The European Parliament:
Political Groups, Minority Rights and the “Rationalisation” of Parliamentary Organisation.
A Research Note

Mark Williams

The primary objective of this paper is to propose that we look at the European Parliament (EP) as an institution in the sense that any other body politic may be looked at. Indeed, if one can leave aside, for one moment, the frequent complaint of democratic deficit within the whole European system and the opaqueness of the complex legislative procedures and constitutional relationship the European Parliament holds with Commission and Council, one encounters basically the same institutional nuts and bolts to be found in all West European parliaments.

This is not to say that the concept of democratic deficit within the institutional framework of the European Union should be treated too nonchalantly. Indeed, the role of the Parliament is itself very much bound up in this tangled and complex concept. But there are other angles from which this peculiar political animal, the European Parliament, can be looked at, and indeed deserves to be looked at. Whether the legislative decision making process is truly democratic is not a consideration that applies exclusively to the charge of deficit in the European Union. It is without doubt a far more universal concept when looked at under the general guise of the influence that all modern legislatures have over legislation. Looking at the modus operandi of the European Parliament and concentrating on the role of parties in legislatures as units of organisation beyond the

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1 Copies of the working paper from which this research note is excerpted will be made available on request to the author or the editor at the following addresses: Mark Williams AB II, MZES, Steubenstr. 46, D-68131 Mannheim, Germany. Herbert Döring, Universität Potsdam, Professor für Vergleichende Politikwissenschaft, Postfach 900327, D-14439 Potsdam, Germany.
primary unit level of individual actions, one may spot far more similarities with other parliaments than might, perhaps, be expected.

What is more, even if one cannot fully detach the European Parliament from the notion of democratic deficit, there is still some room to manoeuvre. In terms of looking at the role of parliamentary parties in the overall European system, recent trends go some way towards substantiating the idea of the evolving predominance of parties even at this level. Much of the talk on the democratic deficit in the Community or Union centres on the lack of the real accountability of Council to either the European Parliament or the national parliaments. As one way of relieving the problem, and without being committed to radical institutional reform, the key words of efficiency and transparency have emerged. In terms of being a forum, the European Parliament was brought into the transparency discussion connected with the Maastricht negotiations as a means of making the role of the Commission more public, nearer to inspection by the European citizen and, thus, more efficient. Parliament seized on a declaration made by the Belgian Presidency over Council that, because it, the Council, indeed, makes most of the legislative decisions affecting the citizens of Europe at the supranational level, it should be subjected to the same rules of transparency as apply to national parliaments (see Lodge 1994:358). In its challenge to the Council to open up its proceedings to parliamentary scrutiny, the European Parliament did so by way of its Groups, and not via the formal organs of Parliament. “In pushing this [accountability], not only are the political parties continuing the traditional parliamentary ‘battle against the King’ at EU level, but are also beginning to act more as a bridge between the supranational system of government and society (Lodge 1994:358). Amidst this emerging pattern of activity a comparison of the role of parties in parliamentary procedures of the EP and that if the national parliaments is no longer a far-fetched undertaking.

The independence of a parliament in putting its nuts and bolts together is an essential democratic right. With respect to the Member States of the European Union, this right is anchored in many of the constitutions (Rutschke 1986:7). In our particular case, the original Treaties also made this provision, which has been upheld in all subsequent revisions of the texts, and today can be found in Article 142 of the TEU, where it is stated that the European Parliament shall adopt rules of procedure, acting by a majority of its members.

Although an independent right, no parliament is really in a position to perfect a form of institutional organisation free of the specific demands that the political system makes on it. If there were no demands on the institution then there would be no need for rules. The lowest common denominator amongst the demands made on any parliament could be said to be the need to make legislative decisions or preference choices between alternatives, whether these stem originally
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from the parliament itself or not and to watch over their further progress and implementation.

