

RAPPORTEURS IN THE EUROPEAN PARLIAMENT

**Original Report published by the Centre for Public Scrutiny
Research Report No. 4
September 2006**

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1 Introduction

A ‘rapporteur’ is a person appointed by a deliberative body to investigate a particular issue or situation and report back to it. The rapporteur model is a continental parliamentary practice, used in national Parliaments and Assemblies as well as international parliamentary bodies; including the European Parliament.

This report focuses on the use of the model in the European Parliament, highlights current practice, proceedings, and specific powers of rapporteurs, as well as their relationships with other actors in the European institutions, such as shadow rapporteurs, draftsmen, group coordinators, the Commission and the Council. It draws on Members of the European Parliament’s views to explain the powers and limitations inherent in the use of rapporteurs.

Our main findings are that:

- Rapporteurs ‘own’ their report and are a focal point of contact for media attention and stakeholder involvement.
- The rapporteur model works well in the European Parliament’s political balance, which requires a consensual approach.
- Rapporteurs can be very influential if they cooperate with other political groups and draft a report that is an acceptable compromise.
- The appointment procedure, using the D’Hondt formula, allows for a fair and democratic – if somewhat bureaucratic – allocation of reports to political parties.
- The use of shadow-rapporteurs is central to the functioning of the system Parliament exercises its role according to three main functions: legislative, supervisory and budgetary. In each of these functions some form of scrutiny may be exercised by MEPs. In terms of its legislative function, Parliament can exercise pre-legislative scrutiny of a proposal by the European Commission. Regarding supervisory powers, Parliament can examine reports produced by the Commission, and can pass a ‘motion of censure’ calling for the Commission’s mass resignation; ensuring political accountability of Commission. Parliament also controls the budget of the European Union, and its Committee on Budgetary Control monitors how the money is spent.

In addition to these powers, Parliament can produce ‘own-initiative’ reports. These are not legislative proposals, as the Commission is the only European institution that can initiate legislation, but can express Parliament’s opinion on a particular topic .

2 Rapporteur powers

Rapporteurs in the European Parliament are members of committees that are chosen to report on a particular topic. Their main activity is to draft reports, either legislative or non-legislative. For legislative reports, rapporteurs are required to produce a draft legislative resolution and amendments to the Commission’s proposal. For each Commission proposal

that goes through Parliament, a Committee is responsible for providing an opinion. As a rule, the Committee appoints a rapporteur, although simplified procedures allow for bypassing this appointment. In addition to this pre-legislative function, rapporteurs are responsible for committees' non-legislative reports and for drafting resolutions.

There are two primary controls on rapporteurs by committees. The chairman of the committee may delete the rapporteur's explanatory statement for a report if it does not conform with the committee's discussions and amendments, and the committee may impose a deadline for a report to be produced, failing which it may appoint a new rapporteur. In addition, the committee may ask the rapporteur to re-draft a report following a discussion in committee.

2.1 Rapporteur powers in the European Parliament

Rapporteur powers in the European Parliament include:

- make recommendations for a vote,
- monitor progress of Parliament's opinion on a Commission proposal,
- they are among the members expected to table compromise amendments.
- propose that a vote be postponed based on the legal status of a Commission proposal or on the Commission rejecting amendments tabled in advance of the vote.

Rapporteurs also enjoy considerably increased speaking rights in the Parliament.

They:

- enjoy a priority to speak (along with leaders of political groups),
- may speak more than other members (although the time is limited by Parliament's President),
- are the only member allowed to speak during a Plenary vote, to outline their committee's position on amendments.
- may speak when a proposal or motion is considered without amendment and debate (although for no more than two minutes),
- may be heard under an urgent procedure (although for no more than three minutes),
- may speak before a procedural motion.

A procedural motion is a vote on how a body should proceed about a given matter.

In the European Parliament, they include:

- the inadmissibility of a matter
- referral back to committee
- closure of a debate
- adjournment of a debate and vote
- suspension or closure of the sitting.

Procedural motions take precedence over other requests to speak, and only one speaker for, one speaker against, and the chairman or rapporteur of the committee responsible may be allowed to speak.

