

**Green Chamber or Greenwash? An Empirical Analysis of the
European Parliament's Environmental Record.**

by

Charlotte Burns*, Neil Carter and Nicholas Worsfold*****

*** POLIS, University of Leeds
c.j.burns@leeds.ac.uk**

**** Department of Politics, University of York
ntc1@york.ac.uk**

***** Department of Environment, University of York
ntw500@york.ac.uk**

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Introduction

The European Parliament (EP) has long been regarded as a positive force for environmental change in the European Union (EU) (Judge 1992; Judge and Earnshaw 1994; Peterson and Bomberg 1999; Weale *et al.* 2000; Burns 2005). The chamber has been variously portrayed as 'saving the planet' (Judge 1992), 'an environmental champion' (Burns 2005) and 'defender of the environmental interest' (Weale *et al.* 2000). However, there has been no global study of how the EP behaves when dealing with environmental legislation and existing studies of the EP's environmental record tend to be skewed by a focus upon the behaviour of the environment committee (e.g. Judge 1992; Judge and Earnshaw 1994; Tsebelis and Kalandrakis 1999; Kasack 2004), rather than the plenary as a whole. This paper is an output from an ESRC funded project that is rectifying this oversight by evaluating all EP plenary amendments addressed to environmental legislation adopted under codecision since 1993, using an innovative typology that ranks amendments in terms of their level of environmental importance. Hence the project will provide a rounded portrayal of the EP's environmental behaviour and a context within which the claims of smaller-n studies can be located.

In this paper we present some initial findings from the project. We combine statistical analysis of our dataset with qualitative interview data and expert views gleaned from a practitioner seminar (see Burns *et al.* 2009). Our findings suggest that whilst the EP is securing the adoption of some environmentally important amendments it is not particularly radical. Moreover its behaviour has changed over time – whilst it has

become more successful (in terms of securing the adoption of amendments into legislation) in the 2004-2009 session, the environmental importance of its successful amendments has declined. We suggest that this change is explained by the impact of enlargement and the shift in the norms of codecision. Below we review the literatures portraying the EP as an environmental champion before presenting our methodology, analysis and initial findings and explanations.

The European Parliament as an ‘Environmental Champion’

The European Parliament often sees itself, and is seen by others, as the defender of environmental interests (Weale et al. 2000: 91)

There are several planks to the claim that the EP is an environmental champion. In the first place the EU is an increasingly important actor in environmental politics and policy. Since the UN Stockholm environment summit in 1972, and particularly after the introduction of the environment as a field of EU policy competence in 1987, the EU has created an extensive system of environmental governance encompassing principles, institutions, decision-making processes and a body of legislation that is ‘broad in scope, extensive in detail and often stringent in effect’ (Weale et al. 2000: 1). Environmental legislation in member states has become increasingly Europeanised as national executives find their domestic policies and political agendas being shaped by EU business (Jordan and Liefferink 2004).

A parallel process accompanying the extension of EU environmental policy has been the increase in the formal legislative power of the European Parliament (EP). Specifically, since the introduction of the codecision procedure in 1993, under which most environmental legislation is now adopted, the EP has become a co-legislator

with the Council, which represents the interests of the EU's national governments. Nearly all EU environmental legislation is now adopted under the codecision procedure, which gives the EP up to three readings of legislation, an unconditional veto and a right to conciliation (i.e. face-to-face negotiation) with the Council if the two sides cannot agree on the EP's amendments. Therefore, the European Parliament has had the opportunity to wield its growing influence to protect the environment.¹

However, it is the EP's environment committee that can take much of the credit for developing and entrenching the Parliament's reputation as an environmental champion. This influential body is responsible for drawing up reports for the EP as a whole on environmental legislation proposed by the Commission (Judge 1992; Weale *et al.* 2000; Burns 2005). The committee reflects the ideological composition of the EP as a whole. It awards responsibility for drawing up reports by using a points and bidding system amongst the political groups, which gives all groups the chance to participate in policy-making. The rapporteur takes the lead in drawing up the report before submitting it to the committee for a vote. The committee then submits its final opinion to the plenary for approval. Members of conciliation committees and informal negotiating teams that meet with the Council are also drawn from the committee. In short, the environment committee plays the traditional role of a parliamentary committee, providing expert opinion and preparing legislative reports for the plenary as a whole.