The multitude of competing individual preferences amongst the peoples of Europe is equalled only by those of their representatives in parliament. Parliamentary procedures must, therefore, resort to some form of constraints (for a discussion of these constraints, see Chapter 2 by Strøm in this volume) so that consistent preference decisions can be made. This is usually done in the form of developing some regulation by which an infinite diversity can be persuaded into accepting a (compromise) majority decision, whilst at the same time giving some form of positive benefit both to those accepting the costs of relinquishing their individual preferences by lending their support to form a majority, and also to those “stuck” in the minority. In consensual democratic systems, this pay-off phenomenon is frequently reflected in a proportional share-out of “power” positions at stages of the parliamentary division of labour to make sure that minority opinion is kept alive. This is what may be inferred from Eva Thöne-Wille’s 1984 comparative study of the European Parliament and national parliaments when she says that all political systems are geared toward resolving conflict; and that furthermore, these systems become democratic political systems when efficient problem solving is linked with both an optimising of chances for individual participation and with adequate transparency in all decision-making processes (Thöne-Wille 1984:14).

Throughout its relatively short history, the European Parliament has been continually occupied with attaining the status of a “real” parliamentary body, able to fulfil those requirements, i.e. decision making and transparency, or legitimisation as we may understand it. Describing in short a plan of action which can be called a two-pronged strategy of institutional reform, the European Parliament has dedicated much of its attention to increasing its own powers within the strict constitutional/institutional framework which defines its relations with the Commission and Council (in terms of right the of appointment of the former and equal legislative rights with the latter). In tandem with this, it has also sought, by means of amendments to its own Rules of Procedure, to enforce greater operational efficiency, discipline and organisation in its own activities, not only with the aim of getting the job done in light of the growing workload pressures on its plenary meetings, but also to gain support for its own case for more power by being able to perform the tasks demanded of it.

To show the changes that have been made to the Rules of Procedure during its lifespan as the Parliament has attempted to respond to changing institutional circumstances and, in particular, to changing internal demands involves extensive documentation that exceed the physical bounds of this volume and warrant a publication in their own right. These changes have been documented in tables as
outlined in a short appendix to this research note. As a longitudinal study over the whole lifespan of the Parliament, I have been able to show the impact of the growing dominance of Political Groups, the European counterpart of parliamentary parties, not only as far as each subsequent innovation to the rules on parliamentary procedures is concerned, but also with regards to the perhaps more traditional elements of EP activity. That the Political Groups should play a dominant role in the European Parliament is no new finding, it has, indeed, already been the subject of an informative in-depth study by Gabriele Rutschke (1986). However, as this study was completed before the introduction of the Single European Act, one may get a better impression of just how more important these Groups have become since then by following developments over time, taking into account changing institutional circumstances, the responses to these changes and what this has meant for majority/minority activities. What becomes clear is that the once numerous minority rights have given way to a more rationalised organisation of parliamentary work. In a practical sense, each subsequent amendment to the independent regulation of Rules of Procedure strengthening the role of Groups represents the conscious move by a majority of individual members to voluntarily vote away their own prior privileges.

The concept of majorities versus minorities takes on enormous dimensions in a pan-European scenario. The way this parliament attempts to tackle the problems is not strikingly different to the approach taken by national parliaments. Making a correct comparison of EP with other parliaments is very much a question of the stage of development at which the different parliaments find themselves and of the pressures they face, or have already faced and mastered.

If one looks beyond the more conventional comparative evaluation of the EP along the lines of how well it scores on a catalogue of expected parliamentary attributes, we may find an analytical point of departure from which to better assess the nature of the whole system in general, and the Parliament in particular. If one follows the exciting lead given by George Tsebelis (1994) in recognising the fact that EP has the potential to act as a conditional agenda setter, the impact of the emergence of Group dominance in certain areas of internal institutional organisational procedures becomes all the more relevant.