Rapporteurs enjoy considerable powers during common positions. They:

- are consulted on whether a common position is indeed a common position,

- they may discuss amendments by their committee with the President of Council and the Commissioner responsible, and table compromise amendments following such a discussion.

In the event that Parliament votes against a rejection of a common position, the rapporteur may ask it to reconsider its decision and hold another vote. If the Council does not accept Parliament's amendments after second reading, the rapporteur is de facto a member of the Conciliation Committee formed to reach an agreement between Parliament and the Council.

Common positions are part of the co-decision procedure, a legislative procedure under which Parliament and the Council jointly adopt legislation proposed by the Commission. At first reading, the Council draws up a common position after obtaining Parliament's opinion. The common position is forwarded to Parliament for second reading, where Parliament may approve, amend, reject or decide not to deliver an opinion on the common position.

The rapporteur must also be consulted by Parliament's President in order to assert a member's privileges and immunities if they have been violated. Rapporteurs have other functions, including the power to consider a member's resignation, and they can be sent to represent Parliament in a Council meeting when it acts in legislative capacity. In addition, a Committee of Inquiry can be set up by Parliament and may appoint a rapporteur.

3 Report process

Process:

The European Parliament responds to reports it receives from other European institutions. The Commission, which has the monopoly over legislative initiative, produces legislative proposals which are then sent to Parliament for opinion.

Parliament may also produce non-legislative reports, for example by responding to a Commission consultation. Thirdly, Parliament may produce own-initiative reports, which are non-legislative and typically take the form of a non-binding resolution of Parliament on a particular topic.

In all three types of report, Parliament appoints a committee responsible for the report, who drafts a proposal, which is considered and voted on in Plenary. In most cases, the committee appoints a rapporteur to conduct its enquiry into a topic. The only exception to this rule is when the simplified procedure applies.

Under this procedure, the committee holds a first discussion, and may accept the report without amendments, or the chairman may draft amendments following the discussion. In both cases, the procedure can be reversed if one-tenth of the committee's members object.

Political groups in the committee may also appoint a shadow-rapporteur to follow the rapporteur's work on the report. This may mean that in effect, the report is drafted after discussions have taken place between political groups, through a working group consisting of the rapporteur and the shadow-rapporteurs. This ensures that different political points of views are taken into account from early on in the process, and is especially important for high profile reports when shadow-rapporteurs from the biggest political groups exert a strong influence.

This can be true for important pieces of legislation, but also of own-initiative reports that are likely to attract public attention.

In addition to the committee responsible, another committee may express an opinion on the report. This committee will draft amendments or suggestions to be attached to the report, on matters that fall within its jurisdiction. Whereas the committee responsible appoints a rapporteur, the committee giving an opinion appoints a draftsman, whose role is similar to that of the rapporteur.

Draftsmen are rapporteurs for a committee asked for an opinion. Their work is similar to that of rapporteurs, but they enjoy fewer privileges as their committee is not the one responsible for reviewing the proposal. As such, draftsmanships are less prestigious than rapporteurships

3.1 Co-decision

Most legislative reports are produced under the co-decision procedure. This procedure allows for an ample role for the rapporteur. Legislation adopted under co-decision can go through up to three readings, during each of which the rapporteur plays an important part. At first reading, following the proposal from the Commission, the rapporteur of the committee responsible produces the draft report presented to committee for amendments, and then introduces it to Parliament in Plenary. During second reading, if the Council has amended the Parliament's position, the rapporteur attempts to find a compromise between Parliament and the Council. If this approach fails, the text goes to a third reading procedure known as the Conciliation Committee.

3.2 Conciliation

A Conciliation Committee consists of 27 representatives of the Member States and 27 MEPs. The European Parliament's rapporteur on the proposal is *ex officio* a member of the conciliation committee. The committee is responsible for drawing up a joint text, which is then put to the Council and Parliament for approval.

