors said in one of his speeches in October 1992:

"Secondly, one of the difficulties arises from the fact that the Treaty [of Maastricht] is ambiguous as regards its institutional philosophy. On the one hand, as far as economic and monetary union are concerned, it is federalist in nature and the opponents of federalism will reject it. But at the same time if we look at the part concerned with foreign policy and security it is intergovernmental in its approach. Should we take exception to that? No. for those with long memories I would remind you that under the chairman of Winston Churchill in 1948, in a period where enthusiasm was greater than nowadays, because the older generation had fresh memories of the terrible images of war and confrontation between Europeans, the Europeans came together in The Hague. They wanted peace. And they gained it via the construction of Europe. But this enthusiasm ran out when it came to drawing up a communiqué because, the history books tell us, of a clash between the federalists on the one hand and the unionists on the other. And since then the Community has only progressed as a result of compromises being reached between these two schools of thought. I trust you will forgive me for being a bit too simplistic but this clearly shows that the compromise achieved at Maastricht

²³⁹ Accusations of over-talking were and are old anti-parliamentary *topoi*, still powerful in the inter-war era or in the Gaullist critique of the III and IV republics.

was the only one possible. I think if we were to call it into question today this would condemn Europe to a lengthy period of stagnation".²⁴⁰

The Treaty of Maastricht was indeed, as Jacques Delors notes, a compromise, an agreement between two philosophies of European integration when the transformation of an economic union into a political union was still problematic. Together with this political union came the parliamentarization of the union. It is then possible to theorize that parliamentarization was a consequence of the political union, giving a third institution like the EP more leverage in decision-making in a few important areas. It was the beginning of a test being done on this new reinforced parliament. Although the EP was, at this time, not as powerful as it would be after the Lisbon treaty, it yet had to reassure its voting citizens, the member-states' governments, and all of the European institutions and agencies that it was indeed a trustworthy and efficient institution.

The EP was, at the beginning of its functions after Maastricht, much more decisive and prone to great dissensus with the Council. It was only after some legislatures that it started to have more and faster agreements in the codecision procedure leading to more concordances being made in first reading.

The Italian MEP Lagorio said in 1992:

"Mr. President, in an interview that has just appeared in an Italian newspaper, the famous theorist Karl Popper added his authoritative to the chorus of criticism of the bureaucratic monster of Brussels heard in Europe immediately after Maastricht: you have got it all wrong – he warned -: the Community is not democratic; it is dogmatic; the Brussels executive has too many powers without any balance in them: we are being led by dirigistes. That is what Popper said. Other important figures have already said and are saying much the same and some European chancelleries are showing signs of being influenced by it.

One might expect the federalist wing of European unionism to collect round these criticisms, in their disappointment that Maastricht did not establish a real and genuine plurinational democratic European state. But that is not the case: the federalists are grumbling, but are accepting Maastricht. The criticism is in fact in the symptom and sign of a movement of opinion opposed to federalism and marks a rather delicate European political moment in time. In fact, people are speaking and writing of a sudden decline in the European spirit and even saying, which was quite inconceivable until a few months ago, that the European Community is "in crisis".

Mr President, there is something about Maastricht that has produced an antibody which must be destroyed before it is too late. It is indeed a question of democracy in the Community and the Birmingham summit will have to produce a response, will have to define an additional protocol to highlight the political and democratic nature of European integration and press for the projected institutional developments.

I will never be among those who blame the Commission. At the Lisbon summit President Delors already acknowledged and explained what we might call the "excesses" of Brussels, but there is no question that without the obstinacy, the energy,

²⁴⁰ Delors, J., 14-10-1992, Debates of the European Parliament, 14-10-1992, N^o. 3-422/6, European Parliamentary Research Service, Historical Library Service.

the determination of Delors, his assistants and the body of the Commission, the rubber wall of the national governments would have absorbed the blow; the step forward represented by Maastricht would not have been taken.

The treaty must therefore be ratified and the European Parliament must ask the individual states to ratify it, as Felipe Gonzalez put it so well, without ratifying what the others will do. Expressions such as renegotiation or revision must not enter our vocabulary".²⁴¹

As these words denote, Maastricht was a compromise, an understanding between several nations and institutions that completely changed the nature of the union, but also gave the opportunity to the EP to increase its legal powers.

6.2.2 From Maastricht to Lisbon

The next main political step in this evolutionary path of the EP and co-decision came with the Treaty of Amsterdam. The Amsterdam treaty was signed on the 2nd of October in 1997 and enforced in May 1999, becoming one more instrument to fight the democracy deficit and get the governments of the EU working closer together. The codecision procedure was now enlarged to 32 areas, which means that the EP gained competences in 17 new areas (in the Maastricht treaty codecision was a statute for only 15 legislative fields). Accountability was also an issue in this treaty, as the European Commission would need the consent of the EP and the Council when choosing its members and its policy guidelines. Codecision was enlarged but not enough, which opened the door to future treaty revisions, namely the Treaty of Nice.

Even though parliamentarism was an issue in this treaty by giving the EP further capabilities in the legislative sector, mainly through codecision and by approximating national parliaments and governments, it failed to provide more steps for an effective and transparent political union. The EP did nonetheless increase its statute by its strategic struggle amidst European institutions which proves not only its effort and resourcefulness but also the trust it gained from its European partners. Little by little the EP was becoming one more representative of the different political views of the EU citizens, consolidated in a European institution that was increasingly able to change European legislation and the EU as a whole.

Decades of joint work and research between the Council and the Commission gave them a relative ease and trust when approving legislation. The same did not happen with the EP as for roughly 30 years it was kept out of the legislative arena (however, not completely). Codecision was nevertheless necessary as qualified majority voting in the Council gave less leverage to member states and more to the EU²⁴². Giving more powers to the EP would fight this deficit and make policy-making more democratic and legitimate.

Since, according to Weber, power or political power is the chance or ability, within a specific social construct, to change certain legislation according to

²⁴¹ Lagorio, S., 14-10-1992, Debates of the European Parliament, N° 3-422/33, European Parliamentary Research Service, Historical Library Service.

²⁴² Costello, Thomson 2013; Sargento, 2012, Steunenbergh, 1994.

one's beliefs despite friction from others, one can assume that the EP was gradually winning more powers through the years²⁴³.

*"Macht bedeutet jede Chance, innerhalb einer sozialen Beziehung den eigenen Willen auch gegen Widerstreben durchzusetzen, gleichviel worauf die Chance beruht"*²⁴⁴.

This power would have to be visible in the agenda-setting, in decision-making, in the introduction and adoption of a certain legislative act. The history of the political behavior of the EP amidst European institutions is a curious one as the procedural rules were one area that the EP had to originally be able to change if it wanted later to alter EU policies according to its initial opinions. The EP was able to do this first by having more areas under the statute of co-decision and later by having its voice heard and effectively changing the nature of the legislation. Any disagreements between the EP and the Council would be solved in conciliations including members of both chambers, which is, of course, a normal practice in bi-cameral parliaments. Oddly enough, the EP was at first quite demanding, which meant that lots of legislation would reach third reading in the decision-making process, but as the years passed and the EP became accustomed to EU's proceedings, agreements became easier to reach between the EP and the Council which meant that most processes were resolved at the first reading stage.

There is also an academic controversy on whether the Commission can indeed affect legislation outcomes²⁴⁵ since the EP and the Council can amend legislation without the consent of the Commission. On the other hand, it is known that the Commission often serves as a moderator between both actors²⁴⁶. In the Amsterdam treaty both institutions were equal when we analyze their influence under a codecision statute.

Voting rules to reach decisions inside each institution also affect the bargaining success of each political actor. The Council had a qualified majority voting system (or in some cases unanimity) and the EP needed absolute majority at first reading and simple majority at conciliation to fully reject or amend the Council's proposals. All these regulations were materialized in the changes to article 251 TEC (ex. article 189b)²⁴⁷.

We must also remember that the EP's reunions and plenary voting are public and thus available to the Council, whereas the Council's negotiations are usually behind closed doors, which leaves fewer opportunities for the EP to search for disagreements and use them in its favor. The Council has thus leverage on the knowledge of the Parliament's deliberations and so does the Commission, at least partially.

²⁴³ See also: Weber, M., ed. 1980; Whimster, S., 2004; Vihinen, 2001.

²⁴⁴ Weber, 1922, pp. 28.

²⁴⁵ Costello and Thomson, 2013.

²⁴⁶ In the EP's rules of procedure the intervention of the Commission is included; see Wiesner, Haapala, Palonen, 2017.

²⁴⁷ This article and the whole treaty is available at: URL: <<http://www.lexnet.dk/law/download/treaties/Ect-1997.pdf>> [seen on the 09-12-2015].

Another circumstance worth mentioning is that if an institution has an opinion shared by all its members, (MEPs or member states depending if it is the EP or the Council) that institution has more bargaining power. Political unanimity is also a factor in decision-making and a variable in its bargaining failure or successfulness²⁴⁸. The lack of unanimity will, on the other hand, be more damaging to the EP in its dealings than to the Council.

Of course, a parliament is procedurally an institution that operates with dissensus and debate – it would disempower itself, if unanimity were the rule. This means, of course, that parliamentary deliberations are, by intention, more time-consuming, because time is part of the resources in the procedure and debate, but the parliament also has different types of resources to save time and terminate debate with a resolution²⁴⁹.

The success or failure of each chamber would be measured by the knowledge of the opinion of each other and the final outcome of that policy. The opinion closest or most similar to the final outcome of the legislation would indicate the winner of the negotiations even though at times identifying such a winner is difficult. Several studies have pointed out that even though the EP has been victorious in many cases, the majority of victories from 1999 to 2009 were attained the Council, however, not by great difference²⁵⁰.

The EP has been shown to be more successful in the decision-making procedures in areas such as regulatory policies rather than the distributive ones and more prosperous in subjects that establish bigger payments in industry-related associations. Costello and Thomson (2013) actually assert that no matter what the procedure used in the deliberation, the Council will, in theory, always have the upper hand. However, the Commission with its diligence and the knowledge of the actors with influence in the subject matter can indeed have an effect on policy outcomes.

The EP, being the most open institution in this political triangle can certainly raise issues that easily reach the attention of the other actors as it has a great capacity for politicization. Costello and Thomson (2013) claim that in a given dissensus between the EP and the Council, it is the Council who has the most power at the start of the negotiations.

An important issue raised by these two authors is that disagreements inside the Council are not as damaging as divisions inside the EP. Despite all frictions, the EP has been able to fully assert its influence and might and to alter legislation according to its own joint beliefs. Codecision after Amsterdam did not increase the EP's legislative powers in a considerable way, it merely diminished the Commission's competence in the negotiations. This treaty changed the Council by increasing qualified majority voting and adjusting the representative weight of each country in the Council but it did not reduce the size of the Commission as it had promised, mostly due to the demands of the smaller member states, which did not want to lose their representatives. This treaty did

²⁴⁸ Costello; Thomson, 2013.

²⁴⁹ Palonen, 2014.

²⁵⁰ Costello, Thomson, 2013 and Sargento, 2012.

simplify codecision though, increasing its transparency. Henceforth, Amsterdam did amount to an innovation by allowing an agreement to be adopted at first reading.

The EP also gained victory in the sense that now the Council could not go back to the draft in the common position if an agreement was not reached and consequently, an agreement in the committee was necessary²⁵¹. No matter what each academic may believe or uphold it is universally accepted that both the EP and the Council became interdependent through the evolution of these treaties and a new decision-making culture was gradually being used and accepted between all of these institutions.

The number of codecision procedures included after Amsterdam increased, additionally, after this treaty was signed, as 204 codecision files were successfully finished by mid-2002. Let us remember that only 165 were concluded during the Maastricht years²⁵². We can therefore say that both the EP and the Council were strongly able to join resources and establish deep contacts and negotiations right from the beginning of the procedure.

A new working philosophy between both chambers became progressively more necessary. That was the origin for the creation of not only this treaty but also the "*Joint declaration on practical arrangements for the new co-decision procedure.*" The idea behind this declaration was to accelerate decision-making and increase the number of agreements. However, a strain was felt between the two institutions particularly the Council. This chamber did nevertheless present a report at the end of 2000 stating its optimism towards the new system²⁵³.

Getting agreements at first reading is demanding on both actors. The Council has to involve rapporteurs, chairmen for the Committee of Permanent Representatives (COREPER) and other representatives. This Committee answers to the Council and is composed by the heads of mission from the member states that prepare the workings for several Council areas of expertise or policy areas.

The different presidencies of the Council can also push for faster agreements on specific legislation that meets their presidencies' goals. In April 2001, for example, the Swedish presidency of the Council was able to successfully make EU institutions more transparent by securing the right of admission to EU files.

The EP's deliberations are highly public but not regarding nominations to the Conciliation Committee, which are held secretly, as well as its decisions. Conciliation was thus understood as a system for clearing doubts and arranging common solutions where first and second reading were not enough. Accordingly, attempts were made after Amsterdam in order to have members of the Council attending EP's committee meetings and have delegates of the EP attending the Council's negotiations. These were struggles with low chances of success as they undermined the secrecy behind the Council's meetings and in-

²⁵¹ Shackleton, Raunio, 2003.

²⁵² Shackleton, Raunio, 2003.

²⁵³ Idem.

creased the workloads on both sides but it is also true and understandable that inside the EP lots of actors wished to use any means imaginable in order to gain leverage in the decision-making. This secrecy is partially due to the fact that the Council, despite the majority decisions, still seems to not accept being a second parliamentary chamber but only a diplomatic body, as does the European Council.

The desire for faster materialization of laws had been intensifying long as EU institutions always came under the scrutiny of the citizens and civil society accusing them of being distant and slow while decision-making was constantly facing delays. Therefore, a faster and more transparent system would sooner or later become necessary. The entrance of the EP in the deliberation was necessary but at the same time it increased dissensus and divergent opinions and, most importantly, it slowed down deliberation even though providing sufficient time is a distinctive and common aspect of the parliamentary mode of proceeding. This aspect makes one aware that accelerating decisions and rapidity in consensus making, even though an important ideal is not the only goal in the legislative chambers of the EU. Transparency, democratic principles such as the fight against the democratic deficit as well as equilibrium between the three main legislative institutions was also necessary ²⁵⁴.

The political system would not be a fully parliamentary one as there was no single European chamber but a mix of European institutions, parliaments, constitutions, and elites spread through different institutions with different kinds of powers; thus, a European-wide governmental stability relied on power sharing systems to avoid increased dissension and a monopoly of powers. Cooperation and general agreement were achieved in multi-level governance with concessions in a union of different nationalities and mentalities. Legitimacy was hence obtained through a joining of national political constitutions, each one with its particular set of rules and traditions that were democratically chosen by its citizens. These governments delegate some of their powers to the EU in order to have its policies and economies linked with a set of other larger or smaller countries, thus gaining a stronger set of tools to deal with an ever-changing world. Policy-making becomes very detailed and advanced in the hands of an elite divided among Commission and Council technocrats and EP committee experts.

With the competences of the EU increasing so did the parliamentary and regulatory branches of each institution. Agreements were to be reached on a political and scientific level of expertise, only available to a restricted group of people with great knowledge of the subjects at hand. This political system joined European-wide institutions with multi-governmental structures and co-decision, as it stood after Amsterdam, led the way to a Union based on a mix between parliamentarism and intergovernmentalism.

The push for agreements at first reading can be seen in a multitude of ways. Efficiency, quickness, parliamentarization and its need for management or the struggle against work overload are all causes for this need for concord.

²⁵⁴ Shackleton, Raunio 2003.

Even though dissensus will always be present, the Amsterdam treaty pushed for faster negotiations in the rules of procedure of the EP but also in the co-decision system itself where several time limits were set. Highly discussed issues such as the inscriptions on tobacco commodities were finished 15 months after the Commission's initiative in May 2000²⁵⁵. Declaration 34 in the Treaty of Amsterdam is another legal proof of this commitment. There were, however, no officially established deadlines for the acceptance of the common position after the first readings of both the Council and the Parliament.

Amsterdam did start to provide access to EU documents which was an innovation. Changes in the decision mechanisms were nevertheless still necessary. If the Parliament works on an open system of deliberation through European parties' representatives, the Council operates as a secretive system of intergovernmental debates. The decisions at the Council are known at the time of their release but the process behind it is usually kept in secret.

Trilogues were thus becoming the accepted norm and the EP as a natural member, almost like a, at the time, a "sixteenth member state"²⁵⁶.

Codecision at the time of Amsterdam was working well. No academic can honestly say that the Treaty of Amsterdam was a failure. The very signing of the treaty is proof of its success. What can be considered as failing are the aspects where the treaty could have gone further. Amsterdam left flaws that future treaties would have to deal with. Parliamentarization of the EU decision-making was continued but increased openness and contacts between civil society and EU institutions still needed further development. The EP needed to assure it was a fully independent, an original and innovative institution capable of bringing more voices from different social spheres into the deliberation process. The Parliament still failed to deliver a strong message capable of increasing the votes in European elections (something that still occurs today).

An adequate institutional system for all member states and EU institutions still required several changes to EU treaties. Decision-making mechanisms are therefore just as important as the laws themselves if one is to understand the EU and its quest for democratic and legitimate ends.

The Amsterdam treaty's unfinished agendas opened the door to a new designing of the European Union's political structure and actions. Consequently, the Treaty of Nice continued this logical trajectory in the evolution of codecision in the EU and made several transformations to many processes. This treaty was signed on the 26th of February of 2001, when the constant change and revisions of European treaties were proving the need for a transformation in the Union but also an inherent need for the Union to keep up with an ever-changing political situation on this continent and also the world. This treaty would have to be signed and effective before the next eastern enlargement that would take place in 2004.

Eight countries from what is traditionally known as Eastern Europe together with Malta and Cyprus (10 new member states in total) would be part of

²⁵⁵ Idem.

²⁵⁶ Shackleton, Raunio 2003.

the Union from one day to the other. All the necessary political and structural changes would have to be arranged for a very different political union.

Taking the Treaty of Amsterdam as an example, this was a negotiation that was enforced and working fully for close to two or three years – a very limited time.

The IGC of February 2000 was planned to start the preparations in the EU's structures to accommodate what would be the greatest enlargement in the history of the EU. Nice gave codecision statute to 8 new political areas, making the total rise to 40 political areas, now decided under this procedure. The unresolved issues of Amsterdam proved to be more than slight setbacks, they were part of the core of the structural problems of the EU at the time, namely the defining of the national votes and majority voting at the Council, the framework of the Commission, and the number of MEPs. This design would have to be based on a quasi-mathematical formula. The expectations of the institutions and of the old and new member states gave policy makers the desire for change in this historical evolution.

Several summits and communications from member states paved the way for the recognition of desired political transmutation such as Germany requesting two IGCs on several issues; the Helsinki summit, that wanted to focus on the changes to the three biggest legislative institutions, and even the Biarritz summit.

A communitarian method for a larger Union demanded more independent and stronger institutions. The Commission kept its role as the guardian of the treaties, the EP as the direct representative of the European citizens and the Council as the backbone of the intergovernmental approach. In this communitarian method, the existence of communitarian chambers such as the Council allowed smaller countries to have bigger influence on decisions as well as maintaining of symmetry in the responsibilities of each element.

The IGC that designed the Maastricht treaty used an original text that was changed many times until all the unfinished topics had been settled; the IGC for Amsterdam preferred to use loose texts, a non-legal style of writing, and slowly find similarities of opinion between everyone involved. Lastly, for the designing of the Nice treaty a mix of methods were used, such as reports or statements coupled with legal texts, among other systems²⁵⁷. The main target areas for the Treaty of Nice were the regulation of qualified majority, increasing codecision areas, structuring the votes at the Council, the format of the Commission, the distribution of seats in the EP, overall respect for transparency, and enhanced cooperation. Decisions had traditionally been reached, since the original Treaty of Rome, either by unanimity or qualified majority. However, the "Empty Chair Crisis" originated by De Gaulle in 1965 and the uneasiness it reverberated for the next decades led, little by little, to the fact that qualified majority, and in parallel terms codecision, would become the main structures of EU policy-making. However, some political provisions were still subject to an unanimity vote. Amsterdam did not change much in this development. Qualified majority

²⁵⁷ Xenophon, 2001.

would become the rule and simple majority and unanimity the exceptions. With the 75 provisions that were still decided under unanimity ruling, a change would be needed as, with future enlargements, provision agreements under unanimity would become almost impossible to reach.

With this in mind, a complete interruption of the EU's proceedings would become a foreseeable risk. Thus, a common affirmative response was a necessary stance that the EU would have to build through its legal foundations in which case-by-case resolution would solve this intricate predicament.

Adjacent to this issue came the problem of the weighting of the votes at the Council. Ever since the Treaty of Rome smaller member-states had proportionally higher voting weight than member states with bigger populations. This was intended to create an equitable redistribution of votes inside the Council of Ministers. However, with the expected Eastern European enlargement, the higher number of small member states would compromise the equilibrium of the formula.

The formation of the Commission would automatically also create a new problem as ever since its beginning, this chamber had increased and divided its size, organization, and distribution anew with each enlargement. With the first enlargement (Denmark, Ireland, and the UK) the Commission went from 9 to 13 seats; with the entrance of Greece to 14; Portugal and Spain increased the number to 17; and with Austria, Finland and Sweden the number went up to 20²⁵⁸. The total of 20 commissioners was comprised of one Commissioner per member state and two from the five largest states (France, Italy, Germany, Spain, and the UK). With the so-called eastern enlargement this number reached 30 - the Prodi Commission started with 20 Commissioners and the enlargement gave it 10 more for a total of 30.

The first Barroso Commission started with 27 Commissioners though and the second one with 28 after the entrance of Croatia. However, there was still doubt at the time prior to the signing of the Treaty of Nice about whether Turkey would eventually be in a condition to enter the Union or if all of the ten member states scheduled for accession would indeed join it, or only some of them.

The Commission presently still has one Commissioner per member state, but this was obviously unknown and unexpected at the time of deliberation for the Nice treaty. Albeit all the enlargements were agreed, a potential scenario of an ineffective Commission was also a looming danger; hence, this treaty limited and changed the number of seats per member state in such a way that bigger countries such as Britain, Germany, France, Spain and Italy would no longer have two commissioners each.

Qualified majority voting was also starting to be used by the Council when choosing the European Commissioners. Before this treaty, unanimity in the Council was necessary. The Council would then send all proposals for Commissioners for the EP to approve, a system that allowed for a bigger control of the Commission by the Council and the EP. Before this treaty, unanimity was

²⁵⁸ Xenophon, 2001.

necessary and therefore the system was not as flexible whereas qualified majority gave this process some adaptability. Any delays in negotiations that affected the functioning of the institutions of the EU would diminish their capabilities of approving legislation, which also gave the Council and the EP further room to control European Commissioners.

The discussions regarding the EP in Nice were focused on the dossiers to be included in the codecision statute and the total number of MEPs after a future enlargement. As with the Council voting, in the EP, smaller member states also had a proportional advantage with more MEPs. This system was called regressive proportionality. At the beginning of the EP, this chamber had 518 MEPs chosen at the first elections in 1979, but now the number of MEPs would rise to 732 and the European elections of 2004 (and any future elections taking place after the enlargements) would also have to be ready for the entrance of the new MEPs.

In this mix of achievements and changes, article 191 TEC was changed in order for a statute for European parties to be created and their funding included under codecision.

Article 191:

Political parties at European level are important as a factor for integration within the Union. They contribute to forming a European awareness and to expressing the political will of the citizens of the Union.

The Council, acting in accordance with the procedure referred to in Article 251 [co-decision], shall lay down the regulations governing political parties at European level and in particular the rules regarding their funding²⁵⁹.

The regulation of the responsibilities of the MEPs would also be decided and approved by the Council through qualified majority. The Treaty of Nice was then globally an attempt to change the EU in the face of future and expected enlargements. However, when Ireland voted against the Treaty of Nice in June 2001, the EU's enlargement to the post-communist states was temporarily halted.

The Treaty of Nice was the only material and solid agreement which allowed institutions to formally and internally change and include old and new countries, which meant that the failure of this treaty to pass would need support among all old member states. All the five main bullet points that this treaty wished to respond to would have to be rectified, therefore, the EU could be blocked from future action. This was to be the fifth European enlargement and the biggest ever even until today. Not only was this enlargement the largest in terms of number of citizens, number of member-states, geographical area and number of languages, it was also the most complicated and detailed as the *acquis communautaire* had increased and changed its nature. Some of those countries did not request permission for accession; they were actually invited by the Union to join its structures.

²⁵⁹ This treaty is available at: URL: <http://www.lexnet.dk/law/download/treaties/Ect-2001.pdf> [Accessed on the 10-12-2015].

Article 49 of the TEU inside the Treaty of Nice therefore states:

Any European State which respects the principles set out in Article 6(1) may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members.

*The conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails, shall be the subject of an agreement between the Member States and the Applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements.*²⁶⁰

As it is stated in this last article, a reference in the first paragraph is made to Article 6(1) of the TEU, which states:

1. *The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.*

2. *The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.*

3. *The Union shall respect the national identities of its Member States.*

4. *The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.*²⁶¹

The collapse of the Soviet-styled governments in Eastern Europe increasingly gave the EU an impetus for greater inclusion and extended membership and the fact that the EU was actually proposing the entrance of the new countries even before submitting a formal request to them by starting procedures in 1991 was a tempting invitation for these countries as well as an opportunity for a bigger union that would automatically have to transform itself. As for all the past enlargements, the EU was increasingly seen as the next logical geo-political move for the new democracies. The European project was not only something to be achieved and fought for inside every member state, it was also a conceptual ideal of a united Europe that was gathering newer members. Not only was the European project a subject for each new member-state's foreign policy, it was an archetypal understanding of a new democratic European contract between nations.

The EP had experienced difficult times since its creation in order to be able to change legislation according to its own beliefs, in other words, to gain more political power. This transformation made the EP a parliament of parliaments, an institution that is comparable to a mix of national parliaments and the Council of Ministers where both the EP and the Council act as a bicameral institution

²⁶⁰ This treaty is available at URL: <http://www.lexnet.dk/law/download/treaties/Eut-2001.pdf> [Seen on the 10-12-2015].

²⁶¹ Idem ibidem.

with the EP representing the EU's citizens and the Council, the EU's governments²⁶². In it, the Treaty of Nice delineated a limit of 732 MEPs.

The ability to create European political parties reorganized the EP and enabled this chamber to act in a similar fashion to the national parliaments. They can also create coalitions and act in groups, defend parties' opinions and act according to national or personal interests. European citizens would also, in theory, feel closer to an institution directly elected by them and also acting closer to them.

European parties and MEPs are therefore born from national parties. Not only will they act according to their own beliefs, they can also act as representatives of national political parties and in some cases, national governments. In other words, MEPs can act according to a multitude of ways when facing a legislative proposal, which gives them great political flexibility. A number of interests and opinions he or she can follow are open to him or her as plausible scenarios. However, studies have shown that MEPs tend to behave according to their national partners and nationality and not so much in terms of their own individual ideology or EP affiliation²⁶³. Party cohesion is nevertheless visible and researchable in all European parties.

The conclusions presented by Hix show that the creation and institutionalization of European parties may not have changed the EP much. The difference might stem from the fact that it is the communication between the MEPs and national governments that might change the most as MEP's increasingly have greater powers. The EP also gained the capacity to claim that a given EU institution's acts were void without stating a particular concern as it was before. The EP thus became more independent, accountable, and more capable of exercising influence and supervision of other institutions. Its authority and scope increased not only through the greater number of areas under codecision statute but in its internal dynamics and through the expected enlargements which would increase its representativeness and role inside the member-states as well.

It is also important to mention the declaration in article 21 of the TEC that urged all institutions to ensure that all demands from EU citizens are dealt with and answered within a limited amount of time, which concerns us when studying, not codecision in particular, but this paradox in the EU system of governance.

Article 21: Every citizen of the Union shall have the right to petition the European Parliament in accordance with Article 194.

Every citizen of the Union may apply to the Ombudsman established in accordance with Article 195.

Every citizen of the Union may write to any of the institutions or bodies referred to in this Article or in Article 7 in one of the languages mentioned in Article 314 and have an answer in the same language.²⁶⁴

²⁶² See also: European Parliament, 2012.

²⁶³ Hix et al, 2002.

²⁶⁴ This article and this treaty are available at: URL: <<http://www.lexnet.dk/law/download/treaties/Ect-2001.pdf>> [Seen on the 11-12-201

Enlargements of the EU therefore increased the geopolitical area of the EU but also the responsibilities inherent to all legislative institutions. They demanded structural advances in the chambers but also in their ability to respect deadlines and new or existing diligences. All of this would have to be achieved without affecting attentiveness to details in political issues and respect for the communitarian method.

Article 191 of the TEC (ex. article 138a) in the Treaty of Nice stated the general recommendations made to the European parties. These were the global instructions given to European parties which had continued practically unaltered since the Treaty of Maastricht, whereas political parties at European level not only reorganize the EP, they serve as specific structures to fight democracy deficits. The principle of subsidiarity is not greatly affected by the Treaty of Nice and the structures of responsibility divided by the Commission and the Parliament remain largely unaltered. However, the principle of enhanced cooperation was affected by Nice as at least 8 countries needed to act together under this principle created in the Amsterdam treaty.

The Treaty of Nice used the imminent timing of the largest accession of countries to the EU from Eastern Europe and the Mediterranean as a chance to restructure its functioning and also as an attempt to resolve its institutional dilemmas that still remained from the Amsterdam treaty. The perceived democratic deficit that was always a concern, particularly after Maastricht, continued the push for change in structural and decision-making mechanisms.

This enlargement, together with this representational deficit, created the perfect political storm that demanded swift action from all member states, institutions, and agencies and led to the signing of this Treaty of Nice. It can clearly be said that this treaty was indeed a victory for the EU, its institutions, its old and new member states and particularly the EP, which continued its steady path of constantly being able to gain more legislative powers amidst the Council and the Commission. Legislative power and its representative structures were always the two parts of the paradox that led to the changes in codecision and deliberation measures. This paradox facing a great enlargement of the EU's political space forced an understanding in the member states and European institutions for a new treaty. The Nice treaty was therefore a success, particularly regarding the 2004 enlargement as the new member states incorporated the EU structures quite efficiently.

The Nice treaty was not, however, a complete victory for EU mechanisms as further political struggle needed to be engaged in against the democratic deficit. Despite this, only five years were necessary for the EU, to reach a new consensus for a new treaty. This 2004 enlargement thus created new structures and opportunities in the EU, but it also opened existing scars and exposed the need for political changes. However, the EP was now a super-parliament with more than 700 MEPs from 25 different nationalities (27 after the accession of Romania and Bulgaria in 2007). Its political power now stood increasingly greater with this treaty; however, a considerable number of important policy areas still failed to be under a codecision statute (for example, the Common Agricultural Policy).

This political dialectic would still endure further problems such as the clash between national and European interests or the desire for a greater cooperation between civil society and European institutions, where smaller political groups and member states would need to have a greater voice in European affairs and be able to gain some power against the largest member states. The larger states would not have the upper-hand in the formulating of policies and neither would the European institutions. This mix or fairer distribution of powers was enhanced with this treaty but not without flaws. Still, the increase in qualified majority voting, the rise of the policy areas under codecision and the 2004 enlargement created a completely different union if we compare it to the union that emerged from the Amsterdam treaty.

Even after all the modifications made with the Treaty of Nice it is still unclear if these were as revolutionary as they intended to be. Abstention in European elections still remained high, as well as distrust between European institution officials, and still no enduring and effective links existed between these chambers and civil society. This European paradox born from higher efficiency, transparency, and democracy-based systems of governance did not effectively change the political representativeness aspect of EU decision-making. The Treaty of Nice ended up being one of the most important treaties in EU history as it changed the EP, the Council and the election and formation of the Commission. The three main legislative institutions of the EU were altered to a great extent making the union ready for the biggest enlargement since its creation: the EU would include close to 500 million citizens as well as almost 50% of the entire European geo-political space. Even though the Treaty of Nice was written and designed for 15 member states, its changes were already taking into account the upcoming enlargements and the entrance of these new countries. Depending on the number and characteristics of these states, the exact structure of all European institutions would be determined. Many rules of the Treaty of Nice did not have any immediate effect though, as innovations in the EP would only come into force after the 2004 elections (however, qualified majority voting would be adopted immediately after the implementation of the treaty). Some of its changes were only materialized as late as 2009, delaying the full consequences of this treaty. This is in any case a normal occurrence in the implementation of treaties and European legislation.

The capacity for innovation and improvisation amidst the EU elites is nonetheless surprising and a sure cause for its success since 1957. No such social and economic experiments were ever done in the entire world which shows the tremendous political effort behind, not only this treaty, but the EU in general. Despite all its innovations, the EU would still continue with its ever self-regulating and self-changing nature up to a point where a new treaty was needed.

The Treaty of Nice, all its victories notwithstanding, was still not enough for a safe, stable, legitimate, and fully representative model of governance. One can claim that no technical leftovers derived from Nice, but its goals and the EU's were not fully met, as the enlargements were the real reason behind the

treaty as well as the necessity to revise the structure of the institutions. If the enlargements had not taken place, the Treaty of Nice would not have changed the EU to any great extent. In this sense, the enlargements were both the reason for its success and its partial demise. The task was nevertheless immense involving a large number of data, speeches, political stands and behaviors, and variables of different nature, which had to resolve the power struggles inside the EU.

The future Treaty of Lisbon would become the missing piece that put all the political remains from Maastricht, Amsterdam and Nice in a new paradigm of European governance. All sides would have to give part of their seats and influence in order to receive new member states, new MEPs or commissioners. The division of powers between EU countries and the legislative triangle continued, as it always had, at the center of negotiations as the status quo was not altered to a great extent and co-decision was only modestly expanded.

Mistrust of the member states towards EU institutions and other countries still existed, a predicament that still persists today. Regardless of the fact that the EU institutions had and have the EP as an effective and respected member in deliberation through codecision, the EP is still overlooked inside this political triangle²⁶⁵.

The Heads of State and Government and the authors of the treaty immediately established the convening of a new IGC for 2004. The new power equilibrium in a larger EU was the true innovation in Nice, a truly multi-polar EU. This very existence of a political union with mixed levels of power would thus become very appealing to new countries, as not only would they be part of an economic union in which several economic giants participated, but also the old fears of a centralized power based in Moscow with no real opposition in the area were no longer viable. If it is true that the new member states would lose some of their competences to EU institutions, their role in a polarized and democratic union with access to European funds and closer ties with economic superpowers would certainly prove to be a much more positive ideal.

The extension of the EU's geopolitical space increased the complexity of deliberation. This factor can negatively affect and undermine representativeness and effectiveness as inequality in political power can stem from several economic, social and demographic factors that shape the positions of countries and institutions on what is just or not. The relative power of these actors would then affect the outcomes of not only the decision-making processes but also the legislation itself. The joining of all these variables can then determine the political path chosen. After all the implementation of measures, it becomes possible to analyze the changes that certain treaty or decision had in the EU's governance.

Several coincidental facts in the development of the EU had more influence than others. The increase in democratic representation systems in the EU was overshadowed by the imminent enlargement of the EU by the time of Nice, but it was nevertheless an important factor as it gave the tools to increase the

²⁶⁵ Sargento, 2012.

Union and to consolidate the Euro currency, giving its countries a stronger international presence. This treaty was part of the continuing tradition of a typical communitarian method, which was also a symbol and a reason for its success. It was a successful treaty and a necessary one that dealt with the problems at hand, related primarily on the future enlargements of the EU. But it failed, or in other words, it opened the door to further IGCs and eventually a new treaty – the Treaty of Lisbon, which resulted from the failure of the Constitutional Treaty. The number of codecision procedures did increase after Nice which is our main issue at this point.

Even though the Constitutional Treaty did bring many new ideas that would later be part of the Lisbon treaty, the fact that this treaty failed to gather enough support between the member states makes one increasingly focus one's attention on the Lisbon Treaty. With this new treaty codecision not only became the "common legislative procedure", it became, as the name states, the general system for adoption of European acts. Codecision is now a system of parity between the EP that represents the European citizens and the Council (now called the Council of the EU) that represents the member states governments.

The Commission continues as the guardian of the treaties, initiating legislation and sometimes serving as a mediator between the Council and the EP when resolving disputes. It still remains as the main structure symbolic of the Communitarian approach that acts for the welfare of the entire union.

For the first time in the EU's history we can clearly say that the EP legally has the same powers as the Council, as there are practically no political areas that are not subjected to the codecision procedure. If in past treaties, the EP had started to have a proper role in codecision, this statute was not applied to all areas of EU legislation. The Lisbon treaty brought the remaining areas that were not subjected to this procedure under this clause. Not only were 45 new areas now decided under codecision, these were also some of the most important and expensive policies in the EU - such as the CAP, the Common Fisheries Policy, external trade, and others. The frequency of trilogues of an informal nature had risen while the total number of codecision files also increased through the years. The Lisbon treaty did not affect this tendency.

The average time needed to reach agreements has also decreased as not only did first reading become the norm, institutions have been able to reach consensus faster. The EP's committees that mostly benefited from this increase in the number of codecision areas were the committees of Agriculture and Rural Development (AGRI), Fisheries (PECH), Civil liberties, Justice and Home Affairs (LIBE), and International Trade (INTA).

The EP now intervenes in practically all areas of European legislation through codecision or, in other words, the ordinary legislative procedure (article 294 of the Treaty on the Functioning of the EU) and the most significant areas are in the Common Agricultural Policy, the Fisheries Policy, the cooperation with countries outside the EU, the structure of the cohesion funds, legal issues, security policies, trade policy and the Euro currency, and or even sports and

education, the combat against discrimination, and border control²⁶⁶. Other policies, such as the transport, and the environmental policies have already been under a codecision regime for some time, which will serve as a point of comparison to understand how co-decision and the role of the EP impacted the decision-making methods and results within the Union.

To understand the impact of the EP in the CAP we will therefore have to comparatively evaluate its impact with other EU policies, which have been under a codecision process for longer. Only then can we reach specific results, where the CAP is concerned. It was the Lisbon Treaty that gave codecision to the CAP, and documents from European research institutes already exist that have started to measure the consequences of this change²⁶⁷.

After the Lisbon Treaty, the EP gained codecision regarding the Common Agricultural Policy (CAP). After 50 years with the CAP being decided between the European Commission and the Council, a third actor has emerged - the EP. In theoretical terms, several institutional changes are to be expected at the core of the CAP.

From 1994 to 2004, 403 laws were decided under codecision. From 2004 to 2009, 447 were adopted: 44 more than in the previous legislature.

As was structured in the present Treaty of Lisbon, there are three main stages for decision-making. In all of the readings the final decision can be reached if all institutions agree that the legislative act does not need restructuring. These stages are called first reading, second reading, and third reading (article 251 of the Lisbon Treaty). The third reading is the decisive one as the institutions must reach an agreement by then, otherwise the proposal is referred back to the Commission.

The codecision process thus works as follows after the implementation of the Lisbon treaty:

The European Commission, with its initiative power, writes a first version of the legislation and delivers it to the co-legislators (European Parliament and Council) and to the member states; the parliaments of the member states will have to verify if the proposal is in accord with their constitutions, if it respects the principle of subsidiarity, or if they have any other objections to the measure (they have 8 weeks to issue any kind of opinion). If at least one third of the national parliaments in the EU do not agree with the proposal, concerning the principle of subsidiarity, the proposal goes back to the European Commission (only a quarter of the parliaments are needed if under the influence of article 76 of the TFEU).