It has become generally accepted that within the bounds of the evolving institutional framework of the European Union the European Parliament has certainly grown in importance. In the course of this evolution, the EP can be seen as having been faced with the challenge of capitalising on new-found powers. In one of the most recent articles on this subject, Bowler and Farrell (1995) note, much of this depends on it settling its own internal organisation. The authors go on to say that in the present situation, the EP is in a position to provide theoretical scholars with a ‘test bed’ for theories of institutional design. At the same time
they also draw the none too flattering conclusion that: “Despite some attention paid to the party groups, the internal organization of the EP has remained largely unstudied in recent years...By and large, the EP remains something of a ‘black box’ whose internal workings are rarely studied” (Bowler and Farrell 1995:220). This paper takes up this call, in part, in documenting the evolution of procedural rules.

In one fell swoop, a better understanding of how the EP works should also make the Groups themselves a more attractive subject for future academic attention. My intention here, is, needs be, more modest. In concentrating more on a longitudinal descriptive documentation of Parliament’s Rules of Procedure than on an in-depth inventory of the functions and organisation of the EP at individual stages of its evolution, I hope to give a preliminary illustration of the parallel between what I call the “rationalisation” of institutional organisation and efficiency, and the emergence of Group domination over parliamentary procedures. This would put the European Parliament in a context relatively similar to that of the British House of Commons in the second half of the 19th century, where emerging party government began to shift the emphasis away from the individual member in an “orators” chamber, to becoming a more “rationalised” decision-making institution.

In a sense, rationalisation is also the concrete proof of the independence of rules “pudding”. For our case, once the ball started rolling, i.e. once the EP had finally wrestled some decision-making powers from the other two institutions, it needed more and more regulations and constraints to make its performance functional. What this in fact boiled down to was a curtailing of the once abundant minority and individual rights in a streamlining of procedures and a rationalisation of parliamentary activities. Thus, the Political Groups of the European Parliament have become the institutional cement pasting together the different units of the Parliament to the extent that they are now “of central importance in the work of Parliament” (Jacobs, Corbett and Shackleton 1992:56). As a consequence, the chances of the individual member, acting independently, have diminished by a corresponding degree. The behavioural findings of Bowler and Farrell (1995) corroborate the procedural approach taken here. The trend towards individual specialisation is judged to be a ‘good thing’. The European Parliament “has established itself as an effective legislative chamber; the individual members may specialize in their own favoured areas, but they do so under party-group scrutiny and control” (Bowler and Farrell 1995:243).

For a considerable length of time the European Parliament was able to simultaneously sustain both specific Group privileges and many individual (minority) rights. This was, indeed, a reflection of the differences of opinion that existed amongst its members of what the Parliament ought to do, and what it was ex-
pected to do. On the one hand, as the so-called forum of European interests, minority rights must be provided in abundance as, after all, the Parliament was not a “real” legislature and “gagging” the individual would not lead to collective benefits. On the other hand, the Parliament, or perhaps more correctly, certain members have continually sought a legislative role for the EP in the institutional framework, which even as a “rubber stamp parliament” would make majority decision making a more frequent and binding necessity. Returning to my emphasis on a longitudinal study, the change in this majority/minority relationship does not receive enough attention in a “freeze-frame” study of the European Parliament, which in the few existing illustrations there are, is often the case.

The full-scale version of this paper follows a pattern of research to be completed in the next stage of the research project where changes to procedures over time will be addressed more directly. Here now follows a short summary of the descriptive part of the study.

The first section lists the most important changes to the overall European institutional climate that have affected the European Parliament. The way the Parliament acted and reacted may be seen as a reflection of its understanding of what its own role was, and is, in the whole system, which is itself an evolutionary and, thus, dynamic framework, aiming to provide the ever closer union among the peoples of Europe; most often paraphrased as the process of European integration. Following this is a four-stage descriptive account of the rise of Groups and fall in the potential impact of the individual MEP in the workings of the EP. The gist of the matter is that the ability of the individual member to act independently has been steadily reduced at the expense of collective and more representative action. Consequently, it is the Groups that have emerged as the organisational vehicles in this rationalisation of parliamentary activity.