There are three possible outcomes of a conciliation committee:

- the committee is unsuccessful in reaching an agreement and the legislative proposal fails,
- the committee reaches an agreement which is not agreed by Parliament and the Council and thus the legislative proposal fails,
- or the committee reaches an agreement which is agreed by both Parliament and Council and the proposal is accepted as amended under third reading.

3.3 Appointments

The allocation of reports among political groups roughly follows the lines of the D'Hondt system, combined with an auction system reflecting the different values of reports.

The D'Hondt system is a method typically used to allocate seats to political parties in a Parliament. It uses the formula $V / (s + 1)$ where V is the number of votes received, and s the number of seats already allocated to the party. Whichever list has the highest quotient or average gets the next seat allocated.

In the European Parliament, the auction system typically assigns a number of points (usually one or two) for each member a political group has on a committee.

The group coordinators then decide how much a report is worth, depending on the political weight assigned to it. As such, reports cost more than opinions and some highly expected reports cost more than others.

In European Parliament Committees, the D'Hondt formula is slightly modified as V reflects the number of points assigned to a Committee, and s the number of points already spent by the Committee.

Political groups can also raise their bid for a report, up to a set number (typically the number of groups present in the Committee). A Group willing to spend more points on a report can thus get it more easily, but will compromise its ability to get future reports by having spent a large number of points already.

4 Rapporteurs in the European Parliament:

4.1 How influential can rapporteurs be?

“An effective rapporteur is someone that engages a wide range of interest in formulating a report.”

According to MEPs questioned on this topic the rapporteur model has tremendous potential for someone willing, and able to use it. Some of the powers they can exercise include:

- Ability to lead the debate
- Writes the first draft
- Gets views across
- Receives media attention
- Influences timetable and agenda
- Can organise conferences

However, some MEPs pointed out that there are clear limits to the influence of rapporteur. Much depends on their individual abilities and interests. Key skills needed for a good rapporteur are:

- Negotiation skills
- Ability to get an argument across
- Ability to compromise and cooperate with other political groups
- Good relations with the shadow-rapporteurs
- Interest and expertise in an area

These skills are particularly important for the rapporteur to exert an influence on controversial, or politically sensitive issues. Since the rapporteur reports to the Committee, and not her political group, it is thus essential that he/she is able to table a report acceptable to the Committee as a whole, and ultimately to Parliament. Unsuccessful rapporteurs are those that have an antagonistic approach to the rest of the Committee, or that fail to compromise and gain the Committee's approval.

A rapporteur's powers are thus limited by his/her abilities, the views of other political groups (mainly through their shadow-rapporteurs) and the Committee's ability to add amendments to the rapporteur's report. Additionally, the subject matter makes a difference to the rapporteur's ability to influence the outcome through her report. Technical or uncontroversial reports are easier to influence, while politically sensitive ones take a good deal of work and skill to get across the Committee floor.

4.2 MEP's views on the appointments system

MEP's general feeling seemed to be that the system allowed for political fairness, but sometimes needed to be applied more flexibly to ensure specific expertise and interest is factored into the selection process. Specific thoughts on the pros and cons included:

Advantages:

- Political and democratic fairness, as groups get reports proportionately to their size.
- Choice of reports by political groups works well and allows each group to prioritise.
- Golden rule of politics applies: if you turn up, you will get reports
- No other way to allocate reports but to work along those political lines.
- Works well to create a body of expertise as rapporteurs and their shadows build expert knowledge.

Disadvantages:

- If applied without flexibility, it can overlook experts in an area.
- Can, and has on occasion, been overtaken by the two main political groups.
- Benefits big member states' representatives.
- A little too bureaucratic.

Additionally, MEPs pointed out that a lot of the system depends on the coordinators' ability to reach compromises among themselves. It was also made clear that establishing a reputation as an expert in a particular area usually facilitated the member's ability to get the report. Finally, a group's ability to nominate a shadow rapporteur also means that not all influence is lost when a separate group gets a report, allowing for continuing influence by other political groups.

While some MEPs come from professional backgrounds during which they gathered expertise in an area, many have little specialised knowledge. However, rapporteurships allow members to develop a body of knowledge, through continual involvement with stakeholder and Commission experts. This can allow for a lay perspective input into the process.