The main difference between the first and second reading²⁶⁸ is that in the first one there are no time limits²⁶⁹. In the first reading, after the evaluation of

²⁶⁶ Hill, 2012.

²⁶⁷ Fertő, Kovács, 2013.

²⁶⁸ In Westminster-styled parliaments, the first reading precedes the sending of the bills to the committees where no votes are possible. The differences between Westminster-styled parliaments, parliaments that follow the French tradition, and various different examples can be studied with greater detail in the work Palonen, 2018.

²⁶⁹ See also: European Parliament, 2012.

the committee in charge (sometimes together with other committees as well) the rapporteur writes the report and the EP will vote on it and in order to be accepted it will need a simple majority.

After this first reading the CEU may accept, partially accept, or completely reject the proposal. In case of a partial acceptance it will have to point out the changes it wants to have enforced and thereby establish its “common position” (if there is a full agreement the legislation automatically passes). Despite this fact, in order to speed up the process, the European Commission usually writes the legislation already taking into account the opinion of the EP and the CEU, thereby, facilitating an even faster accord.

The second reading has deadlines that the European institutions must meet. In order for the EP to reject or amend the “common position” of the CEU, it has 3 months (4 months if there is a postponement). If the EP does nothing then the legislation will pass as it was written by the CEU’s “common position”. If EP wishes to completely reject the “common position” it will need absolute majority among its MEPs ²⁷⁰ and if this happens, then only the European Commission can restart the process with a new legislation.

In order for the EP to change the “common position” in the second reading, the rapporteur must elaborate a report together with the commission in charge of the political area. After being accepted by this commission, the proposal goes to the plenary, where an agreement must be reached on whether the agreed changes are possible under rule 66 (procedural rules of the EP). The CEU will only have 3 months to state its position where it can also accept all the EP’s demands (it needs a qualified majority for that). If it partially accepts them, it must develop an agreement in a 6 months’ period (8 months if a postponement is necessary) in a conciliation committee made by 27 representatives of EU member states and 27 representatives of the EP (making a total of 54 politicians and technocrats). From this meeting, a “common project” must be accepted. If no agreement has been reached by this point (a very rare phenomenon²⁷¹) only a new proposal by the European Commission can reopen the case. In the case of a final consensus both the EP and the Council have 6 weeks to validate the act and later publish it.

To end this rather long process, the Presidents of both the Parliament and Council sign this document (now a “Lex”) that will later be published and accessible to the citizens of the EU by information and communication technologies²⁷².

Only twice, in the whole history of codecision, has certain type of legislation become so problematic that an agreement was impossible to reach after the three readings. This is, therefore, not the tendency as the *Joint declaration on practical arrangements for the co-decision procedure* states: “The institutions shall cooper-

²⁷⁰ Idem.

²³⁴ This has happened only twice: regarding the “working time” directive and the “Novel foods” regulation

²⁷² A useful diagram explaining this procedure can be observed at: [Accessed on the 18-01-2018]; URL:< http://ec.europa.eu/codecision/stepbystep/diagram_en.htm>.

*ate in good faith with a view to reconciling their positions as far as possible so that, wherever possible, acts can be adopted at first reading".*²⁷³

In the 1999-2004 legislature, in the total number of 399 processes, there was a tendency for reaching agreement in the second reading, but from 2004 to 2009, with 454 finished proposals, only 23 reached third reading, 104 second reading, and 327 first reading. And finally, from 2004 to 2009 the tendency for final consensus to be attained under first reading continued (136 in first reading, 32 in second and 7 in third)²⁷⁴.

In a 2012 study that included interviews of Members of the European Parliament, several of the interviewees mentioned the fact that while the EP has won significant powers, however, it is still sometimes neglected in the decision-making process²⁷⁵. This was said by Gay Mitchell, MEP for the Irish party Fine Gael: *"As the only directly elected institution of the European Union, it was necessary to grant greater power to the European Parliament, and I am happy the Lisbon Treaty has done so. The Parliament's legislative powers have increased with over 40 new fields now under co-decision and the Parliament's role in setting budgets is also of vital importance.*

*However, I believe the Parliament should become more strategic in using its powers and less involved in detail. I am also concerned that the Commission can sometimes be too close to Council and not the independent mediator it should sometimes be"*²⁷⁶.

According to König (2008), the European Commission is a reformist institution, which means that it always tries to promote changes in the law instead of maintaining a status quo and while it is sometimes less adamant in its stance, it nevertheless also tends to favor policy change. Regarding the Council though, several strategies between countries are agreed, depending on the type of law, and these alliances are not always victorious in their quests. Adding to this, we must not forget that enlargements in the EU pose a greater deal of strain at the Council when it comes to the ability of generating collaborations for policy changes. It is possible to theorize that the parliamentary experience of ministers and Prime-ministers in post-communist states has been thinner than those in Western Europe. It is also possible to assume that it is more difficult for these ministers to act as "senators" in the EU's chambers than using their obstructing veto power in the name of national interests.

Full codecision in all political arenas is the ultimate test of the capabilities of the EP. Although it is constituted by technocrats and capable experts, it must be able to respect deadlines and, most importantly, be able to deal with other institutions and fully fulfil its political obligations if it intends to have an effect on the final decisions. This was an important stepping-stone in its political evo-

²⁷³ This article is available at:
URL:<http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/c_145/c_14520070630en00050009.pdf>
[seen on the 22/10/2015].

²⁷⁴ European Parliament, 2012.

²⁷⁵ Sargento, 2012.

²⁷⁶ Sargento, 2012, pp. 51.

lution. These deadlines are also political instruments used by other organizations to strengthen executive powers.

After having observed how this process works in practice after the Lisbon treaty, we must then study what its effects were, which will be done in the following chapters and sub-chapters 6.3, 6.4, and 7.

Academic scholars are still not sure whether codecision has been more beneficial for either the EP or the Council in the sense that no results clearly show which institution is more capable of putting their ideas ahead of the other²⁷⁷. However, certain tendencies are observable. Together with these phenomena comes the fact that legislation is now most likely to be adopted in first reading, which means that agreements are easier to achieve and are actually endorsed by the Union in general.

According to recent literature these committees have not failed to live up to the task of being codeciders, which means tighter deadlines, bigger workload, and the requisite ability to negotiate with both the Council and the Commission²⁷⁸. It is still unclear though if the Commission and the Council have fully accepted the EP as they should have, as they continue to negotiate between themselves on many occasions and the Commission tends to follow the Council's opinion on several dossiers²⁷⁹. The EP still struggles to have its authority fully recognized among the other legislative actors even if it possesses equal powers.

Post-Lisbon parliamentarism can be understood in many ways, although the parliamentarization through codecision is the most important in this research. Parliamentarism remains an important concept throughout this study, if not the most important, since all the variables and changes observed in this research revolve around the EP and its peculiarities.

As we have seen through the study of the treaties in chapter 5, the EU has designed over the years, it took more or less 50 years for the EP to develop itself from an institution with practically no legislative power (a merely advisory chamber) to a co-decider with the same legal powers as the Council. It took four successful European treaties (and an unsuccessful Constitutional Treaty) for this change to take place. In summary, the Maastricht treaty was the first and probably the most important treaty that worked as a catalyst for the struggle of the EP to gain a role in the decision-making process, as it changed the European system from an economic union to a political union having European elections and creating the statutes of the European citizenship and codecision. After this, came the Amsterdam Treaty that increased codecision areas and continued the long battle of the EU against the democratic deficit and the need for increased accountability and the nearing of national parliaments and governments. With the expected eastern and Mediterranean enlargement of 2004, the EU needed treaty revisions and thus started the negotiations for the Treaty of Nice that readied the EU for the greatest enlargement ever, granting its institutions the means to adapt to these new circumstances. The EP, the Council, and the Com-

²⁷⁷ Rasmussen, 2012.

²⁷⁸ Carrera, Hernanz, Parkin, 2013.

²⁷⁹ Sargento 2012.

mission would thus be ready for the biggest political change in its history regarding geography, economy, and budgets, and politics. The Treaty of Nice had a great relevance for the EU facing this enlargement but it also opened the way for a new treaty that would directly deal with the issues of codecision, greater parliamentarization, and scrutiny of all the EU chambers, and a greater proximity between citizens, civil society, and EU institutions. The Lisbon Treaty was therefore the culminating treaty that practically solved all of these issues. However, the EU might and probably will design new treaties in the future but not in a near future.

**Table 6: The Evolution of Codecision
in Number and Type of Political Areas**²⁸⁰

Treaty of Maastricht

In its first introduction to European policy-making as a singular process in the Treaty of Maastricht of 1991, codecision was only applicable to 15 political areas. These were the titles of these areas introduced by the Treaty of Maastricht (as they are presently exposed in the Treaty of Lisbon):

- *Free movement of workers (Article 46 TFEU) (Article 40 TEC).*
- *Right of establishment (Article 50, paragraph 1, TFEU) (Article 44 TEC).*
- *Coordination of the provisions laid down by law, regulation or administrative action in Member States concerning the taking-up and pursuit of activities as self-employed persons and the mutual recognition of qualifications.*
- *Services (Article 62 TFEU) (Article 55 TEC).*
- *Measures for the approximation of national provisions which have as their object the establishment and functioning of the internal market to promote the objectives of Article 26 (Article 114, paragraph 1, TFEU) (Article 95, paragraph 1, TEC).*
- *Education (excluding recommendations) (Article 165, paragraph 4, point (a), TFEU) (Article 149, paragraph 4, TEC).*
- *Culture (excluding recommendations) (Article 167, paragraph 5, first indent, TFEU) (Article 151 TEC: codecision – unanimity in the Council).*

²⁸⁰ This board and listing was written taking the values of the European Parliament as a reference and a source. This listing can be viewed at: [Accessed on the 24th of April, 2017]:
URL:<http://www.europarl.europa.eu/code/information/legal_bases_en.pdf>.

- *Public health (incentive measures for the protection of human health, which was covered by Article 152 TEC (Maastricht). (The treaty of Lisbon would, in the future, introduce more areas for this section of public health).*
- *Consumer protection (Article 169, paragraph 3, TFEU) (Article 153, paragraph 4, TEC).*
- *Trans-European networks (Article 172 TFEU) (Article 156 TEC) (all the legal bases provided for in this paragraph are new, with the exception of that for incentive measures for the protection of human health, which was already covered by Article 152 TEC (Maastricht)).*
- *Framework Program for Research (Article 182, paragraph 1, TFEU) (Article 166, paragraph 1, TEC).*
- *Implementation of the Framework Program for Research: rules for the participation of undertakings and dissemination of research results (Articles 183 and 188, second paragraph, TFEU) (Article 167 TEC).*
- *Supplementary research programs for some Member States (Articles 184 and 188, second paragraph, TFEU) (Article 168 TEC).*
- *Participation in research programs undertaken by several Member States (Articles 185 and 188, second paragraph, TFEU) (Article 169 TEC).*
- *Environment (Community measures to achieve environmental objectives except measures of a fiscal nature) (Article 192, paragraph 1, TFEU) (Article 175, paragraph 1, TEC).*

Treaty of Amsterdam

The Amsterdam treaty brought 17 new areas to codecision making it a total of 32 policies subjected to this system. (It is important to note that some of these modifications or additions were small article or paragraph modifications and are usually not considered as specific areas, hence this list is composed of 20 sections. The very fact that this treaty is not in place at present can cause problems in the definition of the delimitations). Here are, nevertheless, all the areas as follows:

- *Procedures for the right of access to documents (Article 15, paragraph 3, TFEU) (Article 255, paragraph 2).*
- *Data protection (Article 16, paragraph 2, TFEU) (Article 286, paragraph 2).*
- *Measures to combat discrimination on grounds of nationality (Article 18 TFEU) (Article 12 TEC).*

- *Measures to facilitate the exercise of the right of every citizen of the Union to move and reside freely in the territory of Member States (Article 21, paragraph 2, TFEU) (Article 18, paragraph 2, TEC).*
- *Customs cooperation (Article 33 TFEU) (Article 135 TEC).*
- *Internal market – social security measures for Community migrant workers (Article 48 TFEU) (Article 42 TEC: codecision – unanimity in the Council).*
- *Coordination of the provisions laid down by law, regulation or administrative action in Member States providing for special treatment for foreign nationals with regard to the right of establishment (Article 52, paragraph 2, TFEU) (Article 46, paragraph 2, TEC).*
- *Provisions on self-employed persons extended under Amsterdam Treaty.*
- *Implementation of the common transport policy (Article 91, paragraph 1, TFEU) (Article 71 TEC).*
- *Sea and air transport (Article 100, paragraph 2, TFEU) (Article 80, paragraph 2, TEC).*
- *Incentive measures for employment (Article 149 TFEU) (Article 129 TEC).*
- *Social policy (Article 153, paragraphs 1, except points (c), (d), (f) and (g), and 2, TFEU) (Article 137, paragraphs 1 and 2 TEC).*
- *Social policy (equal opportunities, equal treatment and equal pay) (Article 157, paragraph 3, TFEU) (Article 141, paragraph 3, TEC).*
- *European Social Fund (Article 164 TFEU) (Article 148 TEC).*
- *Professional training (Article 166, paragraph 4, TFEU) (Article 150, paragraph 4, TEC).*
- *European Regional Development Fund (Article 178 TFEU) (Article 162 TEC).*
- *Environment Action Programme (Article 192, paragraph 3, TFEU) (Article 175, paragraph 3, TEC).*
- *Development cooperation (Article 209, paragraph 1, TFEU) (Article 179 TEC).*
- *Fight against fraud affecting the Union's financial interests (Article 325, paragraph 4, TFEU) (Article 280, paragraph 4, TEC).*
- *Statistics (Article 338, paragraph 1, TFEU) (Article 285, paragraph 1, TEC).*

Treaty of Nice

The Treaty of Nice continued this extension of codecision to new areas; however, it only added 8 new sections to the existing 32, making it a total of 40 ambits. These were the 8 new political realms introduced by this treaty:

- *Basic principles for anti-discrimination incentive measures (Article 19, paragraph 2, TFEU) (Article 13.2 TEC).*
- *Visas, border checks, free movement of nationals of non-member countries, management of external frontiers, absence of controls at internal frontiers (Article 77, paragraph 2, TFEU) (Article 62 TEC: procedure laid down in Article 67 TEC: unanimity in the Council and simple consultation of EP, with possible switch to codecision following a Council decision taken unanimously after consulting EP); [in this section the novelty comes with Article 62 TEC as the rest of the article was added in the treaty of Lisbon].*
- *Asylum, temporary protection or subsidiary protection for nationals of third countries (Article 78, paragraph 2, TFEU) (Article 63, paragraphs 1 and 2, and Article 64, paragraph 2, TEC: procedure laid down in Article 67 TEC: unanimity in the Council and simple consultation of EP, with possible switch to codecision following a Council decision taken unanimously after consulting EP). [In this section the innovation comes with Article 63. The remaining parts of this basis were added in the Treaty of Lisbon].*
- *Immigration and combating trafficking in persons (Article 79, paragraph 2, TFEU) (Article 63, paragraphs 3 and 4, TEC: procedure laid down in Article 67 TEC: unanimity in the Council and simple consultation of EP, with possible switch to codecision following a Council decision taken unanimously after consulting EP). [In this section the change comes with Article 63 and paragraphs 3 and 4. The remaining parts of this basis were added in the Treaty of Lisbon].*
- *Judicial cooperation in civil matters (excluding family law) (Article 81, paragraph 2, TFEU) (Article 65 TEC: procedure laid down in Article 67 TEC: unanimity in the Council and simple consultation of EP, with possible switch to codecision following a Council decision taken unanimously after consulting EP). [In this section the adjustment comes with Article 65 TEC and paragraphs 3 and 4. The remaining parts of this basis were added in the Treaty of Lisbon].*
- *Industry (Article 173, paragraph 3, TFEU) (Article 157, paragraph 3, TEC).*
- *Measures in the area of economic and social cohesion (Article 175, third paragraph, TFEU) (Article 159 TEC).*
- *Regulations governing political parties and their funding (Article 224 TFEU) (Article 191 TEC).*

Treaty of Lisbon

Finally, up until this day, the Treaty of Lisbon of 2009 has added 45 new areas to codecision (or the ordinary legislative procedure), making it a total of 85 areas under this decision-making system. These were the 45 areas introduced with this treaty:

- *Services of general economic interest (Article 14 TFEU) (Article 16 TEC).*
- *Citizens' initiative (Article 24 TFEU).*
- *Application of competition rules to the common agricultural policy (Art. 42, which refers to Article 43, paragraph 2, TFEU) (Article 36 TEC: qualified majority in Council and simple consultation of EP).*
- *Legislation concerning the common agricultural policy (Article 43, paragraph 2, TFEU) (Article 37, paragraph 2: qualified majority in Council and simple consultation of EP).*
- *Exclusion in a Member State of certain activities from the application of provisions on the right of establishment (Article 51, second paragraph, TFEU) (Article 45, second paragraph, TEC: qualified majority in the Council without the participation of EP).*
- *Extending provisions on freedom to provide services to service providers who are nationals of a third State and who are established within the Union (Article 56, second paragraph, TFEU) (Article 49, second paragraph, TEC: qualified majority in the Council without the participation of EP).*
- *Liberalization of services in specific sectors (Article 59, paragraph 1, TFEU) (Article 52, paragraph 1, TEC: qualified majority in Council and simple consultation of EP).*
- *Adoption of other measures on the movement of capital to and from third countries (Article 64, paragraph 2, TFEU) (Article 57, paragraph 2, first sentence, TEC: qualified majority in the Council without participation of EP).*
- *Administrative measures relating to capital movements in connection with preventing and combating crime and terrorism (Article 75 TFEU) (Article 60 TEC).*
- *Visas, border checks, free movement of nationals of non-member countries, management of external frontiers, absence of controls at internal frontiers (Article 77, paragraph 2, TFEU) (Article 62 TEC: procedure laid down in Article 67 TEC: unanimity in the Council and simple consultation of EP, with possible*

switch to codecision following a Council decision taken unanimously after consulting EP).

- Asylum, temporary protection or subsidiary protection for nationals of third countries (Article 78, paragraph 2, TFEU) (Article 63, paragraphs 1 and 2, and Article 64, paragraph 2, TEC: procedure laid down in Article 67 TEC: unanimity in the Council and simple consultation of EP, with possible switch to codecision following a Council decision taken unanimously after consulting EP).

- Immigration and combating trafficking in persons (Article 79, paragraph 2, TFEU) (Article 63, paragraphs 3 and 4, TEC: procedure laid down in Article 67 TEC: unanimity in the Council and simple consultation of EP, with possible switch to codecision following a Council decision taken unanimously after consulting EP).

- Incentive measures for the integration of nationals of third countries (Article 79, paragraph 4, TFEU).

- Judicial cooperation in civil matters (excluding family law) (Article 81, paragraph 2, TFEU) (Article 65 TEC: procedure laid down in Article 67 TEC: unanimity in the Council and simple consultation of EP, with possible switch to codecision following a Council decision taken unanimously after consulting EP).

- Judicial cooperation in criminal matters – procedures, cooperation, training, settlement of conflicts, minimum rules for recognition of judgments (Article 82, paragraphs 1 and 2, TFEU) (Article 31 TEU: unanimity in Council and simple consultation of EP).

- Minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension (Article 83, paragraphs 1 and, possibly, 2, TFEU) (Article 31 TEU: procedure laid down in Articles 34, paragraph 2, and 39, paragraph 1, TEU: unanimity in Council and simple consultation of EP).

- Measures to support crime prevention (Article 84 TFEU).

- Eurojust (Article 85, paragraph 1, second subparagraph, TFEU) (Article 31 TEU: procedure laid down in Articles 34, paragraph 2, and 39, paragraph 1, TEU: unanimity in Council and simple consultation of EP).

- Arrangements for involving the European Parliament and national parliaments in the evaluation of Eurojust's activities (Article 85, paragraph 1, third subparagraph, TFEU).

- Police cooperation (certain aspects) (Article 87, paragraph 2 TFEU) (Article 30 TEU: procedure laid down in Articles 34, paragraph 2 and 39, paragraph 1, TEU: unanimity in Council and simple consultation of EP).

- *Europol (Article 88, paragraph 2, first subparagraph, TFEU) (Article 30 TEU: procedure laid down in Articles 34, paragraph 2 and 39, paragraph 1, TEU: unanimity in Council and simple consultation of EP).*
- *Procedures for scrutiny of Europol's activities by EP and national parliaments (Article 88 paragraph 2, second subparagraph, TFEU).*
- *Measures to eliminate distortions in the internal market (Article 116 TFEU) (Article 96 TEC: qualified majority in the Council without participation of EP).*
- *Intellectual property except language arrangements for the European intellectual property rights (Article 118, first paragraph, TFEU).*
- *Multilateral surveillance (Article 121, paragraph 6, TFEU) (Article 99, paragraph 5, TEC: cooperation procedure).*
- *Modification of the Protocol on the Statutes of the ESCB and ECB (Article 129 paragraph 3, TFEU) (Article 107, paragraph 5, TEC: unanimity in the Council or, depending on the case, qualified majority after assent of EP).*
- *Measures necessary for the use of the euro (Article 133, TFEU) (Article 123, paragraph 4, TEC).*
- *Public health – measures to tackle common safety concerns in the health sphere (Article 168, paragraph 4, TFEU) (Article 152, paragraph 4, TEC).*
- *Public health – incentive measures to protect human health and in particular to combat the major cross-border health scourges, and measures to tackle tobacco and alcohol abuse (Article 168, paragraph 5, TFEU).*
- *Structural Funds (Article 177, first paragraph, TFEU) (Article 161 TEC: unanimity in the Council and assent of EP).*
- *Cohesion Fund (Article 177, second paragraph TFEU) (Article 161 TEC: qualified majority in the Council and assent of EP).*
- *Implementation of European research area (Article 182, paragraph 5, TFEU).*
- *Space policy (Article 189 TFEU).*
- *Energy, excluding measures of a fiscal nature (Article 194, second paragraph, TFEU).*
- *Tourism - measures to complement the action of the Member States in the tourism sector (Article 195, second paragraph, TFEU).*

- *Civil protection against natural and man-made disasters (Article 196, second paragraph, TFEU).*
- *Administrative cooperation in implementing Union law by Member States (Article 197, second paragraph, TFEU).*
- *Commercial policy - implementing measures (Article 207, second paragraph, TFEU) (Article 133 TEC: qualified majority in the Council without consultation of EP).*
- *Economic, financial and technical cooperation with third countries (Article 212, second paragraph, TFEU) (Article 181 A TEC: qualified majority in the Council and simple consultation of EP).*
- *General framework for humanitarian operations (Article 214, paragraph 3, TFEU).*
- *European Voluntary Humanitarian Aid Corps (Article 214, paragraph 5, TFEU).*
- *Creation of specialized courts (Article 257 TFEU) (Article 225A TEC: unanimity in the Council and simple consultation of EP).*
- *Modification of Statute of Court of Justice, except Title I and Article 64 (Article 281 TFEU) (Article 245 TEC: unanimity in the Council and simple consultation of EP).*
- *Procedures for monitoring the exercise of implementing powers (Article 291, paragraph 3, TFEU) (Article 202 TEC: unanimity in the Council and simple consultation of EP).*
- *European Administration (Article 298, second paragraph, TFEU).*
- *Adoption of financial rules (Article 322, paragraph 1, TFEU) (Article 279, paragraph 1, TEC: qualified majority in the Council).*
- *Staff Regulations of officials and Conditions of Employment of Other Servants of the Union (Article 336 TFEU) (Article 283 TEC: qualified majority in the Council and simple consultation of EP).*

No one can deny the relevance of the EP in the EU's decision-making structures; what can be discussed is how the EP used the mechanisms it was given in the policy areas that were now under its surveillance, or in other words, its policy outcomes.

In this chapter, we have focused on the changes in the system of decision-making in all the treaties, which are necessary to understand how the institutions work and how they reach consensus. Further along in this study (chapter 6.3, 6.4), an analysis will be made on the impacts this system had in specific policy areas.

These powers were used by the EP in particular manners that needed revision particularly regarding the rate of consensus and the ability (or lack thereof) to perform the task of dealing with all the deadlines and the increased workload.

6.3 The Greening of the Common Agricultural Policy

Under an intergovernmentalist theoretical assumption, the process of greening and environmental policies are not derived from supranational institutions. It is in the interests of the member states that some of these policies are implemented as they improve the livelihood of cities, air quality, and public health that can automatically lead to savings in state budgets. However, at the same time, states can deviate from such ideas and prefer faster development avoiding great structural changes in production, and thus try to avoid such greening policies. Almost all of the Western governments (with the help of scientists and scientific publications) have greatly preferred to adopt the increase in the number of environmental policies through various methods making "greening" a very important concept in contemporary politics. The history of this concept is not a long one, however, the types of greening policies and their evolution in states has greatly varied and has led to different debates worldwide (for example, in China or India subjects such as these are quite problematic due to the argument of the need for some polluting means of production in the same way as the West has had in the past). In intergovernmentalist theory, it is then not the supranational institutions that are responsible for greening advancements, but the states themselves that view greening as a positive development in many areas (socially, scientifically, economically, financially, environmentally, and in public health).

Federalists, neofunctionalists, constructivists or other mixed theories and academics, on the other hand, prefer to point out the greening advancements that have been developed by supranational institutions in the EU such as rural development policies, policies for the fight against soil erosion, crop rotation, and documents such as the 2010 "Greening the CAP" from the European Commission. The EP has also been an influent decider on greening aspects being responsible for many legal amendments as is commonly known as the greenest of the three legislative institutions.

In the EU 27 almost 174.1 million hectares of land are farmed (about 40% of the total EU geographical space). As the farming activity is one that can put constraints on the soil and biodiversity in general, the EU has in the last years begun to legislate in order to safeguard the environment and make agriculture

a more environmentally friendly activity. The environment has therefore been as important area on global political affairs in the last decades ²⁸¹.

This research thus intends to perform a historical analysis of when and how these subjects began to appear in European legislation and how they have evolved until now. Only the main and most important steps in this process can be analyzed thoroughly as it would be impossible to go through all the legislation and its amendments in this sector. The specific cases that have been chosen will also be justified as regards to their importance.

Environmental and health hazards caused by pollution and pesticides in farming have increasingly been the subject of attention by governments²⁸².

Agriculture represents more or less 0,6% of the EU's GDP and around 6% of employment; it is important not only because it feeds a nation's population but also as it brings additional commodities for an economy, which the latter can later export and use as a source of revenue. With the Lisbon Treaty, fisheries, and particularly the Common Fisheries Policy (CFP) have also been included when talking about the CAP.

The CAP is now a genuine community policy with a new partnership between nations and European institutions, where newer, environmentally friendly technologies and more efficient equipment also constitute a push for this greening process, putting less strain on the environment and increasing competitiveness. Not only is the producer important in CAP affairs but the consumer must also have the healthiest products available to him.

All available and productive areas in the EU must be supported for the highest productivity values to be achieved, whether they are extremely fertile or not (commonly referred in EU legislation as "Less Favored Areas" (LFA's)).

In the CAP, both its pillar one and pillar two intend to impose agri-environmental practices in European agriculture. Pillar one acts on direct financial help to producers with the amount increasing proportionally to the number of hectares used. However, in order for the farmer to receive this extra help, he must comply with several agri-environmental measures. The second pillar deals with rural development (in which the environment also has a prominent role) but also technical assistance and competition. Afterwards, countries can allocate more or less funds as they wish or as they think is most necessary and profitable ²⁸³.

As agriculture is an activity that, without proper regulation, can cause soil erosion, severe deforestation, or the release of harmful chemicals into the atmosphere, specific legislation must be put into practice to avoid, or at least reduce, these possible ecological damages to the environment. Although environmental measures had been in practice since the beginning of the 1990s such as in the Maastricht Treaty or in the Water Framework Directive, it was mainly after the Amsterdam Treaty that agri-environmental legislation and practices truly came to be enforced (though it was already in 1990 that the European En-

²⁸¹ Wallace; Pollack; Young, 2010.

²⁸² Hill, 2012.

²⁸³ Hill, 2012.

vironmental Agency was created, being responsible for data analyses and related reports in the EU).

These agricultural practices are responsible for around 10% of all greenhouse gas emissions, mainly CO₂, CH₄ and N₂O²⁸⁴. Between 1990 and 2011 the emissions reduced significantly in EU-15 by 14.7% and by 18.4% in EU-27²⁸⁵.

The first introduction of environmental policies to European treaties was made by the Single European Act in article 130r which states the following:

“ARTICLE 130r

1. Action by the Community relating to the environment shall have the following objectives:

- to preserve, protect and improve the quality of the environment;*
- to contribute towards protecting human health;*
- to ensure a prudent and rational utilization of natural resources²⁸⁶”.*

These articles have remained relatively similar until the Treaty of Lisbon with the exception that nowadays, with this last treaty, the EP decides under codecision in environmental and agri-environmental affairs.

The inclusion of environmental aspects in all kinds of legislation and in the integration of national policies was now an obligation, giving civil society possibilities for stronger lobbying within EU institutions²⁸⁷. However, policies such as the ones just mentioned were directed to defending the quality of natural resources and their preservation and to fighting against environmental damage in the energy or manufacturing sector, industry, transport or tourism but only partially concerning agri-environmental measures.

The Water Frame Directive, in particular, states: *A code or codes of good agricultural practice with the objective of reducing pollution by nitrates and taking account of conditions in the different regions of the Community²⁸⁸.*

The Sustainable Development Strategy that was initiated with Treaty of Amsterdam and finished in 2001 clearly signals the problem which the Community had to face and was therefore the first great agri-environmental measure that came to practice:

“The loss of bio-diversity in Europe has accelerated dramatically in recent decades. Fish stocks in European waters are near collapse. Waste volumes have persistently grown faster than GDP. Soil loss and declining fertility are eroding the viability of agricultural land.”²⁸⁹

The evolution of the CAP was gauged by a transformation from a system of price support into one of direct payments to producers. These payments now

²⁸⁴ Carbon dioxide, methane and nitrous oxide.

²⁸⁵ European Environmental Agency, 2011.

²⁸⁶ This article is available at URL:

<http://ec.europa.eu/economy_finance/emu_history/documents/treaties/singleuropeanact.pdf> [seen on the 13-11-2013].

²⁸⁷ Nello & Pierani, 2010.

²⁸⁸ This article is available at URL:

<<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31991L0676:EN:NOT>> [seen at 13-11-2013].

²⁸⁹ This article is available at URL <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52001DC0264:EN:NOT>>

[seen at 13-11-2013].

had to accommodate the monetary losses due to the fulfilment of agri-environmental practices by the producers. The CAP became therefore more concerned with the production itself and not so much with securing prices.

The EU had continued to develop strategies to make European farming greener so the Cardiff integration process came as a consequence to this. This process must be analysed together with the Helsinki European Council of December 1999, when the Agricultural Council presented its first ideas, and the Gothenburg European Council of June 2001²⁹⁰. Here the procedures for the mixing of agriculture and environment were agreed upon. An upcoming environmental integration policy seeking sustainable development was under construction and would be finalized by the end of the Helsinki meeting. Civil society was also a target for closer cooperation (and sometimes pressure) as well as optimizing institutional amplitude and capabilities for impact assessments. A European integration of environmental concerns into policy practice was now not only a recommendation but an obligation for institutions and member states.

Another important step in the greening process in the CAP was accomplished in the Agenda 2000. Concerning agri-environmental measures, the Agenda 2000 set a principle known as "Good Farming Practice" (GFP) that allowed payment support for farmers who complied with specific agri-environmental practices in their farming. Less favored areas (LFA), which constituted around 56% of arable land in the EU in 1998, were also to be a part of this mechanism allowing farmers to have extra income in these regions where production levels cannot be so high.

The modulation process (a financial transfer from Pillar I to Pillar II that has a greater focus greening and rural development), which constitutes itself as a greening measure, was also implemented here and reformed in the 2003 CAP reform when it became a compulsory measure. The Agenda 2000 also added a new category for underprivileged areas known as "Areas with environmental restrictions" where the producers must comply with extra stringent agricultural rules. One of the aspects related to this are the Natura 2000 areas that must negotiate specific protection measures for safeguarding animal and plant life.

The application of the greening process must compensate and legislate for aspects such as production costs (which tend to be higher than with non-environmentally friendly production parameters), structural changes, production levels, surveillance of the producers and possible sanctions. In the Gothenburg European Council of 2001, a greater interest was put on greater pursuit of healthier products, with more quality offered to the consumer in all products.

As Council Regulation (EC) No 1698/2005 of 20 September 2005 stated:

Agri-environmental payments should continue to play a prominent role in supporting the sustainable development of rural areas and in responding to society's increasing demand for environmental services. They should further encourage farmers and other land managers to serve society as a whole by introducing or continuing to apply agricultural production methods compatible with the protection and improvement of the environment, the landscape and its features, natural resources, the soil and genet-

²⁹⁰ Unfried, 2000.

*ic diversity. In this context, the conservation of genetic resources in agriculture should be given specific attention. In accordance with the polluter-pays principle these payments should cover only those commitments going beyond the relevant mandatory standards*²⁹¹.

The Constitutional treaty was to include some of the changes that Lisbon actually would bring with it, but we shall not debate them, as this treaty did not receive enough support in EU countries. With the Lisbon Treaty and the latest CAP reform, the EP gained codecision in the CAP and with this change the EU has had more accountability, transparency, and democratic legitimacy when deciding on these matters²⁹². As this is the most expensive policy in the European budget, the push for a parliamentary CAP signals an increased openness of the EU to the European citizen. Food security, the redefinition of direct payments, a push towards new economic competitiveness, and innovation through research are some of the goals in this treaty. Farmers and researchers are brought together for agricultural development in the whole of the EU territory.

Young farmers receive more significant funds for their activity, especially if they practice farming in LFA's. Together with this, more convergence in agricultural payments is to be achieved with more equality and proportionality between the member states as the level of financial aid depends also on surface area per hectare and the level of production. Distribution of payments is therefore done according to a European average. What to penalties, the farmer would lose the green payments (or the full payments) depending on the level of non-compliance. Greening measures are also becoming similar between member states. Another of these greening measures is directed towards crop rotation, where at least three types of crops must be used in a farming endeavor.

With this brief analysis, one is more able to understand this "greening push" inside the Common Agricultural Policy. As globalization has become a greater phenomenon in world economics, the European Union has always tried to be one of the leaders in environmental policies despite having greater environmental concerns in agricultural practices, these being a relatively recent phenomenon which this study tries to examine. This study has tried to understand the main ideas inside these treaties and laws while not analyzing their legislation thoroughly as this would be an enormous endeavour beyond our defined scope. Our most important goal is to try to trace how the EP was at times, particularly after codecision was implemented in the environmental policies of the EU and the CAP, an influential actor for the changes of these sectors. Many advances in these common policies were made with the incentive or opposition of the EP. We must also distinguish when did the EP did in fact have the power to change these policies, particularly through the codecision mecha-

²⁹¹ An important article to be mentioned is the Article 141 (Nordic Area Code) which constitutes the so-called Finnish exception to the CAP, written at the time of the accession of this country to the EU. Finland, if it were to lose this support, would have a great deal of concern in maintaining a competitive agricultural market. But other neighboring countries such as Sweden, that do not benefit from this article or a similar one, contest the unfairness of this article.

²⁹² European Parliament, 2012.

nism, and if it indeed fully used its capacities and was able to change the EU's polity in these areas.

Recent literature has started developing new approaches to the concept of greening. Scientific, legal, and political advancements have led to the growth of environmental policies and this led to the idea of a greening process in EU polity. The concept of greening has thus become more and more frequent in EU discourse. It is still difficult to establish a history of this concept as its political and rhetorical use has not differed to a great extent.

Recent literature has extensively debated the numerous ways in which this concept can be operationalized. As the types of policies that have directed the CAP have greatly varied over the decades, Karmen Erjavec and Emil Erjavec (2015) have developed three methodologies or subtypes of CAP policies: productivist (or neomercantilist) that had a dominant role in the first years of the CAP when production and price control was the most important objective; multifunctional which was mostly used after the 1990s and understands the CAP as an interdisciplinary policy connected to various issues such as the environment, food production, and quality, rural development, economy, or others; and the neoliberal discourse or policy-ideal where the market is set to gain a stronger foothold in this particular policy. This study by Emil and Karmen Erjavec used this system while analyzing the latest CAP reform in the institution's documents and speeches (discourse analysis). Several documents and reports from the European Commission were studied. The results showed that although the process, concern for greening measures and this very same concept were indeed politically important in the design of the latest CAP reform particularly in its rhetoric, actual policy implementation, and greening advancements fell short of what was expected. These phenomena are the reason why the expression of a "fashionable justification" is used when describing how the concept of greening has advanced in the latest CAP reform.

These are very important conclusions of which any scholar must be aware. However, the only criticism one can postulate is directed to the concept of the neoliberal discourse which is indeed materialized as an intent to liberalize the CAP but this policy is far from any kind of neoliberal policy as its foundations are based on the exact opposite: the financial support of agriculture. A total liberalization of the CAP would mean the very end of the CAP, as the neoliberal ideology with authors such as Milton Friedman and F. A. von Hayek defend the ending of financial support for agriculture, the ending of quotas or any kind of price support. All of these factors should be left for the individual farmer to decide when facing the conditions of the market. On the other hand, it is true that neoliberal discourse was somewhat responsible for the change in the CAP from price support and control to a direct aid to farmers.

Apart from micro-level criticism this paper by Emil and Karmen Erjavec might receive, its main conclusions are important for this study as they conclude that the 2013 CAP reform and the parliamentarization of the CAP fell short of the expectations, in other words, it did not reform the CAP to a great extent, and the CAP policies that were materialized had a greater focus on the

aspect of productivity and less on the area of multifunctionality where greening would be more evident.

The popular environmental element was included in all discourses, but it was not proportionately integrated into measures and the budget distribution. This means that policy analysts should be aware that language (of official policy documents) does not mirror reality (or measures and budget distribution)²⁹³.

In the following chapters (6.4.2 and 6.4.3), an analysis will be made on the precise changes developed by the EP through codecision in environmental policies, transport policies, and the CAP in the legislatures after 1991. Not only will the degree of its success be studied, one will be able to observe in which particular legislative acts it exercised its jurisdiction more strongly and how the EP has behaved through the treaties and the legislatures.

6.4 On the consequences and results of the first years of codecision, the following years, and the results after the Treaty of Lisbon

In the previous chapters (6.2), some of the academic problematics traditionally associated with the field or the process of codecision were analyzed. We saw how codecision came into existence as a decision-making mechanism, how it worked at the beginning of the Maastricht treaty, and which factors pushed for its expansion all through the Amsterdam, Nice, and Lisbon treaties. The field of codecision and its areas of application are but one subject in the understanding of the evolution and the growth of the powers of the EP. We researched the procedural steps in the making of consensus, how they ultimately had to be revised in order to accommodate new member states, and the subsequent changes in the European polity it comprised. This thesis will also conduct an analysis on if and how codecision did in fact change the political nature of certain common policies. Even if all the mechanisms and areas of influence have already been reviewed in this study, another important aspect is the understanding of the actual consequences of codecision. Only then can we really comprehend all of the aspects of codecision and, automatically, the realization of the knowledge of the true nature of the parliamentarization of the EU.