¹ The EP can still exercise only limited influence over the EU's increasingly important role in global environmental diplomacy, as it can do little more than assent to agreements reached by the Commission and Council regarding, for example, the EU's position on climate change negotiations.

In terms of its legislative impact the committee is one of the EP's most influential as it has consistently dealt with a large proportion of legislation proposed. For example, between 1987 and 1993 the committee processed more cooperation procedures than any other EP committee - 27% of the total completed - (Earnshaw and Judge 1995: 9) and between 1994 and 1999 it had the second largest share (Corbett *et al* 2000: 116). Similarly, up to 2006 it had dealt with more legislation adopted under codecision than any other EP committee.² The common perception is that the EP, and in particular the environment committee, has responded well to the challenge. In an early study, Judge (1992) showed how the committee was instrumental in considerably strengthening three important pieces of legislation: exhaust emissions for small cars (see also Hubschmid and Moser 1997), the creation of the European Environment Agency and genetically modified organisms, although he also cites examples of legislation, such as ecolabelling, trans-shipment of hazardous waste and large combustion plants, where the EP had little observable impact. Under codecision there is evidence from parliamentary reports that the EP has secured important compromises, with committee personnel taking lead roles by, typically, toughening limits and tightening timetables, across a wide range of proposals, including ozone depletion, release of GMOs, and waste from electronic equipment (Burns 2005: 98). A handful of more detailed case studies reveal examples where the EP has exercised considerable influence, such as the auto-oil legislation (Friedrich *et al* 2000; Weale *et al* 2000: 404-7).

² The EP handled 36% of cases adopted between 1993 and 1999 (European Parliament, 1999: 52), 29% of cases between 1999 and 2004 (European Parliament, 2004: 55) and 21% of cases between 2004-2006 (European Parliament 2007: 9).

In addition to its formal legislative role the committee has proactively sought to shape the EU's environmental policy agenda. For example, in the 1980s, it successfully pushed the Commission to bring forward several pieces of legislation, including directives on major industrial hazards, the lead content in petrol and trans-frontier shipment of waste, and a green paper on the urban environment (Judge 1992: 190-2). Indeed, under the proactive leadership of its longstanding Chair, Ken Collins (UK, PES), who held the position for 15 years (1979-1984, 1989-1999), the committee was able to build a close relationship with other EU institutions, notably the Commission's DG Environment, which came to see the committee as a natural ally against its opponents in the Council and elsewhere in the Commission (Judge 1992; Weale *et al* 2000: 92-3; Burns 2005: 92). Committee members have in the past been responsible for initiating more of their own expert reports than other committees (Judge 1992: 190) and Green MEPs have played a particularly active role in the committee, using the EPs bidding system for the allocation of reports to secure the rapporteurship of some high profile reports, such as auto-oil.

Whilst the achievements of the environment committee are undoubtedly considerable, one problem with the dominant perception of the EP as an environmental champion is that it rests upon a series of small-*n* studies that have inevitably focussed upon cases of interest where the EP and its environment committee have had an impact (eg Judge 1992; Earnshaw and Judge 1993; Friedrich *et al.* 2000). The benefits of such approaches are well-documented and include the ability to locate the preferences and behaviour of the institutions accurately and to take account of informal processes (eg see Garman and Hilditch 1998; Judge *et al.* 1994). Also, by focussing upon individual policy case studies it is possible to determine what impact the EP's

amendments have had upon the final policy. But by focussing upon a handful of examples, which may be overly-representative of where the EP has exercised influence, there is a danger that the perception of the EP's activities and behaviour in the field of environmental policy has been skewed. In addition, whilst the activities of the environment committee are of undoubted interest, there is no guarantee that the committee will be able to secure the support of the full plenary for its position (e.g. see Weale *et al.* 2000: 93; European Parliament 2007: 4). Consequently, a narrow focus on the committee risks overlooking the preferences of the EP as a whole and may provide an unrepresentative portrayal of the EP's environmental credentials.