4.3 Rapporteur model versus Committee hearings

MEPs were asked what they thought were the advantages and disadvantages of using the rapporteur model over one of Committee hearings. Many of them pointed out that in fact, the two systems are not incompatible and that many experts come to testify in front of committees.

However, for some hearings, attendance is quite low and sometimes only comprises the rapporteur and the shadows. This, in effect, delegates power to a smaller group of members within a committee. Other advantages included:

- Allows ownership of a topic
- Personal commitment and responsibility
- “15 minutes of fame”
- Rapporteur model brings expertise which is indispensable in complex areas of legislation
- Rapporteurs sometimes write much of the report themselves
- Conducive to an MEP’s self interest, through higher exposure
- Allows for influence from someone else than the Committee Chairman.

Some of the disadvantages included:

- Low level of interest from other members
- Lack of available expertise can be a problem
- Rapporteur may be hard to reach

4.4 Resources

Rapporteurs are able to use the resources of their Committee to conduct their research and produce their report. There is a Committee secretariat which typically has 5 members of staff, and there is a specific research budget for each Committee. Access to the latter, however, can prove difficult since budgets are limited and often result in political bargaining to gain access to them. MEPs generally pointed out that more resources would enhance their capacity as rapporteurs, although some were happy with the level of resources already available. In particular, some highlighted that although Committee secretariats have access to a web of knowledge from the Parliament’s library, they lack the resources and analytical capability to produce concise and usable research.

Capability was thus the major issue, as Committee secretariats often have to support several rapporteurs at any one time with limited means at their disposal.

4.5 Lobbying

Rapporteurs are not limited to getting their information from their Committee secretariat and can gain access to outside knowledge. Many stakeholders tend to get involved in the process, including the European Commission, representative groups such as trades unions and consumer groups, Non-Governmental Organisations (NGOs), think tanks, Governments, universities and industry.

Legislative reports will necessarily attract attention from a wider range of stakeholders, and several MEPs pointed out that they operate an “open-door” policy and try to meet as wide a range of outside bodies as possible. Rapporteurs are of course free to consult who they want, and often benefit from adopting this open approach, as the wider the consultation is, the better the report. Some MEPs however pointed out that this sometimes means that public consultations attract only the rapporteur, shadow-rapporteurs, and a range of experts, making the process insufficiently inclusive. Others praised this ‘can-do’ approach with stakeholders in

order to incorporate their views early into the process. Some even argued that different stakeholders' reluctance to get involved needed to be addressed to further improve their input.

Rapporteurs are described as the first point of contact and thus allow for wide involvement from outside the Parliament.

5 Other power holders

5.1 Coordinators

Coordinators lead their political group in a particular Committee. This gives them a crucial role within the Committee, and ensures they have continual influence over the whole of the Committee's work programme; whereas rapporteurs only have influence over their particular report. Coordinators from the different political groups will meet in private to decide on the Committee's agenda, allocate rapporteurships to each group and decide on own-initiative reports and questions in plenary sessions of Parliament. Once a report has been allocated to a political group, the coordinator is responsible for allocating it to a member.

Coordinators usually attempt to work on a collegiate basis, without voting on issues but achieving consensus. This can take time to reach an agreement that is acceptable to all groups.

The four main political groups' coordinators enjoy particularly strong positions, due to the required consensual approach. They also play a key role in liaising with other members of their group who are not members of the Committee, and in 'selling' reports and amendments to them.

5.2 Shadow-rapporteurs

“The role of the shadow-rapporteur is also crucial to the functioning of the European Parliament”

Group coordinators may appoint a shadow-rapporteur to follow a particular report on behalf of their political group. Bigger groups tend to use shadow-rapporteurs on most major reports, while medium-sized groups have to prioritise their workload and small groups typically use shadow-rapporteurs on an ad hoc basis.

Their involvement, typically from an early stage, potentially grants them considerable power over the outcome of the report. It is often a very important political position, as shadow-rapporteurs carry the weight of their group behind them. The two main groups in the European Parliament (the EPP-ED and the PES) are thus more likely to use this role as political leverage. Some coordinators also insist that their shadow-rapporteur be the only one to table amendments in the committee, to avoid contradictory statements from their group.