Understanding all of these procedures, causes and effects will then lead us to the study of the speeches of MEPs that may corroborate or contradict some of the assumptions that we initially held. What the treaties state and what legislation dictates may not be sufficient to overwrite the existence of other methods of decision-making and political bargaining and their inherent consequences. Only after taking these aspects into consideration (legalized procedures and the individual view of the actors in question, in this case of the MEPs') will we be able to analyze the EU's polity overall. Little by little, through each of the advancements of each chapter, one will reach the final stage of this thesis.

²⁹³ Erjavec, K. and Erjavec, E., 2015, 61.

6.4.1 The debates on the effectiveness of the codecision (and consultation) procedure where the European Parliament is concerned

The actual nature and consequences of the codecision mechanism are still academic subjects that create various, different opinions and at times conflicting perspectives. It is a topic where unanimity of views is also difficult to attain due to the specificities of the procedure, as well as the varied academic literature on the subject.

Both the Council and the Commission, having been used to being the sole masters of the legislative capacities in the EU, could have found ways to undermine the role of the EP. Whether they did in fact act in such a way or not, one thing is for sure, they would necessarily have to adapt to these new circumstances, namely a third institution with equal to theirs.

The effects of the EP in the final legislative acts can be evaluated in several ways. One of them is the research on the occasions when the parliament prevented or changed the nature of the initial proposal of the Commission or the reviewed proposal of the Council. If the starting legislative draft was in fact altered, it is made either through the role of the Council or the Parliament. If it was due to the influence of the Parliament, this would be a case in which the Parliament's powers were engaged to the fullest extent. However, there are cases, particularly ones where dissensus is high, where more than one institution (or possibly all of the three institutions equitably) was responsible for the final legislative act. In these cases, it can be discussed up to what point which of the three institutions was most successful in the trilogue negotiations and had its view most powerfully imprinted in the final agreements. Accordingly, the codecision procedure, its implementation and its methodologies, are academic subjects on their own right that have given origin to thousands of scholarly papers and will certainly continue to do so.

The history of codecision is one that shows an evolving pattern, one that leaves the door open to various interpretations. An obvious possibility is, for example, that the very knowledge that a proposal will be debated in the Parliament and requires its acceptance, forces the Commission or the Council to present the proposal in a form that in advance tries to meet possible objections that are expected to be raised by the members of the EP. The three readings refer to the three successive occasions in time provided to achieve a compromise or an agreement with the Council and the Commission. In this sense, the EP's specific power in matters of codecision lies in the possibility to retard that achievement. This does not mean that the Parliament's powers would be greatest when the acceptance of the proposal is postponed to the third reading, whereas it is weak if it accepts the proposal in the first reading. If the proposal is well prepared and the Parliament's views are taken into account, the EP can well accept it in the first reading. Or, it might be the case when parties of the same color form a majority in both the Council and in the EP. Still, it is worth discussing at which reading the parliament has passed the proposal regarding the CAP, which this study will approach in the succeeding chapters (particularly 6.4.3).

Regarding the first, second, and third reading we see that consensus was harder to reach in the first years of codecision after Maastricht, but it gradually became easier to reach throughout the following legislatures. This fact can be understood in different ways: the institutions can be perceived to have adjusted to the presence of the EP; the legislative establishment has increasingly tried to work cooperatively in order to accelerate decision-making (as some of the rules of procedure for the EP also recommend). But on the other hand, if consensus has been continuously easier to reach, then the entrance of the EP into the co-decision procedure was possibly not as effective and influential as one would initially expect.

“The results of the procedure over more than ten years contradict such a view. There have been five cases in which Parliament prevented the adoption of legislation: the above-mentioned draft directives on voice telephony and on the Securities Committee, a draft directive on the patenting of biotechnological inventions in 1995, one on takeover bids in 2001, where the plenary of the Parliament declined to ratify the results of the conciliation negotiation on a tied vote, and one on the liberalisation of port services at the end of 2003. However, the impact of the Parliament is not just a question of whether or not legislation is finally adopted. Both in quantitative and in qualitative terms, Parliament has made a significant difference to the shape of Community legislation, a difference that goes well beyond what could have been achieved under either the consultation or cooperation procedures. Co-decision has created a new dynamic within the legislative arena of the European Union”²⁹⁴.

If it is indeed true and irrefutable that codecision did bring a new dynamic into the legislative institutions of the EU, another more debatable matter is the way we may choose to observe this political evolution in this period of around 25 years. This aspect, among others, is the one where the debate keeps rearranging and reinterpreting itself.

If we have already analyzed the full proficiency and capabilities of the European Parliament, another investigation is necessary on the evaluation of the role and margin of manoeuvre it effectively used with its delegated powers in the legislative acts decided under codecision. But even on the subject of co-decision (since the CAP was decided mainly under consultation until the Treaty of Lisbon) the academic literature is still partially undecided on the actual benefits of codecision.

“As for the consultation procedure, Crombez [...] ²⁹⁵ claims that the Parliament is powerless under this procedure as its opinion to the Commission proposal is not binding. However, there is one tool in the hands of the EP: it can delay legislation by not issuing an opinion, and block other legislation if its opinion is ignored. Tsebelis and Garrett [...] ²⁹⁶ also claim that “...when the consultation procedure applies, the Parliament’s influence is limited to the threat of delaying legislation. These positions are in line with Lučić’s point of view [...] ²⁹⁷ who considers the

²⁹⁴ Corbett, Jacobs, Shackleton, 2005, pp. 219.

²⁹⁵ See also Crombez, C., 1996; Crombez, 1999.

²⁹⁶ See also Tsebelis, G., Garrett, G., 2001.

²⁹⁷ See also Lučić, S., 2004.

role of the European Parliament as advisory, modest and limited under the consultation procedure. However, in their comparative analysis between the consultation and codecision procedures, Selck and Steunberg [...] ²⁹⁸ claim that the European Parliament “is closer to the [final policy] outcome under consultation than under codecision”²⁹⁹.

It is the contention of this study that codecision is nevertheless more effective than consultation or any other system as the EP retains equal powers to the Council. The rate of that success and in what way the Parliament has behaved is what remains to be analyzed.

6.4.2 The Treaty of Lisbon as a possible momentum for parliamentary change: A quantitative and qualitative analysis of the effects of codecision and the political behavior of the EP

Codecision, or in other words the effects of the EP, can be analyzed through the changes it effected on final outcomes comparatively in several policy areas (as I will do in this research) but it can also be investigated by a corresponding inquiry on the differences in files that were discussed and decided under codecision or under the consultation procedure. However, many other methodologies can be used in order to achieve this same goal³⁰⁰. These academic procedures do serve the purpose of analyzing the impact of the EP in the final legislation but they are all open to criticism³⁰¹.

The EU, and particularly the EP and the Council, are still quite homogeneous in their formation and structure. Eurosceptic parties and their MEPs, though existent in the EP in various legislatures, are somewhat marginal. The Council is composed of only a few national representatives that may share nationalist and protectionist views on economy, society, politics, and culture. But again, they are also peripheral. The most important, representative, and influential parties in the EP (considering their numbers of MEPs) are still the European People’s Party, the Progressive Alliance of Socialists and Democrats and the Alliance of Liberals and Democrats, who all share Europeanist values and a relative proximity in their policy preferences³⁰². Taking these aspects into consideration the EP, the Council and the EU in general still follow similar political patterns. Therefore, unless through successive radical transformative elections,³⁰³ the bodies of these two institutions should remain relatively similar in

²⁹⁸ See also Selck, T. J., Steunberg, B., 2004.

²⁹⁹ See also Fertő, Kovács, 2014, pp. 5.

³⁰⁰ Creswell, 2014.

³⁰¹ See also Fertő, Kovács, 2014.

³⁰² See also the study “20 years of codecision: A more (party) political parliament, a less consensual Council” from Vote Watch Europe, which states that: *The cohesion of the EP political groups is now at its highest level in 20 years. Five of the seven groups have an average cohesion rate of close to 0.9 (on a scale from 0 to 1), which seems counterintuitive when considering the increasingly diverse composition of the groups in terms of nationality, as well as the increasing diversity of subjects dealt with under co-decision* (Votewatch Europe, 2013, 4).

³⁰³ Or through national referendums on the permanence on the EU on several countries, as was the case of “Brexit”.

their policy preferences. This proportionate political stability was what maintained and built a well-founded basis for political and economic improvement that would grow into succeeding enlargements and include ever more European states. Europeanist values thus spread easily to the desired members and the idea of an enlarged economic market coupled with shared and equilibrated decision-making systems (hence codecision itself) became advantageous for political advancement and European integration. Nonetheless, the fact that in a parliament all motions/proposals are debated in a pro et contra style also contains a chance to alter the Commission's/Council's positions that are based on the governmental and diplomatic style of taking stand rather than on the parliamentary style of debate.

Up until the entry into force of the Amsterdam Treaty, 165 co-decision procedures were completed over five years. In 99 cases (60 per cent) agreement was reached without convening the conciliation committee (63 cases where the common position was accepted by the Parliament without amendment plus a further 36 where it did amend Council's common position but Council accepted all Parliament's amendments). This leaves 66 cases where the conciliation committee was convened, of which 63 were completed successfully.

In the five years that followed the entry into force of Amsterdam, the rhythm increased and the pattern changed. [...] Both before and after the entry into force of Amsterdam, Parliament has been remarkably successful not just in persuading the Council to accept, in full or in part, amendments voted in second reading but also in developing with the Council strategies to find mutually acceptable outcomes, which were not part of the starting point of either party"³⁰⁴.

These numbers shown by Corbett, Jacobs and Shackleton are indicative of the many symptoms concerning the involvement of the EP in codecision. However, the items counted here are of different political weight and therefore not directly commensurable with each other. And this political weight is not measurable but may vary, for example, according to the parties; or in relation to the time perspective judged, and even here it is not possible to say whether the long, middle, or short term is what matters most.

This interinstitutional reach for agreement was then a relatively short procedure in terms of its duration but it implied the need for political change particularly on the Council's side. If the Parliament was a relative outsider in the legislative power of the EU, the Council was much more politically and methodologically set in its ways. The real push for a more equilibrated decision-making system would need to come from the Council as the Commission would always continue as a defender of the treaties and mostly absorbed in its capabilities for the initiation of legislation. The facts show us that the first years after Maastricht were the ones where dissensus was greater. These initial numbers of first, second, and third reading agreements and the statistics of the influence of the EP in the final legislative acts were practically never repeated again until Lisbon.

³⁰⁴ Corbett, Jacobs, Shackleton, 2005, pp. 218.

*In the period up to 1999, around 74 per cent of Parliament's second reading amendments were accepted as they stood or in the form of a compromise more or less favourable to Parliament. This proportion increased slightly in the Amsterdam era to reach 83% between 1999 and 2004. If one restricts the analysis to amendments accepted as they stood, the figure was 23% (307 out of 1344). Such a figure is surprisingly high if one considers that they all concern points originally rejected by Council in first reading (as Parliament does not normally introduce new amendments at second reading that it has not already tabled at first reading)*³⁰⁵.

The internal procedures through which the Council debated with the Parliament also changed through time. The Council was resilient at first, after Maastricht, which also increased the dissensus. And so was the Parliament, which sought to take full advantage of its new powers and to increase its bargaining leverage. In time, both institutions learned that the best way to represent each of the national constituents, the national parties, national parliaments and governments, and all the European citizens was to learn how to compromise. Only in such a way was the legislative role of the European institutions better managed and implemented ³⁰⁶.

One can contend that the initial political behavior of the EP was the expectable one; one of distrust, dissensus, and struggle for political convincingness. With time, this changed through an agreed accord between the two institutions that was also encouraged by the Commission. The EP went from combative to cooperative and the Council from defensive towards compromise seeking. The contentious times were still a considerably long period having lasted approximately from to 1991 to 2004.

Both institutions together with the Commission concluded that conciliation could not be the solution or a frequent procedure due to the long periods it would require for legislation to come into practice ³⁰⁷.

"This change is reflected in the decline in the percentage of amendments adopted as they stood, the increase in the importance of compromises based on the amendments of the Parliament and the relatively constant figure for amendments that are withdrawn during the procedure. From 1994 to 2004, there was a persistent decline in amendments adopted as they stood from as high as two-fifths to around one fifth. In the same period, compromises based on Parliament amendments increased from an average between 1994 and 1999 of 36 per cent to reach 60 per cent on average between 1999 and 2004. Over the whole period the percentage of amendments withdrawn has consistently remained below one-quarter, falling to an average of just over 15 per cent in the last five years.

The figures suggest that strategies were developed to improve the chances of a successful outcome. Both parties came to accept that certain issues could more easily be resolved by other means such as a declaration printed with the legislative text in the Official Journal, offering an opportunity for the institutions to present

³⁰⁵ Corbett, Jacobs, Shackleton, 2005, pp. 218.

³⁰⁶ Corbett, Jacobs, Shackleton, 2005.

³⁰⁷ Idem.

a joint declaration of the text, or allowing the Commission or Council to make a commitment for the future"³⁰⁸.

Through the observance of these facts and statistics one can claim that the Parliament was indeed a winner but also a cooperative actor in this political environment. It pushed for greater reform in order to be recognized as a valuable actor in the legislative sector but it also acknowledged that the welfare of the Union relied on fast deliberation and implementation of any problematic dossiers. One can say that the changes in the membership and decision procedures the Council has, when it has been obliged to agree with the EP, resemble certain parliamentary elements in the style of upper houses, instead of staying in the pure intergovernmental mode, with a single member state being able to veto any decision.

Codecision is thus a multilateral phenomenon that includes procedures for decision-making, how the institutions evolved, what changed, who can be the temporary winners or losers in the negotiations and how the decisions are subsequently materialized in the member states. Other possible perspectives, on an international and global level, are eventually possible. Analyzing the common legislative procedure is thus a conglomerate of factors ever since the need for a specific policy is identified and agreed on, through to the final implementation of such measure. In a later future, the Eurostat or other investigators such as governments, European agencies or even the institutions themselves, empirical researchers, or even private companies, are the ones that evaluate the overall procedure from beginning to end and particularly its effectiveness.

Trilogues can begin at a very early stage but conciliation, as the final stage for the reaching of consensus, gained an associated understanding of a procedure that the treaties postulate as relevant but one that is preferably to be avoided, since swift and manageable consensus soon became an important objective; one upon which all institutions eventually agreed³⁰⁹. Conciliation thus became a last resort process for any dissensus that could appear, and it has continued to serve the purpose of being the final stage of deliberation. Only in two circumstances has this procedure still not been enough for agreement and in these cases a new proposal by the Commission became necessary, restarting the whole codecision procedure restarted.

The EU enlargements also facilitated a push for early agreements, as many processes needed to be completed in order to change the formation of the institutions, the reception of citizen emigration from new countries, and all of the specific technicalities that needed to be considered, and the legislative framework for the enlargements (particularly the one of 2004 that involved ten countries and the succeeding ones) to be successful. The needed extra supervision of European institutions and agencies of the old and new member states also favored this approach.

The effects of codecision were naturally felt in the Council as well, however, in a different manner, due to the very structure of this institution.

³⁰⁸ Corbett, Jacobs, Shackleton, 2005, pp. 219.

³⁰⁹ Corbett, Jacobs, Shackleton, 2005.

*“Two theoretical claims have been made concerning the impact of co-decision on decision-making in the Council. According to one proposition, the empowerment of the European Parliament has increased the level of politicization in the Council [...]”*³¹⁰. *The involvement of the EP in legislative decision-making generates more public and political scrutiny, both at the European and at the national level, which in turn increases the likelihood of ministerial involvement in Council decision-making. The second proposition suggests that the increasing use of informal trilogue negotiations to reach early agreements under the codecision procedure leads to a re-distribution of power within the institutions to the advantage of so-called ‘relais actors’ [...]”*³¹¹. *Relais actors are the actors that represent their institution in inter-institutional negotiations. They benefit from an informational advantage vis-à-vis actors that do not take part in these negotiations. In the case of the Council, trilogue negotiations are conducted by the rotating Presidency at working party or Coreper level”*³¹². These are both plausible hypotheses, the latter in particular, regarding who and where it is important to act in the EU.

Academics are therefore divided on several issues regarding codecision when analyzing both the EP and the Council. Since these institutions are formed in different ways (intergovernmental and parliamentary), their lines of action also differ. However, the particular political and rotating structures of the Council bring in more variables, in other words its rotating presidency. The effects of this rotating presidency are also debatable as to the division and manoeuvrability of certain member states in the codecision procedures.

*The results show that the initially positive effect of codecision on the politicization of Council decision-making has been offset in recent years by a growing lack of transparency in inter-institutional proceedings caused by the use of informal trilogue negotiations to conclude the procedure early. However, our study also suggests that the country holding the Presidency does not occupy a more privileged position in the Council’s internal cooperation network as a result of these developments. Thus, with respect to the Council, informal inter-institutional negotiation practices seem to decrease the transparency of the decision-making process and the accountability of the actors involved, but they may not have as adverse effects on who gets what in terms of policy as previously thought”*³¹³.

Cases have occurred where a specific group of countries has united in order to invalidate a proposal of the Parliament in the process of conciliation, even proposing the Court of Justice of the EU to intervene; even in such cases the EP emerged victorious. However, without co-decision, this specific example could not even be postulated³¹⁴ ³¹⁵. Concurrently, the existence of regular national elections in the various countries of the EU, together with the European elections, distort the normal action of the European institutions, as growing un-

³¹⁰ Häge, F.M, 2011.

³¹¹ Farrell, H. And Héritier, 2004. On this matter, see also, Héritier, 2001.

³¹² Häge, Naurin, 2013, pp. 185.

³¹³ Häge, Naurin, 2013, pp. 953.

³¹⁴ *“Two examples from 2001 and 2002, the Working Time Directive for the road transport sector and the Cosmetics Directive show this clearly”* in Corbett, Jacobs, Shackleton, 2005, 221.

³¹⁵ Corbett, Jacobs, Shackleton, 2005. Corbett, 2011.

certainty on the national and European level are natural consequences in the changes of governments and MEPs. In particular, economic and financial uncertainty in the writing of annual national budgets or even in the European budget and the normal continuance, application and fiscalization of national budgetary policy is to be expected and this too can create diffidence in the correct application of possible European legislative acts decided under the codecision procedure at the member state level.

The study of the codecision procedure encompasses numerous variables that can only be partially observable by either statistical quantitative or qualitative studies. Each methodology can also deliver us different results; thus, the analysis of specific data differs from research to research. Even though this study is focused on the EP, it is important to remember the profuse volatilities that accompany this process. Nonetheless, the growing or decreasing number in first, second and third readings and the spreading or lessening of consensus is not a proof for the changes that the EP implemented, they are merely symptomatic of the fact that the EP did in fact exert its powers in codecision to an observable level.

A different approach must be taken then to specifically observe in what regards the EP did in fact change the nature of some (common) policies.

6.4.3 The EP and its legislating in the CAP under the microscope

As it is possible to note, the study of the EP, codecision, and even the CAP involves many variables that have to be cautiously dealt with when elaborating a study.

“Co-decision has created a new dynamic within the legislative arena of the European Union. The greater involvement of Parliament has also led to an ever-increasing participation of outside actors like lobbyists, NGO’s, civil society and so on in the legislative process. Many academic analysts consider that it was Parliament, far more than Council, which shaped the final content of legislation on several key pieces of legislation, including the controversial services directive, the directive on the registration, evaluation and authorisation of chemicals (REACH) [European Chemicals Legislation - Registration, Evaluation, Authorization and restrictions of Chemicals] and several recent pieces of legislation on regulating the financial sector. But it is above all partnership and compromise between the two institutions – sometimes after tough negotiations, sometimes through an easily found agreement – that are the hallmarks of the procedure”³¹⁶.

As can be observed the victories of the EP also grew with time. The more capabilities it was able to gain through the persuasion of the other European institutions and member states, the more it tried to exert influence. The more areas under codecision and the more legislative frameworks in which to exert its parliamentary-based powers it gained, the more it was able to deliver its own policy preferences. However, even if an institution has certain policy preferences due to its inherent mind-set (preferences possibly agreed by the rappor-

³¹⁶ Corbett, Jacobs, Shackleton, 2011, pp. 246. See also Ringe, 2010.

teur and EP's officials or EP's parties), that does not mean it will be able or, more importantly, even willing to effectively change the Commission or Council's proposals. The relevance (or the mere detailed technicalities of each legislative dossier) can at times determine if the EP will indeed seek to take full advantage of its position. The historical policy preferences of each European institution are therefore an important variable in the study of these same institutions.

One can also speak of the parliamentarization as a way of an increasing parliamentary responsibility of the Commission, as this institution must be transparent and at the same time consider possible objections that the EP or the Council of the EU might have in trilogues or other meetings. Another aspect could be the Commission's responsibility towards the Parliament as the President of the European Commission is elected by the EP. *"These changes have, above all, been directed at the role of the President of the Commission, whose post became highly partisan as a result of the Lisbon Treaty (TEU, Art. 9D, 7), which in practice demands that the President come from the party group that wins the elections"*³¹⁷.

Tiilikainen continues this argument in other passages: *The EP deliberately and continually tries to broaden the limits set by the EU institutional system. Prime examples of the EP's strategies are the events surrounding the resignation of the Santer Commission and the nomination of the Prodi Commission in 1999 - 2000, as well as the nomination of the Barroso Commission in 2004 - 2005: MEPs, using of all their budgetary rights, helped to force the Santer Commission to resign because of intransparency and allegations of fraud. Later, using their right to approve a new Commission, the MEPs forced the newly nominated candidate for the Commission presidency, Romano Prodi, to allow hearings of individual candidate commissioners before the EP in 1999 and 2000 as a condition of approval of the Commission. The hearings lasted several days and there was strong pressure on Prodi. He assured the MEPs that in the future he would take seriously any demands for the demission of a commissioner issued by the EP, and also take serious account of its ideas when drafting law initiatives. These events created new institutional routines that were later fixed in a framework agreement in 2000 [...]*³¹⁸.

It is through and because of the study of these policy preferences that the EP has been characterized as the "greenest" institution of the legislative triad. There have been political areas in which the Parliament exercised its powers to the fullest extent, wanting to change the nature of a legislative act, and others where it did not. If both the Parliament and the Council view a specific case policy as one where its political preferences are part of its *raison d'être* the likelihood of dissensus increases.

The policy preferences of the EP can thus be understood as variable when studying the political behavior of this institution. Its political attitudes differ depending on the policy-case it is approaching.

"An increase in the European Parliament's (EP) powers is generally equated with more democratic and legitimate law-making. However, analysis of the Data Retention Directive - negotiated by means of both consultation and codecision -

³¹⁷ Tiilikainen, 2011, pp. 299.

³¹⁸ Tiilikainen, 2011, pp. 305.

suggests that although the EP has been empowered under codecision its capacity to translate citizens' demands into democratic and transparent outputs has been reduced. Against expectations, the EP did not use its new veto powers in the data retention case to maximize its policy preferences because the content of these preferences did not fit with the wider need to be seen as a 'responsible' legislator. An institutionalist approach drawing upon rational choice and constructivism helps to explain this seemingly anomalous outcome in the highly-politicized area of Freedom, Security and Justice (AFSJ)"³¹⁹.

Since the choice of political attitudes and behaviors on part of the EP can be quite differentiated, one must comparatively observe and choose a case-by-case approach. It is also, but not only, because of the fact that the EP is often considered as the "greenest" institution of the EU legislative structures³²⁰, that we will first analyze the impacts of codecision in the environmental policy of the EU.

Even though the period in which the EP had fully established codecision powers is one of our main time spans of analysis in this study, the EP was already able to make changes to several EU environment-related biddings before codecision came into force.

"In the case of the 1979 Wild Birds Directive, for instance, the EP had been petitioned by several animal rights groups concerned with the hunting of migratory birds, and in 1971 requested the Commission to take up this issue. The Commission responded in the first EAP and, after consulting numerous experts, presented a draft directive in 1976 [...]"³²¹. in the 1990's the EP brought the issue of implementation in environmental policy to the fore and pushed the Commission to engage more systematically with societal and administrative sectors on the ground [...] "³²²[...] "³²³; regular Commission reporting and modifications of implementation strategies were initiated under EP pressure"³²⁴.

Environmental policies have in general been growing since the 1960s all over the world when the first scientific analysis of certain chemicals or products used in various industries have proved them to be damaging for land, sea, and air ecosystems. Since the stability and survivability of all ecosystems on this planet are based on the necessity of the existence of a variety of ecosystems (or in other words, survival is only possible through variety) policies that improved and safeguarded those ecosystems became ever more important ³²⁵. The EP was therefore an active participant in the EU in the push for such policies.

Even under the cooperation procedure, the Parliament was still able to exert influence in the environmental legislation and chemical regulation:

"Through the analysis of Parliamentary debates as well as Commission and Parliamentary committee documents, we are able to assess the significance of different amendments, as well as the degree to which they were introduced in the final decision of

³¹⁹ Servent, 2013, pp. 972.

³²⁰ Wallace, Pollack, Young, 2010.

³²¹ Haigh, N., 2004..

³²² Collins K., Earnshaw, D., 1992.

³²³ European Parliament, 1996.

³²⁴ Wallace, Pollack, Young, 2010, pp. 315, 316.

³²⁵ Tsebelis, Kalandrakis, 1999.

the Council. Our analysis indicates first that less than 30% of EP amendments are insignificant, while 15% are important or very important; second, that the probability of acceptance of an amendment is the same regardless of its significance. Further analysis indicates two sources of bias of aggregate EP statistics: several amendments are complementary (deal with the same issue in different places of the legal document), and a series of amendments that are rejected as inadmissible (because they violate the legal basis of the document or the germaneness requirement) are included in subsequent pieces of legislation. We calculate the effect of these biases in our sample, and find that official statistics underestimate Parliamentary influence by more than 6 percentage points (49% instead of 56% in our sample)”³²⁶.

The effective entrance of the codecision procedure into environmental legislation happened in the Treaty of Maastricht (Community measures to achieve environmental objectives except measures of a fiscal nature³²⁷).

But again, the very structure of the EP can determine its influence on policies. Since it is a party-based institution, elected by European elections, the very results of elections can modify the effectiveness and the policy preferences of this institution. Together with this comes the fact that enlargements of the union may tend to increase the number of MEPs in the European People’s Party and the PASD (Progressive Alliance of Socialists and Democrats) and possibly diminish the numbers of MEPs in the Greens Party or other smaller parties, as well as their influence. However, even if these changes have occurred in the past, the EP did not lose its greening political preferences.

“[...] as a consequence of the extension of codecision to a wider range of policy areas, there is an emerging trend for more than one committee to be involved in crafting legislative agreements within the Parliament [...]”³²⁸. For example, between 1993 and 1999 the majority of codecision legislation (63 per cent) was processed by just two committees (the Environment and Economic Affairs committees), and only six committees had the opportunity to deal with codecision cases³²⁹. With the entry into force of the Amsterdam and Nice Treaties, which expanded the range of policy areas covered by codecision, more committees became regularly involved in policy-making. Nine committees regularly processed legislation between 1999 and 2009 ³³⁰, and some have seen a marked increase in the amount of dossiers they process; for example, the Transport Committee dealt with just two codecision cases between 1993 and 1999, but saw this increase to 50 cases between 2004 and 2009 ^{331”}³³².

Through this account from Charlotte Burns we can understand why the EP was named the green institution, as the Environment Committee was one of the first to be active and influential under codecision and had a decisive role in the first years of this newly vested institution. Its workload was immense in the

³²⁶ Tsebelis, Kalandrakis, 1999, pp. 119.

³²⁷ Legal denomination as stated in the Treaty of Lisbon/Treaty on the Functioning of the European Union. This legislative area was introduced in the Maastricht treaty. Only a few linguistic changes were made between Maastricht and Lisbon in this regard.

³²⁸ See also: Settembri and Neuhold 2009.

³²⁹ See also: European Parliament 1999.

³³⁰ See also: European Parliament 2004a, 2010.

³³¹ See also: European Parliament 1999, 2010.

³³² Burns, 2013, 990, 991.

early years after Maastricht. With the further empowerment of this institution more committees became active in the decision-process, leading to a process called “associated committee procedures”³³³. This means that because of the highly specialized and diverse subject matters, numerous professionals became entangled in the search for consensus at the EP level and automatically at the EU level. This fact also led to attention being focused more on committees and less on the plenary. The chairs of the committees that are directly involved on the legislative act at hand share competence and are advised to reach consensus for the final draft to be completed on schedule. These facts can be seen as positive for the EP as a whole, since decisions would still involve diversified sectors of the plenary which would make consensus easier to reach but also as negative, since the legislation may lose detail and the bargaining power of the EP with the Council may decline³³⁴.

According to the EP, the committee’s “members are divided up among 20 specialised standing committees.

These committees instruct legislative proposals through the adoption of reports, propose amendments to Plenary and appoint a negotiation team to conduct negotiations with the Council on EU legislation. They also adopt own-initiative reports, organise hearings with experts and scrutinise the other EU bodies and institutions.

A committee consists of between 25 and 73 full members and an equivalent number of substitutes.

Each committee elects a chair and up to four vice-chairs amongst its full members, forming together the ‘committee bureau’, for a two-and-a-half-year mandate. The political make-up of the committees reflects that of the plenary assembly.

Parliament can also set up sub-committees and special temporary committees to deal with specific issues, and is empowered to create committees of inquiry to investigate alleged contraventions or maladministration of EU law.

At conciliation stage, a specific Conciliation Committee is set up.

*The parliamentary committees normally meet in Brussels, and their work is supported by a secretariat. Their debates are held in public and, in principle, web-streamed”.*³³⁵

Later in the decision-making process and specifically during conciliation, one of the final stages of codecision, this “conciliation procedure is opened if Council does not approve all the amendments adopted by the Parliament at second reading.

The Conciliation Committee consists of two delegations: the Council delegation, composed of one representative of each Member State (ministers or their representatives), and the Parliament delegation, composed of an equal number of MEPs. The Conciliation Committee is responsible for drawing up a ‘joint text’, which then has to be endorsed by both Parliament and the Council.

*The committee chairs coordinate the work of the committees in the Conference of Committee Chairs.*³³⁶

³³³ Burns, 2013, pp. 991.

³³⁴ Burns, 2013.

³³⁵ This information is available at: [Accessed on the 29.06.2017], URL:< <http://www.europarl.europa.eu/committees/en/about-committees.html>>.

The political action of the Committee on the Environment, Public Health and Food Safety (ENVI) of the EP did, however, vary according to its formation, particularly its chairman³³⁷. This is the main committee in the European Parliament organized to deal with these specific policy issues. However, one should note that Committee chairs and rapporteurs are not the same persons, as the committee elects the rapporteur for each legislative bill on its agenda.

Ken Collins, a Scottish MEP who ran this committee from 1979 until 1999, was characterized as conducting a leadership of dissensus. This fact equally relates to the political attitudes of the EP which we have observed before: the EP was much more prone to dissensus in its first years after Maastricht than after Amsterdam or Nice.

Carolyn Jackson and Karl Heinz Florenz who followed Collins from 1999 until 2004 were not as likely to push for further as incisive or radical change as their predecessor. Its responsible role in the common environmental policies still remained as a core duty in its activities but these were more moderate in contrast³³⁸.

Miroslav Ouský, Czech in origin, followed Jackson and Florenz in the years 2004 to 2009. His chairmanship was a result of the enlargement of 2004 of ten new countries. It was also one of cautiousness and relative conservatism.

“Ouzký led this large committee in a professional manner but was personally sceptical when it came to developing new and more demanding environmental measures. For instance, he was one of the fundamental opponents to the climate change package, questioning the scientific basis of this policy, and therefore voted against adopting the Interim Report on the scientific facts of climate change which pointed to its man-made origins³³⁹, produced by the temporary committee on climate change”³⁴⁰.

Jo Leinen, a German socialist, following Ouský after the 2009 European elections and acting on a fully empowered EP, pushed for further and level-increased change.

In the time that elapsed from January of 1994 and March of 1995, (approximately four years after the entrance of the codecision mechanism) 32 directives and sub-directives came under the method of codecision. Of these 32 directives and sub-directives, 16 were managed by the Environment, Public Health and Food Safety Committee either alone or in cooperation with other committees; three directives were managed by the Legal Affairs Committee; two by the Culture and Education committee; six directives by EMAC³⁴¹ alone or cooperatively; one by the Transport and Tourism Committee; two by CERT³⁴² which in-

³³⁶ Idem.

³³⁷ Wallace, Pollack, Young, 2010.

³³⁸ Wallace, Pollack, Young, 2010.

³³⁹ See also: European Parliament 2008b.

³⁴⁰ Wallace, Pollack, Young, 2010, pp. 317.

³⁴¹ Committee on Economic and Monetary Affairs and Industrial Policy. The former name for the Committee on Economic and Monetary Affairs.

³⁴² CERT: Computer Emergency Response Team, which is formed by information technologies and online security experts from several European institutions such as the

cludes a number of EP professionals; and one directive partially decided by the External Relations (Foreign Affairs) committee ³⁴³.

This study by David Earnshaw and David Judge (1995) of the early days of codecision examines the first real consequences and statistics of the codecision mechanism when it was first created. These were the first cases that were dealt with under this procedure and the results are somewhat puzzling.

From these numbers alone, in a relatively short period of time, we are able to see that the most active and engaged EP committee was, without a doubt, the Environment, Public Health and Food Safety Committee. It comprised approximately 60 % of all the directives that came into the codecision statute or *modus operandi*. The assumption of the EP as the greenest institution, although debatable, does not appear without reason. The other more active committees were the Legal Affairs Committee and EMAC.

According to Earnshaw and Judge (1995) the EP is seen to have, on several occasions, successfully pushed its political agenda either by the support of the Commission or the Council or both. Many amendments suggested by the EP were effectively materialized in the final agreement. These cases are for example, the "summertime directive", or "the directive on the marketing, classification, labelling and use of dangerous substances":

Council has sought to incorporate to the largest extent possible the suggestions from the European Parliament, with a view to formulating a text which reflects a consensus between the two legislative bodies whilst respecting the overall balance of the Commission's proposal. (Council's Reasons, OJ C101,9 April 1994:54)³⁴⁴.

In several political areas and legislation, whether on "recreational craft", "timeshare", the "Socrates Program", or "home and leisure accidents", the EP had its views incorporated in the final legislative acts between 30% and 80% of the times it had changes proposed. Only in one case - the directive about "emissions from motor vehicles" - was the influence of the EP lower than average, where the EP was only capable of enforcing 3 out of 23 amendments (13%).

Whether it was with the support of the Council alone, the Commission or both, we can postulate that the EP was somewhat successful in its political conduct in this period, in other words, the ability to have legislation match its original drafts, preferences and ideas.

In specific cases the Parliament as a whole voted against the initial recommendations of its own committee or rapporteur. Such was the case of the "obligation to publish listing particulars in stock exchange markets",³⁴⁵ where the EP chose, in the end, to accept the common position and decided not to go through with conciliation as it would delay a legislative deal that could be implemented within one month. Conciliation would postpone it for much longer.

Another example where the EP proved not to be as green as one would expect was the "directive on motor vehicle emissions". Since the EP was not

Council, Commission, European Parliament and the Committee of Regions and Economic and Social Committee.

³⁴³ Earnshaw, Judge, 1995.

³⁴⁴ Earnshaw, Judge, 1995, pp. 629.

³⁴⁵ Earnshaw, Judge, 1995, pp. 631.

able to gather an absolute majority to amend the first reading decisions of the Council, when taken to the plenary, the EP actually voted against these amendments of its Environment, Public Health and Food Safety Committee. The industrial and motor vehicle interests proved to be quite strong in the member states, the Commission (that followed the agreements of the Council) and the EP itself.

The transports area is an interesting and obvious focus of research not only due to its exporting capabilities, particularly in industrial nations like Germany, France or the UK, but because its most important committee in the EP (Committee on Transport and Tourism) usually develops great dissensus with the Environment Committee and even the Committee on Agriculture. Concurrently comes the fact that the member states' interests and at times the Commission's preferences may not align with environmental concerns. This can occasionally encircle and circumscribe the EP's mandate and paralyze its political ambition and ideals, leading to a political chessboard is created where the institutions must be able to gather great consensus, particularly the EP, if it indeed intends to pursue its political agenda.

Having observed the political mandate of this institution, particularly in the environment and transport areas (although other political spheres and legislation are also possible), working together with the political biddings of both the Commission and the Council that can support or oppose the will of the EP, makes us more able to comparatively analyze the workings of the EP in the CAP after the Lisbon treaty. Even if the methods of codecision have changed from these early times until the Lisbon treaty of 2009, certain continuances will be observable.

However, yet another basis for understanding the difficult role faced by the EP faced in these first years was also when, due to inability to reach an absolute majority, the EP failed to have its amendments to the "directive on dangerous substances and preparations" that dealt with the use of nickel and other materials in jewellery and related commodities substantiated in the final legislation. These issues were also under the scope of the Environment, Public Health and Food Safety committee³⁴⁶.

The Council adopted 6 out of 20 times the amendments proposed by the EP in the first year of codecision. This means a success rate on part of the EP of around 30% which is a considerable accomplishment given that codecision was only applied to a relatively small number of policy areas and the respective committees. In these cases, the Council went against the initial draft of the Commission. Examples of this scenario include the "sweeteners in food additives" (directive 94/34) legislation (Environmental Committee) and "technical standards for the smooth functioning of the internal market"; (EMAC - Com-

³⁴⁶ Earnshaw, Judge, 1995.

mittee on Economic and Monetary Affairs and Industrial Policy³⁴⁷); (directive 94/10)³⁴⁸.

Despite the partial success of the EP's representatives in the first years of codecision by the acknowledged inclusion of the EP's amendments, the phenomenon of the closer proximity between the Council and the Commission remained all throughout the evolution of the European treaties and still remains today. The reluctance to work and negotiate with the EP was and is due to historic reasons, as well as to individual people and institutions and their working methodologies and system of beliefs. The rules and procedures of each institution vary deeply and that can make cooperation difficult at times. The technocratic, expert-based policy making and detailed legislation practice by the Commission is different from the political beliefs and party-based political action philosophy and action of the EP. The expert-based practice of the Commission has always been more directed, by historical reasons, to negotiate with the Council.³⁴⁹

The reader will be able to observe how the EP has tried to circumvent these notions and how the Commission and the Council have consequently behaved when in contact with these different working methodologies. Despite the not so fertile ground on which the Parliament is based in the EU, it has, been able to exert statistically proven and operational change in EU legislation. However, the political behavior of the EP will be one of searching for easy consensus and marginal procedural gain and not one of effective push for dissensus and possibly greater legislative victories imprinted in the final acts.

If the typical and most statistically frequent alliance in these first years is formed between the Council and the Commission (particularly if we notice that the EP did not even have codecision powers in many legislative areas at this point), the necessity for a Council/Parliament pact was always a possibility that often materialized in the imprinting of legislative acts and so was the Parliament/Commission concord.

In the first years of codecision until March 1995 practically all of the issues raised were under the responsibility of the Environment Committee. From all these legislative acts three directives were convened in third reading and conciliation (volatile organic compound emissions; packaging waste; protection of purchasers of time-share properties) all under this same committee. Only on the issues of voice telephony and biotechnological inventions was the whole codecision negotiation ineffective because of comitology procedures that did not entail a sufficient procedural role for the EP or, in the latter case, because a sufficient level of compromise was not attained.