This paper therefore complements existing studies by providing a broader view of the EP's environmental behaviour. It draws upon a dataset of 5,234 amendments adopted by the EP to over 94 pieces of environmental legislation thereby providing a comprehensive portrait of the EP's environmental behaviour since 1999. The paper aims to determine if the EP *is* proposing environmentally important amendments; and to determine which variables shape the likelihood of the EP's amendments being adopted.

Methods and Data

In order to evaluate the EP's environmental record we have chosen to analyse how environmentally ambitious and successful the EP is when proposing amendments to environmental legislation (see Tsebelis and Kalandrakis 1999, Tsebelis *et al.* 2001, and Burns and Carter forthcoming, for a similar approach). We chose to analyse cases that were dealt with by the EP's environment committee but excluded from our analysis cases that fell into the other key parts of the committee's portfolio, namely

consumer affairs and health policy, unless there was an environmental dimension to the policy concerned.³ To date we have analysed 5234 amendments to 94 pieces of legislation adopted between 1999 and the beginning of December 2008. We classified the legislation according to policy type, using six broad categories: air quality; chemicals and biotechnology; information and strategy; water; waste; and others. We further classified each piece of legislation according to the stage at which the dossier was concluded, the parliamentary session in which it was concluded (EP5 - 1999-2004 or EP6 - 2004-2009) and whether the legislative proposal was new or whether it updated existing legislation.

We have also awarded each amendment a score for its environmental ambition and legislative importance, and the degree to which it was adopted by the Commission and Council. Hence, we have used and refined existing typologies developed by Tsebelis and his various collaborators (Tsebelis and Kalandrakis 1999; Tsebelis *et al.* 2001) in order to classify amendments according to their importance, and to rank the extent to which they have been adopted. Thus, following their lead we use a five point scale for classifying the importance of amendments (see Table 1), taking into account, for example, the extent to which the amendment extends the scope of the legislative proposal and imposes costs upon industries and Member States. However, we have made some changes: we decided that using a numerical ranking (1 to 5) was less confusing than using terms denoting significance as we were planning to run statistical tests. We include explicit criteria for amendments that seek to set and shape the wider policy agenda, (See Tsebelis and Kalandrakis 1999 for discussion of this

³ We are aware that other committees deal with relevant legislation but wanted to limit the variables that could be relevant to the scoring of the data as the Environment Committee has the reputation of being more radical than other committees (European Parliament 2007). Even where that radicalism is tempered by the need to secure plenary support it seems likely that there will be differences in the way other committees treat environmental dossiers.

issue) and we include a consideration of institutional amendments to comitology provisions, which often reflect wider inter-institutional power battles. We also developed a set of 3 rules to aid classification.

Rules for Coding

1. Cost implications: We distinguish between cost implications for the Commission versus cost implications for the Member States and Industry. Amendments imposing costs upon the Commission (drafting reports etc) normally receive a 2 and those imposing costs upon Member States and industry, i.e. through tightening emission limits, receive a 3 or higher depending upon the nature and scale of those costs.
2. Recitals: We decided not to follow the rule to automatically adjust down the ranking of recitals by one category to reflect their weaker legislative impact (see, for example, Tsebelis *et al.* 2000), instead choosing to apply a rule that awards higher scores to amendments that have a direct legislative impact i.e. will make a difference to the implementation of the proposal. This rule means that amendments addressed to the recitals rarely receive a high score as recitals invariably consist of rather woolly statements of principle or a summary of the legislation. For example, a recital amendment to the end of life vehicles directive stating, ‘Whereas most of the Community’s main motor vehicle producers are involved in life cycle assessments of the materials used in the manufacture of vehicles’⁴, was given a ranking of 1 for importance as it merely restates a known fact and has no direct legislative impact. Most recital

⁴ OJC150, 28/05/1999, p.420.

amendments therefore received a 1 unless they were seeking to shape the wider policy agenda or had a direct legislative impact.