To round off this research note, I have looked at two of the most important debates on reports on changes to parliamentary procedures to check for a possible crystallisation of support for moves to reduce minority rights in the motivation of those proposing rationalisation and in the reactions of ordinary members who stood to lose their individual parliamentary rights at the expense of becoming Group actors. The final section contains a summary conclusion and comments on the “rationalisation” of the European Parliament to date.
Why Should the EP Reduce Individual and Minority Rights?

It should be made clear that the present state of the balance between majority rule and minority rights is transitory, as it has been throughout the whole life-span of the European Parliament. If we take a closer look at what the MEPs themselves think on the matter, we gain a better understanding of how fine this balance has always been. After all, it is the individual MEPs who, in the end, are responsible for voting away their own individual rights.

If one accepts the argument that the EP is marching on a long road to achieving its ultimate goal of becoming a real legislature, which, in terms of the numerous initiatives it has brought forth on the matter may, indeed, be seen as a specific strategy, then we must take a careful look at why the Parliament has so far changed its Rules the way it has. Certain changes have had as their *prima causa* the immediate demands of new Articles following renegotiations of the Treaties. But where does it all start? The most recent developments in terms of a third legislative procedure, i.e. co-decision, did not just appear out of thin air. The procedure is to an extent the result of a rational attempt at making the overall decision-making process more efficient. The form the new procedure takes will also be dependent on experiences of past procedures. It is in this sense that the EP’s Rules come into play. The Treaties lay down what one may call a framework for procedure which the Rules try to regulate in a more detailed manner. Naturally, imposing certain procedural regulations, for instance a third reading, is like casting a stone in a pond. The initial impact reverberates through the whole body, and in this very same sense any increased demand on Parliament is to be felt everywhere and by all members. How does a parliament cope with these demands? The usual pattern for the European Parliament has been a move to providing greater Group priorities and diminishing minority individual rights to pay for it. Taking a look at two major changes to the Rules passed in 1981 and 1993 it is possible to see whether the reasons for change have become clear from the members’ own point of view in the explanations of the need for the wide-reaching revisions to the rules of procedure that they contain.

**The Changes in 1981**

The introduction of direct elections was not accompanied by a change to the existing institutional framework of the time. From 1979 on Parliament began looking at a number of suggestions to cope with the massive increase in members. An early attempt to raise the minimum trigger for certain procedures from 10 to 21 was made, but failed. The Committee for Rules of Procedure and Petitions was, however, charged with presenting to Parliament a general revision of its Rules. Of immediate consequence for what was later to become known as the
Luster Report, was the recognition of the unlikelihood that the amount of working time for plenary activities could be substantially increased beyond that already available. At the same time, there was also no reason to believe that the workload thrown on Parliament would decrease, be this in the form of legal texts from the Commission or its own resolutions. Both these reservations were confirmed. As has been seen, the role played by the Groups in setting the agenda to deal with the workload has been an increasingly important one. Yet, in this respect the changes made in 1981 were a compromise, leaving enough influence for the “non-political” Bureau over the Groups in drafting the provisional agenda. The other breakthroughs in the form of urgent debates, procedure without debate and decision in committee have also been discussed above in more detail. These, too, were meant as time-saving devices.

Other innovations were proposed with the intent of strengthening Parliament’s position without there being a change in the Treaties (the “second prong” of Parliament’s strategy). For instance, the setting up of committees of inquiry and delaying procedures in consultations. None of these changes were challenged by an all-out counter-attack during the debate on the report in plenary. Not so the desire to weaken the existing minority rights. Not even the argument that the number of MEPs after the elections had doubled could unhinge the existing individual, five or ten member minimum. “This debate took place against the background of differing concepts as to the role of the European Parliament. While some Members gave priority to seeking majority decisions in the interest of efficiency - thus intentionally or unintentionally subscribing to the national model of a parliament as a legislative institution - others felt that the main role of Parliament was to serve as a forum for the expression of different points of view” (Bieber 1984:240).