³⁴⁷ This was the old abbreviation for the present Economic and Monetary Affairs Committee (ECON).

³⁴⁸ Earnshaw, Judge, 1995.

³⁴⁹ There was a change of the Commission itself from a Hegelian-style super-bureaucracy in the era of Monnet to the direction of a de facto government as Tillikainen (2014, 2014a) writes, even adopting some features of the Bagehotian cabinet government, in which the ministers are political and the officials subordinated to them, even if the ministers cannot be MEPs as the Westminster-style parliamentarism would require.

The early years of codecision were in sum relatively successful. The institutions had developed an increased level of dependency, fruitful contact, political partnership, and responsibility sharing, as well as a significant level of diligence-making.

If taken on macro-political terms, the position of the EP can be conceived at earlier times as one of dissensus with relative gains, given its limited powers particularly on the environmental sphere, where its committee on the Environment, Public Health, and Food Safety was an avid competitor for the parliamentarization of the EU legislative framework, legislation, and decision-making mechanisms. But this mentality changed over the years as one will be able to see.

Time passing and the fact that the Amsterdam, Nice, and Lisbon treaties ended up entrusting the EP with full codecision powers facilitated not only the role of this institution as a whole but also that of its committees. The fact that there were practically no areas of policy-making that were not subjected to the common legislative procedure simplified the role of the EP's committees, even though they were now subjected to stringent and demanding rules, particularly in respect of deadlines. Before Lisbon, the action and decision-making procedures of each committee could have been determined by whether the EP did or did not have codecision powers on a given policy area. Consequently, some committees were more important and had greater responsibility than others, even if they were all part of the same institution. After Lisbon, the EP, as a fully credited European institution with equal powers to the Council, became more internally equilibrated and its committees were now equally relevant in consensus building with the Commission or the Council. The legislative institutional triad of the Commission, Council, and Parliament became more stable in functions and autonomy and automatically more democratic while the EP's committees, the Commission's Directorate Generals, and the Council's governments and representatives now all met on equilibrated stands that facilitated the actions of all the intervening partners.

The ENVI committee of the EP was from the start an important and academically interesting committee as it had codecision powers on most of its policy issues ever since Maastricht. However, its actions could be seen as being parallel to the history of the EP as a whole, varying throughout its evolution.

The variables attached to the study of the EP are very diverse. The fact that it is formed by parties elected in European elections that change their formation and political influence according to election results, together with the element that only after 2009 and the Lisbon treaty was this institution empowered with full codecision powers, make this parliament unique in its history. If we were to compare it with national parliaments, we would observe that very rarely are national parliaments endowed with powers comparable to codecision in magnitude.

Studying codecision is studying an evolution, a process of empowerment of an institution ever since the Treaty of Maastricht, how the other two institu-

tions, Council and Commission, have behaved and acted towards this empowerment, and what the EP has been able to change with this delegation of powers.

The EP has thus chosen to pursue a careful approach aiming at pushing for dissensus only if the policy issue at hand is advantageous for its own role as an effective codecider. Consequently, certain policy areas have received more attention than others. This phenomenon can be understood in several ways and it is one of the reasons why codecision and the Lisbon treaty did not completely solve all the legitimacy issues that had existed since Maastricht³⁵⁰.

Contributors also show that the distributional consequences of the new rules – formal as well as informal – are less pronounced than theorized [...] ³⁵¹; furthermore, they argue that parliamentary empowerment and the involvement of a more diverse range of actors does not necessarily transform the allocation of values and resources [...]. Finally, the contributions ring a note of caution when it comes to the system's legitimacy and support; they argue that Parliament, in adapting to the new 'rules of the game', has tipped the balance between efficient and transparent law-making too far in favour of the former [...], and that codecision – especially in the way it is applied at first reading – still fails to satisfy key requirements for the democratic legitimacy of legislative procedures [...].

This last point is interesting as it illustrates that parliaments do not always act in a parliamentary manner. The consequences of codecision have thus been quite specific and issue-related. The fact that academics debate this issue with very different conclusions contributes to the doubt-admitting nature of this subject where different readings, conclusions, and interpretations are possible. Hence, these issues can exist whether one is studying the impacts of the common legislative procedure in the European environmental policy, transport policy, or the CAP. If specific occurrences can be precisely studied where the EP had an important and effective role in the design of a legislative act, other macro instances such as the ones mentioned by Burns, Rasmussen and Reh (2013), are always part of this procedural arrangement and this academic subject overall.

Cases have existed that undermine the notion of the EP as the green institution of the EU, as this study has shown. Since associated committee procedures have been used, the ENVI committee has also suffered slight setbacks, as other committees have been able to pursue their demands more effectively.

For example, in this case [the European Climate Change Package of 2009 that involved the industrial and environmental committees of the EP] the winner represented industrial interests, so are those interests better served in the EP than environmental or consumer groups? If so that sheds a different light upon the EP's wider reputation as a champion of citizens' rights and environmental interests [...] ³⁵². The case also highlights the complex dynamics between the relais actors, the committees and

³⁵⁰ Burns, Rasmussen, Reh, 2013.

³⁵¹ See also: Häge, F.M. and Naurin, D., 2013; Rasmussen, A. and Reh, C., 2013; Burns, C., 2013; Ripoll-Servent, A., 2013; Huber, K. and Shackleton, M., 2013; Lord, C., 2013; Burns, Rasmussen, Reh, 2013.

³⁵² See also: Burns, C., Carter, N., Davies, G. and Worsfold, N., 2013, Ripoll Servent, A., 2013, Burns, 2013, pp. 1000.

the political groups. Where conflict did emerge the relais actors crafted an agreement that was acceptable to the two largest political groups. This finding fits with other research, suggesting that political groups are increasingly seeking to exercise control within committees via the relais actors in order to maximize the EP's overall chance of success [...].

These events can occur before trilogues and even before first reading, but if one EP committee, such as the ITRE (Industry, Research, and Energy Committee), had partial success in the discussions inside the EP in such a sensitive and highly environmentally related file, the overall role of the EP in the codecision procedures could not have been strongly supporting environmental issues from the beginning. This is another case where the understanding of the field of codecision takes a new approach. However, as Burns tells us, (2013) associated committee procedures do not undermine the role of the EP as an effective codecider.

In what concerns the materialization of trilogues with Council and Parliament regarding the European Climate Change Package (ECCP), Burns assesses that in one of the cases: *“Following the committee's rejection of the deal negotiated by the relais actors, further meetings with the Council were held and ENVI adopted its report on 28 October 2008, but, as noted by Werner Langen³⁵³ in the plenary debate on the proposal, the final outcome was closer to the rapporteur and ITRE's³⁵⁴ position than to that insisted upon by ENVI – crucially, the final date for meeting the 120g/CO₂/km [legislation regarding the emission of pollutants by small cars] was 2015 rather than 2012. The view of committee personnel was that the rapporteur Sacconi³⁵⁵ had gone too far towards meeting the demands of the ITRE rapporteur within the negotiations and had failed to bargain effectively to meet the ENVI committee's goals. Once it was clear to the Council that the EP's relais actors were prepared to accept the deal rejected by the ENVI committee, the committee's position merely demonstrated that there was disagreement. The committee was further weakened by the fact that the whole package was referred to the European Council for final decision; consequently, the EP as a whole was put in a position of having to accept a 'take-it-or-leave-it' offer from the Council”³⁵⁶.*

If this was a case where the EP did not have clear victory, other cases in this package still justified classifying the EP as a responsible institution that ultimately seeks consensus. It gathered victories in many dossiers of this European Climate Change Package but also occasional defeats. These results admit many interpretations but it is clear that the EP is an institution capable of having its views materialized in the final outcomes in environmental matters and also other areas of expertise. Without codecision this statement could not even be made, since the EP would have no say in the matter.

The European Climate Change Package is therefore a curious case for observation as it involves many areas of expertise in transport and environment, many committees in the EP, several Directorate Generals of the European

³⁵³ Werner Langen is a German MEP from the European People's Party.

³⁵⁴ Committee on Industry, Research and Energy

³⁵⁵ Guido Sacconi is an Italian MEP from the Party of European Socialists.

³⁵⁶ Burns, 2013, pp. 996.

Commission, and also many member state related concerns, particularly for nations whose transports industries represent a considerable percentage of their GDP and exports.

Charlotte Burns (2013) has contended that the role of the EP in environmental legislation has been a long one, with examples such as the small cars emissions directive where its much-discussed veto modified the final legislative acts, the auto oil package where its actions also affected the ultimate outcome or the novel foods negotiations where its performance was of a similar nature. However, Burns reports that with the passing of years and the different legislatures, the EP has increasingly become less green. The empowering of the EP from a beginner codecider institution to a full codecider has decreased its radical views and actions and its ability to pass more stringent environmental legislation has also been partially deteriorated ³⁵⁷.

The Environment Directorate-General of the European Commission (DG ENVI) is considered to be a slightly feeble DG when compared to others in this institution. This does also not help the EP in this area of expertise in the global area of environment and has precluded the EP with the ability to pass stringent environmental legislative acts ³⁵⁸. This is an example where the beginning stance of the EP is not an easy one and can eventually dampen its success potential. On the other hand, Burns also shows us that the enlargement of 2004 (which gave the Union ten new member states) appeared to have a positive effect on environmental legislation approvals as the enlargement also empowered the EP's legislatures and its abilities to push for greener European agendas. The radicalness of the EP's political attitudes has decreased but it has become more successful, particularly at second reading, hence, its ability to change and influence legislation has increased but the profoundness or radicalness of its proposals has decreased. In order for the EP to be truly revolutionary, the legislative acts at hand must be considered by both the Commission and the Council to be of a very high level of importance and to be environmentally essential ³⁵⁹. The results of Burns seem to indicate that the EU institutions tend to favor legislation that is more cost-effective for the institutions, the member states, and the private actors, hence the tendency to fight against amendments that are too radical in nature.

The political spectrum (left /right) proximity between Council, Commission, and Parliament particularly after 2000 (predominantly centre-right) has also helped in the making of consensus and to push for cheaper and less avant-garde solutions in environmental concerns. Since inter-institutional (and occasionally secret) dialogues occur much earlier in the preparation of the legislation and the eventual consensus-building, the degree to which one institution has been more influential than the other can be more diffuse and more difficult to observe academically and statistically. The EP or codecision has also become less open to civil society, or, in other terms, civil society has lost some of its

³⁵⁷ Burns et al, 2012.

³⁵⁸ Burns et al, 2013.

³⁵⁹ Idem.

power amidst the European institutions, as the new *modus operandi* of the co-decision mechanism has empowered rapporteurs and not civil or environmental rights groups who had had relative influence in the EP. The Commission and the Council will still try to push for a closer and more similar agenda than the EP. The effectiveness of the EP is a noted one in environmental legislation and in other areas but it still operates in a system that does not benefit its political beliefs. The actions of the EP have thus been felt, if one looks at the statistics, but it begins and ends in a struggling position amidst the other two European legislative institutions.

The European Parliament has been heralded as a champion of environmental policy within the European Union. However, there have been few recent studies of the European Parliament's treatment of environmental legislation, despite the many changes that have taken place within the EU. To correct this oversight all European Parliament amendments to environmental co-decision legislation between 1999 and 2009 have been classified according to their environmental importance and analysed to determine how the chamber's behaviour has changed over time and which factors shape its success. The European Parliament appears to have become both less radical and less successful in incorporating strong green amendments into legislation, and the European Commission emerges as a central explanation for the European Parliament's ability to do so. Despite the Commission's reputation as a partner seeking to advance the environmental agenda, it does not appear inclined to support the European Parliament's attempts to green legislation³⁶⁰.

The inequality in the European institutions did not end with the Lisbon treaty. These organisms exist and sustain themselves through their validity in the European treaties and the acceptance of the member states of their importance and democratic value. However, since the EP is a newcomer to the legislative triad of the EU, its position and capabilities are still creating doubts in the academia. Many academics still debate how effective the EP is in the use of its new powers. Having observed the European-level environmental legislation, one can see that its role has been a curious one ever since Maastricht and even more empirically so in recent years.

If its powers grew, the radicalness of its proposals decreased³⁶¹. The EP, as a singular institution, behaved with the knowledge that for its proposals to gain acceptance and for them to be implemented in the final legislative acts, the best strategy to adopt would be a disciplined one without great use of harsh environmental measures that could only be accepted with difficulty (in total or partially) by the Council or the Commission, who share equal powers with the EP. Hence, its political behavior can be characteriszd as both green and not so green.

The entitlement of this institution as the "greenest" institution is consequently one that is debatable. If it indeed gave rise to numerous environmentalist parties that had had good results in European elections ever since 1991 (and particularly after 2004 with the biggest EU enlargement that suddenly gave it

³⁶⁰ Burns et al, 2013, pp. 935.

³⁶¹ Burns et al, 2013.

great manoeuvrability in environmental legislation); if it did bring the interests of civil society and especially environmentalist groups (they should be considered as extra-parliamentary lobbies) to the center of European decision-making; and if it undoubtedly had full codecision powers (in European environmental legislation since 1991 and in practically all political areas since the Lisbon treaty of 2009), then its actions or its push for greener policies were dampened either by the Commission, the Council, individual member states, the political left-right proximity of all these institutions' officials, or even its own understanding of the European legislative framework. That made the EP more victorious in less ambitious environmental legislation than in radical environmental transformation³⁶². With the logic of its political conduct analyzed and understood, the naming of this institution as the "greenest" in the political triad of European legislative institutions is a very dubious one. It certainly behaved with the conscience of the importance of strong environmental legislation as relevant for the economic and social growth of the EU, but it also partially failed the expectation that any scholar or citizen would have that a fully democratic and empowered institution would bring about a radical change.

Overall, the study indicates that the chances of amendments that represent a strong ecological modernisation agenda being proposed by the Parliament are low, and if they are proposed their chances of adoption by the Commission and Council are also low. Thus, the portrayal of the EP as the EU's environmental champion requires greater nuance to reflect the conditionality of the EP's exercise of influence within the EU's complex system of decision-making³⁶³. Moreover, the prospects of legislation being adopted that reflects anything more progressive than a weak ecological modernisation agenda within the EU seems unlikely³⁶⁴.

From this assessment, we can contend that the empowering of the EP as a full co-legislator from Maastricht in 1991 to Lisbon in 2009 was a very positive one democratically, economically, and socially, but one that did not bring about such a revolution as one would expect. The status quo in environmental legislation at the EU level experienced some degree of political change in the first years after Maastricht but was not radically altered with the Lisbon treaty. However, one can postulate that intra-parliamentary powers can be more important than the lobbying power of environmentalist pressure groups. From this standpoint, the role of the EP has become balanced through the years of co-legislation as the more legislatures it exercised power in, the less radical it became. The political behavior and the consequences of the empowering of the EP were thus both positive and negative as it improved the democratic effectiveness of European decision-making, but at the same time the political status quo of European environmental legislation was not severely altered. The other two institutions, Council and Commission, circumvented the structural deficiencies of the EP, making it less apt for a positively radical change.

³⁶² Burns et al, 2013. See also European Environmental Agency, 2011.

³⁶³ See also: Judge et al. 1994.

³⁶⁴ Burns et al, 2013, pp. 953.

In another interesting and very relevant study by Fertő and Kovács (2014) a total of 93 policy topics all regarding the CAP after the Lisbon treaty, more specifically, the European Agricultural Fund for Rural Development (EAFRD), Single Common Market Organisations³⁶⁵ (SCMO) and Horizontal Regulation³⁶⁶ (HR) were analyzed observing the changes effectively posed by the EP and the frequency of different types of coalitions between the three legislative institutions (Commission, European Parliament, and Council of the European Union). Let us remind ourselves that these policies and policy issues were all negotiated and decided under the codecision method, with the EP as an effective co-decider in CAP areas where, before the Lisbon treaty, it would practically have had no say in the matter.

When it came to the designing of coalitions between the three legislative institutions of the Union, and the dealing with these political issues inside the sphere of the CAP, the most common coalition was formed by the Commission and the Council (43%). The second most frequent coalition was the Parliament with the Council (22,6%) and the third one was the Parliament with the Commission (20,4%). And in 14% of the cases no coalition was ever organized, which meant that all of them shared different ideas before the trilogues would begin.

From these numbers alone, one can see that in theory and practice the EP is keener to find consensus with the Council than with the Commission, while the Commission and the Council, possibly by historical habit and methodology, prefer to deal with each other and avoid diligences with the EP. The reasons for this distrust can be numerous. Despite the coalitions formed on a case-by-case basis, the EP was able to exert its influence, i.e. to have its original ideas partially or completely substantiated in the final legislative act or policy in 65,6% of the cases, either with some form of coalition or by itself³⁶⁷.

³⁶⁵ According to the European Commission, in order to understand what a Single Common Market Organisation is we must know that: "A common market organization is a set of measures that enables the European Union to monitor and manage, either directly or indirectly (via producer organizations supported by operational programmes), the markets of agricultural products. The rules are laid down in the regulation on the single common market organization.

The purpose of market management is to stabilize markets (in terms of quantity offered and purchased and the price at which transactions take place) and thus to ensure, on the one hand, that farmers do not suffer from excessively low prices and, on the other, that consumers have a secure supply of food at reasonable prices.

Until 2007, the European Union operated 21 common market organizations which together covered around 90% of the output of farms. With a view to make things simpler, the European Union has amalgamated these 21 common market organizations into a single set, known as the single common market organization. [Accessed on the 04-11-2016]

URL:<http://ec.europa.eu/agriculture/glossary/index_en.htm>.

³⁶⁶ According to the European Commission, the Horizontal Regulation "sets out the general rules on the financial management and budgetary aspects of the two pillars of the Common Agricultural Policy (the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development). It concerns financial corrections and controls as well as procedures for the prevention, detection and correction of irregularities and the application of penalties". [Accessed on the 04-11-2016] URL:<

http://ec.europa.eu/agriculture/glossary/index_en.htm> (04-11-2016).

³⁶⁷ Fertő, Kovács, 2004.

When the EP acted by itself, it was still able to change final legislative parameters in 14% of all cases. Concerning the case-by-case approach, on the main divisive areas and issues of the CAP, the EP had effective influence, completely or partially, in the Single CMO Regulation and Horizontal Regulation by 71,4%, the EAFRD by 63,6%, and the direct payments system by 62,8%. The EP is better at winning by itself (24,7%) than the Council (16,1%).

When working together, the most successful coalition is the Parliament-Council (95,2%), the second is the Commission-Council (32,5%), and the third the Parliament-Commission (26,3%). These values also indicate the working nature of each institution. The EP is thus more closely related to the Council also, but not only, due to its intrinsic political nature than to the Commission with its technocratic working structure.

Subsequent numbers have shown that, without a doubt, codecision has thus impacted the CAP, as the EP can act alone and still be a prevailing political and legislative institution in legislative amendments.

Not only can the Council and Parliament outmanoeuvre the Commission if enough consensus is built between the two, but both the Council-Commission coalition and the Parliament-Commission coalition have similar chances of success in reformulating these types of specific priorities in the CAP. It is important to remember that without the existence of codecision, all of these numbers would be virtually inexistent. The EP would, under the pre-Maastricht systems, only be able to delay legislation and give recommendations to the Council or the Commission, which they were not obliged to follow.

The EP proved more effective in changing the rural development sector (65,71%), then the Horizontal Regulation (60%), and the single common market organization (52,38%) or the direct payments (48,84%), however, since the direct payments regulations are a very contentious area with great dissent between all three institutions and between member states themselves, this lower value is justifiable.

When it comes to the actual nature of its policies or amendments, the EP was indeed the greenest institution as all of the amendments of the EP were accepted in the direct payment system. For example, concerning the financial support for young farmers, these would be able to receive this budgetary aid if their farm size was up to 100 hectares as long as they complied with all agri-environmental measures thus promoting the entrance of young European citizens in the agricultural sector respecting strict environmental rules from the very beginning of their practice. Another case was the crop diversification measures where the EP and the Council equally voted for 10 hectares as a lower commencement for crop rotation, thus alleviating land overuse and diversification in agricultural commodities; or in the maintenance of permanent pasture areas in permanent grasslands³⁶⁸ aimed at improving animal health, productivity and biodiversity³⁶⁹.

³⁶⁸ As article 4 of the *Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Reg-*

The greening measures continued after the Lisbon treaty and the EP had a role in it, actually increasing this greening process in agricultural production. However, the overall consensus of the EU was and is one that tends to favor greening advancements. It was not a battle in which the EP was a sole contender but one to which all European legislative institutions were somewhat dedicated to. Despite all of this, the EP did indeed push for even greater reform.

Greening policies in the European CAP are mostly summarized and centered on crop diversification measures to avoid land overuse and erosion, and agricultural diversification; the conservation of permanent grassland; and the establishment of "Ecological Focus Areas" (usually on 5% of usable lands).

Where the rural development section is concerned (EAFRD), the EP was able to influence the policy design by as much as 80% but when it came to greening measures inside this mechanism its success rate was only 44,4%.

The total number of amendments of the EP in the latest CAP reform in the 2009-2014 legislature was 8606 amendments. Some were completely included in the final legislation and others partially (10,3%). When comparing these figures with the consultation procedure we see a slight increase in the EP's abilities of about 3% but a very significant increase of around 480% of the total number of amendments discussed under codecision. In this logic, the workload of the EP increased enormously and its success ratio also increased but at a lower level. Taking a total number of amendments and dividing it by its success rate, the role of the EP has naturally increased significantly.

Given the statistically observable and highly positive success ratio of the EP in having its ideas imprinted in the final legislative acts, one can see the dimension in which the EP was not only able to deal with new incoming responsibilities deriving from the increase in codecision areas of the Lisbon treaty, fulfilling deadlines, schedules and due procedures, but was in fact an active and empowered political institution able to democratically and justly represent the will of the European voting citizens. In these procedures, the most influential parliamentarians were Capoulas Santos (Portuguese, Socialists and Democrats), Michel Dantin (French, European People's Party) and Giovanni La Via (Italian, European People's Party). These three MEPs were the most successful rapporteurs in the EP, particularly in the Horizontal Regulation system, the European Agricultural Fund for Rural Development and the Single Common Market Organisation, and least effective in the direct payments structures. However, the Portuguese Capoulas Santos was the most successful parliamentarian with an

ulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 states "permanent grassland" means: "permanent grassland and permanent pasture" (together referred to as "permanent grassland") means land used to grow grasses or other herbaceous forage naturally (self-seeded) or through cultivation (sown) and that has not been included in the crop rotation of the holding for five years or more; it may include other species such as shrubs and/or trees which can be grazed provided that the grasses and other herbaceous forage remain predominant as well as, where Member States so decide, land which can be grazed and which forms part of established local practices where grasses and other herbaceous forage are traditionally not predominant in grazing areas [...]. This article is available for reading at: [Accessed on the 17-11-2016], URL:< <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32013R1307>>.

average success rate of EP amendment acceptance of 82,9%. This study will later observe how these MEPs have reflected on their mandate (chapter 7) (and the EP's mandate), the specific policies for which they fought, the decision-making patterns as well as the victories they accomplished.

If academic and statistical results represent the after-effects achieved by this institution, the actual policy makers or, in this case, parliamentarians, the latter can possibly state several occurrences or cases that, in their view, symbolize particular endeavors, or challenges they faced, to which the statistics may not refer.

A case-by-case approach is therefore necessary in order to judge which MEPs are the most relevant for the study of this common policy (some names have already been mentioned) and which specific cases have been reported by the MEPs that can be of academic relevance. These cases will be observed in the following chapters (chapter 7) where an extensive list and ensuing analysis of such speeches will be undertaken. The MEPs speeches are therefore a relevant case study of factual evidence passed from voice to text that can serve an academic point. Therefore, the testimonies of certain MEPs can be of better interest than other parliamentarians or even other EU officials. The role of the committees is further and equally dependent and also independent from the EP; it is independent from the latter as it discusses and takes certain decisions on the basis of its own experts but it is dependent on the EP as the EP can overrule its accords in the plenary. However, after all the consensus building, it is the MEPs, and specifically the rapporteurs, who gained much under codecision with their ability to have amendments externalized in the final legislative act when discussing them with the Council and Commission. An elevated support behind the amendments decided in the COMAGRI (Committee on Agriculture and Rural Development from the European Parliament) is necessary, hence many other committees also serve as policy-designing and concordance generating platforms that are necessary for the building of common policies inside and outside the EP.

In CAP regulations, besides the Committee on Agriculture and Rural Development the most influential committees were the Budget Committee (BUDG); Budgetary Control Committee (CONT); Development Committee (DEVE); Environment, Public Health, and Food Safety Committee (ENVI); and the Regional Development Committee (REGI).

Even at the EP level, decision-making is a unison concord between several levels of officials. However, in CAP regulations the relationship between COMAGRI and the EP plenary has been a very positive and concordant one with values of consensus on (draft report, open and compromise) amendments and common laws varying between 89,2 and 100%. Internal dissensus at the inner EP level is therefore not verifiable. The EP has a relatively stable, well-structured, and concordant inner structure between the plenary, committees, and rapporteurs. This is perhaps one more reason for its relative success when facing eventual opposition from either the Council or the Commission. An average of 60% of amendments were adopted by the Council under codecision,

whereas in consultation that value was around 30% which indicates a definite increase in its overall success margin. It was in Rural development measures where the EP proved to be most successful; on the other hand, amendments decided at the COMAGRI level have a better chance of final implementation (\approx 63%), while amendments proposed by opinion giving committees or at the plenary level have lower possibilities (an average of 40% success rate).

The most influential committee in its relations and advice for the COMAGRI committee was the Environmental Committee. Figures show that 21% of its proposals or amendments were incorporated by COMAGRI³⁷⁰. DEVE was also a noticeable influence with 13,2% of its successful amendments incorporated in CAP final regulations. Their advice and its eventual inclusion in CAP measures was mostly directed at rural development and Horizontal Regulations where their success was greater.

These values prove that the EP is today a much more united legislative institution than it was in the first years after Maastricht, even if its MEPs are constantly changing in all of its legislatures and their individual political ideas can differ substantially. At the same time, due to the arduous post-Maastricht years and its fight for political recognition as a valid codecider its position is much firmer and more stable than it was. Its role evolved from a contentious one to a consensual one. Through political evolution and adaptation this institution gradually transformed its activities and concluded that the most effective way in which to push for greener agendas and have its amendments consolidated in European legislative acts was to have a consensual agenda with the Council which is still the institution with which it works best.

One of the first real challenges in the CAP came with the “Milk Package” that planned to eliminate quotas to milk production. According to Greer and Hind (2012):

In terms of outcomes, the EP made concessions on COMAGRI’s initial position to both the Council and Commission, for example dropping contentious amendments on compulsory contracts and quantitative limits for Producer Organisations. Thus, the final agreement did not include, for example, provisions to require member states to obligate written contracts between farmers and dairies but the EP was able to insert the possibility of special supply management provisions to regulate markets for cheeses covered by PDO (protected designation of origin) or PGI (protected geographical indicator) status³⁷¹.

Due to the enlarged EU and the fears of a reduced (agricultural) budget (a process that has been continuously advancing since the 1960s), the MEPs were also the ones that greatly defended the maintenance of an increased budget or at least to minimizing these effects³⁷². The final resolutions led to a decreased

³⁷⁰ Fertő, Kovács, 2014.

³⁷¹ Greer, Hind, 2012, pp. 23.

³⁷² According to the European Commission: *The lengthy negotiations on the regulation laying down the financial framework for 2014-2020 resulted in a political agreement at the end of June 2013, and this was adopted by the two arms of the budgetary authority in November 2013. Because its consent was required and it was therefore able to exert pressure, Parliament managed to amend the European Council’s agreement in principle of 7-8 February 2013. Among the changes secured were: increased flexibility in the management of budget headings,*

budget but by not as much as had been proposed. The recent entrance of Croatia into the EU also has an influence, as it is a country naturally inclined to defend stabilized or increased European (agricultural) budgets.

The fast decision-making mechanisms and the roles of procedures for co-decision also push for greater consensus and faster concord.

The fact that both Commission and the Parliament are supranational institutions (one designed by policy-experts and the other by directly European elected parliamentarians) also led to European-wide broadly-based consensus and decisions and less nationally inclined policies. The EP managed to ensure the flexibilization of greening measures, budgetary constraints and agricultural practices.

As Fertö and Kovács (2014) have showed, among the many victories of the EP some of the most important (although many others could be mentioned) were, for example, granting 1500 euros per year to small farmers as a minimum value for this specific financial aid. In this case, both the Council and the Commission had begun by defending the value of 1000 euros, which means the EP landed a substantial victory, not only for itself but for all the small farmers in the EU. In those EU states where wages are generally lower such an increase does have an immense economic value. They will also be paid under a formula where the calculation for this financial aid is related to the national medium payment per hectare on properties of up to 5 hectares (the council and the commission had proposed 3 hectares as the upper limit). When it comes to crop diversification and biodiversity in general and in order to prevent inefficient use of arable land and land erosion, the institutions settled on an agreement of “*maximum threshold for one crop in term of arable land*”³⁷³ of 80%. Another greening measure, which was adopted following the proposal of the EP against the other two legislative institutions, was the acceptance of the existence of a *permanent pasture part of permanent grassland*. Also, inside the crop diversification policy area, the EP decided and succeeded in securing that the maximum commencement in one cultivation was of 80% of arable land against the 70% proposal of the Commission and the 75% proposal of the Council. Under the European Agricultural Fund for Rural Development the financial support for less favored areas was also increased under the recommendation of the EP to 450 euros per hectare (both the Commission and the Council had proposed a value of 300 euros per hectare). The EP also favored a support rate of 75% for *investments in physical assets and new forestry technologies* in the Aegean Islands

the reinforcement of the Budget Unit, the immediate use by Member States of outstanding appropriations from the 2013 budget and the improvement of appropriations allocated under Heading 1 (competitiveness) (resolutions T7-0455/2013 and T7-0456/2013). After the last trilogues in September 2013, the Committee on Agriculture and Rural Development made further improvements to some of the financial aspects of the new direct payment system and the new rural development policy). These changes enabled Parliament, on 20 November 2013, to give the go-ahead to all of the regulatory texts relating to the new CAP (resolutions T7-0490/2013 to T7-0494/2013). The five new regulations were published on 20 December 2013 (OJ L 347). European Parliament, 2013, Financing of the CAP fact sheet; [Accessed on the 10-11-2016]. Available at:

URL:<www.europarl.europa.eu/ftu/pdf/en/FTU_5.2.2.pdf>.

(Greece)³⁷⁴ (the other legislative institutions had defended a value of 65%). Another victory for young farmers came with the successful implementation of the maximum age of entitlement of EU agricultural funds being 40 years old or less, basically adding one more year to the proposals of the other institutions.

Other successful positions and ensuing victories of the EP could have been discussed but the ones mentioned in this study are the ones an academic can consider to be of the greatest importance. Its environmental and economic prowess can nevertheless be discussed. If some of these measures present a clear defence for high environmental standards and possibly greater financial and economic support for citizen farmers in the EU, other decisions are open for debate. Their range and radicalness are also debatable.

It is then possible to state that, similarly to what happened in the environmental sector of the EU legislation, the radicalness of proposals by the EP is generally low. Its victories are considerable and numerous but the radicalness of its accomplishments is not high. They were mostly based on the maintenance of strong or equal economic and financial support mechanisms for its farmers while including new specific policies for greening procedures. It is true still that the CAP has been receiving less and less from the EU budget all throughout the years (from around 80% in the 1960s to 33% as of today). In this regard, the EP has truly been an active institution on the maintenance of a bolstered EU budget, fearing the further diminishment of the economic and financial aspect of this very relevant, historic and central European policy.

In many respects this has been the section in which a discussion of the existing academic works and their arguments, relevance, and value for understanding the momentum of the parliamentarization of the CAP has been conducted, making it a potential turning point, a plausible or effective reform. With this literature, I have also discussed whether and where the Parliament has been able to use the Lisbon Treaty as a momentum for change. In so far, this chapter has offered a preliminary view on the strength, profile and historical shifts in the parliamentary powers of the CAP, which will be confronted with the empirical textual analysis and examination of the MEPs' speeches and debates examination.

³⁷⁴ Fertő, Kovács, 2014, pp. 60.

7 ANALYSES OF PLENARY SPEECHES FROM MEPS IN EU AND CAP AFFAIRS

Parliamentary debates are not just a demand in democratic societies, they are a vital part of parliaments and MEPs political activity as they serve the purpose of understanding different points of view, comprehend each actor's demands or expectations, and transmit the institution's plans, projects, or ideals to the represented. They are thus part of parliamentary and democratic deliberation. The representatives can take to a national or international institution their individual or party concerns or the needs of the citizens who elected these MPs. In this sense, the use of certain concepts, expressions and a specific kind of rhetoric may entail a political activity or purpose³⁷⁵.

*Moreover, concentrating on the mere outcomes of decision-making does not tell the researcher much about the backgrounds, moves and rhetoric of the politics involved. As politics is mainly carried out by linguistic acts (speeches, documents, letters, legislative texts, etc.), this dimension is crucial to its understanding. Scholars should therefore be sensitive to the processes and actions, strategies, intentions and speech acts that underlie the outcome of politics, when they analyse speeches and writings of persons involved in the studied context of politics.*³⁷⁶

The debates in contemporary parliaments are made under certain time and procedural conditions that requires us to understand them in their particular context, issue at hand (agenda-setting), and the participants involved, among other considerations. The MP, MEP or President of the EP must take into account these restraints and focus on the issues that demand his/her most immediate attention. It follows that an analysis that centers on the evaluation of MEPs speeches and debates must be a careful one that puts into perspective all of these contexts.

The discussions and debates held in the EP in this legislature (2009-2014) were numerous and directed at many issues. The most important MEPs in this

³⁷⁵ On the issue of analysing parliamentary debates at national or European institution's level see Wiesner, Haapala, Palonen, 2016, Palonen, 2014, Pekonen, 2011, Wiesner, Turkka, Palonen, 2011.

³⁷⁶ Wiesner, Haapala, Palonen, 2016, 223.

legislature were, among others, Capoulas Santos (rapporteur) and Paolo de Castro; however, in the course of this research it has been possible to discover many speeches have turned out to be important for this thesis from other MEPs such as Elisabeth Jeggle, Molly Scott Cato, George Lyon, Neena Gill, Vital Moreira, Gerben-Jan Gerbandy, Dagmar Roth-Behrendt, and Helga Trüpel. Speeches from both presidents of the EP, Martin Schulz and Jerzy Buzek are also analyzed. The Lisbon treaty was positively viewed by most MEPs (including the ones just mentioned), as the EP gained significant codecision powers not only in the CAP but also in other areas. Other issues that received great attention were the cuts to the European budget that were being proposed by the Commission and at times the Council of the EU in the CAP. As budgetary cuts can at times imply a decrease in quality control and environmental regulations, capabilities, and surveillance, most MEPs considered this an aspect of utmost importance in the continuous design of the CAP. All the debates will be presented and explained specifically according to their date and inclusion in debate, policy or item at hand, and their importance for the subject at hand shall also be explained.

As Wiesner and Palonen state in their essay on the European Council (2017): *“Parliamentary rhetoric is the second perspective concerning the resources which are applied to the analysis of the rules of procedure [or the actual behavior and results of the institutions themselves] [...]”*

The merit of this recovery of rhetoric lies, for us, in the insight that all argumentative speaking, all forms of appealing to an audience, are rhetorical, aiming at the acceptance or rejection of a thesis within this audience. As such, rhetoric is a formal tool of analysis and equally applicable to speeches and texts. Quentin Skinner makes the point in the following way: ‘I now say to my students on Hobbes’s “Leviathan” [...] think of it as a speech in Parliament; all of these great works of political philosophy are recognizably contributions to a debate; interpreting them is uncovering what that contribution was.

This is obviously the case with political documents related to programmes, including the treaties and procedural rules of the EU. In the parliamentary tradition of using rhetoric, the procedural character of regulating both agenda-setting and debating itself is one of the main aspects”³⁷⁷.

As these paragraphs show, rhetoric and linguistics are important in the analysis of documents such as speeches of MEPs or other individuals and for the understanding of the political use of concepts. Parliamentary rhetoric, defended arguments, and speeches are the other side in the analysis of the behavior and results achieved by a specific institution, for example, the EP. The debates in the EP on such large and inclusive issues as the CAP can require a multidisciplinary approach and a mix of political, legal, environmental, economic, financial, chemistry-related, and geographical knowledge and expertise concerns, and can be directed to the most miniscule of amendments or fundamental legal bases which cannot necessarily serve as important factors for our research aims. In the shared knowledge and confrontation with such numerous,

³⁷⁷ Palonen, Wiesner, 2016, pp. 77.

complicated, and intrinsic affairs, a separation of texts and speeches had to be made³⁷⁸.

In this study, it was also necessary to limit the speeches delivered by MEPs and the choosing of the MEPs themselves. We have decided to focus our search mainly on Presidents of the EP in the 2009-2014 legislature (Jerzy Buzek and Martin Schulz) and those MEPs that have also served as rapporteurs and have been acclaimed as deciding institutional personas in the consensus-building approach of the EP. Other cases might appear where a speech by a specific MEP is mentioned but only if it addresses one of the main statements or ideas postulated in this study. Numerous other speeches that are not discussed here are mostly regarding the vote in favor or against certain specific and micro-level legal acts or amendments by MEPs which are not of great consequence to this study. Other social constructs and divisions such as nationality, sex or political orientation are therefore not important factors for our methodological choice. This study does not wish to assess left or right political issues in the CAP (even though many issues can vary on a left-right scale), women's concerns in this political structure and common policy, or individualized or singularized national concerns. National concerns can nevertheless be researched if they present problems for the EP or the CAP in general. We preferred to focus on transnational and institutional concerns, particularly those inherent to the EP as a whole and the CAP.

As it has already been mentioned, our focus is on the speeches made by MEPs and Presidents of the EP in the EP's plenary in the 2009-2014 legislature. In these speeches, the speaker is discoursing in the midst of his or her fellow parliamentarians and usually with members of the European Commission and the Council of the EU observing and listening to them as well. Although several studies have preferred to directly discuss these issues with the MEPs themselves with the use of interviews or surveys which can then be qualitatively or statistically analyzed³⁷⁹, since the ability to establish contacts with individuals that have high political responsibilities can be difficult, time-consuming, and problematic, this approach of focusing on the speeches of the MEPs presents itself as a valid method as they are speaking to and amongst their peers. Thus, the speeches of the members are contributions to an ongoing debate on a definite item on the agenda. The speeches of the EP's Presidents then rather refer to the agenda setting regarding the CAP in more general terms. Their discourses may at times not be representative of the overall EP, but they certainly are a spoken proof of their political attitudes and behavior³⁸⁰.

³⁷⁸ Close to 96 different files exist in the online library of the European Parliament from 2009 to 2014 mentioning the words "common agricultural policy" which range in size from 30 pages to 700 pages. The amount of individual speeches is therefore quite extensive.

³⁷⁹ Sargento, 2012.

³⁸⁰ Some of the speeches had to be translated from their original language. Nevertheless, all of these speeches can be found in the European Parliament's website. All discourses can be read and researched under each of the MEP's speeches link: [Accessed on 19-11-2016], URL:<www.europarl.europa.eu/portal/en>.