Amendments thus act as the lever shadow-rapporteurs can pull to ensure their group's position gets taken into account. The shadow-rapporteurs are also usually involved in negotiations with the other EU institutions. Being a successful shadow-rapporteur on a topic can be a very good way of getting selected for the rapporteurship the next time around.

6. Relations with other bodies

6.1 European Commission

The relationship between rapporteurs and the European Commission was usually described as rather cooperative. MEPs used the adjectives very sympathetic, collaborative, open, helpful, and informative to describe their relation with Commission employees. However, some pointed out that the collaboration depends very much on the particular report. At times, when the rapporteur disagrees with the Commission, the relation can be cordial at best. Since the Commission has an interest in a proposal, which they have researched and put forward to the Parliament and Council, they sometimes resent amendments. This specific Commission interest also means that an interdependent relationship arises, and that the Commission will most often seek to work with the rapporteur to achieve a compromise. The Commission is quick to get in touch with rapporteurs, and in some cases has liaised with the MEP's office almost on a daily basis.

6.2 Council

The relationship between a rapporteur and the Council was described as rather less straightforward. Some members said the Council was a 'difficult animal to deal with', and 'a bit of an octopus' as it does not have a set point of view but reflects the differences between the 27 member states' Governments. The relationship was most often described as complicated, unhelpful, dismissive, frosty or frustrated. However, it was also characterised as varied and diverse, and in some cases supportive. In particular, the relationships often depend upon political colours, with some Governments being more favourable to a rapporteur's views because of their closer political affinities. Some more junior MEPs said they had had very little dealings with the Council, which suggests a rather occasional and distant relationship, while more senior MEPs pointed out that personal connections with national experts facilitated the process. In particular, one MEP said that using the rapporteur model was especially helpful working with the Council on a particular interest, as she got to build networks with national experts in her field.

6.3 The 3 EU institutions

The three EU institutions thus deal with each other in ways that vary depending on the particular issue at stake. The Commission often acts as the 'honest broker' in relations between the institutions, and attempts to build a compromise between the existing conflicting views. A political power-game is however always possible, with two of the institutions taking one side against the third. However, the rapporteur is most often the point of contact for the view of the European Parliament, and thus spearheads the process of negotiation when these tensions occur.

7 CASE STUDY

Reducing the climate change impact of aviation, by rapporteur Caroline Lucas

Caroline Lucas is a Green Party MEP for the South-East of England, and sits with the Greens/European Free Alliance group in the European Parliament. In 2005, she was appointed rapporteur by the Committee on the Environment, Public Health and Food Safety (ENVI), to draft a Motion for a European Parliament Resolution on reducing the climate change impact of aviation.

The impact of the aviation industry on climate change had been of interest to the European institutions for some time, as the Commission had already published a White Paper on the issue in 1999. Caroline Lucas had then, in 2000, been involved in the European Parliament's scrutiny of the proposals, and helped in building a consensus over the need to take action. In 2005, the Commission published a Communication to gauge stakeholders' views on new proposals. Caroline Lucas was then appointed as rapporteur to put together the ENVI Committee's view.

Communications (by the Commission) and Resolutions (by the Parliament) are non-legislative documents that express their views on a particular topic

The Commission proposal:

The Commission's Communication proposes to internalise the environmental costs of the aviation industry's emissions. As part of a comprehensive approach, the Commission thus proposed to incorporate the aviation sector as part of the EU Emission Trading Scheme. An Aviation Working Group was then specifically set up to look at this possibility. As the Commission points out, the major advantage about such a proposal is that it provides certainty about the environmental outcome through its use of an overall cap on emissions. The impact of the proposal on the aviation industry would be a reduction in future forecasted demand. The social impact would be greatest on the wealthiest parts of the population, as they tend to use aeroplanes most and would pay large shares of the extra costs.

An emissions trading scheme is based on a central agency handing out (or selling) permits to emit greenhouse gases, which can then be traded in a free market.