Instead of reducing minority rights, this first major revision greatly strengthened them. It is against this background that one should view the changes eventually made to Parliament’s own procedure for amending its Rules. Until 1981, the only changes to the Rules were resolutions to that end, needing a specific majority, and as a consequence allowing minority blockage. With the adoption of the new Article 111, interpretations could now be passed by a smaller, simple majority. Bieber described this innovation as a new “instrument of conflict within Parliament” (Bieber 1984:244).

In the debate in plenary on his report \(^2\), Luster explained that the revision of 1981 made use of the manifold and varied experiences of the national parliaments that the Members of the European Parliament could draw on. During the preparation of the report in committee, the need to reach the broadest consensus

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\(^2\) Debate of 10 March 1981
meant that certain amendments were not attempted. The reason being that it was felt the Rules of Procedure should serve both the needs of the largest majority and of the totality of those belonging to Parliament. This was the crux of the matter. Speaking for the Socialist Group in the debate, Mrs. Vayssade pointed out the difficulty of uniting the defence of the freedom of expression and individual rights of all members with the right of the Groups to assemble members within the bounds of political ideas and to give the EP a political face. This was again a reflection of the uncertainty amongst members of the role of Parliament. So, without making the Rules a dictate to the members of how they were to see their role as parliamentarians, the revision was repeatedly referred to as a transitory measure and, thus, implied that further changes would become necessary as of when the Members of Parliament become more resolute on what they believe the Parliament should do. Despite discrepancies over the role of Parliament, there was widespread agreement on the need to make the work of Parliament more functional, but this is not completely synonymous with efficiency. A former member of the German Bundestag, Mr. Sieglerschmidt, pointed out the difficulty of incorporating elements of the various national parliaments as the problem of trying to accommodate different degrees of efficiency and spontaneity in the Rules of Procedure.

To continue the last argument a little further, if minority rights are used positively, then they can contribute to the overall efficiency of a parliament. However, if they are used as part of a strategy of spontaneous disruption in what is supposedly a consensual assembly, then they are a hindrance to efficiency.

The Changes in 1993

The revision of the Rules in 1993 was made necessary by the enforcement of new Treaties which on final ratification accorded the EP a greater role within in the institutional framework. This time the revision would have to deal with a far more detailed and complex role of Parliament, as laid down in the specific Articles, and the need to make Parliament itself efficiently able to fulfil the demands now made of it.

If one looks at the debate on the report, one finds quite a different atmosphere in comparison to 1981. Mr. Rothley, one of the three co-rapporteurs pointed out the need for Parliament to attract more media attention to its work. This would not come from concentrating efforts on matters such as increasing the numerous pedantic amendments to legislation on foodstuff additives, for instance. Instead, Parliament must be concerned with real politics, matters of real European interest.

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3 Debate of 14 September 1993 (3-434/1993 German version)
Generally speaking, the rights of the individual member were transferred from the plenary to the committee, where even more decisions may now be taken. The rights have even been improved, if one takes account of the growing influence that responsible committees have after the initial stage of all legislative procedure. As a complete revision of the Rules, the report by the Committee on Rules was particularly referred to as a rationalisation of Parliament’s work. The fuzzy areas of the Treaty texts were seized on as an opportunity for Parliament to improve its own position beyond that stated in the Treaty framework. Reference has already been made to the vote on the President-designate of the Commission in Parliament, which goes beyond the formal vote on the collegiate Commission in the Treaty. This is illustrative of the wish by the EP to have some form of the traditional “say” in the process of installing the executive. Indeed, the revision was the result of a close cooperation between the Committee on Rules and the Committee on Institutional Affairs, which is itself a form of rationalisation, bringing external and internal strategies together (whereby the internal side was again somewhat characterised by the compromise between those forces favouring a limitation of individual activity and those against it). This time the individual member lost out, both in terms of the general restructuring of parliamentary procedure, and more specifically, of getting rid of time-wasting inefficient elements, which were more the domain of individuals, to, instead, concentrate on the efficient parts.