As the paper by Fertő and Kovács (2014) has shown, certain MEPs have been more influential in the struggle of the EP to have its policy designs implemented in the final legislative acts. However, it is necessary not to forget the equally important role and votes of the remaining MEPs in the EP plenary as they are a crucial factor in making the EP's voice and position better structured when this institution faces the opposition of the Council and/or the Commission.

The choice for these MEPs' individual speeches is certainly debatable and open to critique but, due to the methodological requirements in contemporary academia and the enormity of speeches and debates held at the plenary level, this choice had to be made and it is one that serves the research methodologies and questions that this study wishes to use, approach, and answer.

As literature scholarship usually underlines, it is important to research what is being said and how it is said. The speeches analyzed here serve as a starting point for the issues that the EP, certain rapporteurs, their respective European parties, and others wished to defend at the beginning, middle, or the end of their legislature. The reader will be able to observe that at the final stages of the legislature and in the consequent speeches the victories of the MEPs, their parties, and the EP become more prevalent.

7.1.1 The Presidents of the European Parliament Jerzy Buzek and Martin Schulz and their plenary interventions in the 2009-2014 legislature.

Another important element this research has decided to focus on is the speeches by Presidents of the EP, namely Jerzy Buzek and Martin Schulz, who were the two Presidents of the EP during the 7th legislature (2009-2014). The main point of concord that can initially be stated between most of the MEPs whose speeches we will scrutinize is the overall agreement that the empowerment of the EP by the Lisbon treaty was a positive development; however, the existence of MEPs and parties with Eurosceptic views who would be against the very structure of the EU as whole as well as the Lisbon treaty, do serve as counterclaims. Their opinions are nevertheless still a minority within the EP.

One should note that the EP's President is a figure between the (since mid-nineteenth century) between the neutral speaker of the British House of Commons, who cannot intervene in the debates, and the openly partisan Speakers in the US congress. The EP's Presidents can intervene in debates simply "by leaving the chair" to one of the vice-presidents³⁸¹.

³⁸¹ "Rule 22 : Duties of the President [of the European Parliament]:

1. The President shall direct all the activities of Parliament and its bodies under the conditions laid down in these Rules and shall enjoy all the powers necessary to preside over the proceedings of Parliament and to ensure that they are properly conducted.

This provision can be interpreted as meaning that the powers conferred by it include the power to put an end to the excessive use of motions such as points of order, procedural motions, explanations of vote and requests for separate, split or roll-call votes where the President is convinced that these are manifestly intended to cause

Jerzy Buzek, the first Polish President of the EP, formerly part of the European People's Party, (Civic Platform Party / *Platforma Obywatelska* in Poland), was the President that observed the EP from both before the Lisbon Treaty and after it. As a Europeanist, he agreed that the treaty and the expansion of codecision was a positive factor for the EU. Although this was a speech not made in the plenary, it is one where he is speaking under the oath of President of the EP. In a speech to the Plenary of the States-General of the Netherlands, in The Hague, he said:

[...] Dear Friends,

I would like to make a few remarks today on why I believe the EU level is as relevant as ever. My first comment relates to our interparliamentary relations.

I am convinced that for the EU to be successful in the 21st century, we need not only instruments, but the political will to use them.

The instruments we now have. The Treaty of Lisbon is a big step in European integration. By making the European Parliament a full co-legislator - but also by involving you the national parliaments in the legislative process - we have made European law making much more transparent for our 500 million citizens.

I particularly welcome the active level of exchanges between the European Parliament and both of your chambers. By mid-April, six committees of the House of Representatives as well as the European Affairs Committee of the Senate, will have paid working visits to the European Parliament.

You have also opted to examine the Commission's annual Work Programme to identify particular proposals as regards their compliance with the principle of subsidiarity. This, combined with the so-called "yellow card", only strengthen democracy.

Europe's laws should not only be passed, but they should also be implemented. We will only have full implementation if we can all agree to the laws we pass, and we can only agree if we are all part of the decision-making process. This is a good example of the "Polder model" [...].³⁸²

and will result in, a prolonged and serious obstruction of the procedures of the House or the rights of other Members.

The powers conferred by this provision include the power to put texts to the vote in an order other than that set out in the document to be voted on. By analogy with Rule 174(7), the President may seek the agreement of Parliament before doing so.

2. The duties of the President shall be to open, suspend and close sittings; to rule on the admissibility of amendments, on questions to the Council and Commission, and on the conformity of reports with these Rules; to ensure observance of these Rules, maintain order, call upon speakers, close debates, put matters to the vote and announce the results of votes; and to refer to committees any communications that concern them.

3. The President may speak in a debate only to sum up or to call speakers to order. Should he wish to take part in a debate, he shall vacate the chair and shall not reoccupy it until the debate is over.

4. Parliament shall be represented in international relations, on ceremonial occasions and in administrative, legal and financial matters by the President, who may delegate these powers."

These regulations are available at: [Accessed on the 10-10-2017], URL:<

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+RULES-EP+20140701+RULE->

<022+DOC+XML+V0//EN&language=EN&navigationBar=YES>>.

The Lisbon treaty is assessed by Jerzy Buzek as a treaty that allowed for a greater unity between societal sectors that were not as represented before in supranational structures such as civil society, national parliaments thus making it more inclusive and transparent. The reference to the Polder Model is an interesting one as this was also typically a tripartite manner of achieving and developing legislation also involving greater sectors of Dutch civil society. This speech is one that politically emphasizes the concepts of democracy, transparency, political openness, inclusiveness, moderate federalism coupled with the respect for the system of subsidiarity,

This President had developed an approach based on regulated multipolar consensus, being aware that euroscepticism was on the rise and the implementation of the Lisbon Treaty was not without a relatively observable share of distrust. With increased Euro-skepticism and its challenges, these politicians decided that the inclusion of more political and economic concerns in supranational decision-making might have served as an influential and effective weapon against dissension.

As has frequently been stated throughout this study, the empowerment of the EP was not without informal objections by other institutions, which tried to circumvent this new statute. The next speech we will analyze is however more interesting for the development of this thesis as it is the inaugural speech (January 17, 2012, Strasbourg) by the former President of the European Parliament Martin Schulz (German, Party of European Socialists; Social Democratic Party, *Sozialdemokratische Partei Deutschlands*). As the President represents not only the European citizens but also the EP as a whole, this speech brings to light many points important for this study, addressing the political behavior of the EP in the years before 2012. In Martin Schulz's words:

Ladies and gentlemen, dear colleagues, [...]

For the first time since it was founded, the failure of the European Union is a realistic possibility. For months now, the Union has been stumbling from one crisis summit to another. Decisions which affect us all are being taken by heads of government behind closed doors. To my mind, this is a reversion to a form of European politics which I thought had been consigned to the history books: it is reminiscent of the era of the Congress of Vienna in the 19th century, when Europe's leaders were ruthless in their defense of national interests and democratic scrutiny was simply unheard of.

In contrast, post-war Europe is founded on a sober acknowledgement of the fact that our interests can no longer be separated from those of our neighbors; on a shared understanding that the EU is not a zero-sum game, in which one person must lose so that another can win. The reverse is true: either we all lose – or we all win. The fundamental basis for this is the Community method. It is not a technocratic concept, but the principle at the heart of everything the European Union stands for!

What does this mean in practice? It means resolving disputes by means of dialogue and consensus; basing decisions on the principles of solidarity and democracy, and not simply deferring to the more powerful; reconciling the interests of the smaller and larger Member States, northern and southern Europe, eastern and western Europe; and placing the common good above individual interests.

The Community project, which was so successful for decades that we came to take it for granted, has been undermined. Over the last two years, not only have the problems changed, but the way in which problems are addressed has changed as well. The plethora of summits, the growing fixation with meetings of the Heads of State and Government, is severely diminishing the part played by the only directly elected Community institution, the European Parliament, in decision-making processes. The representatives of the peoples of Europe have essentially been reduced to the role of rubberstamping agreements reached between governments in backrooms in Brussels.

The public are responding to this lack of parliamentary legitimacy by viewing political decisions taken by their leaders as nothing more than a series of diktats from Brussels. The price is being paid by the EU as a whole, since this dissatisfaction with politics acts as a breeding ground for anti-European sentiment.

The European Parliament will not stand idly by and watch this process continue! Here, today, I issue a challenge to anyone who claims that more Europe can be achieved with less parliamentarianism!

The intergovernmental agreement on a new fiscal union will be the first test. In the negotiations, the representatives of our Parliament initially failed to secure support for their call to combine budgetary discipline with measures to foster growth and employment. But it is just such a sensible compromise that the citizens of Europe want! For this reason as well, we must have a seat at the table at European summits.

Europe is a Community of values. We insist that applicant countries comply with the Copenhagen Criteria to the letter. The European Parliament's role must now be to ensure that the principle of democracy and basic rights and freedoms are respected and implemented as a matter of course in the Member States as well. Whoever breaches the values enshrined in our Charter of Fundamental Rights must reckon with us as adversaries. That is our duty as Members of the European Parliament.

I see my role as President of the European Parliament, as President of one of the three main EU institutions, as being one of countering this fixation with summits, this ongoing trend towards the renationalization of policy-making. I want to help the European Parliament raise its profile as a forum for democracy and informed, partisan debate about the future political course of the European Union. We must do everything we can to make sure that our words carry more weight.

It is absolutely vital that we should be able to negotiate with the Council on an equal footing, whether those negotiations concern the Multiannual Financial Framework, the reform of agricultural, fisheries or regional policy, measures to combat climate change, financial market regulation, justice and home affairs or trade policy.

The Lisbon Treaty has now been in force for two years and we, as the representatives of the people, have been slow to exploit the scope it offers us. Our shared aim must be to exercise to the full the powers which have been conferred on us – even if

the result is a political dispute. If our Parliament is to become more visible, if greater attention is to be paid to its views, a rethink on the issue of first-reading agreements is also essential.

For all this to work, we must also keep our own house in order. With the help of our Administration, I intend to ensure that parliamentary bodies and Members are provided with all the support they need so that we can carry out our tasks as legislators to the full.

*I will not be an amenable President. I will be a President who, if necessary, fights to ensure that the executive shows Parliament the respect it deserves, who responds when the interests of European citizens are jeopardized. A President who represents strong MEPs determined to defend the interests of their constituents. A President who will do everything in his power to win back lost public trust in the European integration process and restore public enthusiasm for Europe!*³⁸³

In this speech of EP President Martin Schulz one can notice that the level of alarm and dissent in the EU was a great concern for this president. The economic, financial and monetary crisis that had started in 2008 and the response to this crisis by European structures and member-states proved to be factors that greatly debilitated political and decision-making structures at both the national and supranational levels (particularly the EP) where actors such as the Eurogroup, the European Council, the IMF, and the ECB were the ones that were relatively more able to have decisions faster and more efficiently.

It is the contention of this study that this crisis proved that the Eurozone was not impervious to monetary and financial speculation, and showed that the EU and Eurozone had included states that had for decades accumulated excessive national debts, budget deficits, political, social, and financial systems that were not fit for a monetary union of this type, where corruption and the junction of public and private or banking interests severely damaged the ability of certain states to effectively combat the crisis. This led to countries such as Finland, Germany, Austria or Slovakia being solvent and financially relatively stable while others such as Ireland, Portugal, Greece, and Cyprus had to request financial assistance from the European Commission, the ECB and the IMF.

Schulz as a person with greater ideological elements for federalism proves this by signaling that exiting the crisis is a job for the individual state and for the sum of these states where each one is dependent on the next. This crisis also led to a decreased transparency and for meetings not be disclosed to the public, however, a greater emphasis on cooperation was advanced by Schulz. In his opinion, the EP was an institution that was also negatively affected by the crisis, in other words, it lost much of its influence as one of the few directly elected institutions at the EU level while defending that this should be one organization that mostly supports the ideas of surveillance and as a "forum for debate", and a basis for the expression of citizen's interests.

³⁸³ This speech is available at: [Accessed on the 22-03-2017], URL:<http://www.europarl.europa.eu/former_ep_presidents/president-schulz-2012-2014/en/press/press_release_speeches/speeches/sp-2012/sp-2012-january/inaugural-speech-by-mar>.

This relatively long speech is important for this thesis in many ways as almost all the issues raised here are to some extent substantiated in these words. This speech is relevant not only because the speaker is the President of the EP but also and primarily because of the somewhat negative or incomplete approach or opinion he has on the political behavior of the EP. The EP and the EU are said to be facing a crisis of confidence where citizens want a clean environment and healthy food, which is exactly where the EP does seem not to be entirely successful. The communitarian method is facing difficulties and strains particularly amidst the EP. The EP continues to be overcome by the preference for an intergovernmentalist mentality and intergovernmentalist decision-making. Intergovernmentalism is said to be obstructing parliamentarist discourse, the communitarian method is being mistaken by technocratic concerns distant from the European citizens while budgetary discipline, which is essential for the EU and the CAP, is not being sufficiently upheld by the EP. In sum, renationalization of policy making is hindering the role of the EP. This speech is quite critical of the EP, viewing it as an institution that is not using its newly given powers of codecision after the Lisbon treaty in an effective and enduring manner. Schulz states that parliamentarism grew in its abilities but not in its effective implementation and therefore, there is much room for parliamentarist rhetoric to grow. Parliamentarism or a different and more effective role of the EP is understood as the answer to the community's problems whether in agriculture, the environment, or any other policy area, as one can see that Schulz is attacking the very essence of the preference for first-reading agreements. Where MEPs usually prefer to point out the difficulties of the EP in the midst of a tripartite decision-making system, Schulz actually renders it as insufficient. First-decision consensus is veritably understood as a problem, a situation that needs to be addressed in order for parliamentarism to reach its full extension.

Many reasons could be pointed out for the relevance of this speech but the most important one in our analysis is the *de facto* critical view this president has of the EP, demanding it to have a more effective and combatant role amidst European institutions, pushing for more parliamentarism and less renationalization of European policies. The very fact that the president is elected by all MEPs and perforce, if indirectly, elected by the European citizens symbolizes both the desire of the MEPs for a more parliamentarist EU but at the same time the partial inability of the EP to deliver this as it continuously faces political strains in its activity.

The past tactics of the EP to choose policy details where its ability to have amendments accepted is statistically more successful, and the general preference for the avoidance of macro-level policy shifts where its efforts have not been as successful comes under attack by Martin Schulz.

We will see that most speeches by MEPs tend to emphasize and perhaps even hyperbolize the victories of the EP and its committees whereas this president's speech reiterates the other side of the spectrum, the one focused on the inabilities and the need for a stronger and more combative EP. At the same time, this speech can never be considered as endorsing euroscepticism, although eu-

rosceptic MEPs and politicians might use it in their discourse as a proof for the inabilities of the EU and the EP, as it is its most democratic institution where citizens and civil society are directly represented.

Martin Schulz was, at least in the speeches analyzed in this study, much more critical than his predecessor, Jerzy Buzek. However, and taking into account the timing of this speech, when three EU and Eurozone countries were facing financial interventions and the unemployment rate in the Eurozone and the EU was reaching new heights, the radicalness of this view is understandable.

This radical view by Martin Schulz was repeated in more speeches. In the Speech to the European Council on the 7th of February in 2013 he stated:

[...] We have already taken one significant step forward: the threats to the survival of the euro have been banished. The turning point was the display of unflinching political determination to keep the eurozone together. The same sort of political determination, in the form of an unwavering commitment to our shared future, is what is needed if we are to make today's negotiations a success and meet the challenges which still face us.

Ladies and gentlemen, Given the nature of those challenges, savings made in the EU budget are savings made in the wrong place, because the EU budget is one of the most powerful sources of investment in Europe, a source of investment which people now need more than ever. After all, the EU budget is not money for Brussels; it is money for ordinary people in Europe. A total of 94% of our budget is channelled directly back to the Member States, to the regions and to ordinary people, or is invested in measures to help us achieve our foreign policy priorities.

Let us be clear about this: the proposed reductions in the EU budget – for example in the areas of transport infrastructure, broadband networks, the Erasmus Programme and rural development – are nothing other than real cuts whose impact ordinary people will feel in their daily lives. For example, funding for food banks is to be cut by half, even though they are providing more and more people with their only meal of the day. Making cuts here is at odds with the key value underpinning the European Union – solidarity.

Before you start your discussions about the multiannual financial framework, please allow me to remind you of three premises which are central to the European Parliament's approach to this issue. We began our work on the MFF two years ago in the SURE [Special Committee on Policy Challenges and Budgetary Resources for a Sustainable European Union after 2013] committee and since then we have consistently made our views very clear. Since the MFF [Multiannual Financial Framework] is covered by the consent procedure, I would strongly urge you to take account of both the financial and the more fundamental issues raised by the European Parliament. You all have a wealth of experience in dealing with your national parliaments, so you know only too well that you have to take parliamentarians' views seriously if you want their consent to your proposals.

Our first premise: we want a modern EU budget. As far as we can tell, however, the proposal on the table today would be something very different, namely the most backward-looking financial framework in the history of the EU.

I have every sympathy for President Van Rompuy, given the invidious position he finds himself in. His task is to secure a compromise between States whose first pri-

ority is to defend their national interests. The States in question fall into three groups: those for which agricultural policy is the sticking point, those for which cohesion policy is the sticking point, and those for which radical cuts in the EU budget are the sticking point. The Van Rompuy solution is to leave agricultural policy and cohesion policy virtually untouched. In order to reduce the overall volume of the budget and thus placate the third group of States, however, cuts are to be made in European policies which are vital for the future, such as research and education. This is the worst of all worlds, since what is at stake now is not only the size of the budget, but also the type of investments that budget funds. EU policies in the areas of research, education, training, foreign relations and development in particular generate genuine European added value. The European Parliament feels that making savings in these areas is misguided, because these forward-looking policies represent an investment in our ability to innovate in the long term and our competitiveness. They are an investment in a sound future for our children!

We need these European policies, now in particular, in order to create growth and jobs. The British Academy has sent me a letter drawing my attention to the fact that the European research programme FP7 has generated 0.96% in additional GDP and 900 000 jobs and asking for the funding of EUR 100 billion being sought for the research support programme Horizon 2020 to be confirmed. It's quite simple: investing in European research generates added value.

Let me ask you this: how can we hope to defend our interests in any credible way, whether in the sphere of trade policy, in the fight against climate change, or in the context of our neighbourhood policy, if we cut the very resources earmarked for these purposes in the budget? How will it look if we have no money available in our development cooperation budget to lend a hand when countries emerging from crisis try to build a stable democracy? An austerity budget is certainly no way to help the EU achieve its ambitious goals. An ambitious European Union needs an ambitious budget.

In the European Parliament's view, a modern financial framework means developing at long last a form of financial planning which is not based solely on rigid, inflexible budgets. Just like any Member State, the EU needs to be able to respond quickly to changing economic and political circumstances [...].

Ladies and gentlemen, our second premise: for us, Europe must amount to more than just the lowest common denominator. When the Lisbon Treaty came into force, many fine-sounding statements were issued emphasising that the EU would be more effective now that decision-making by a qualified majority was the norm. What the current MFF debate has revealed only too clearly, however, is that the sum of 27 national interests is being portrayed as constituting European added value, even though achieving compromises on the basis of the unanimity principle is much more difficult, and at the same time much less audacious, than simply holding a vote and letting the majority decide.

What is more, adopting the MFF on the basis of the unanimity principle would mean giving in to the demands made by the British Government in particular concerning payment ceilings. In purely arithmetical terms, payments over the period to 2020 would effectively be frozen at the level of the 2011 budget - we are talking about massive real cuts; as regards commitments, in 2020 the same ceiling would still apply as in 2005. I don't know if this can be described as realistic financial

planning. There is also the fundamental question of whether we would be justified in laying down a seven-year financial framework which would bequeath to our successors in the next European Parliament, and indeed in the European Parliament after that, and in the next Commission and in the Commission after that, budgets much lower than the ones available to us. It is not clear whether this is democratically defensible. This approach has nothing to do with planning certainty. What we are actually doing is ignoring a problem which calls for an immediate, flexible response. I would also point out that the financial framework would cover a time span during which at least one Member State has said that it may leave the European Union.

Ladies and gentlemen, in a series of individual conversations with Heads of Government I have formed a clear picture of your respective positions. When I compare these with the standpoint held by a majority of MEPs, as expressed in the resolution on the MFF, the plenary debate and the open letter sent by the chairs of the PPE, S&D, ALDE and Verts/ALE Groups, it merely confirms me in my view that an MFF as it is currently being proposed, which represents the lowest common denominator acceptable to all 27 Member States, will not secure the approval of the European Parliament. The same political group chairs I referred to a moment ago have also informed me that they have initiated the procedure required to ensure that the vote on the MFF is taken by secret ballot.

I should therefore like to repeat what I said at the November Summit: we, the representatives of the people, are willing to accept savings. But the further you depart from the Commission proposal, the more likely it is that your decision will be rejected in the European Parliament, in particular if payment appropriations fail to match commitments.

If no agreement can be reached on an MFF, the 2013 ceiling will continue to apply, in accordance with Article 312(4) of the Treaty on the Functioning of the European Union. In terms of numbers this would mean, for the next seven years, overall spending of EUR 1026 billion – EUR 19 billion less than under the Commission proposal on the MFF, but EUR 70 billion more than under the current proposals for a reduced budget. The European Parliament would certainly be able to work well with annual budgets which were based on the ceilings for the current financial year and whose adoption would require only a qualified majority, not unanimity. If the political will is there, multiannual planning is possible under these conditions as well – at all events there are no legal grounds for thinking otherwise. We are prepared to adopt legal bases which are valid for seven years, if necessary. The resources required would then have to be made available on the basis of annual financial planning.³⁸⁴

This speech was written after the most dangerous period in the history of the Eurozone until the present date when fears of a collapse in this monetary union were accentuated. However, the intervention of many national and supranational institutions prevented this from happening.

³⁸⁴ This speech is available at: [Accessed on the 27th of March, 2017]
 URL:<http://www.europarl.europa.eu/former_ep_presidents/president-schulz-2012-2014/en/press/press_release_speeches/speeches/sp-2013/sp-2013-february/speech-to-the-european-3>.

It is easy then to assume that in a crisis period, a system such as the EU budget would also be under threat as economies do not have the same leverage, and are possibly not even willing to contribute as much to this budget. And in this specific area, Schulz remains a Europhile or, more precisely, a proto-federalist, as he continues to support an invigorated EU budget as one more response to the crisis. This point of view is understandable as he believed this budget would be one more mechanism to appease the citizen's voices of dissensus in the EU and prevent more of these citizens to vote for eurosceptic parties. However, other politicians, and in a similar way the European Commission, have frequently supported a decreased EU budget as the CAP and national agricultural policies could be more and more liberalized with the budget being focused on LFA's and infrastructure development. Schulz nevertheless kept on supporting a strong EU budget and this benefited the countries under financial supervision but also other countries where continuous funding for agriculture is necessary due to geographical conditions or for them not to be negatively and continuously affected by the crisis.

Schulz proves his adamant support for greater parliamentarization (with not as many first reading agreements), a stable EU budget, and agricultural funding as some of the EP's and EU's best instruments to circumvent the effects of the crisis. He thus advises for the reinforcement of the role of the EP, to increase overall production and exports (not just of agricultural commodities) for markets outside of the EU, infrastructure development with the help of this budget, and rural development, while maintaining a focus on greening measures. Opposition parties in the EP could have accepted, debated, or opposed these measures, however, what happened was that the CAP has seen its funding decrease over the years, at times with great opposition from countries such as France, Portugal or others, and the EP has not greatly derived from the strategies adopted after Nice. Present times have shown that the European Commission continues to push for a decreased EU budget with greater opposition from member-states.

As we can see from this rather long speech, Martin Schulz has developed a quite a strong stance in favor of the EP, adamantly contesting any reductions to the European budget and automatically the CAP. Rural development, one of the pillars of the CAP, is said to lose any ability for the pursuit of its objectives if a restrained budget is to take place. Since the CAP is still the most expensive policy in the European budget, a smaller budget would implicate a smaller CAP. Allowing for further budget restraints would jeopardize the environment and the greening advancements. However noteworthy the words by Martin Schulz may be, the EP has not been particularly successful in the stabilization of the European budget, particularly when it concerns the CAP. As data from the European Commission states, even though the share of the CAP in the European budget did rise from 2009 until 2010, that did not happen in the succeeding years. From 2010 until 2014 the percentage of CAP spending in relation to the totality of the European budget

decreased.³⁸⁵ This President chose to address the consequences of the under-financing of the CAP as a “one-way street”, as financial cuts to the CAP or even to the European budget in general would hardly be reversed in the future, a fact that would affect future generations of European citizens and governments.

7.1.2 The speeches of the MEPs on the CAP in the 2009-2014 legislature

This adamant stance from the EP’s president stated above is not to be underestimated as the Euro crisis, the refugee crisis, and the instability in the EU’s borders made other common policies gain greater importance and greater share of the European budget. The role of the EP, despite great inner and outer restraints inside and outside the EU, was nevertheless an important one.

Equally concerned speeches by other MEPs were held in order for this budget not to be severely altered. The following speeches by Paolo de Castro, Dagmar Roth-Behrendt, and Helga Trüpel are from the same debate held on the same day³⁸⁶. Paolo de Castro, a MEP and rapporteur for the Committee on Agriculture and Rural Development thus stated on the 23rd of October of 2012³⁸⁷, in the *Multiannual financial framework for the years 2014-2020 - Own resource based on the value-added tax debate in Strasbourg* that:

Madam President, ladies and gentlemen, the Committee on Agriculture and Rural Development, which I have the honor of chairing and for which I drafted the opinion on the interim report, clearly expressed the wish that the common agricultural policy budget should be frozen in real, not nominal terms, as proposed by the European Commission. Although this is evidently the majority position, at this sensitive point in the negotiations I am in favor of giving full support to the own-initiative report drawn up by Mr Böge and Mr Kalfin, who have done an excellent job, providing Parliament with a strong, cohesive and united negotiating position.

*However, I should stress that were further cuts to be made to the common agricultural policy budget, it would be very difficult to reach an agreement on reform. All of the political groups in the committee have always stressed their wish not to have a final vote on the reform reports until there is clarity on the budget question. Indeed, the budget must be equal to the challenges posed by the agriculture of the future.*³⁸⁸

It is understandable that the member states, especially in times of crisis, need extra financial support if they are to be fully able to provide logistical and

³⁸⁵ These values are available at: [Accessed on the 27th of March, 2017]
URL:< http://ec.europa.eu/agriculture/sites/agriculture/files/cap-post-2013/graphs/graph1_en.pdf>.

³⁸⁶ All of the speeches from this debate can be viewed at: [Accessed on the 18th of July, 2017]; URL:<<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bCRE%2b20121023%2bITEM-004%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>>.

³⁸⁷ See annexes for the full debate.

³⁸⁸ This speech is available at: [Accessed on the 4th of April, 2017];
URL:<<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bCRE%2b20121023%2bITEM-004%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>>.

legal support in the materialization of the policies in their own jurisdictions. Budgetization was an issue that divided institutions but it was a source of unity inside the EP as this speech shows. This aspect was also mentioned by Dagmar Roth-Behrendt, a German MEP from the Party of European Socialists, in the same debate (and by several other MEPs, as well):

Madam President, ladies and gentlemen, where the Council and the Member States are concerned, I often have the feeling, well, I am often reminded of a monitor lizard. Monitor lizards have forked tongues. Perhaps that is too complex a metaphor for the Member States, so let me simply say that they have a split personality. They want to impose more and more new tasks on the European Union – and to some extent we support that with our priorities – but they are not willing to equip the EU with the capacities it needs, in terms of adequate personnel, to perform these tasks.

I have heard our fellow Members talking about the different policy areas, such as agriculture, as Mr. De Castro has mentioned, but also cultural policy, research, environmental policy, social policy and regional development. These are tremendously important areas for all of the Member States and for the regions which we represent. What strikes me, however, is what the Member States are not doing. They are not considering who is meant to do the work on all of these policies. Who is supposed to process the applications? Who will ensure that the projects are implemented properly and funding is channeled to where it is needed? For that to happen, we need enough staff, and these staff must be properly qualified, highly skilled employees. We need the very best people we can find! We need a multicultural workforce from many different European Union countries, with more geographical balance and outstanding language skills. What does the Council want? What do the Member States want? They want to make cuts here!

Unless we have an appropriate financial framework for administrative expenditure, we will not be in a position to work on any policy areas at all. With that in mind, I urge you, President-in-Office, to ensure that the Commission's proposal on the staff regulations is accepted so that we have an appropriate framework that enables us to carry out this work!³⁸⁹

This speech preferred to highlight some of the consequences of under-budgetization mainly on the parliament's own abilities for the continuation of its duties and obligations effectively in many policy areas, and automatically on the citizen's abilities to fulfill their economic planning and to make a full use of the different kinds of financial support the EU system can give them. This MEP is pointing out an incongruent assessment as the need of states to delegate more powers to the Union is not to be accomplished with a further reduced EU budget. At the same time, one can postulate that if farmers are to obey production standards then a fitting financial support is to be expected.

The greening procedures, which greatly interest us in this study, were automatically one more area that, according to MEP's, could not suffer from budget decreases and would dampen the parliament's role as a green institu-

389 Ibid.

tion. As Helga Trüpel, a German MEP from the Greens/Verts party also stated (in this same debate held on the 23rd of October, 2014):

Madam President, Commissioner Lewandowski, President-in-Office, first, let me say that having listened to the speech by the Cypriot President-in-Office, I am shocked to hear how little passion it conveys for Europe. I simply do not get the impression that your heart is in it and that your proposals for the next multi-annual financial framework reflect any genuine determination to work for the future of Europe.

We are all in the same situation in Europe. On the one hand, we understand that the Member States must consolidate their budgets. At the same time, we all know that we need to stimulate sustainable growth and that this is in our shared interests. We need to combat climate change, we have to move our economy towards a low-carbon pathway, and we have to offer our young people new prospects and, with that, new hope, which means building confidence in the European project as well. However, we cannot do so if we allow the budget to contract to the level now being proposed by the net contributors on the Council. That sends out the wrong political signal and does not reflect the spirit of Europe.³⁹⁰

These paragraphs are indicative of some of the measures defended by a green party MEP accusing member states of path-dependency, debudgetisation, to go beyond financial austerity to the point of environmental loss. The EP is apparently put in a difficult position being a unit worried about Euroscepticism. Decreasing the value of the EU budget was seen as a political weapon of a destructive nature, as the main source and instrument of a united Europe that should have apt funds, a sign of concern, one that could give rise to Eurosceptic voices. Since the CAP and programs such as Erasmus are some of the most expensive but also popular programs in the EU and from which many citizens have profited, decreasing their funding and decreasing the EU budget's funding would become a grave danger for the continuation the Union, since the economic crisis was already creating strains between member states.

As we were able to witness from the values of the European Commission³⁹¹, these claims of increasing or maintaining a relatively stable EU budget were not met as the European budget did in fact suffer from a decrease in its financial assets after 2010.

The greening procedure, whether in CAP regulations and directives became intertwined with the environmental committee. Greening in agriculture meant greening in transports and automatically in environmental legislation. The following speech made by Gerben-Jan Gerbrandy from the ALDE (liberal) party is an important one as it summarizes the struggles of the EP in environmental issues, fisheries policies, and consequently the CAP pointing out the EP's and the EU's failures:

Madam President, ladies and gentlemen, we are in the middle of an economic and financial crisis and there is no getting around it. Newspapers are full of it

³⁹⁰ Ibid.

³⁹¹ These values are available at: [Accessed on the 27th of March, 2017]
URL:< http://ec.europa.eu/agriculture/sites/agriculture/files/cap-post-2013/graphs/graph1_en.pdf>.

every day; television news leads with reports about it and the European Council seems to be meeting about almost nothing else.

However, alongside this omnipresent crisis, we have another crisis, an entirely silent one. A silent crisis of disappearing species, of disappearing habitats and of oceans with ever decreasing water levels. This is the crisis we are talking about this morning.

We know the figures: 25% of all species in Europe are under serious threat, only a sixth of all habitats in Europe are in a favorable condition and as much as 75% of all fish stocks have been overfished. According to statistical experts working for TEEB³⁹², the Economics of Ecosystems and Biodiversity study, every year, we lose 3% of our gross domestic product through loss of biodiversity. Each year, Europe therefore loses EUR 450 billion! That is in quite a different league to the one-off emergency fund for the euro which our government leaders have worked very hard to put together for two years now.

You could also say that what we are talking about today is the largest multinational in Europe, because there is nothing that produces so much food, that provides so many services, that supplies us with so many products and offers so many jobs. Today, we are talking about nature, Europe's biggest service provider! Any other multinational company of that magnitude would be politically canonized and, indeed, it would be too big to fail. However, when it comes to the multinational of nature, all that we have very often is just fine words.

This is because, let us face it, we were in this very same position ten years ago, when we decided the previous biodiversity strategy. The loss of species was supposed to have been brought to a standstill in 2010. We have failed miserably in that respect, and why? Because at those moments when it really mattered, fine words proved not to be worth much and other interests prevailed.

The main question, then, today, is: what should we do differently to the past ten years so that, in 2020, we do not conclude that we have failed yet again? Let us begin with what we are required to do by law. Is that asking too much of Member States? Why do citizens have to obey the law and Member States not? That is, not like the Netherlands, refusing to restore nature in the Western Scheldt³⁹³, as we are legally obliged to do, and then getting angry when Commissioner Potočnik finds that unacceptable.

Obviously, it is very important that we integrate these environmental interests in other policy areas. We have a unique opportunity. The agricultural policy is being reformed, the fisheries policy is being reformed and the cohesion policy is being reformed. Half of the European territory consists of farmland. Without active participation on the part of farmers, there will be no nature. However, I say to you, ladies and gentlemen, the reverse is also true: without a strong natural environment, there can be no agriculture, no pollination without bees and no crop whatsoever without fertile soil.

We also need to develop the 'no net loss' principle and really apply it. Can anyone give me a better example of how to halt the loss of biodiversity than by just

³⁹² "The Economics of Ecosystems and Biodiversity" is a German and European Commission study that started in 2007 and that has been published at different times and in different publications. It assesses losses in biodiversity in Europe and the world.

³⁹³ A province in the Southwestern Netherlands.

stopping those activities that destroy nature? We also need to stop talking about the inclusion of natural capital in our national annual accounts and just do it: no words please, just deeds!

In addition, we have to be courageous enough to think bigger. Many Europeans believe that true nature exists only in Africa or the Amazon. What nonsense! Europe has a beautiful natural world, though it may not yet have its own Serengeti or Yellowstone. We could have them, however. There are areas where agricultural land is poor, areas people are leaving. Let us invest in them differently and build them up into a new wilderness, into attractions for nature lovers. Real safari in Europe, it really is possible! That will also give these desolate areas totally new economic prospects.

Finally, Madam President, I would very much like to thank the shadow rapporteurs for their constructive contribution to making this report what it is now. Thanks, obviously, also to Commissioner Potočník, who has never failed to stand up for the importance of nature, inside or outside Europe. He did that impressively in Nagoya and will also be doing so at Rio+20. The next step is to develop legislation. As a member of Parliament, I would very much like to help him there and, in particular, start the struggle with the Council.

Ladies and gentlemen, let us take care of nature, the largest and most important service provider of this world. This multinational belongs to all of us. And one exception has already been made – State aid is possible!³⁹⁴

The concept of greening is deeply intertwined with biodiversity, and the post-2008 crisis was understood as a factor against biodiversity due to the enormous financial and budgetary restraints it imposed on member states. Soil erosion, and the disappearance of fish stocks were a concern in the past and here too the EP and some of its MEP's, having codecision powers in environmental law, was also not capable to implement some of the changes for which it had hoped. Nature and biodiversity are metaphorically understood in this speech as a multinational company, one capable of enormous profit if it is used wisely. Biodiversity is thus a company like no other that deserves an adequate treatment; a multinational that feeds and protects a great portion of Europe and should be considered above the interests of any other individual or private entity.

This MEP advances the contention that environmental policies, agriculture, and cohesion policies should be considered as an integral unit that mutually affect each other, something with which everyone can agree. LFA's are also a concern that can be approached on an interdisciplinary basis. The Council of the EU is repeatedly seen as a dissentious institution by several of these MEP's.

This speech with a clear political message based on budgeting, the defense of European nature and biodiversity, is significant to show how it is believed in the EP that the importance of the environment and agriculture is not only profit-related but also human. One can say that there was a proximity of views be-

³⁹⁴ This speech is available at: [Accessed on the 6th of April, 2017], URL: <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bCRE%2b20120420%2bITEM-007%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>>.

tween this MEP and the Commissioner Potočnik³⁹⁵. However, as yet another proof for this dubious relationship between EU institutions or the bypassing of the EP's political behavior, the following speech by MEP Vital Moreira is equally representative of this acknowledged fear or distrust among institutions.

As MEP Vital Moreira (Portuguese, Socialists and Democrats) on the 12th of December, 2013, in the "Relations between the European Parliament and the institutions representing the national governments debate" stated:

*"[...] In fact, it has become clear that the European Council has become a key piece in the institutional architecture of the Union, having exceeded the powers that the treaties conferred upon it, at times even putting constraints on the political and legislative powers of the Council of the EU and the Parliament and the executive powers of the Commission. The constitutional strain is even more preoccupying, as the power of political orientation conferred upon the European Council by the treaties is not binding to the EP. As the report states, the decisive test will be on the way the European Council will respect, or not respect, the voting preferences of the European citizens in the next elections of the EP for the President of the European Commission."*³⁹⁶

The partial but mutual hostility between institutions is a fact the EP had had to confront ever since 1992 and the Maastricht treaty. And it is apparent in these speeches. If the MEPs from committees outside agriculture refer to this as a European institutional phenomenon, this shall also be apparent in the CAP. We will also be able to see how the distrust affects this particular political area and how the MEPs have debated it in their parliamentary rhetoric.

Most MEPs, who are at times rapporteurs as well do see the entrance of the CAP under the statute of codecision as a long-awaited advancement since the role of the EP becomes a more equilibrated and abled one. This positive response is validated by the desire for more consensus, faster decision-making and a search for greater representativeness of all the European institutions amidst the European peoples. This empowerment of the EP legally ends any insufficiencies or inabilities on the part of the EP, as with all of the committees of the EP, who now have equal powers on the subjects at hand and so do their respective MEPs (however, certain informal strains on the EP's abilities persist). The push for a greener, ecological, human and animal conscious CAP thus en-

³⁹⁵ Janez Potočnik was the Slovenian European Commissioner for Environment from February 2010 until November 2014, therefore, a Commissioner that dealt with a fully empowered EP not only in the environment sector but also in agriculture.

³⁹⁶ This speech was translated by the author of this study from the Portuguese version: *"[...] Na verdade, torna-se claro que o Conselho Europeu tem vindo a tornar-se numa peça-chave da arquitetura institucional da União, extravasando manifestamente os poderes que os Tratados lhe conferem, constringendo mesmo os poderes político-legislativos do Conselho (de Ministros) e do Parlamento e os poderes executivos da Comissão. O entorse constitucional é tanto mais preocupante, quanto é certo que, pela própria natureza das coisas, o próprio poder de orientação política conferido ao Conselho Europeu pelos Tratados não é vinculativo do Parlamento Europeu. Como assinala o relatório, o teste decisivo vai ser o modo como o Conselho Europeu vai respeitar, ou não, a indicação do voto dos cidadãos europeus, nas próximas eleições do PE, quanto às candidaturas a presidente da Comissão."* This speech is available at: [accessed on the 29th of November, 2016]: URL:<
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20131212+ITEM-014-20+DOC+XML+V0//EN&language=en&query=INTERV&detail=4-411-000>>.

sued. The lingering inefficiencies in the CAP were addressed, particularly in the mismanagement of direct payments some of which were being wrongly appropriated, not directed as investments for job creation and economic growth as the MEPs state (some of these were occasionally being used for bullfighting, for example).