The EU ETS creates such a market, which aims to reward less-polluting firms which can sell their extra credits to more polluting firms, based on the 'polluter pays' principle. Currently, the EU ETS excludes international aviation.

Caroline Lucas' views:

Caroline Lucas welcomed the proposals which were a lot firmer than those of 1999. However, she was concerned that the proposals would fail to have the desired effects on climate change. She thus proposed to create a separate ETS for aviation, which would have two fundamental advantages:

- it would allow the inclusion of aviation within the ETS from 2008, while a general incorporation of the sector into the EU ETS would have to wait for Kyoto protocol re-negotiations in 2012.
- the aviation sector itself would be limited and thus could not buy a right to pollute from other sectors.

Caroline Lucas was also concerned about the non-CO2 emissions of the aviation industry, which are at least twice as damaging in terms of their climate impacts as its CO2 emissions alone. Thus the effect of aviation buying the right to emit a tonne of CO2 from another sector with much lower non-CO2 impacts would be a net disbenefit to the environment. Caroline Lucas sought to have this recognized and to make sure all environmentally damaging pollutants are considered in her report, and subsequently in EU legislation.

The process:

The ENVI Committee follows the rules of the D'Hondt system to allocate reports to political groups. Co-ordinators agree on the work programme, with the main groups allowing the smaller groups to get a fair share of important reports.

Caroline Lucas was thus appointed rapporteur for the proposal by her political group's co-ordinator, with the aim to produce a report on behalf of the Committee. She was closely followed by shadow-rapporteurs from other political groups, who were supportive of her work and helped compromise where her views differed from theirs. While writing her report, Caroline Lucas only used figures from the Commission, in order to base her recommendations on a body of facts that would not be contested. The ENVI Committee adopted the report with an overwhelming majority, by 49 votes for, and only one abstention.

“Good relations with the shadow rapporteurs always help, as they make it easier to include amendments and work on a position that is agreeable by all; even if this sometimes means accepting a compromise position rather than the rapporteur's most preferred option.”

Caroline Lucas said that the Commission has been very sympathetic to her report.

They allowed her to take part in the working group, giving her a special dispensation for that purpose. This was welcome by the rapporteur, who would like to see such measures on a more systematic basis. The EU institutions today seem confident that non-discriminatory action (with the same measures applying to EU and non-EU providers) would be legal under WTO regulations. It remains to be seen, however, whether member states, through the Council, would accept the proposals.

On 4 July 2006, the European Parliament adopted the own-initiative report. Parliament stressed the need to reduce the climate change impact of aviation, by recommending the introduction of kerosene taxes, underlining that the tax exemptions on air transport led to unfair competition with other transport sectors, and by asking the Commission to promote the introduction of bio-fuels for aviation. The Parliament accepted Caroline Lucas' proposal for creating a separate dedicated ETS for aviation emissions. The document also emphasised that if aviation were to be incorporated into the wider ETS, there should be a pilot period beforehand, and special measures should be applied to prevent market distortion of the ETS, such as introducing a cap on the number of emission rights the aviation sector can buy, and a requirement on the industry to reduce emissions before trading.

Outside help and influence:

During the drafting of the report, the aviation industry has been involved in a lot of lobbying. The initial antagonistic approach to Caroline Lucas' rapporteurship was followed by a more nuanced reaction as the report unfolded. Although much of the industry now supports the inclusion of aviation into the ETS, there is still some opposition to the creation of a separate aviation ETS, as suggested in Caroline Lucas' report, as it would impact their projected growth rate.

As a general point, Caroline Lucas said that on some technical reports the industry's influence is greater, as they hold much of the information. However, this was not the case in her report, where she was able to gather a wide variety of views from experts, including academics and NGOs. Her staff also had expertise in the area, and she was able to get support from the Committee secretariat to draft the report, although no extra funding was provided for her report.

Other reports by Caroline Lucas included:

“Air pollution: strategy to reduce atmospheric emissions from seagoing ships” (2003)

“Impact of transport on public health” (2001)

“Air transport: environmental impact, towards a sustainable development” (2000)