Conclusion

The concept of efficiency of parliamentary organisation is directly linked with the notion of democratic representation. This is no better illustrated than in the deliberations over changes to the Rules of Procedure. Parliament has continually sought to do things it could not do before, and to perform existing functions in a better way as a means to press for an even greater competence. The European Parliament does this in a way that is not strikingly different to procedures established in the national parliaments, i.e. via promoting the role of parties and in the division of parliamentary labour. The difference is that the EP is still promoting the position of Political Groups parallel to attaining more power, whereas the national parliaments have long since passed this phase of seeking power, and are more concerned with finding methods of preventing their work from being swamped by the executive as a result of the variety of party links and modes of relations between the two branches, executive and legislature, that have since evolved.
One wide-ranging problem for a comparison of the European Parliament in this sense, is the nature of the supranational political system itself. Is the EP more a parliamentary, or more a presidential parliament, and what does this supranational element imply in terms of the protection of individual or minority rights against majority decision making? On the international scene minorities are still very large and powerful entities. The Groups will certainly have an important say in the future role of the EP. Their organisational driving force is quite obvious. The question for Europe is what use will be made of it.

Looking at the institution from a narrower point of view, it is possible to see that the rise of the Political Groups (be they weaker than national parties or not), and the fall of individual rights can, as in any parliament, be brought down to the level of rationalising procedures in the light of institutional constraints, reflecting too, problems of principal-agent relationships within the Parliament, and being a direct consequence of the evolving role of the Parliament itself.

Appendix

The following list of table headings shows how the sections of the evolving rules of procedure in the European Parliament have been grouped into areas that are perhaps more familiar to mainstream comparative legislative research. Each table documents the developments from 1958 to 1994 in terms of majority versus minority rights and politicisation of the division of parliamentary work from agenda setting down to simple speaking rights. As an appetiser each table is accompanied by a brief summary.

1. The Directing Authority and Deciding the Plenary Agenda. Ever-decreasing number of actors involved, a simultaneous increasing influence of the groups and a gradual stripping of president’s privileges.

2. Amending the Plenary Agenda and Agenda for Urgent or Topical Debates. The later the stage, the more the possibility to amend moves to the groups. The same goes for urgency.

3a. Manning the Committees. Increasingly a group affair.

3b. Procedures in Committee. Quorum requirements for deliberation relaxed. Move to more rationalised working conditions: simplified procedures.

4. Speaking Rights in the Plenary. Reduction of speaking time on procedural motions, domination by group chairmen, committee chairmen and rapporteurs.
5 Amendments to Texts. Basically, first reading amendments remain an individual right. The further the stage, the more they have become the realm of the competent committee.

6 Resolutions in the Plenary. Resolutions have always been an individual right. The procedural innovations of resolutions following debates or other forms of communication from the central political bodies, the Commission and Council, are more a group or committee right.

7 Procedural Motions. Originally a purely individual right. Today these motions have either been struck from the rules or have increasingly become group matters.

8 Organising Plenary Work. The more the agenda becomes coordinated with Commission legislative programme the tighter the plenary workload is organised.

9 The Plenary Workload. The number of texts the plenary has to deal with: the need for efficient organisation of activities.

10 Written and Oral Questions. Moving from its original purposes as an individual right to information and control to a means of debating Council and Commission activities, oral questioning has become more of a group matter. Even the Council was prepared to reduce its advance notice requirements.

11 Question Time. Often criticised for its lack of efficiency, it remains one of the few real minority rights.

12 Questioning Activity. The numerical increase in the number of questions.

13 Motions of Confidence or Censure. A problem area for parliamentary comparativists. The motion of censure has moved from being an individual right to a group right and now to requiring the support of 1/10 of all members reflecting the wish of Parliament to present a united stand when facing the other institutions. The vote of confidence is an example of a “house-own” rule being partly taken up in the official treaties.

14 Group Strengths in the Plenary. The groups in Parliament during the course of its evolution.

15 Political Group Minimum Memberships as Percentage of Total Membership. How members organised in groups fare in comparison to the minimum number of members triggers.

16 Voting in the Plenary. How the vote and voting sequence is organised.
References


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