On the 22nd of October in 2014, Neena Gill of the Socialists and Democrats Party stated in the “General budget of the European Union for the financial year 2015” debate:

I voted against the resolution on the General Budget of the European Union for the financial year 2015 because I believe the fact that we have not reformed the EU budget significantly to address the pressing needs of our citizens is a missed opportunity. I find it appalling that we are going to increase by 2.24 % over the 2014 budget, which will benefit the agricultural sector disproportionately. It is hard to justify in the current economic context how we can subsidize bullfighting and the tobacco industry ³⁹⁷.

Even if this speech was given in the 8th legislature of the EP, (2014-2019) it is still indicative of the issues that had arisen in the previous legislature. As we can see, not only was the budgeting design of the CAP a constant factor for dissensus, but so were the ineptitudes of the CAP when faced with the greater environmental and animal welfare concerns by the MEPs. The CAP remained a common policy in constant need of reform throughout all legislatures. The empowerment of the EP did not slow down the need for revisions and improvement. This is a speech that serves as a basis for this premise, the idea that numerous mistakes were still needed to be fixed in the CAP and the EP would serve as one more institution fighting for policy change. As we have already seen in the Fertö and Kovács (2014) paper, the reforming philosophy of the EP continued with the Lisbon treaty. The EP made full use of its power, which is also exemplified in this speech. It can thus serve as evidence for the proximity of views between Fertö and Kovács’ statistics and the MEPs speeches.

As one will be able to see, all of the arguments postulated in this research are subsequently referred to and corroborated in the speeches. These speeches can serve not only as validations for the facts we subsumed but also as individual perspectives that give us a clearer individual perspective on the EU, the EP and the CAP that statistics and other quantitative studies may not be able to reveal.

Capoulas Santos was one of the most important MEPs in the Committee on Agriculture and Rural Development, Committee on Fisheries and others which he represented for 10 years. He was one of the most active MEPs in this institution with a long and fruitful career as a MEP with over 200 different texts of his complete or partial authorship. His activity as a MEP and as a rapporteur clearly delineates the most important areas of political activity of the EP in the CAP after the Lisbon treaty when it gained codecision powers. As Fertö and Kovács

³⁹⁷ This speech is available at: [Accessed on the 18th of July, 2017], URL:< <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20141022+ITEM-005-04+DOC+XML+V0//EN&language=en&query=INTERV&detail=3-268-125>>.

(2014) explained, his political behavior was one of the most fruitful, influential and victorious in this legislature. This study will therefore analyze some of his speeches and writings. They clearly prove the main guidelines that followed the political action of the EP in CAP affairs and are a clear methodological proof for the assessment of policies and the conceptual analysis we are trying to make. He was a member of the Group of Progressive Alliance of Socialists and Democrats in the European Parliament's party and is currently the Minister of Agriculture in the Portuguese Government of António Costa. Some of his speeches were made in several meetings that encompassed many specific political areas under discussion in the CAP. We can see the directions and influence of the EP in this whole procedure as he clearly states it in his discussions.

In one of his speeches, made in the EP's plenary on the 8th of July of 2010, on behalf of his own EP party, the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament (not long after the signing of the Lisbon treaty and with the EP working as an established codecider), Capoulas Santos stated:

Mr President, Commissioner, ladies and gentlemen, the Socialists and Democrats are particularly pleased to see their main proposals reflected in the Lyon report: 80–90% of our amendments were considered, and we were able to endorse 49 of the 50 commitments voted on by the Committee on Agriculture.

We particularly welcome the fact that the Lyon report includes a clear willingness to maintain the truly Community-minded character of the CAP and a desire for it to continue to receive an adequate budget. It incorporates the condemnation of historical criteria for allocating aid to farmers and their replacement with new criteria, essentially based around the environment, the intention to move towards fairer distribution of support among farmers and Member States, as has been reiterated by several of my colleagues, and acknowledges that market regulation and risk and crisis management must have appropriate policy instruments. It also includes a new system of support based on compensation for the provision of services and public goods that benefit the whole of society but receive no remuneration from the market.

The Commission thus has many sources of inspiration for its communication, to be presented in November, and I welcome the fact that the Commissioner has already shown a willingness to accept our recommendations.

I hope that six months from now I will be able to congratulate Commissioner Cioloş with the same satisfaction I now have in congratulating my fellow Member Mr Lyon for his excellent work, which ennobles and strengthens the role of Parliament at the very moment when, with the Treaty of Lisbon, we are taking on powers of co-decision.³⁹⁸

This speech, though issued in specific time and political circumstances, can be understood as part of the initial steps of the EP as a co-legislator in CAP affairs and shows early positive signs of political and legal victories in micro-

³⁹⁸ This speech is available at: [Accessed on the 30-11-2016]; URL:<<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20100708+ITEM-003+DOC+XML+V0//EN&language=en&query=INTERV&detail=4-020>>.

level legislation that were initiated or affected by the EP. An accepted agreement and approximation of the Commission to the EP in this set of concerns was already established, although, the EP is statistically more likely to reach consensus and coalitions with the Council than with the Commission. However, initial acceptance of EP recommendations by the Commission was taken in a positive way by this MEP. However, the Lyon report has at times been considered by civil society platforms³⁹⁹ as protecting vested interests and not a modernizing factor for the CAP as direct payments were not necessarily tools that would improve food safety, greening, or rural development.

Given at this same meeting (8th of July 2010, Future of the CAP after 2013 debate) the speech of MEP Elisabeth Jeggle, (German, European People's Party) is also indicative of a cross-party mandate for the EP to fulfil its ideas and its eventual or partial success. In the study of Fertö and Kovács (2014), which we analyzed before, we were already able to assess some of the issues in which the Parliament was successful. This speech is therefore a proof for the understanding of the conceptual logic behind the EP's political behavior.

Mr. Lyon's own-initiative report involves Parliament at an early stage in the debate regarding the future of the CAP. I would like to thank all those involved for the work they have done. Forward-looking targets have been formulated for the entire Community.

For me there are three elementary points to be considered if we are to continue to secure comprehensive and sustainable agricultural development throughout Europe.

1. It is vital that we ensure that the CAP is adequately funded post 2013 and that we produce an appropriate budget.

2. The tried-and-tested two-pillar structure must be retained with a strong first pillar and an equally strong second pillar. The only way that we can maintain the European agricultural model is to ensure the production of our food to the highest standards in the first pillar and, in the second pillar, to provide good prospects for the development of rural areas, and job creation and infrastructure for farmers and non-farmers, male and female and, in particular, for young people.

3. The major fluctuations in the liberalized markets and the effects of climate change continue to necessitate a safety net. New objectives have arisen for us in terms of market orientation, product safety, animal protection and the need for environmental protection and biodiversity as a result of climate change. In the face of these challenges, good agricultural policy is the best policy for the future and is in the interests of all our citizens.⁴⁰⁰

This MEP preferred to emphasize adequate budgetisation, the maintenance of the typical CAP structure where farmers are to receive adequate direct payments in exchange for the compliance of agri-environmental standards in the first pillar while rural development, and greening are to be upheld in the

³⁹⁹ On this matter see:
[Accessed on the 04-09-2018]; URL:< <http://capreform.eu/birdlife-lyon/>>.

⁴⁰⁰ This speech is available at: [Accessed on the 30-11-2016],
URL:< <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20100708+ITEM-003+DOC+XML+V0//EN&language=en&query=INTERV&detail=4-060>>.

second pillar. This is thus a speech that prefers to highlight the positive aspects of the CAP, while knowing that it is with this system that agricultural policies should be planned. This MEP does not see a breakdown of this system, or its unpreparedness for the future, it is understood as an apt system for the coming years, something that other MEPs can doubt or criticize.

MEP Elisabeth Jeggle continued this approach throughout the legislature. This speech was given in the *“The CAP towards 2020: Meeting the food, natural resources and territorial challenges of the future debate”* on the 22nd of June 2011 and points out some of the victories she understands as being relevant for farmers and citizens and how the EP envisages the CAP:

Madam President, Commissioner, ladies and gentlemen, first of all, as you have all done already, we must warmly thank our rapporteur for the commitment he has put into this report and also for his stamina in achieving these compromises. I am sure it was not easy, but we have achieved good compromises.

We stand for competitive and sustainable agriculture in Europe. That means that our farmers produce food of the highest quality. However, we are also producing a cultural landscape that can be seen, that provides recreational spaces for you all, for all of us, for our society, that provides jobs not just in agriculture but also in tourism and in many other areas. That is a service that agriculture provides for society, but this is respected far too little by society – and sometimes also by us. It is an extensive service, and such an extensive service does not deserve to have the agricultural budget cut if it is at all possible.

Commissioner, we support you in your approach of bringing more ecology and more greening into the first pillar. However, this must not result in those countries and those farmers which already have very ambitious environmental programmes in the second pillar being discriminated against by this new approach. A solution needs to be found here that is fair to both sides.

Environmental programmes are expensive. When I read in the newspapers – as has been mentioned already by many Members – that cuts are to be made in the second pillar, I reject it vehemently. We need a strong first pillar. We also need – and have spoken out in favor of this – a strong second pillar. We will support you, Commissioner, in these efforts.⁴⁰¹

As this MEP has a positive view on the ability of this common policy to face new challenges, its only contention is that more greening measures demand a fairer budget, and it would be inside these parameters that this MEPs support would be given. The debate on whether the CAP is fit to combat the crisis of post-2008 or not is one that will repeatedly be approached by decision-makers and the opinions vary to great extent, particularly when more extreme parties (extreme left and extreme right) joined the debates.

George Lyon (British, Group of the Alliance of Liberals and Democrats for Europe) was a MEP frequently cited by other MEPs as he was one of the main authors of the *“Lyon Committee”* and the *“Lyon Report”*, which was a report

⁴⁰¹ This speech is available at: [Accessed on the 30-11-2016];
 URL:< <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20110622+ITEM-015+DOC+XML+V0//EN&language=en&query=INTERV&detail=3-131-000>>.

intended to change many of the principles guiding the CAP, such as its budget and food security, price stability, the decrease in bureaucracy, and environmental preservation at the beginning of the 2009-2014 legislature. Its effective implications in the final legislation are, nevertheless, debatable as opposition from the Council and the Commission was frequent.

George Lyon stated at the beginning of the legislature:

Mr President [...] I would like to set out what I believe are the two fundamental questions that we need to answer in terms of CAP reform. What is the CAP for? Why is it still relevant in the 21st century? In these times of economic crisis, debt-ridden public finances and austerity budgets, it is vital that the CAP provides answers to these questions if we want taxpayers to continue providing much needed support for our farmers in the future.

One of the fundamental challenges society faces is how to feed a growing world demand for food, estimated by the FAO to double by the year 2050. The big challenge of course is how to meet that doubling of food demand against a background of less land, less water and less energy due to the impact of climate change. How do we square that circle and avoid the perfect storm predicted by UK's Chief Scientific Advisor, Sir John Beddington, when he said in 2009 'we head into a perfect storm in 2030, because all of these things are operating on the same time frame'? If we do not address this we can expect major destabilization, an increase in rioting and potentially significant problems with international migration as people move out to avoid food and water shortages.

That is the scale of the challenge. I believe that tackling climate change and making our agriculture production more sustainable are objectives which must be at the heart of the reform going forward. They are vital steps if we are to continue to have guaranteed food security for our European citizens and still make a contribution to meeting growing global demand for food.

Reform should also encourage green growth through the development of small-scale renewables such as wind, biomass, biogas and second-generation bio-fuels. That would help to create jobs and provide real opportunities for farmers to diversify and earn extra income. We also must respond to the call for greater environmental protection by ensuring farmers have an opportunity to participate in agri-environmental schemes with a goal of a majority of farmland being covered by such a scheme over the period of the next reform. By using the carrot, rather than the stick – that is a very important principle, the carrot encouragement rather than the big stick of rules and regulations – you will get buy-in from farmers to this agenda.

Fairness also has to be a key driver of the reform: fair to old Member States as well as new Member States in the distribution of direct payment envelopes across the EU; a fair distribution among farmers and Member States by bringing historic payments to an end by 2020. It cannot be right and justified to continue making payments based on how you farmed some 10 years ago. We also need a fair deal for farmers in the food chain to be able to take on the power of the multiples. So, fairness, and the principle of fairness, must be at the heart of the reform going forward.

We also have to address the issue of market volatility, but on this I would urge some caution. Yes, we still need intervention and private aids to storage. Yes,

we need to examine other tools such as risk insurance and future markets. Yes, we need our special reserve budget line to fund action in terms of crisis. But we should reject any thought of a return to the wide-scale management of the markets we saw in the past. That has already been tried and it has failed. I would suggest that we do not wish to go down that road again.

In conclusion, I am confident that this House will back our reforms, modernizing the CAP, setting it on a new course to deliver on the new challenges of the 21st century. By backing this report, the Parliament will shape the debate, set the agenda, and I would invite the Commissioner to use our ideas to inform his proposals on CAP reform when he publishes them in November this year.⁴⁰²

This is an important speech as it outlined most of the EP's concerns, at least in its Agricultural Committee, at the beginning of the legislature.

Growing demand of agricultural foodstuffs were causes for the ending of milk and sugar quotas in the CAP reform of 2013, however, this ending can lose its significance if less farmable land is available, global warming, and other factors counter-affect the objectives of the ending of quotas (which were based on more production and the search for export markets). A new objective of the CAP was or should be, for this MEP, to satisfy the EU customer, to create export margins and to do this inside a greening philosophy.

Another speech by MEP George Lyon, given in the final months of the 2009-2014 legislature, corroborates one of the aspects being reported in this study about the preference of the MEPs and the EP to increasingly deal with legislative details in the CAP and less with large-scale macro reforms where its success rate is not as high. This next speech was given on the 20th of November 2013 in the *Financing, management and monitoring of the CAP - European Agricultural Fund for Rural Development - Common organisation of the markets in agricultural products - Direct payments to farmers under support schemes within the framework of the CAP - Transitional provisions on support for rural development* debate.

In George Lyon's words: Madam President, can I too begin by thanking colleagues for the excellent work they have done in trying to shape the CAP and make sure Parliament had a strong voice in it.

As Mr. Santos, my colleague said, this is a compromise. There are good bits in that compromise and there are some areas we will be back looking at again in two years' time, because it will not work.

The good parts are the move away from pure income support in the direct payments package towards incentives for developing a more sustainable agriculture and paying for public goods. The young farmer support is very welcome. The possibility for extra LFA support is also a very good measure, as is the greening. I believe it is a good measure. The problem I have with it lies in the detail and I will turn to that in a minute.

We have also given flexibility, as Mrs. McGuinness said, to Member States in the package to allow them to shape the CAP to suit their own agricultural priorities;

⁴⁰² This speech is available at: [Accessed on the 12th of April, 2017]; URL:< <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20100708+ITEM-003+DOC+XML+V0//EN&language=en&query=INTERV&detail=4-008>>.

but as ever, we are waiting for them to use that power to deliver and tell us how they will use that flexibility, certainly in Scotland.

So these were all steps in the right direction, but there are two areas where I believe we have failed to reach a sensible outcome. On greening: I believe this is too narrowly focused on biodiversity measures alone at the expense of genuine attempts to reduce the use of scarce resources such as energy, to reduce fertilizer use and pesticide use and to reduce greenhouse gas emissions.

Initially, of course, greening is voluntary, and I believe it should always be voluntary, but after two years it reverts to being compulsory where you will be punished if you are transgressing by having money taken away from your basic payment. As I said earlier, I believe that on greening, the review clause that is there in 2017 will be desperately needed to try and sort this out.

The second point where I have real concerns is the flexibility between pillars. Parliament rolled over too easily on that. The ability to transfer money from pillar one to pillar two and from pillar two back to pillar one undermines the very concept of fairness that lay at the heart of this reform and means that farmers in different countries can expect different levels of support. That undermines the commonality of the policy and indeed ensures that some farmers have a competitive advantage over others.

Finally, turning to an area where other speakers have raised their concerns, on delegated acts and the process, there is some suggestion that this is an attempt by the Commission to rewrite the deal. If it is, we will definitely vote these delegated acts down.

I also have one other concern: there was a Scottish clause in there which was so important in dealing with the naked acre problem we have in Scotland. We are now told that the use of that activity clause will rule out minimum stocking rates and if that is the case, the clause is worthless. I would like the Commissioner maybe to respond to concerns over that in his final response.⁴⁰³

This MEP emphasized farming programs for young people as a positive development but he states that greening was greatly left aside in areas such as energy, reducing fertilizers, and the reduction of greenhouse gas emissions. It is important to denote that there is a case where an MEP is recognizing that the EP was perhaps not as green as it should have which is an honest but somehow unexpected contention. This self-recognition of the role of the EP as a partial failure when it came to greening does not occur frequently and can also be understood as a recognition that the CAP reform of 2013 was not as reformative as it was perhaps expected to be since the EP had the power of codecision from the beginning.

When addressing comitology procedures (articles 290 and 291 of the TFEU), a system through which the EP or the Council can delegate powers to the European Commission (who must then structure a policy by itself pending the approval of the Council and Parliament), it is noteworthy that this is a case

⁴⁰³ This speech is available at: [Accessed on the 28th of November, 2016], URL:<www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20131120+ITEM-004+DOC+XML+V0//EN&language=en&query=INTERV&detail=3-024-000>.

where yet again the institutions can distort certain decision-making formulas in order to gain leverage on the remaining institutions and have legislation implemented closer to their original ideas. This MEP identified the exactly same phenomenon in some of his other speeches, but comitology procedures, the decisions taken by such mechanisms and their conditionality, are not a subject of this study. They are merely indicative of the strains attached to European decision-making.

The European political parties outside the center (far left and far right), which are also relevant variables for the course of this study since they tend to bring different approaches to either the political union or the CAP, do not go unquoted in this research. If far-right politics tends to view the CAP as a system that continues to bring inequality and destruction of national grasslands and a country's agricultural systems, the far-left politicians regard it as a work in progress that still needs more revision in order for it to be disengaged from private and corporate interests so respect for the environment and European grasslands is genuinely taken into account. Pure neoliberal approaches might also accuse the CAP of preventing the market to have an effect on this highly protected agricultural market and policy that prevents prices from dropping and thus bringing more affordable products to the consumer.

As an example of these opposing views, the speeches of MEP Molly Scott Cato are indicative of this approach. Molly Scott Cato, a British MEP from the Greens/European Free Alliance Group, thus stated in the "Better prevention and management of floods at European level" debate on the 20th of October 2014:

Mr. President, I want to talk about some of the extreme weather events that we expect to see as a result of climate change. My region of South-West England was subject to extreme flooding this past winter, which has focused our minds on both flood alleviation and flood prevention. As Greens, we call for three elements of a responsible flood policy. First there needs to be adequate investment in the infrastructure that prevents flooding, and we must not allow austerity cuts to increase the risk as our communities become inundated.

We also need to take a whole-catchment approach and consider how our farming practices have reduced the land's ability to absorb rainfall for longer before it drains into the river. Land management that involves maintaining hedges and trees using organic methods that reduce soil run-off should be prioritized in the CAP subsidiary scheme.

Thirdly, we must make explicit the link between flooding and climate change and be reminded by flooding incidents across Europe of the urgent need to agree meaningful carbon-dioxide reductions at the COP 21 negotiations in Paris next year.⁴⁰⁴

This speech is more focused on the prevention of tragedies due to global warming but also on a controlled use of farming land in order to have land be

⁴⁰⁴ This speech is available at: [Accessed on the 21-03-2017] URL:<
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20141020+ITEM-018+DOC+XML+V0//EN&language=en&query=INTERV&detail=1-051-000>>.

an effective combatant particularly when it comes to floods that are expected to increase in number and level due to the erosion of the ozone layer.

The separation of private interests and public concerns were continuously referred to by this MEP Molly Scott Cato, for instance in the below speech from the 13th of January 2015 (already in the 8th legislature) on the “Possibility for the Member States to restrict or prohibit the cultivation of GMO’s” debate:

Madam President, the idea of national opt-outs from GMO regulation is unworkable and ignores the wish of the vast majority of EU citizens that our continent should remain GM-free. The new system would allow countries whose governments are more subject to lobbying from agribusinesses – and I am ashamed to say that my country is one of those – to introduce GM crops as a Trojan horse to undermine the EU ban on this dangerous technology. They will be allowing their own priorities to work against the desires and wishes of other EU citizens. For this reason, the proposal is inherently inimical to the single market and to European unity.

Before we vote on this proposal we should ask ourselves how we come to be here. We are not voting on an end to the GM⁴⁰⁵ moratorium because of lobbying from our constituents. I have not received a single e-mail from my constituents in the south-west calling for more GM crops. We have arrived here because of relentless, high-powered, well-funded lobbying by the biotech corporations, who have no interest in our welfare and are simply interested in swelling their own profits, even at a risk to public health. Citizens across Europe have rejected GM, and we must continue to respect their view and condemn the specious arguments and profiteering instincts of the agricultural corporations.⁴⁰⁶

On an even more recent note, this MEP also discussed the humanitarian, health and food safety related issues facing the CAP in the future. Though this speech was delivered after the 7th legislature of 2009-2014, (more precisely on the 3rd of October 2016 in the “Global goals and EU commitments on nutrition and food security in the world” debate), it is relevant as it states not only the agri-environmental concerns of this MEP and the EP in general but also the dangers of the over-liberalization of this sector, a subject that led to continuous struggles during the 2009-2014 legislature but also in the more recent legislatures:

Mr President, ending hunger by 2030 is not about increasing production of commodities for global markets; rather we need to put nutrition, health and food security at the core of agricultural policy. We need a fundamental shift towards agro-ecology so that countries can feed themselves with a diversity of crops while addressing climate and poverty challenges. Support to family farmers and small-holders is key.

⁴⁰⁵ Genetically modified.

⁴⁰⁶This speech is available at: [Accessed on the 21-03-2017] URL:<
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20150113+ITEM-006+DOC+XML+V0//EN&language=en&query=INTERV&detail=2-120-000>>.

*The EuroLat Assembly*⁴⁰⁷, of which I am a member, is debating a resolution on food security, recommending measures such as food reserves which governments can use to mitigate short term price fluctuations. In the EU, the Commission has a role in reducing volatility by ensuring that robust position limits are put in place to curb food speculation, as citizens rightly expect from the MiFID 2⁴⁰⁸ Agreement.

*The right to food also depends on access to land, yet inconsistencies in EU sectoral policies are inhibiting this. Current policies towards biofuels and many liberalizing trade and investment agreements are jeopardizing food security, contributing directly or indirectly to land grabbing.*⁴⁰⁹

In this speech, the concern is focused on the role of the CAP on external trade policy that can focus on both export markets but also food policy and safety. The first set of economic policies must be, according to the MEP, be associated with greening and health policies.

The EP's relationship with the European Commission in CAP affairs did not evolve without criticism. This next speech made by Capoulas Santos on the 11th of June, 2013, on the *Adjustment rate to direct payments provided for in Regulation (EC) No 73/2009 in respect of calendar year 2013* serves as an obvious proof:

"Mr. President [of the European Commission] I would like to point out the fact that the Commissioner [for Agriculture, Dacian Cioloș], has always given proof of his impeccable relationship with the Parliament, and we highly appreciate his readiness and availability for continued dialogue with us. Unfortunately, the same cannot be said of the European Commission regarding this procedure. No pragmatism or political realism can exist if it endangers the power-equilibrium between the institutions. I therefore consider that the attitude towards this matter should be different as I have said it before.

*I thank the interventions made by our colleagues that have essentially reaffirmed the positions of the Parliament. I think that, no matter what their content is, this is the way for the MEP's to show their coherence with the mandate they were given and, at the same time, to reaffirm the defense of the interests of the farmers in general, for a considerable section of the MEP's and especially for small farmers"*⁴¹⁰.

⁴⁰⁷ The Euro-Latin American Parliamentary Assembly is an international body made of 150 members of parliament from Latin America and Europe. Some of these parliamentarians are also MEP's.

⁴⁰⁸ Markets in Financial Instruments Directive.

⁴⁰⁹ This speech is available at: [Accessed on the 21-03-2017]: URL:<
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20161003+ITEM-015+DOC+XML+V0//EN&language=en&query=INTERV&detail=1-136-000>>.

⁴¹⁰ This speech is available at [Accessed on the 25-11-201] URL:<
www.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20130611+ITEM-021+DOC+XML+V0//EN&language=en&query=INTERV6&detail=2-704-000>. It was translated by the author from the Portuguese version: *Senhor Presidente, eu gostaria de chamar a atenção para o facto de que o Sr. Comissário tem dado sempre provas de um relacionamento impecável com o Parlamento, e registamos com muito apreço a sua permanente disponibilidade para o diálogo connosco. Infelizmente, não podemos dizer o mesmo da Comissão relativamente a este procedimento. Não pode haver pragmatismo ou*

The endangerment of the lack of transparency and the institution's power (dis)equilibrium in the EU has been a recurrent topic of analysis among scholars and one that still continues today. The MEPs openly and frequently refer to this question, as it is apparent in CAP issues and in other policy areas. The parliamentarization of the CAP and in the EU in general does suffer from a lack of transparency and equality as presupposed by treaty rhetoric.

The following speeches which we will analyze from this specific MEP are the *Decision on the opening of, and mandate for, interinstitutional negotiations on direct payments to farmers under support schemes within the framework of the CAP - 2011/0280(COD)* - *Decision on the opening of, and mandate for, interinstitutional negotiations on common organisation of the markets in agricultural products (Single CMO Regulation) - 2011/0281(COD)* - *Decision on the opening of, and mandate for, interinstitutional negotiations on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) - 2011/0282(COD)* - *Decision on the opening of, and mandate for, interinstitutional negotiations on financing, management and monitoring of the CAP - 2011/0288(COD) (debate)*⁴¹¹ made on the 12th of March 2013. The second debate is entitled "*Financing, management and monitoring of the CAP - European Fund for Rural Development - Common organization of the markets in agricultural products - Direct payments to farmers under support schemes within the framework of the CAP - Transitional provisions on support for rural development*" debate conducted on the 20th of November, 2013 in Strasbourg.

These speeches, as their dates show, were closer to the end of the EP's legislature of 2009-2014. These debates are of a very interesting nature as they form a narrative of events that occurred in all the negotiations for a renewed CAP where the EP served as a fully empowered co-legislator. These were some of the first concrete actions of the EP as a codecider in CAP affairs. This statement is a clear proof of the engagement of Capoulas Santos as a MEP and of the EP in general in the fight for a greener, fairer, more equitable, less bureaucratic CAP that answers to its citizens more directly.

realismo político que ponham em causa o equilíbrio de poderes entre as instituições. Considero, por isso, que a atitude sobre este assunto deveria ser outra, e já o reafirmei.

Agradeço aos colegas as intervenções que fizeram e que, no essencial, reafirmam as posições do Parlamento. Penso que, independentemente do seu conteúdo, esta é uma forma de os deputados mostrarem a sua coerência com o mandato que receberam e, ao mesmo tempo, reafirmarem a defesa dos interesses dos agricultores em geral e, para uma boa parte dos deputados, em especial também dos pequenos agricultores.

⁴¹¹ Capoulas Santos, Luís Manuel,. 12-03-2013, *Decision on the opening of, and mandate for, interinstitutional negotiations on direct payments to farmers under support schemes within the framework of the CAP - 2011/0280(COD)* - *Decision on the opening of, and mandate for, interinstitutional negotiations on common organisation of the markets in agricultural products (Single CMO Regulation) - 2011/0281(COD)* - *Decision on the opening of, and mandate for, interinstitutional negotiations on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) - 2011/0282(COD)* - *Decision on the opening of, and mandate for, interinstitutional negotiations on financing, management and monitoring of the CAP - 2011/0288(COD) (debate)*, European Parliament, Directorate General for Parliamentary Research Services, Directorate for the Library, Historical Archives Unit. [Accessed on the 09.03.2016]
 URL:<<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20130312+ITEM-014+DOC+XML+V0//EN&language=en&query=INTERV&detail=2-520-000>>.

This following relatively long speech was chosen for this study as it clearly states the procedures of the discussion, the actors involved, the most important guidelines in this policy area, and the changes achieved by the EP's political structure and influence.

This was said by former MEP Capoulas Santos on the 12th of March 2013:

“Madam President, today we conclude a long and hard work that involved several farmers, environmentalists, citizens in general, technicians, politicians, media people. As a rapporteur for direct payments and rural development, it is up to me to thank all of those who contributed to develop, in the course of these almost two years of work, and put forth a proposal that constitutes a good starting point for the negotiation mandate of the European Parliament.

I cannot go without mentioning President Paolo de Castro, our shadow rapporteurs, rapporteurs from other Committees, Commissioners Cioleş and Potočnik and the different presidencies – Polish, Danish, Cypriot and Irish – with which we worked.

Also worthy of notice and appreciation for their professional stance are the member of the Committee on Agriculture, the members of political groups and the members of my own cabinet. This was a very demanding and complex work. Where my reports are concerned, it involved the negotiation of approximately 4500 changes and the inclusion of nearly 3000 in 75 compromises, all approved by the Committee on Agriculture.

I therefore appeal to the ratification of these commitments and highlight some of the aspects that I consider to be fundamental and unavoidable for a greener and more equitable CAP, which is therefore closer to farmers and European citizens.

We must support measures that unequivocally ensure a greener CAP, and I am specifically referring to the preservation of greening in the first pillar, with a mandatory allocation of 30% of direct payments with this in mind. With a view to this greening we confirmed the following common measures: diversification of crops, maintenance of permanent grasslands, and the creation of areas of ecological interest. We introduced aspects within the European framing that help reduce the bureaucracy when applying these measures, without jeopardizing environmental goals and benefiting farmers and national administrations, by reducing costs.

I also highlight the obligation to reserve 25% of the budget allocated by each Member State to rural development for biological agriculture and agro-environmental measures.

As a positive aspect, I emphasize the consensus reached on the definition of active farmer and the preclusion of areas that are not being used for agricultural purposes, such as golf courses and airports, which cease to benefit from agricultural support.

We also introduced a greater harmonization in the convergence pace of the support, between Member-States and farmers. As to the distribution of this support, the historical approval of a maximum ceiling of 300 thousand euros is worthy of mention, the so-called capping, and, on the other hand, the possibility of maximizing the first 50 hectares. These two measures positively discriminate employment. We need to promote the dynamism of rural areas and it is urgent to encourage the rejuvenation of generations. That is why we have introduced new incentives for

young people and for young farmers, for local supply chains and for the diversification of activities in rural areas. I therefore ask you to vote favourably on all these proposals.

Allow me, Madam President, to use my last minute to speak as the coordinator of the S&D Group. I must declare that my group will vote favourably in all compromises it undersigned in the all the reports herein under discussion: direct payments, a single CMO, rural development and horizontal regulation.

We have however, proposed changes on three fundamental issues, on which, unfortunately, we could not reach a compromise agreement, and which have obtained the approval of COMAGRI without the support of my political group.

These issues are, first of all, the rules concerning the transparency of beneficiaries. My political group finds it unacceptable that European citizens have no access to information concerning the use of public money. We therefore propose the annual public disclosure of CAP beneficiaries.

Double financing is another issue that in our perspective is unacceptable, from a moral and legal point of view. That is, it is only acceptable – I am almost done, Madam President –, it is only acceptable that a farmer is payed according to the hectares he owns under certain farming practices.

Finally, we cannot accept that the CAP regresses a decade where environmental practices are concerned, virtually eliminating cross-compliance.

It is therefore necessary to correct these negative aspects in order to obtain a fairer, greener and more equitable CAP in the future.⁴¹²

⁴¹² This speech was translated by the author of this thesis from the Portuguese original: *Senhora Presidente, o dia de hoje concluirá um longo e árduo trabalho em que estiveram envolvidos muitos agricultores, ambientalistas, cidadãos em geral, técnicos, políticos, homens da comunicação social. Enquanto relator dos pagamentos diretos e do desenvolvimento rural, cabe-me assim agradecer os contributos que todos deram para que fosse possível, ao longo destes quase 2 anos de trabalho, apresentar uma proposta que constitui uma boa base de partida para o mandato de negociação do Parlamento Europeu.*

Não posso deixar de mencionar o Presidente Paolo de Castro, os nossos colegas relatores-sombra, os relatores dos pareceres de outras comissões, os Comissários Ciołoş e Potočnik e as várias presidências – a polaca, a dinamarquesa, a cipriota e a irlandesa – com as quais trabalhámos.

Merecem igualmente registo de agradecimento e apreço pelo seu profissionalismo o secretariado da Comissão da Agricultura, os secretariados dos grupos políticos e os membros do meu próprio gabinete. Foi um trabalho muito exigente e muito complexo. No caso dos meus relatórios, tratou-se de negociar cerca de 4 500 alterações e de incluir cerca de 3 000 delas em 75 compromissos, que foram todos aprovados na Comissão da Agricultura.

Faço, pois, um apelo à ratificação destes compromissos e destaco alguns aspetos que considero fundamentais e incontornáveis para uma PAC mais verde, mais equitativa e, por isso, mais próxima dos agricultores e dos cidadãos europeus.

Devemos apoiar as medidas que garantem inequivocamente uma PAC mais verde, e refiro-me particularmente à manutenção do greening no primeiro pilar, e para tal a reserva de uma dotação obrigatória de 30 % dos pagamentos diretos. Para este greening confirmámos as medidas comuns: a diversificação das culturas, a manutenção dos prados permanentes, a criação das zonas de interesse ecológico. Introduzimos aspetos dentro do enquadramento europeu que permitem desburocratizar a aplicação destas medidas, sem prejuízo dos objetivos ambientais e com vantagem para os agricultores e as administrações nacionais, em termos de redução das despesas.

Destaco ainda a obrigação de reservar 25 % do orçamento de cada Estado-Membro no desenvolvimento rural para a agricultura biológica e as medidas agroambientais.

At this stage of the procedure most legislative proposals were still being discussed as were the trilogue negotiations, but one can already notice the most important subjects on this whole agenda, which were completely or partially formulated as demands by the EP.

Capoulas Santos finalized this whole procedure and decided to evaluate the final decisions and results in this manner as he spoke in the EP:

“Madam President, Mr. Commissioner, fellow MEPs, as was already said, today we close a long marathon that, in the course of more than three years, mobilized the entire European sector, environmental organizations, European, national and regional political institutions and many citizens. This work was as complex and demanding as it was gratifying. I call to mind the thousands of amendments that had to be analysed, the meetings all over Europe and the dozens of trilogues that had to be held in order to reach the agreement that we hope to see approved today. It is only fair to thank all of those who, in the European Parliament, committed to this process: President Paolo De Castro, whose relevant role in the conduction of this process was decisive for the achieved results; the shadow rapporteurs from other political groups, the MEPs, the members of the Committee on Agriculture, the political groups and the MEPs themselves, and also the interpreters, without whom an efficient communication would not have been possible.

This acknowledgement is more than fair, especially if we compare the technical apparatus of the Parliament to those of the Council and the Commission. This is

Destaco como positivo o consenso a que se chegou sobre a definição do agricultor ativo e a exclusão para efeitos de recebimento de ajudas de superfícies não afetadas à agricultura, tais como campos de golfe e aeroportos, que não beneficiarão mais de apoios agrícolas. Introduzimos ainda uma maior harmonização no ritmo de convergência dos apoios entre Estados-Membros e entre agricultores. E quanto à distribuição dos apoios, é de destacar a aprovação histórica do estabelecimento de um teto máximo de 300 mil euros, o chamado capping, e, por outro lado, a possibilidade de majorar os primeiros 50 hectares. Estas duas medidas discriminam positivamente o emprego.

É necessário promover o dinamismo dos territórios rurais e é urgente promover o rejuvenescimento das gerações. Por isso, introduzimos novos incentivos para os jovens e para os novos agricultores, para as cadeias locais de abastecimento e para a diversificação da atividade nas zonas rurais. Apelo, por isso, a uma votação em todas estas propostas.

Permita-me ainda, Sra. Presidente, que utilize um último minuto para me pronunciar como coordenador do Grupo S&D. Devo referir que o meu grupo votará favoravelmente todos os compromissos que subscreveu, em todos os relatórios aqui em discussão: pagamentos diretos, OCM única, desenvolvimento rural e regulamento horizontal.

Contudo, apresentámos alterações sobre quatro questões fundamentais, para as quais, infelizmente, não foi possível chegar a um acordo para um compromisso e que obtiveram aprovação na COMAGRI sem o apoio do meu grupo político.

Essas questões são, em primeiro lugar, as regras de transparência dos beneficiários das ajudas. O meu grupo político considera inaceitável que não possa ser facultada informação aos cidadãos europeus sobre o uso de dinheiros públicos. Propomos por isso a divulgação pública anual dos beneficiários da PAC.

O duplo financiamento é outra questão que consideramos inaceitável, do ponto de vista moral e legal. Ou seja, só é aceitável – eu termino já, Sra. Presidente –, só é aceitável que um agricultor receba sob os hectares que tem sob certas práticas agrícolas.

Por último, não podemos aceitar que a PAC regreda uma década no que diz respeito a práticas ambientais ao eliminar praticamente a cross-compliance.

É necessário, portanto, corrigir estes aspetos negativos para que tenhamos uma PAC mais justa, mais verde e mais equitativa no futuro.

an issue that must be reviewed in the future, so that the Parliament can fully affect its powers.

I would also like to thank the Commission, in the person of Commissioner Cioloş, for his constant availability and the availability of his collaborators and services, as well as the openness of spirit and compromise he always revealed. Thank you, Mr. Commissioner. It is also only fair to recognize the efforts on the part of the successive presidencies: the Polish Presidency, the Danish Presidency, the Cyprus Presidency, the Irish Presidency, and in a very special way, the Lithuanian Presidency.

The final agreement established with the Council and the Commission on behalf of Parliament, concerning the regulations of direct payments and rural development, is not ideal, not for the European Parliament and, I am sure, not for the Council nor the Commission either. It is, however, the possible agreement, one that reflects all three institutions and incorporates priorities and concerns from all parties, proving that the spirit of compromise and mutual concessions, which characterizes the European decision-making method, was here adopted

On the behalf of the European Parliament, I can say with satisfaction that our main goals were reached: we ensured a greener CAP that is more legitimate before citizens and taxpayers, a more just and equitable CAP for Member States and farmers and a simpler and less bureaucratic CAP. It would be easy, if my time here allowed so, to list the broad range of measures and norms that confirm this statement. Allow me to proudly highlight the expressions of satisfaction coming from multiple civil society sectors, which recognize the role of the Parliament in this negotiation. Not so long ago, the idea that the introduction of co-decision in agriculture related matters would block any future decisions was generally accepted. The Parliament showed that not only is this preconception not true, but that decisions involving the agricultural sector can be improved.

What is now important, Mr. Commissioner, is to prevent a misinterpretation of the letter and spirit of the tripartite agreement we are here celebrating in the implementation norms. The news that have reached us lately, concerning delegated acts, raise a number of concerns on our part and I would thus like to alert you and appeal to your common sense and good faith to avert a reaction from the Parliament, which would be unnecessary and avoidable.

I conclude, hoping that History confirms this day as a turning point and, at the same time, as a reinforcement of the oldest EU policy, which Europe needs as much today as it did in the past, one that allows us to maintain our leadership in the global market, to stay on top of food quality and safety and to keep European rural areas alive and sustainable.”⁴¹³

⁴¹³ Capoulas Santos, Luís Manuel, 20-11-2013. *Financing, management and monitoring of the CAP - European Agricultural Fund for Rural Development - Common organisation of the markets in agricultural products - Direct payments to farmers under support schemes within the framework of the CAP - Transitional provisions on support for rural development (debate)*, European Parliament, Directorate General for Parliamentary Research Services, Directorate for the Library, Historical Archives Unit. [Accessed on the 08.03.2016],
 URL:<<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20131120+ITEM-004+DOC+XML+V0//EN&language=en&query=INTERV&detail=3-010-000>>.

The speech ⁴¹⁴also states the inherent difficulties of this whole process, now involving the ideals and ambitions of three political and legislative institutions with similar powers.

It is recognized that this is not the “ideal agreement” for any of the institutions but it is one that encompasses the interests of all to some extent. Another point of interest is the acknowledgment from civil society of the important role

⁴¹⁴ This speech was translated from the original which was originally written in Portuguese: *“Senhora Presidente, Senhor Comissário, Caras e Caros Deputados, como foi dito, encerramos hoje a longa maratona que, ao longo de mais de três anos, mobilizou todo o setor agrícola europeu, organizações ligadas ao ambiente, instituições políticas europeias, nacionais e regionais e muitos cidadãos. Foi um trabalho tão complexo e exigente quanto gratificante. Recordo os milhares de emendas que tivemos de analisar, as reuniões por toda a Europa e as dezenas de trilogos que tivemos de realizar para chegar ao acordo que aqui hoje queremos ver aprovado.*

É justo agradecer a todos os que no Parlamento Europeu se empenharam neste processo, desde logo ao Presidente Paolo De Castro, cujo relevante papel na condução deste processo foi decisivo para os resultados que conseguimos atingir; aos relatores-sombra dos outros grupos políticos, aos deputados, aos secretariados da Comissão da Agricultura, dos grupos políticos e dos próprios deputados, e também aos intérpretes, sem os quais não teria sido possível a comunicação tão eficiente que estabelecemos.

É um agradecimento tanto mais justo quanto comparamos o aparelho técnico do Parlamento aos do Conselho e da Comissão. Esta é uma questão que deverá ser revista no futuro para que o Parlamento possa executar na plenitude os seus poderes.

Quero igualmente agradecer à Comissão na pessoa do Sr. Comissário Ciołoş pela sua permanente disponibilidade, dos seus colaboradores e dos seus serviços, assim como pela abertura de espírito e de compromisso que sempre revelou. Muito obrigado, Sr. Comissário. Também é justo reconhecer os esforços das sucessivas presidências: a Presidência polaca, a Presidência dinamarquesa, a Presidência cipriota, a Presidência irlandesa, de uma forma muito especial, e a Presidência lituana.

O acordo final que estabeleci com o Conselho e a Comissão em nome do Parlamento para os regulamentos dos pagamentos diretos e do desenvolvimento rural não é o acordo ideal, nem para o Parlamento Europeu e tenho a certeza que também não o é para o Conselho nem para a Comissão. É contudo o acordo possível no qual as três instituições se podem rever porque incorpora prioridades e preocupações de todas elas e comprova que o espírito de compromisso e de concessões recíprocas que caracterizam o método de decisão europeu foi aquele que aplicámos.

Do lado do Parlamento Europeu, posso dizer com satisfação que foram atingidos os nossos principais objetivos: garantir uma PAC mais verde e mais legitimada perante os cidadãos e os contribuintes, uma PAC mais justa e equitativa entre Estados-Membros e agricultores e uma PAC mais simples e menos burocrática.

Seria fácil, se o tempo me permitisse, enunciar o vasto conjunto de medidas e de normas que comprovam esta afirmação. Permitam-me que realce com orgulho as manifestações de satisfação oriundas de vários setores da sociedade civil pelo reconhecimento do papel do Parlamento nesta negociação. Há pouco tempo, era comum a ideia de que a introdução da codecisão em matéria agrícola iria paralisar qualquer decisão no futuro. O Parlamento demonstrou não só a falsidade deste preconceito como revelou que pode tornar melhor as decisões sobre a agricultura.

Importa agora, Sr. Comissário, que a letra e o espírito do acordo tripartido que celebramos não sejam desvirtuados nas normas de aplicação. As notícias que nos chegam ultimamente sobre os atos delegados deixam-nos muito preocupados e gostaria, por isso, de alertá-lo e de apelar ao seu bom senso e boa-fé para que seja evitada uma reação do Parlamento que é desnecessária e evitável.

Termino, fazendo votos de que a História venha a confirmar o dia de hoje como um marco de viragem e, ao mesmo tempo, de reforço da mais antiga política comunitária, de que a Europa precisa tanto hoje como no passado e que nos permite continuar a ser líderes no mercado mundial, a continuar no topo da qualidade e da segurança alimentares e a manter vivos e sustentáveis os espaços rurais da Europa.

of the EP in these proceedings, where one gets the idea that the EP was the institution that brought the civil society's perspectives into the debate.

Capoulas Santos also disproves the theory that codecision in CAP affairs could have slowed down or even incapacitated the ability to reach decisions in this area. On the contrary, the EP proved to be an active participant who was able to concretely affect the outcomes of the legislation. These negotiations involved a great number of actors: the EP, the Commission, the Council, the European agricultural sector, environmental associations, national political institutions, citizens, and civil society. The reinforcement of the CAP was the main objective of all these proceedings, later externalized in the specific areas we mentioned - a greener, fairer, and less bureaucratic CAP. This MEP also testifies to the need for this policy to continue as the structure for a leading agricultural market in the world with safety and health and the protection of the environment as some of its most important pillars.

I must also point out that the choice of these speeches from this MEP is based on his prolific work in the EP and the scope of answers they provide for this research. The specific party Capoulas Santos is a part of (Group of Progressive Alliance of Socialists and Democrats in the European Parliament) has no importance for this study; no objective political science research can ever be bound by political interests. All political science research, such as this one, is therefore purely analytical.

Although these measures seem to be of an immediate nature, one has to take into perspective the fact that it took three years, as the speech points out, to reach these results. The trilogues were the main organizational structure in these proceedings, something which codecision brought from the beginning, putting the EP on an equal stance with the other institutions. The EP was understood as the main entrance and receiver for any complaints or recommendations from civil society, whether environmental associations, environmental groups, or others.

In a similar manner the MEP Elisabeth Jeggle stated on the 20th of November 2013:

Mister President, honored commissioner, my dear ladies and gentlemen!

First I want to thank everyone, who worked on this mammoth project very intensively for almost three years. This agrarian reform is a paradigm shift in the European agricultural history and despite all the criticism an important step! The parliament could really improve the commission's proposals. Yes, we have compromises, but we have strong positions. It is not only right from my point of view that for the first time, we could increasingly support smaller and medium-sized businesses. Together with the good results in the second pillar, this will strengthen the rural areas. Future prospects exist here. The rural areas - and thereby the people in the rural areas - are shifting into the focus. The mentioned points are showing that the agri-environmental policy has moved forward in a new direction. We have less money, this has to be used in a targeted manner and we have set the course for this. Evaluating the results we found a solution, which gives us a clear guidance. Simultaneously, there is space for specific conditions in the member states. I have two expectations. Firstly: We have received the society's claims, this should finally pay off. Secondly: Mister Commissioner, so far the

*cooperation was excellent! Thank you! The delegated legal acts should now also meet the requirements of our political aims. I do not want surprises here. Also in this regard: thank you in advance! All the best for this!*⁴¹⁵

All of the relevant matters that have made the EP such an interesting subject matter for this thesis, in the management of the CAP and other important policies, serve as points of departure for further studies of the EP. These speeches offer an excellent basis. Many more could obviously have been chosen obviously, but these two are incredibly valuable as they contain a macro-conceptual approach to the main changes performed by the EP. In these two speeches⁴¹⁶ we observe a narrative of events, we see common struggles taking place in the EP and amidst all institutions inside and outside the legislative circle, and we see the substance of these final compromises. These final agreements are what explain the methodological success of the negotiations, the subjects at hand, and their final outcome - and thus the real concerns of the EP in all these negotiations. The impact of the EP is what concerns us the most in this study, and that is quite visible in these two speeches. Those are the most important reasons for the choice of these speeches.

The EP was able to meet its demands, to fulfil its responsibilities as a co-decider, to respect deadlines and decision-making mechanisms and most importantly to deliver change and influence the final legislative acts. All the common suspicions of the inability of the EP to respect procedures and timetables prior to the signing of the Lisbon Treaty and the entrance of codecision in CAP affairs are therefore denied, as these two speeches are a clear proof of the strong

⁴¹⁵ This speech is available at: [Accessed on the 20-12-2016], URL:<<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20131120+ITEM-004+DOC+XML+V0//EN&language=en&query=INTERV&detail=3-054-000>>.

This speech was also translated from the original German version: *Herr Präsident, verehrter Herr Kommissar, meine sehr geehrten Damen und Herren! Zunächst einen herzlichen Dank allen, die an diesem Mammutprojekt beinahe drei Jahre intensiv gearbeitet haben. Diese Agrarreform ist durchaus ein Paradigmenwechsel in der europäischen Agrargeschichte und bei aller Kritik ein richtiger Schritt!*

Das Parlament konnte die Kommissionsvorschläge wirklich verbessern. Ja, wir haben Kompromisse, aber wir haben starke Positionen. Es ist nicht nur aus meiner Sicht richtig, dass wir erstmals erreichen konnten, kleinere und mittlere Betriebe verstärkt zu fördern. Zusammen mit den guten Ergebnissen in der zweiten Säule stärkt dies die ländlichen Räume. Es gibt hier Zukunftsperspektiven. Die ländlichen Räume – und damit die Menschen im ländlichen Raum – rücken nun verstärkt in den Fokus.

Die genannten Punkte zeigen, dass die Agrarpolitik eine neue Richtung eingeschlagen hat. Wir haben weniger Geld, dies muss gezielt eingesetzt werden, und dafür haben wir die Weichen gestellt. Wir haben mit den Ergebnissen eine Lösung gefunden, die eine klare Linie vorgibt. Gleichzeitig gibt es Raum für spezifische Gegebenheiten in den Mitgliedstaaten.

Ich habe zwei Erwartungen. Erstens: Wir haben Forderungen der Gesellschaft aufgenommen, das sollte sich auch auszahlen. Zweitens: Herr Kommissar, die Zusammenarbeit bisher war hervorragend! Danke! Die delegierten Rechtsakte sollen nun auch unseren politischen Zielen gerecht werden. Ich möchte hier keine Überraschungen. Auch dafür im Voraus: Danke! Alles Gute dafür!

⁴¹⁶ All the speeches used in this chapter are taken from the Online Library of the European Parliament more concretely the Directorate-General for Parliamentary Research Services, Directorate for the Library, Historical Archives Unit. Each speech is nevertheless individually referenced by normal research procedures as requested by the University of Jyväskylä, Finland.

political engagement of the EP in CAP related aspects and its ability to clearly influence the destiny and structure of the functioning of the EP.

One can say that until the Treaty of Lisbon, the EP was still being tested by the other two legislative institutions of the Union and even after the signing of this last treaty several doubts continued to linger regarding whether this supra-national parliament would really be able to meet its demands. No real doubt can remain after the presentation of these proofs. They unequivocally constitute some of the final answers to this question, although their analysis does bring many further issues to the attention of political scientists.

7.2 Examination of the hypothesis of this research

From the vast array of literature analyzed and its combination with the research question, hypothesis, and objectives of this study, the validity or disproof of our initial hypothesis and argument can finally be put to the test.

Our contentions have involved many aspects and one of those posed the proposition that the inclusion of the CAP under the codecision mechanism would not severely alter this common policy.

Due to the fact that the EP has not significantly altered its political behavior after the Lisbon treaty with legislation being usually decided under first reading in order to accelerate decision-making and the basis of the reforms of the EP being usually focused on the improvement of certain details and less on radical reforms to the CAP (or in other words it is more successful on minute amendments and less in general polity change), it is safe to say that the ordinary legislative procedure, besides institutional reform and the automatic inclusion of the EP in the decision-making, did not significantly alter the CAP. The status quo of the CAP was not significantly altered, as the global strategy of the CAP did not change significantly.

This part of the claim was somewhat directed towards the search for statistical proof and less at the evaluation of the MEPs speeches. It was nevertheless necessary in order for the future rhetoric analysis of the speeches of MEPs to be comprehensively understood and the context to be inferred. It was also indicated that the rhetoric of the MEPs' speeches would try to enhance their legislative achievements so that they appear to have had a greater role than what they actually had. They decided to emphasize this through supportive and accentuated, often hyperbolized, style of speech, made to highlight the reformative spirit of the EP, when statistics show that the nature of their revisions remained modest if one compares the CAP with transport policy and environmental policy.

There are always limits to statistical judgements as the study by Fertő and Kovács entails, which justifies the need for an analysis of the MEPs' speeches. More importantly, the very procedure of debating in parliamentary plenum and committees, as opposed to the secret bureaucratic practices of the Commission and the diplomatic-style negotiations of the Council, makes a major difference.

The CAP, in other words, has become part of the parliamentary agenda, which it hardly was before. It is then a different context that after the Eastern enlargement other types of questions seem to have risen more prominently in the agenda and the old disputes on the CAP have been relatively settled in the EP.

The working philosophy of the EP and the results obtained have not been significantly altered with and after the Lisbon treaty. Therefore, the rhetoric of the speeches of MEPs can be understood as being indicative of some of their individual positions and achievements while slightly hyperbolizing their real effects. This hyperbolizing is possibly due to the desire of the MEPs and the EP in general to assure the maintenance of its position and statute in the midst of the other two legislative institutions (or possibly, to secure electoral gain). This is not to imply that the role of the MEPs is a diminished one: it is quite the contrary as the EP gained great powers through the Lisbon treaty. However, it lost the conflictual and radical approach it once had in the first years after the implementation of the Maastricht treaty; an aspect that the MEPs tend not to mention in their speeches.

This research continued posing by positing the possibility of a hypothetical return to the type of political behavior the EP used to manifest in the first years after Maastricht, which was based on great dissensus among the legislative institutions. Although recent data could have made this claim less probable, it was still a possible scenario due to the very significant number of policy areas having entered the codecision system with the Lisbon treaty. The EP could have dramatically altered its behavior if the conditions existed, and yet, it did not change effectively. The EP still continues to prefer to deal with amendments that do not prove to be of a conflictual nature amidst the other two European legislative institutions, and it is also less successful in amending difficult and macro-level policy reforms. It prefers to deal with legislation under first reading, thereby avoiding further readings and automatically speeding the implementation of legislation. Even though the MEPs' speeches tend to accentuate their achievements, they tend to forget the initially more radical conduct the EP displayed, a behavior that was changed and gradually disappeared with European enlargements and the first years before and after the Nice treaty of 2004. Despite this fact, one must remember that in "ordinary" parliamentary systems it is not an ideal that the government is weak and the parliament changes many of its motions. A parliament cannot govern itself and neither can the EP; therefore, the Parliament is a counter-power that controls the Commission and its agencies, the Council, and the member states ⁴¹⁷.

From this overall assessment, it is possible to state that a lot of power was delegated to the EP but these changes did not inflict change on the CAP in such great manner or value. Giving an increased parliamentarist asset and basis to the CAP and making it more democratic could have created the idea that the CAP would have been severely altered, making the EP an institution with the political attitude it had in the first years after Maastricht, with a strong agri-

⁴¹⁷ For more on the issue of the Westminster tradition of parliamentary procedure since the Glorious Revolution of 1688-89, see Palonen, 2014.

environmental philosophy. However, the Council and the Commission gradually revised their positions and sought to circumvent this institution's newly gained powers, advocating faster decision-making, the delegation of powers to the European Commission under the principles of comitology (articles 290 and 291 of the TFEU), and the frequent use of a highly successful coalition between the Commission and the Council (even though the Council - Parliament coalition was also quite rewarding). One can say that the greatest successful treaty change that the Lisbon treaty brought, the inclusion of 40 new areas under the system of codecision, which is incredibly significant in its legislative scope and the demands it imposes particularly on the EP but also on the other institutions, was a great political victory for the EP and the EU in general as it increased its democratic scope. The CAP, being one of these 40 new areas now being decided under a triad agreement, could have been expected to change dramatically but, to a certain extent, it did not. If we conduct a macro level analysis, its working methodologies, policy areas, and policy objectives remained relatively similar. The EP preferred to continue with its working methodology that had existed roughly since the Nice treaty, seeking to augment its influence in less divisive amendments and policies as it had discovered this was the best tactic for it to have legislative acts or amendments as similar as possible to its original proposals. One can perhaps claim that the EP has failed to catch the opportunity (*Kairos*) created by the Lisbon treaty due to submission to the pressure of lobbyists from the leading parties or their agricultural specialists and of course the occasional opposition from both Council and/or Commission.

One must nevertheless not confuse this statement or idea with a hypothetical crisis or lack of need for the Lisbon treaty. The Lisbon treaty did indeed prove to be a very necessary and successful treaty that all member states accepted (with occasional disputes and objections as is expectable) and one that finished a process that had started and developed since Maastricht. It became the culmination of the originally French political desire in the 1950s to have a fully empowered parliament as one of the main political and legislative institutions for European integration and unity. It took approximately 60 years for this ideal to materialize.

The results of this evolution are nevertheless academically interesting and possibly unexpected, as a degree of uncertainty existed. The EP preferred to adopt a traditional kind of political behavior as it had established that this working practice was the most beneficial if it wished to maintain its relatively high rate of success in amendment changes and materialization of policy preferences in the final legislative acts. The MEPs speeches somewhat confirmed this role even if these professionals tend, for political reasons, to overly emphasize their victories in their rhetoric.

It is still not completely clear why the EP changed its political conduct throughout the legislatures, the enlargements and the treaties. Even though these political enlargements did pose a new format for the whole of the EU and its legislative institutions, the working philosophy of the EP could have remained constant, no matter what the recommendations or constructions from

other institutions were. The EP went from an institution based on dissent to one based on consensus in its policy-making and in the negotiations with the other two legislative organs. The fact that the EP, as some MEPs have suggested in other studies ⁴¹⁸, the EP continues to be somewhat isolated among the Commission and Council can raise alarm on the democratic assessment of the EU legislative framework as a whole.

Despite the expansion of parliamentarism, one of the main concepts and processes analyzed throughout this research, notwithstanding the ability of the Council of the EU, and moreover the Commission, to reassert power through other means can and somewhat does make them gain leverage over the EP, which does in fact alter the important dynamic of a clear and equilibrated division powers that the EU defends. Perhaps it would have been possible for the EP to use different methods in decision-making to obtain different results. A different strategy by the EP at the beginning of the implementation of the Lisbon treaty could have given the EP different results and possibly a greater success rate at amending legislation.

A possibility exists that the financial crisis of 2008 may have had an impact on many of these issues. Not only did the European Central Bank (and in other respects the IMF) gain greater preponderance in the assurance of economic and financial stability of the EU and the Eurozone, but also the financial disequilibrium this crisis generated, particularly in Eurozone countries, may have created greater divisions among the institutions, especially in the EP, the Council and the European Council, and the European Central Bank. This may have pushed institutions and their internal groups towards faster decision-making and greater consensus within the realm of the possible and opening divisions in European society and in institutions, which may take time to fully resolve. A greater representativeness of far left and far right parties inside the EP through their growing results in EP elections, which tends to act as an opposition to European common policies and greater Europeanization, instead pushing for a return to the national, patriotic values, (an intensification that equally took place even among the governments that form the Council of the EU) can also be a factor in greater difficulties in getting legislation passed. A weaker convergence of interests may have undermined the EP's role and the EU in general. Getting enough support for the implementing of legislation under growing dissent does without a doubt diminish any institution's capabilities. Even other events such as the Arab spring causing instability on the EU's Mediterranean border and the subsequent increased migrant and refugee flows onto the European continent, or the recent Ukrainian conflict that erupted in February 2014 (the final months of the 2009-2014 legislature of the EP) with the ensuing ban on certain Russian imports that equally affected the Union's farmers also marked the ending of this legislature and the difficult starting point of the 8th legislature of the EP (2014-2019).

With all these constraints taken together, the political attitude of the EP may have been the only one possible. Taking these aspects into account, the

⁴¹⁸ Sargento, 2012.

Lisbon treaty did in fact finish a process that had started in Maastricht in 1992 but the historical circumstances in which it appeared may have damaged or undermined one of the key political evolutions this treaty had pursued: the effective and transparent parliamentarization of EU decision-making. Time will tell how this European form of parliamentarism may evolve under future political, social, financial and economic developments. It is possible that after the current economic and financial crisis, the refugee predicament, and the implications of the recent Brexit vote are settled the EP could return to the political behavior it once had in the first years of codecision.

Since most of these subjects and political advancements took place in the last decade, future research might shed light on some of these issues when a more prolonged historical distance will make it easier for researchers to address these matters.

The future role of the EP thus opens up a spectrum of possible research projects as the EU, due to the economic and financial crisis of 2008, suffered great political change with the ECB and the European Council having greater responsibilities and political power than they did before. The EU will thus continue to be an important topic and a curious case study for political scientists for years, decades and possibly centuries to come.

7.3 Conclusions

This study has been able to observe that many variables have determined the behaviour of the EP through the years. Either the Commission or the Council would go against the EP's ideas in order to defend the interests of the member states and their reluctance towards change (particularly in environmental aspects); or the EP was unable to gather enough support with its rapporteur, committees or the plenary to pursue the implementation of further amendments to first readings or common positions passed by the Council. Since the EP is one institution designed and constituted by political parties with MEPs from several member states, it can act as whole entity but it can also act in a fragmented way. In many cases the MEPs can vote according to their national party preferences, their European party, their national interest, or the interest of the EP as a whole.

This fragmentation can also be understood as part of dissensus in the rule of parliamentary politics. The problem is perhaps that there are no clear majorities known in advance in the EP, which is, in many respects, an advantage, because it makes the debate more important and that would be the case when strong party whips rule. Since this thesis is highly based on speeches and debates from EP's officials this is an important perspective. The lack of clear majorities is, of course, dependent on the situation. When the Commission is only a *de facto government* ⁴¹⁹, there is no clear government vs. opposition divide in the

⁴¹⁹ Wiesner, Haapala, Palonen, 2017

parliament and the Commission is not a representative of the majority party as in many national cases.

The urgency and the need to keep the timetables are important. Yet, a major problem in the EU is that the procedure of debate *pro et contra* is largely missing from the Commission and the Council and remains in a relatively marginal position in the EP. Debates are a crucial aspect inside the EP and one that should not be overlooked behind actual statistical results.

Fragmentation of interests also occurs at the Council level but the divisions of concerns centred mainly on national level problems which creates a situation where dissensus is more damaging to the EP than to the Council and much less to the Commission. The fact that certain committees had greater power and automatically greater responsibilities than others in the decision-making mechanisms over the years also created, at times, a discrepancy between committees, rapporteurs, the plenary, and their relationships with the Council and the Commission. This discrepancy was gradually resolved with the further empowerment of this institution by the Amsterdam, Nice and Lisbon treaties. The EP was therefore a changing and evolving political and legislative organ acutely connected with civil society, although at times not able to defend certain interests with the vigor one would expect. The inefficiencies or shortcomings in the treaties and in the rules of procedure that may have benefited or hindered (depending on the case) the work of the EP, made this organ have to adapt to new political and methodological circumstances and automatically mandated that its political behavior would have to be different in nature.

The evolution of the EP was one of great dissensus and great struggle, internally and externally, challenging its beliefs and actions in the first years of its activity. It was nevertheless able to gather great political victories, even before its empowering by the codecision procedure. After this endowment, it gained the reputation of a responsible codecider able to change legislation by codecision, by having its proposals heard and at times materialized in the final legislative act, and in time grew into an institution with similar powers to the other two legislative organs.

The further empowerment of this institution by the successive European treaties together with the opening of the union to new member states by political enlargements repeatedly challenged and ultimately changed the core of the EU and all of its institutions. However, the EP with time realized that the best way to ensure its political viability as an effective co-decider, particularly in European environmental, agri-environmental and transport policies, was to push for legislation of a less radical nature, unless a more profound measure would gather enough support with the Council and the Commission. In any case, one must remember that it is by the making of amendments, which the EP prefers, that the main modes of making alterations in parliaments are performed. It is also equally true that with apparently minute amendments great changes can be proposed or even achieved.

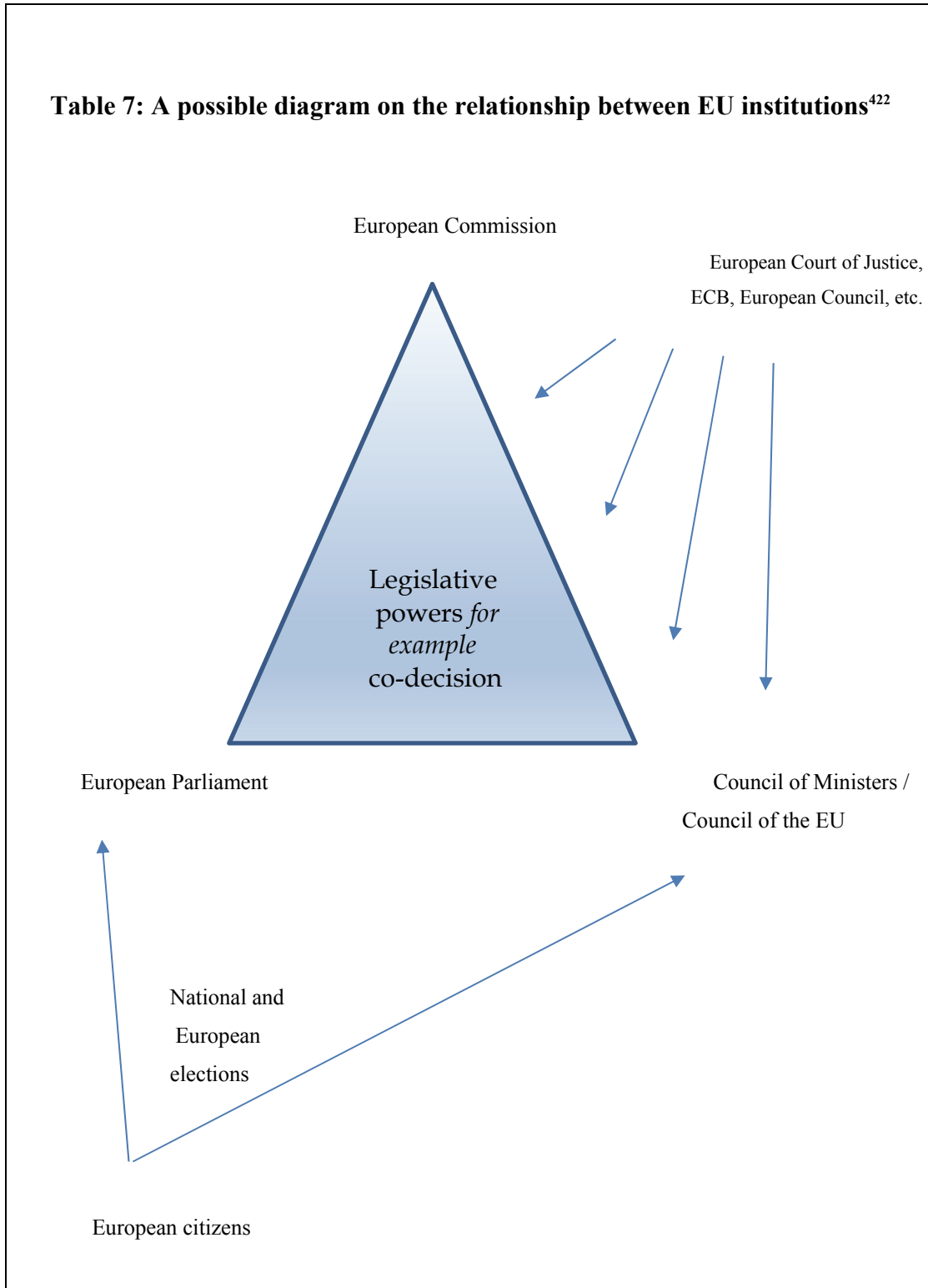
It is also important to note that, during this legislature of 2009-2014, most of the member states governments and most of the EP consisted of center left or

center right parties that are still today a majority in the EU. This brings a greater level of consensus into decision-making but one that must also be evaluated in terms of intra-parliamentary assessments and debate. The fact that, for example, Green governments and Green ministries of Agriculture rarely exist⁴²⁰ and their representation in the EP is not overwhelming, can show us that some legislative proposals may have a hard time reaching the necessary political momentum by which to be admitted for drafting, reconsideration and debate ⁴²¹.

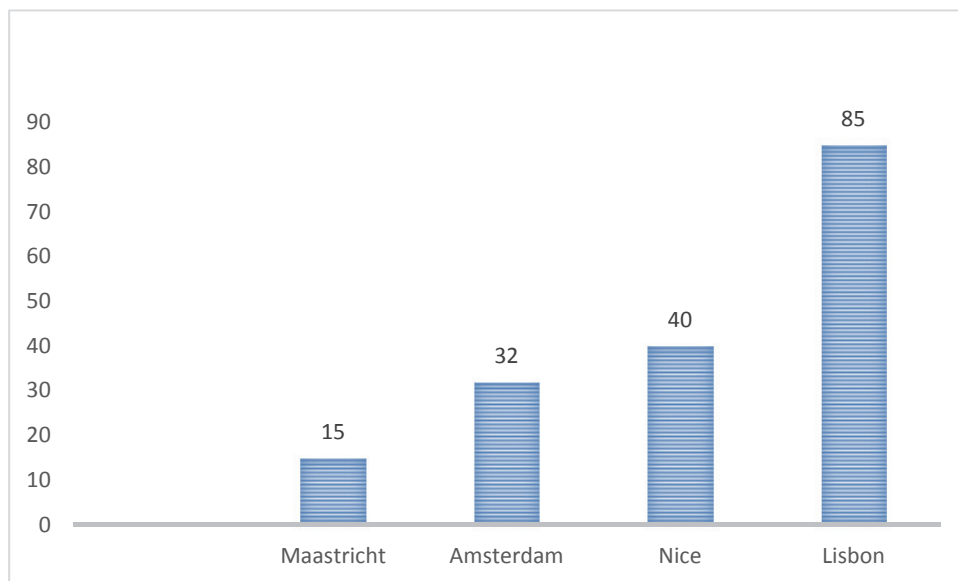
If a researcher is to remember all of these variables, it is easy to acknowledge that the parliamentary speeches analyzed in this study have the advantage of presenting dissenting voices. A study that only focuses on the final votes is bound to ignore or marginalize the dissensus, the dialogue at the EP level, which is performed differently at this EP level, at the Council of the EU, and amid Commission officials. If these dissentious voices and arguments are not audible in the finally adopted text of the CAP, they help to understand out of which positions the final text emerged, therefore giving the researcher a better understanding of the issues at hand, the most important concerns, the evolution of the legislative act and of codecision, and the nature of the laws themselves.

⁴²⁰ Green parties have hardly ever got the ministry of agriculture (Renate Künast had this ministry for some time in the Schröder government from 2001 to 2005 - Minister for Consumer Protection, Food and Agriculture).

⁴²¹ And the same can be said about the relative inexistence before the 2009-2014 legislature of the EP of far right governments, whether alone or in coalition, although in more recent legislatures far right parties have had greater representation in national parliaments, the EP, and also in governments of the member states.

Table 7: A possible diagram on the relationship between EU institutions⁴²²

⁴²² This diagram is meant to indicate how the EU system is partially ran by the citizen as he votes for national and European elections. The EP and the Council then elect the body of the Commission, which is the institution that still today most frequently starts legislation. The depicted triangle is where codecision is performed and legislation is decided (or other legislative systems). On the upper right side, it is shown that other institutions such as the ECB, the European Council, or the Court of Justice can also have an influence on legislation through their specialized methodologies and political, legislative or monetary power.

Table 8: Evolution in the number of legal bases of codecision

8 FINAL CONCLUSIONS

After this long analysis the time for the understanding of its final conclusions is at hand. Throughout this long research, many issues were analyzed. We have come to understand not only the theoretical problems that the EU entails for political science professionals or other political thinkers but also the technical aspects that MEPs and EU technocrats face on an everyday basis.

In this conclusion it is necessary to move from the presentation of “what happened” in the subject matter to the discussion of the scholarly and political significance of the interpretations made in this study, in other words, what are the new and original aspects in this study in relation to the existing scholarship and broader political discussion on the CAP, the EP, and the EU in general.

At first, an attempt was made to comprehend the first European integration theories that appeared in the 1950s and how they could help us understand the EP today. While their significance must be explained considering their historical context however, their relevance is still visible today, even if the present EU is very different from the ECSC or the EEC, which were its predecessors.

We have studied the works of some of the most important politicians and political thinkers who formulated for the European integration procedures clear historical, methodological, and philosophical constructs that are still applicable today when observing the role of the EP. Some of the most important names were Ernst Haas (1958), Leon Lindberg (1963), Jean Monnet (1976), Schuman, Sergio Pistone (2010), and De Rougemont (1966), classically understood as neofunctionalists. These first theories were much acclaimed during the first years of the ECSC and the EEC. It took approximately two decades for the first criticisms of these theories to surface and expose some of their inconsistencies. Stanley Hoffmann (1995), Andrew Moravcsik (2005; 2001), Alan Milward (1992, 2000, 2002), and Frances Lynch (1984, 2011), commonly called intergovernmentalists, were among the first who successfully accomplished to point out the irregularities of this system of beliefs and create a new philosophical, political, and methodological approach for studying European integration history. Pierre Renouvin, Jean Baptiste Duroselle, Pierre Gerbet, and Antoni Varsori were also interesting researchers who developed approaches that encompassed both in-

tergovernmentalist and neofunctionalist perspectives. More contemporary scholars such as Adrienne Héritier (2001), Catherine Moury, Kari Palonen (2005), Claudia Wiesner⁴²³, Tsebelis⁴²⁴, Robert Franck (2003), and others have written extensively on these issues and also debated the true nature of these methodological constructs. They have pointed out the insufficiencies of both neofunctionalism and intergovernmentalism and how a revision of methodologies was necessary for a more correct understanding of the European integration history, particularly after the Treaty of Maastricht and the ensuing empowering of the EP. Knowing these methodological theories and perspectives is essential for any study that focuses on the EU and the EP.

This study also researched the different economic and historical circumstances and points of view that have divided historians and political scientists in the approach to these early years. Not only was the methodology of historical observation an important debate, particularly between neofunctionalists like Haas or Lindberg and intergovernmentalists like Lynch or Moravcsik, but the very initial point of view of some historians was also discussed. In this regard the work of Alan Milward was extremely important. Not only did he give us another view to the intergovernmentalist methodological perspective of the historical facts at hand, but the very nature of the conjunctions of facts he presented gave this study a completely different view on the history of the European continent and on how to observe the role of the EP in this development.

It was Ernst Haas, however, who carried out the first broad study on European integration, which argued that the intent to empower the EP (or to make it an institution with equal powers to the Council) was originally a French idea, that did not gather enough support in the 1950s and therefore had to wait until 1992 to have codecision substantiated in a few common policies and until 2009 to have the EP as an equal codecider to the Council. This is an important fact frequently overlooked in EP studies.

Most of these theories were formed at a time when the parliamentarization of the CAP did not exist, nor was it even properly discussed. In this regard, intergovernmentalism maintains its strategy and methodology as a logical assessment, one based on the intended delegation of member states' powers to the EP. Whatever the political circumstance, the intergovernmentalists' procedure is valid and logical, albeit debatable and problematic when facing the EP's growth in powers.

Newer methodologies such as distributive bargaining theories prefer to observe national or supranational actors as negotiators, concentrating on how these adapt as competence maximizers in the decision-making systems in a procedure (such as codecision) where they have a clear power of influencing the final legislative act. In this regard, the member states (Council of the EU), the Commission, or the EP are seen as equal in their academic and methodological importance - they are all understood as "legislative actors" relevant by themselves or together in debate.

⁴²³ Wiesner, Turkka, Palonen, 2011.

⁴²⁴ Tsebelis and Kalandrakis, 1999.

When understanding the parliamentarization of the CAP in this way, and the role and importance of integration theories in it, many observations could be made. On the one hand, codecision was indeed an innovative factor in the history of the CAP as its entire foundational and legislative basis was changed. The fact that after 52 years, this common policy stopped being decided between the Council of Ministers and the Commission and began to have the EP as a codecider in a tripartite system is one that no scholar can obliterate, no matter what the results of that change meant in reality. While this systematic or decision-level change is a very relevant one, the same cannot perhaps be said about the actual change on the ground, i.e., in the actual CAP and its legislative ideals and principles which were, in short, based on micro-level amendment seeking. Neofunctionalists, intergovernmentalists, and other types of scholars can then postulate what this reality means when addressed by the system of each individual school of thought, but more about this will be said towards the end of these final conclusions.

After this revision of literature focused on the theories of European integration and the main authors that delved on these issues, the next chapter 5 concentrated on the Lisbon treaty, its history, its proposals, and the reasons for its success.

The Lisbon treaty of 2009 ended many processes that had started with the Maastricht treaty of 1992. One of the most important developments was the empowering of the EP through codecision, which had concerned us in this study. If the Constitutional Treaty had proposed similar objectives for the EU, it failed to gather enough support among the member states. As possible causes for this demise we stated the growing character of its federalist claims, particularly its conceptualization as a "Constitution for Europe"⁴²⁵. Since the EU developed as a mix between federalist ideals and intergovernmentalism, or in other words, a mix between delegation of powers to centralized institutions and the sovereignty of member states, the push for greater federalism by the Constitutional Treaty prevented it from gathering enough votes among the member states, even though the Lisbon treaty was relatively identical in its content. The reasons for the final success of the Lisbon treaty, even if it faced repeated referendums in Ireland, can be understood in a variety of ways but it is only with enough historical distance and the subsequent gathering of facts that these issues can be understood in a more incisive way. The important fact for this study was its effective implementation, its success in the reform of the EU, its parliamentarization of the legislative decision-making system, and the effective understanding and implementation of codecision as the common legislative procedure. With this reform, the EP had finally gained equal legislative powers with the Council of the EU in practically all areas of political activity.

The process of the parliamentarization of the EU had thus partially finished and would not, in theory, be an issue. Yet, the complaints towards the decision-making systems of the EU would/will not come to an end. The opinions of MEPs continued to testify to the frequent coalitions formed by the

⁴²⁵ Duarte, 2010.

Commission and Council of the EU in order to undermine the effectiveness and relevance of the EP⁴²⁶. In this regard, a longer historical distance will be needed to assess the overall change that the Lisbon treaty represented in all of its perspectives. However, I believe that this study, at the time of its writing, has pointed out the most important factors necessary in order to comprehend this treaty.

After this study on the design of the Lisbon treaty, its proposals and its ultimate acceptance and success as the most recent European treaty, a political, economic, and historical examination of the Common Agricultural policy became necessary as it is one of the main foci of this thesis. At first, we studied the same authors, whom we had analyzed in chapter 4 on parliamentarism and Europeanism - and how they viewed the creation and implementation of the CAP, namely Frances Lynch⁴²⁷, Lindberg (1963), and Moravcsik (2001, 2005). The intergovernmentalist and neofunctionalist/federalist rhetoric continued analyzing the evolution of the CAP as a subject for their methodological scrutiny. This vast and the oldest common European policy grew from the expansion of a set of common policies that were at first only directed at managing the coal and steel sectors but that, by extension, started to be used to manage agricultural lands, agricultural production and related commodities. With the political, economic, and technical changes and advancements made each year, this policy reshaped its political and economic philosophy from one that supported the stability of agricultural commodities' prices to one where these would be more subjected to the impact of markets and price fluctuation but where the producers would receive an extra financial compensation to ease the monetary loss these fluctuations might have on their earnings. These financial compensations would then further evolve into a system where the acquiring of this capital would necessarily entail an obligation to carry out agri-environmental practices.

The EP was also partially responsible for these developments, although not as heavily as the Council or the Commission, as it did not have codecision powers until 1992 in some relevant areas (particularly the environment) and equally did not have a codecision statute in the CAP. Even though the role of the EP is one of great importance for the development of the EU, the engagement of the EP in the CAP is a very recent phenomenon since only after the Lisbon treaty of 2009 was the EP able to have an equal voice in the evolution of this common policy.

The evolution of the CAP was thus analyzed considering some of the most important historical and political events that have indeed shaped this policy such as the Treaty of Rome of 1957, the Mansholt Plan of 1968, the MacSharry Reform of 1992, Agenda 2000, the Fischler Reform of 2003, the CAP Health Check of 2008, the Lisbon Treaty of 2009, and the 2013 CAP "reform". Even though these are some of the most important and academically accepted transitional points for this common policy, one can never forget all of the European treaties and all of the political enlargements, particularly the 2004 enlargement

⁴²⁶ Sargento, 2012.

⁴²⁷ Lynch and Guirao, 2011.

that paved the way for ten new countries to join the EU from one day to the other⁴²⁸. Apart from this, the first and second pillars of the CAP had to be individually studied in their political, economic and, agri-environmental patterns.

Many important events cannot be fully analyzed in this research but the investigation pursued has been enough for a competent comprehension of the issues at hand. It is true, nevertheless, that many other historical events could have been further developed. After the historical and political study of the CAP, the focus was then fixed on the process of codecision itself.

The legal method by which codecision is performed has been analyzed and debated and so have the reasons that have made this process evolve through the years in the succeeding European treaties. This research clearly enumerates which specific policy areas were entered into codecision in each European treaty (which is something frequently overlooked in academic studies). The European enlargements were also a clear factor for change in the codecision mechanisms as the prospects of further enlargements were one of the reasons that continuously pushed for reforms in codecision and in the growth of powers of the EP. The increased difficulty in the gathering of consensus at the Council level, whether by majority, absolute majority or unanimity (depending on each specific case), together with the desire for the continuation of the process of empowerment of the EP were some of the main causes that continuously led to changes in the codecision procedure.

Codecision can be criticized in a variety of ways. Authors have even speculated the extent to which codecision has increased the overall effectiveness of the EP in having its legislative proposals imprinted in the final legislation⁴²⁹. The debate on the pros and cons of codecision vis-à-vis consultation or other procedures still continues today. It was the contention of this study, however, that due to the inherent mechanisms in which codecision works, where the EP can have an effective role in the designing of a legislative act and have its amendments in the laws (some of which were analyzed in this study, especially the CAP, transports, and environmental policy), codecision is and was indeed a positive factor in the empowerment of the EP.

The role of the EP was understood to be one of contention and dissensus in its first years after 1991, which then changed through the legislatures (mostly after the Treaty of Nice), becoming one dedicated to the search of early agreements, accelerated decision-making, debate, and broadened consensus.

The EP had to adapt to the institutional constraints it faced in the years after Maastricht. Its position was not a very comfortable or capable one as it only had co-decision powers in a small number of areas and the areas in which it did have co-decision could be negatively affected by budgetary or other kinds of constraints that the EP could not effectively change under the powers it possessed at that stage. The Council and the Commission were somewhat distrustful of this new institution due to its inherently political nature that is different from the Commission, which is more of a technocratic and expert-based institu-

⁴²⁸ Vihinen, 2001; Hill, 2012.

⁴²⁹ See Fertő, Kovács, 2014; Tsebelis and Garrett, 2001; Lucic, 2004.

tion. Its parliamentary committees were also automatically unequilibrated in its political mandates. These were all reasons that diminished the role of the EP amidst the European decision-making systems. On the other hand, the increased need for faster decision-making increased (which was supported by the Commission), the greater probabilities of more dissensus reaching the member state level with the expected political enlargements and the desire for more supervision of the Commission or any other institution or agency of the EU were all aspects that benefited an upgraded role for the EP.

Facing these contingencies, the EP had a political attitude that can be criticized in different ways but one that nonetheless needs analysis. Its participation in European decision-making attracted the mindsets of environmental groups, lobbyists, and civil society in general. It is because of many of these reasons that the EP has frequently been named the “greenest” institution,⁴³⁰ even if it sometimes prefers to follow farmers and farmer’s lobby interests that may be at some distance from further greening.

When it comes to specific micro-level cases of research, the EP had an impact on the “Wild Birds Directive” already in 1976 and in the “Summertime directive” or the “Directive on the marketing, classification, labelling and use of dangerous substances” in 1994 where the Council *sought to incorporate to the largest extent possible the suggestions from the European Parliament*⁴³¹. In other areas of contention, such as the “Recreational craft directive”, “Timeshare directive”, the “Socrates Program”, “Home and leisure accidents” and “Emissions from motor vehicles”, the EP was able to have its own proposals in the final legislative text between 13% and 80% of the times (an average of 46,5%).

There were other instances, however, where the EP was not the green institution it is at times proclaimed to be. Such cases were, for example, the “Directive on motor vehicle emissions”, where the interests of industrial and motor vehicle manufacturers and the adjacent sympathetic member states prevailed over the Environment, Public Health, and Food Safety Committee of the EP.

Comparing the environmental and transport policies of the EP and analyzing them with their respective effects on the CAP became a natural standpoint for the parliamentarization of the EU, since environment and transport policies tend to be areas where great dissensus is expected. Environmentalists and like-minded parliamentarians (whether center, left or right-wing) tend to search for greater and more effective greening policies whereas transport professionals and concordant parliamentarians will gravitate around the need for greater flexibilization which may lead to less green policies.

The fact that in several EU member states there are powerful automobile companies like Volkswagen, Bayerische Motoren Werke (BMW), Daimler, Renault, Citroen, and Fiat, some of which produce not only automobile vehicles but also own the patents for the making and assembling of machines that produce these same vehicles; whose state or privately owned railway lines such as Deutsche Bahn AG in Germany, Eurotunnel in France, Comboios de Portugal,

⁴³⁰ Wallace, Pollack, Young, 2010.

⁴³¹ Earnshaw and Judge, 1995, pp. 629.

and Căile Ferate Române in Romania among many others; whose national economies, particularly in Germany and France, are very export-based in nature, is also one more reason that makes transport interests and the derived transport policy a very influential lobby and sector in all of European politics, institutions, and automatically, the EP.

The fact that in order to maintain its informal “greenest institution” statute, the EP had to at times combat such strong interests lets us know that, on the one hand, the greening push by the policies of the EP was not easy to begin with, as the position of the EP was not a favorable one, but on the other hand, given its victories and assessed impact, its accomplishments are considerable. Its Environment, Public Health, and Food Safety Committee not only had to face external dissent from such lobbies but also internal discord from other MEPs or committees that might not have shared its views.

If the Commission had been the driver for reform in past legislatures, its role more recently has been a different one, as it is aware that it needs partial support from the EP and the Council of the EU. The fact that all of the institutions are dependent on each other and none has a monopoly on the legislative system of codecision can possibly mean that the EU and its member states are quite synchronized and used to each other’s demands. If the Commission was a hypothetical driver for change⁴³² then the EP was the European institution that was most reticent to accept such shifts if they signified a lower budget or macro-level changes to the CAP system. The EP is thus not a sovereign parliament answering to a government but one inside a trilateral system of legislation answering to citizens, national and European parties, institutional interests, and lobbies or others points of view all of which may determine its stance on a given political issue.

The empowerment of the European Council is also one more aspect that tends not to be beneficial to the EP since its rotating presidency and essential configuration as a mix between the Council of the EU and the European Commission has a strong power of agenda politics and foreign policy⁴³³. A possibly greater power equilibrium between institutions might also have been a consequence of the Lisbon Treaty and of codecision if these institutions had continued to act in the search for amendments.

The CAP, due to its large financial, economic, and political constraints, was left out of the codecision procedure from 1992 (when codecision was firstly introduced) all through the Maastricht, Amsterdam, and Nice treaties, only falling under this decision-reaching pattern after 2009. More specifically, the reasons for the absence of the CAP in most of the codecision history had a lot to do with it being the most expensive common policy in the European budget (it represents around one third of this budget); the fact that many member states play a crucial and often defensive role in the management of the CAP such as France (whose economy has always been a leading agricultural bulwark with around 730,000 farms and 7% of its population of close to 66 million people em-

⁴³² Swinnen, 2015.

⁴³³ Wiesner, Palonen, 2016.

ployed in agriculture, making it a total of almost 4 million farmers); the fact that enlargements of the EU could pose drastic changes to the European budget and the CAP; the already existent dissensus on such a large and expensive common policy with numerous country-specific laws, regulations, agencies and national institutes responsible for its implementation at the member state level; its impact on member state's budgetary deterrents and correct application of EU's agricultural funds at the regional level; and also the increasing commodification of private and public assets and greater agricultural price volatility due to market influence, geographical, or climate effects. These are all reasons for the defensiveness some states might have felt regarding this common policy. Many more reasons could be pointed out for a correct understanding of why it took close to 17 years for the CAP to be included in the codecision method, but these were certainly some of the most important ones ⁴³⁴.

Political or legislative power cannot only be assessed through the (micro) changes in legislative acts; therefore, the appearance of the EP in the procedure changes the contentions of the Commission and Council prior to the debates, as its position must be considered. This study has offered a novel perspective with a rhetorical investigation of speeches of MEPs and the Presidents of the EP on the CAP and related issues. In the EP, a wider extent of views on agricultural policies becomes more apparent as compared to the Commission's technocratic preferences and the intergovernmental orderliness of the Council. The dissensus between the EP and the Council of the EU and the Commission in CAP affairs is therefore, not teleological, thus making the quest for further parliamentarization possibly go beyond the CAP.

A focus on the MEPs speeches was then the chosen method for the achievement and comprehension of the new and final results of this study. Many speeches took place in the EP's plenary in this legislature (2009-2014), therefore, a choice had to be made to identify those that presented valuable aspects for the goals of this study. Even though many speeches from the MEPs were researched, it is the contention of this study that the speeches of the European Parliament's Presidents Martin Schulz and Jerzy Buzek were some of the most relevant ones (if not the most important ones altogether) as they were speeches (particularly the ones of Martin Schulz) that severely attacked the MEPs and the EP plenary. These speeches raised an alert in the plenary that a stronger parliament was needed in the Union, one that does not search for easy consensus or easy solutions but is demanding and combative in its behavior

⁴³⁴ Taking all these reasons into perspective, the new development of the "Brexit" procedure (i.e. the United Kingdom's intent to leave the framework of the EU based on the results of its referendum) will certainly open the door to new studies on both EU integration theories, the CAP, codecision, the greening development, the EU budget and many other issues. Not only will the EU institutions be reformed in their internal structures, the very development of the CAP will pose a challenge for politicians, academics and EU integration theories as one country will no longer receive EU payments or contribute to the EU budget and must then reform its whole agricultural structures, but so will the EU have to redesign its EU budget and address the imbalances of this withdrawal. The "Brexit" process will originate much of the EU literature in the coming years, however, intra-EU topics will also continue to flourish.

when negotiating with the Council or the Commission. Even though all of the speeches given by the MEPs in this legislature are equally important, the combative character posed in this particular manner by a President of this institution was almost unique and one that is overlooked in recent EU studies. These speeches by Martin Schulz targeted a problem that this research has also examined; namely the fact that the role of the EP throughout the legislatures indeed has indeed changed. One can even say that according to this President the institution has softened. Yet, one must also recognize the significant victories the EP has achieved, not only in its effective empowerment through codecision but also in the legislative acts it has effectively changed (partially or completely). These speeches of Schulz can thus be analyzed through various perspectives: one which puts into question the true role of the EP in codecision, which for Schulz could be perceived as meritorious but still insufficient and another that, considering the victories of the EP, nevertheless still recognizes the role of the EP as an important reviewer of legislative detail.

Jerzy Buzek, on the other hand, tried to pursue a more equilibrated tone in his speeches, pointing out the positive results of the EP in legislation amendments. The contrast between these two presidents who worked in the legislature of 2009-2014 is researchable and interesting as an observational point of departure, possibly making Martin Schulz stand out between the two as his defiant rhetoric that marked the beginning of his presidency was somehow unexpected.

Some of the other MEPs researched were Elisabeth Jeggle, Neena Gill, Vital Moreira, George Lyon, and Capoulas Santos, as well as several other MEPs that have participated in joining debates and whose remarks were not as important for this study but were nevertheless registered.

The speeches analyzed here serve as individual approaches on the EU institutions in general, and the EP and the CAP in particular. They validate the fact that the parliamentarization of the EU, under the legal rhetoric of the Lisbon treaty, is not without flaws. The disequilibrium between institutions is reminded by the MEPs; however, the EP's victories in the CAP are denoted both by statistics and the speeches. The rhetoric of the MEPs' speeches does nevertheless hyperbolize their victories and make them appear greater than what statistics might tell us. The political behavior of the EP in its history is perhaps an ironic one. In the first years of codecision after Maastricht in 1992, the EP chose to have a more radical approach to decision-making, increasing dissensus and third readings despite its lower powers, but this institution gradually adapted its conduct (particularly after the Treaty of Nice of 2004) to one more focused on amending micro-level reforms and less on changing large-scale reforms both in transport policy, environmental policy, and the CAP. After this study, one can state that, the CAP did not prove to be an area where the EP would need to have a different approach despite its weight on the European budget and its political reach and importance.

Regardless of the left/right political spectre in which the MEPs would situate themselves or the parties to which they belonged, a common belief was

held by all parliamentarians that further cuts to the European budget and automatically to the CAP would have to be resisted and could not be upheld (even though these demands were not particularly successful). The greatest discussions were directed at the dangers this debudgeting would pose not only for the CAP but also for the greening push inside the CAP and for environmental policies altogether. The MEPs continued the discussion for the defence of an equilibrated, almost untouched budget enunciating several reasons for this political position. If eurosceptic parties prefer to point out the CAP and the EU as systems that the European people do not want, the biggest parties in the EP (Liberals, Socialists, and the European People's Party) continued to emphasize the important role of the EP as a unified institution when dialoguing with the Council and the Commission, its political significance amongst the EU's legislative institutions, and as one of the main organs defending the greening push. The European Greens were the ones that naturally defended an even more accentuated level of greening policies in the CAP.

However, the (Eurozone) economic, financial, and banking crisis, the refugee crisis, the situation in the Ukraine and Russia (and even Syria and Iraq) made the European budget and its regulators continue to prefer to focus on these other areas that required an immediate intervention rather than the CAP. Other political and financial crises plagued these times and this particular institution, such as the economic crisis started in 2008, which greatly affected European countries after 2010, the Russian embargo on EU agricultural products at the end of the 2009-2014 legislature, the request for international financial assistance by several European states under the Euro currency, such as Portugal, Ireland, Greece, and Cyprus (and Spain but in a different way), the ensuing empowering of the ECB as the main provider for price stabilization, inflation control, crisis management and financial (monetary base) provider as well as the further accreditation of the European Council.

Agri-environmental policies and environmental policies were in general understood as some of the main pillars of the CAP despite the difficult situation of the EP in the legislative framework and the continuous civil and economic crisis. Despite the fact that the battle for a continued and strong CAP budgetization in this legislature was not a completely successful one, that does not diminish the role of the EP since this organ, as was observed, was able to implement numerous amendments in several legislative acts.

This study indicates that the MEPs seem to understand themselves as responsible, realistic, and influential actors on all sides of the legislative framework, but ones whose work is hampered by the Council of the EU or the Commission (or even individual member states).

The political shift that occurred with the Lisbon treaty was thus a procedural shift, a change in its decision-making system and supranational organizational structure. Due to the inclusion of close to 50 areas under codecision the Lisbon treaty was in fact a very reformative treaty, but one that was not able to affect many of the procedures that had existed for long in the EU. Therefore, its ability to change certain path-dependency structures was lagging (as was the

case with the CAP). Its shift in the codecision statute was nevertheless reformative and revolutionary.

As Teija Tiilikainen and Claudia Wiesner state: *“Deliberation, Representation, sovereignty and responsibility [...] can be distinguished as core dimensions of parliamentarism. Looking at these dimensions, the EP shows a particular picture, including differences between features (already) settled via treaties and others resulting from informal agreements or settled in framework agreements and other ‘grey’ documents.*

Deliberation in the EP is on the one hand shaped by its characteristics of a working parliament, with the specificity that the EU’s character as a polity in development also contributes to developing unique forms of parliamentary working routines, for example by MEP’s cooperating across party lines when working on law projects, which maybe add some possible new aspects to the consideration of a working parliament. MEP’s also use the fact that they work on law proposals and or policy fields to strengthen their role in the EU institutional system. By using their expert knowledge in special fields, they impose themselves as sparring partners possessing equal expertise as regards the Commission and Council. [...]”⁴³⁵.

These two paragraphs are extremely important as they serve as a guideline that can be adapted to understand the results of this study and the CAP after the Lisbon treaty. These four vectors are established and chosen as methodological points of departure as they form a system of analysis that already encompasses the historical dimension of parliamentarism and its European experience, as well as the evolution of parliaments through history with a focus on debate, representation or democratization, sovereignty or partial sovereignty in the case of the EP, and responsibility towards the electorate. If deliberation, representation, sovereignty, and responsibility form the four vertices of this conceptual square of parliamentarism, then this study has showed us that when it comes to deliberation, the EP was indeed granted with equal powers to the Council, at least in the codecision procedure where internal consensus is usually the norm, at least between the three biggest parties, and that the MEPs do continue to see greening as an important factor for and in the CAP. This study also showed that the EP, through a process of selection and adaptation, had developed a behavior based on the search for faster consensus after the treaty of Nice and preferring to deal with micro-level legislation. The Lisbon Treaty did not change this behaviour to a great extent. Greening was not imposed on legislators to a great extent, and the EP was not the greenest institution as to which it is usually referred. In other policy areas, it also imposes its debating rhetoric and method as an assumption of its political importance and position for future debates with other institutions.

When it comes to representation, then it is still equally possible to have a positive outlook on the workings of the EP as it is still elected by the totality of European citizens in European-wide elections, despite the sometimes-low voting turnout. The fact that this institution now works with codecision on more policy areas, automatically makes the representation of the EP in the materialization of the laws more evident. Its MEPs are now more responsible to the citi-

⁴³⁵ Tiilikainen, Ilie, Palonen, ed., 2016, pp. 301.

zens they represent and vice-versa. The EU citizen will know that his/her vote in European elections is also a stronger and more representative vote for the political future of the EU. However, intergovernmentalists will always continue to overlook and underestimate the powers and effects of the EP as they understand this role as one that is provided by the (member) states, therefore, the EP is in this philosophy merely an extension of states and national parliaments without which the EP cannot exist. If the powers of the EP exist simply because of an accepted delegation of powers by EU states then supranational political consequences are but reminiscences of the primary power of states.

When one speaks of sovereignty in parliamentarism, it is usually regarding the role of the national parliament in national affairs but also as a parliament being sovereign in deliberation with a government. The EP, which is a supranational parliament, proved itself, in the post-Lisbon CAP and in the 2009-2014 legislature as a sovereign institution, one that is fully able to use its newly received powers. Indeed, the very procedure of codecision and the need to achieve an agreement with the Council (which is a quasi-parliamentary and quasi-diplomatic institution) and the Commission, which is a mixture of a government and a super-bureaucracy, are sufficient reasons to say that the EP is not a sovereign parliament but one that is dependent on compromises with the other two legislative institutions. It has, nevertheless, been able to assess its position in the CAP, to change it to a recognizable extent making it an apt codecider in this 2009-2014 legislature.

The biggest parties in the EP, and sometimes even eurosceptic parties, do see this institution as a relevant and capable one amidst the other European institutions, and the powers given in the Lisbon treaty to the EP do make the different opinions on European supranationalism and legislation amendments heard. This is true even in the face of the events like the "Brexit" procedure as it was in the EP where eurosceptic parties and representatives (and their most relevant speakers such as Nigel Farage or even Marine Le Pen) chose to make some of their most relevant and worldwide-spread speeches. If their speeches do have a naturally defiant stance towards the EU, the fact that the venue for such speeches was the EP proves that this is a relevant and sovereign institution in the EU. On the other hand, the europhile parties and MEPs continued their push towards a fairer and adequately budgeted EU and CAP with relative success despite internal friction.

However, if one is to analyze the fourth vertex of this conceptual square of parliamentarism, which is responsibility, many opinions are possible. If it is indeed true and undeniable that the EP fulfilled its obligations, respected the deadlines of legislative decision-making and proved itself as an able institution in the ordinary legislative procedure, the results of its achievements in amendments and its achieved results in codecision can be interpreted in different and perhaps contradictory ways. On the one hand, the EP continued its typical strategy from Nice onward, preferring to deal with micro-level legislation and avoiding changing the main systems and pillars of the CAP. It was able to change between 14% (when acting alone) and 65% of the cases (alone and in a

coalition); therefore, a majority of legislative acts has the EP as one of its designers. Hence the role of the EP was indeed a very positive one particularly when one realizes the fact that the Commission and the Council of the EU may prefer to deal with each other and avoid deliberation with the Parliament. On the other hand, this has been the typical approach of this institution since around the treaty of Nice and therefore, one can accuse the EP of maintaining a status quo and avoiding different approaches to European supranationalism. If the role of the EP was much different in the first years after Maastricht, the biggest change in the EP and the EU was actually the Eastern enlargement of 2004 as granting codecision powers to the CAP did not significantly alter its core.

All of these issues are correlated with this fourth concept of responsibility. Most of the conclusions that this study presented dealt with this concept of political or parliamentary responsibility from the EP in this specific common policy, the CAP. This responsibility is understood as a demanding concept encompassing the singular work of each MEP, the work of EP committees, the work of EP's political parties and the role of the EP as a whole that is funded and elected by all of the EU citizens.

These are some of the reasons why this conceptual organization into four vertices of observation (deliberation, representation, sovereignty, responsibility) do serve the purpose of understanding of this parliament, parliamentarism in general, and the role of the EP in the CAP, although, more contentions are possible and the future of the EP shall continue to bring new assessments to these vertices.

In this conceptual framework, parliamentarism did evolve as a political concept but one that undoubtedly brings continuous questions and different opinions to the academic world. Codecision did involve a parliamentarization of the CAP, but only an introductory one, as one can see that member states' opposition (or even the Commission's) coupled with path-dependency did affect the EP's capabilities. Parliamentarism is therefore a concept in evolution, as the EU is a polity in the making.

"Path-dependency" conceptualizes the very contemporary unwillingness of states and individual farmers to greatly deviate from the ideal of exchanging further greening practices for more EU funds. Further cuts to EU funds for farming can then create the need for farmers to rearrange their practices in order to be more market-oriented and export-based, but they can, on the other hand, be more prone to accept anti-EU rhetoric. The political choices for the future taken at the EP or supranational level cannot overlook these variables. It can later be a political choice of the EP to attack this path-dependency on part of governments and farmers and lead the CAP into a balanced policy of EU funds coupled with a green, market and export-based economic orientation, or perhaps to focus on the intra-EU market. In other words, the EP can be a subject for change at an intra or international level no matter what the political choices might be (whether they focus on a CAP based on exports to non-EU countries and more volatile to the market's influence or on an intra-EU market that would be solely focused on the needs of the EU and the EU citizen).

One can say that with the parliamentarization of the CAP (and the 2013 reform), the CAP was changed but it was not reformed. In this regard, I use the term “reform” to denote a macro-level change in its foundations, principles, decision-making systems and micro-level policies. Hence, the CAP did evolve under a new increasingly parliamentarist system but it was not severely altered. This can pose a potential issue for EU integration theories as federalists can hypothesize a decrease in integration, a stagnant development or even a path-dependency stage and an unwillingness to adapt and evolve beyond the usual systems. The statutes of the CAP can thus create a financial dependency on CAP subsidies by farmers, while actual technological, legal, greening, financial, and systematic advancement is left behind. In sum, this study defends the view that more parliamentarization could have signified a more visible path-dependence and subsidy-dependence and less (green) political change than what one could have expected (decoupling). Parliamentarization could have actually been a system that further democratized the CAP through codecision but also one that revealed the inherent difficulties of this sector where the EU and its farmers fail to evolve beyond the need/dependence of funds by farmers in exchange for agri-environmental practices.

In an intergovernmentalist perspective, this hypothetical path-dependence in the CAP, its greening developments and subsidy-dependence, should be addressed at the member state level, perhaps with the role of the state or the privates in providing different approaches to agriculture that rely on exports⁴³⁶. Intergovernmentalists and economists would perhaps then recognize the role of each state in the defense of an economy based equally on exports and EU or state funding. Economies could then perhaps better resist both internal and external monetary, economic and financial shocks while providing further growth for greening practices. All EU integration theories, no matter what their preferred method is, do need to focus on these issues and this thesis has also tried to bring these new aspects into consideration.

All of the bibliography that was studied that delved into the first results of the parliamentarization of the CAP⁴³⁷ together with the values that were available through European commission and EP reports⁴³⁸, and the analysis of the speeches from MEPs and presidents of the EP have shown that the parliamentarization of the CAP with the Lisbon treaty did not lead to a great reform of the cap but merely to a cap change. The comparison of the results of the reports and the analysis of the speeches from MEPs showed a somewhat fragmented EP whose Presidents (particularly Schulz) were calling for more intervention and a different posture where more dissensus could perhaps be a useful tool when

⁴³⁶ Similarly to what New Zealand has accomplished in the milk sector when it lost both its privileged access to the British market and also most of its state funding due to its government’s neoliberal policies but nevertheless managed to become a world-wide milk exporter.

⁴³⁷ Fertő, Kovács, 2014; Erjavec, Karmen and Erjavec Emil, 2015; Roederer and Schimmelfenig, 2012.

⁴³⁸ European Parliament, 1991; European Parliament, 1996; European Parliament, 2012; European Parliament, 2013; European Environmental Agency, 2011; European Commission, 2018.

seeking amendments, diluting path-dependency, making the EU more parliamentary and automatically more democratic.

In a related aspect, greening or the greening push in EU legislation was also subjected to change. In a similar way to parliamentarism *“We regard the history of concepts and of political thought as a living discipline that might relate to past debates, but equally includes current questions. Furthermore, we argue that both of these can be made mutually fruitful. In this sense, we follow Reinhart Koselleck’s metaphor of temporal layers (Zeitschichten) of concepts. Taking up this thesis, a concept is not only what is meant by the expression currently and in a specific setting – the meaning of a concept always also alludes to previous meanings, controversies and debates related to this concept”*⁴³⁹. Therefore, the understanding of the greening push in EU polity is also a developing one.

Greening became a synonym of an accepted communion of interests between member states and European institutions, a relatively accepted process and concept between all public and private actors in the EU. The results in this study have shown that the EP, despite all constraints, achieved several victories in environmental policy. “Greening” became an academic and political concept frequently used in speeches by MEPs, Presidents of the EP, national politicians and civil society. Its conceptual history is not a long one though, as it merely shows an increased search for renewable energies and greater biodiversity, having progressively been introduced in agri-environmental policies seeking to undermine the effects of land erosion, enhance animal welfare, and increase financial support for LFAs in the EU geopolitical sphere. In any case, one cannot discuss the CAP without mentioning the concept of “greening”.

Future researches will still subject this legislature (and this concept of greening) to further analysis due to its enormous importance and perhaps only a greater historical distance from these events will provide historians, economists, or political scientists with a greater understanding of these reforming times. The continuation of the studies on the parliamentarization of the EU will perhaps deal with the role of the EP in future legislatures and the present changes occurring in Europe, such as the refugee crisis, the “Brexit” vote, and how they will, or will not, alter the institutions and the ensuing policies.

Amidst all of these variables, the parliamentarization of the EU and the full implementation of the Lisbon treaty and its political and legal standards remain therefore unfinished. As Nicolas Clinchamps (2006) stated *“Seule institution bénéficiant de la légitimité populaire directe, le Parlement européen construit, pas à pas, une nouvelle matière: le droit parlementaire de l'Union européenne. Mais ce dernier n'est encore qu'un droit en devenir”*.

If the European Parliament did gain more political and legislative powers amidst the EU institutions by its effective capability to work under schedules, obeying timelines and influencing the discussions and the writing of the legislative acts, it has done so through its EU-wide elective structures and representatives and by its ability to convince its legislative partners that a parliamentary institution and debating procedure was necessary in the EU. In this sense, mak-

⁴³⁹ Palonen, Wiesner, 2016, pp. 78.

ing the EP an institution with greater connection to the European citizens and voters could be the deciding factor that would transform this institution into one that is able to break through the several path-dependence structures that still affect the community. The possibility of the EU citizens to vote for individual MEPs from any nationality in the EU, or to be able to vote also for the President of the EP, or even the President of the European Commission or the President of the ECB, could give the EU further mechanisms in order for greater political, legal, and economic change to be possible, if the appearance of a future financial or political crisis requires such an endeavor.

The European Parliament does still have much political space in which to grow.

9 SUMMARY

In this thesis, a long analysis has been undertaken that has dealt with a multitude of issues pertaining to the EU, European integration theories, codecision, the Lisbon treaty, the Common Agricultural Policy, transports policy, and environmental policy.

One of the most important aspects this thesis has intended to develop is the examination of the changes in the CAP after its inclusion in the codecision system with the Lisbon Treaty after 2009 and until 2014 (seventh legislature of the EP). Interpreting these changes involves the history of the parliamentarization of the EU, mostly since the Maastricht treaty but also since the Treaty of Rome of 1957, as well as the analysis of the EP's debates together with policy-analytical studies on the CAP.

This study started by investigating European integration theories such as neofunctionalism, federalism, intergovernmentalism and more contemporary theories and their main authors such as Ernst Haas, Schuman, Jean Monnet, Leon Lindberg, Alan Milward, Moravcsik, Hoffmann, Frances Lynch, Pierre Renouvin, Catherine Moury, Adrienne Héritier, Kari Palonen and Claudia Wiesner.

The main points of discord between these schools have been addressed, the strengths and weaknesses of each school, its main claims, and the evolution of analysis through the decades.

After that, a study engaged with the treaties of the European Union, particularly those where an increase of the legal powers of the EP through codecision was obtained - Maastricht treaty, Amsterdam treaty, Nice treaty, the (failed) Constitutional treaty and the Lisbon treaty, while I simultaneously researched the reasons for the successfulness of the Lisbon treaty. These, I believe, were mostly based on it not being as federalist as the Constitutional Treaty - in its name, construction or many other micro-level aspects.

Consequently, an analysis on the parliamentarization of the CAP was necessary as this common policy, the oldest in Europe which still represents a third of the EU budget, is the main focus of this study. Many neofunctionalist, intergovernmentalist and more contemporary scholars such as the ones mentioned

in the previous paragraphs were studied for this purpose, as the CAP has been debated in European integration ever since it was first created. In this same chapter 6, I clearly delineated which areas came under the codecision system under which specific treaty, something often left aside by most studies.

Since the CAP has been increasingly associated with environmental policies and the concept of greening, I decided to include a study on the evolution of environmental policies and agri-environmental policies and when and how they were first implemented in EEC or EU legislation.

Subsequently, in chapter 6.4, I advanced an analysis on the actual legislative difference the EP has achieved in the EU's environmental, transports, and agricultural policies. It was understood that the role of the EP in the early years of codecision was a more radical one greatly pushing for legislative innovation, more dissensus, and greater third reading procedures. However, as EP legislatures passed, this initial reformative character of the EP changed into one more focused on consensus and early agreements, hence showing more first reading procedures and less second and third readings. However, despite this curious evolution in the behavior and effects of the EP in these policies, this institution was able to exert influence on legislation despite the fact that it was only after the Lisbon treaty that the EP gained codecision in practically all the policies and frameworks associated with these areas. This same behavior continued after the implementation of the Lisbon treaty. In this evolution, the EP had increasingly realised that it was more effective and successful at amending micro-level legislation than at changing and establishing macro-level reforms. The types of coalitions developed at the codecision level proved to be an important aspect to research mainly through the statistics provided by the study of Fertö and Kovács (2014) which we used as a basis to develop an informed opinion on what these patterns mean for political science scholars. These patterns show that the role of the EP is one able to establish coalitions with either the Commission or the Council, depending on its initial stance on a specific legislation, and achieve substantial legislative victories. Statistically, the EP has had an average influence on final legislation of about 46.5% being more successful if it forms a coalition with the Council than with the Commission.

It is still not completely clear why this change of behavior occurred. However, the subsequent analysis of speeches by Presidents of the EP Martin Schulz and Jerzy Buzek and several MEPs have pointed out some curious developments.

Martin Schulz, one of the Presidents of the EP whose speeches were analysed in this study, was a curious case as he was a President that openly denounced this changing pattern of the EP, its change in recent EP legislatures from one based on dissensus to one based on consensus. The MEP Capoulas Santos was also a figure whose speeches were very important as they delineated the role of the EP in the 2009-2014 legislature in the CAP, highlighting its most difficult dossiers and achievements, even though all of the speeches analyzed were important.

It is the contention of this study, that despite the advancements and changes the EP has originated through codecision in the CAP after the Lisbon treaty, one cannot talk about a CAP reform but only of a CAP change. If one understands the concept of reform as a macro-level change in procedures, policies, or structures in a given common policy, then the parliamentarization of the CAP was a case where path-dependence still proved to be a big obstacle for the EP. It was also a common policy that, despite its size in the EU budget and its historical importance for the union, did not prove itself to be an area where the EP would need a new approach. The EP thus continued with its traditional stance of preferring to change microlevel legislation, where it is most successful and avoiding great macro-level reforms where its role can be diminished.

Future research can possibly study this legislature at a deeper level, observing other patterns or how events such as the "Brexit" procedure might affect the CAP or other common policies. I thus hope the results and analysis of this thesis prove to be of interest to EU scholars, political scientists, historians, economists, and civil society in general.

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ANNEXES

Speeches and debates at the European Parliament:

European Parliament, Tuesday, 23 October 2012: Multiannual financial framework for the years 2014-2020 - Own resource based on the value added tax (debate) ⁴⁴⁰.

European Parliament, Friday, 20 April 2012 – Strasbourg: “Our life insurance, our natural capital: an EU biodiversity strategy to 2020” (debate)⁴⁴¹.

European Parliament, Thursday, 8 July 2010: Future of the CAP after 2013 (debate)⁴⁴²:

European Parliament, Wednesday, 22 June 2011 – Brussels: “The CAP towards 2020: Meeting the food, natural resources and territorial challenges of the future (debate)”⁴⁴³:

European Parliament, 17 January 2012, Inaugural Speech by Martin Schulz following his election as President of the European Parliament.⁴⁴⁴

European Parliament, 29 March 2011, Speech to the Plenary of the States-General of the Netherlands⁴⁴⁵.

European Parliament, 7 February 2013, Speech to the European Council on 7 February 2013 by Martin Schulz, President of the European Parliament⁴⁴⁶.

⁴⁴⁰ This debate is available at: [Accessed on the 24th of October, 2017]; URL:< <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20121023+ITEM-004+DOC+XML+V0//EN>>.

⁴⁴¹ This debate is available at: [Accessed on the 24th of October, 2017]; URL:< <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20120420+ITEM-007+DOC+XML+V0//EN&language=EN>>.

⁴⁴² This debate is available at: [Accessed on the 24th of October, 2017]; URL< <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20100708+ITEM-003+DOC+XML+V0//EN&language=EN>>.

⁴⁴³ This debate is available at: [Accessed on the 24th of October, 2017]; URL:< <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20110622+ITEM-015+DOC+XML+V0//EN&language=EN>>.

⁴⁴⁴ This speech is available at: [Accessed on the 7th of September 2018]; URL:< http://www.europarl.europa.eu/former_ep_presidents/president-schulz-2012-2014/en/press/press_release_speeches/speeches/sp-2012/sp-2012-january/inaugural-speech-by-mar>.

⁴⁴⁵ This speech is available at: [Accessed on the 7th of September, 2018]; URL:< http://www.europarl.europa.eu/former_ep_presidents/president-buzek/en/press/speeches/sp-2011/sp-2011-March/speeches-2011-March-8.html>.

⁴⁴⁶ This speech is available at: [Accessed on the 7th of September, 2018]; URL:< http://www.europarl.europa.eu/former_ep_presidents/president-schulz-2012-2014/en/press/press_release_speeches/speeches/sp-2013/sp-2013-february/speech-to-the-european-3>.

European Parliament, 12 December 2013, Relations between the European Parliament and the institutions representing the national governments (A7-0336/2013 - Alain Lamassoure)⁴⁴⁷.

European Parliament, 22 June 2011, The CAP towards 2020: Meeting the food, natural resources and territorial and territorial challenges of the future (debate)⁴⁴⁸.

European Parliament, 12 March 2013, Decision on the opening of, and mandate for, interinstitutional negotiations on direct payments to farmers under support schemes within the framework of the CAP - 2011/0280(COD) - Decision on the opening of, and mandate for, interinstitutional negotiations on common organisation of the markets in agricultural products (Single CMO Regulation) - 2011/0281(COD) - Decision on the opening of, and mandate for, interinstitutional negotiations on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) - 2011/0282(COD) - Decision on the opening of, and mandate for, interinstitutional negotiations on financing, management and monitoring of the CAP - 2011/0288(COD) (debate)⁴⁴⁹.

European Parliament, 20 November 2013, Financing, management and monitoring of the CAP - European Agricultural Fund for Rural Development - Common organisation of the markets in agricultural products - Direct payments to farmers under support schemes within the framework of the CAP - Transitional provisions on support for rural development (debate)⁴⁵⁰.

⁴⁴⁷ This debate is available at: [Accessed on the 7th of September, 2018]; URL:<
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20131212+ITEM-014-20+DOC+XML+V0//EN&language=EN>>.

⁴⁴⁸ This debate is available at: [Accessed on the 7th of September, 2018]; URL:<
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20110622+ITEM-015+DOC+XML+V0//EN&language=en&query=INTERV&detail=3-131-000>>.

⁴⁴⁹ This debate is available at: [Accessed on the 7th of September 2018]; URL:<
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20130312+ITEM-014+DOC+XML+V0//EN&language=EN>>.

⁴⁵⁰ This debate is available at: [Accessed on the 20 November 2013]; URL:<
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