3. We wanted to ensure that the ranking of importance reflected the degree to which the amendment changed the legislative proposal and to take account of temporal context. For example, amendments proposed ten years ago reflected contemporary scientific knowledge which may have subsequently developed and changed requiring more radical action to be taken today. We were mindful to ensure that our rankings reflected the change made to the proposal given the state of knowledge at the time.

A summary of the importance classification is provided in Table 1.

Table 1: Legislative Importance Typology

CODE	CRITERIA
1	Clarification, or statement of already accepted fact, or noting existing legislation, statement of principle with no legislative force. No substantive change to legislation.
2	Meaningful change to the legislation but little alteration to scope of proposal. Involves costs to the Commission either in direct or resource terms. Timing alterations that affect only the institutions and not the implementation of the legislation.
3	Greater change, but little alteration to scope of proposal, may involve change with cost implications for member states, industry and consumers. Tightening time deadlines. Institutional amendments. Agenda-setting. Small derogations
4	Changes with serious consequences relative to the overall legislative initiative. Larger cost implications. Greater time changes to implementation dates. Agenda-setting
5	Considerable alteration of scope of legislation. Large costs to industry, member states or consumers. Strict new limits. Agenda-setting

Turning to adoption, both the Commission and Parliament publish data on the adoption of EP amendments, but the amendments are generally classified either as adopted or not adopted, with no gradation to reflect the extent to which the Commission or Council has taken on board the EP's opinion (Kreppel 1999: 522). Furthermore, any analysis of the EP's legislative influence must distinguish between the types of amendment adopted, as some consist merely of grammatical improvement whilst others propose substantive policy change (ibid: 522). Again we adapted a typology from the EP studies literature involving a five-fold typology ranging from 'not adopted' through to 'fully adopted' (Tsebelis and Kalandrakis 1999; Tsebelis *et al.* 2001). Thus we rank amendments from 0 (not adopted) through to 3 (fully adopted) with a classification for amendments that are no longer relevant because the text of the proposal has been substantially modified or deleted (m) – in effect we have reworked the criteria of 'text modified' from the Tsebelis group's original work. We have also emphasised that the adoption criteria can include the extent to which the EP's meaning has been adopted, rather than insisting upon a word for word interpretation (ibid). For example, it is possible for the Council to adopt the full intent of an EP amendment but alter the wording to make it more legally cogent. We wanted to be able to reflect that fact in our typology. As we were aware that when we came to carry out statistical analyses we would probably collapse the categories into dichotomous variables of 'adopted' and 'not adopted', (with all amendments that had less than 50% adopted falling into the 'not adopted' category), we were careful about our choice between classes 1 (less than 50% adopted) and 2 (more than 50% adopted).

Table 2: Typology of Adoption

Adoption	Description
0	Not adopted
1	Less than 50% of meaning adopted
2	More than 50% of meaning adopted
3	All of the meaning of the amendment adopted
M	Text of proposal that EP seeks to amend is modified or deleted.

In order to take the environmental dimension into account we have further developed the Burns and Carter ‘environmental ambition’ typology based upon the principles of ecological modernisation (Burns and Carter, forthcoming). The typology includes three positive categories of environmental ambition; strong, weak, and marginal ecological modernisation, with two further categories for neutral and negative amendments (see Burns and Carter forthcoming, See Table 3). However, we build upon this approach by combining the importance and environmental ambition scores. As in the earlier work we initially separately recorded environmental ambition and legislative importance, as doing so facilitated decision-making during data collection, (the two properties are easier to assess independently through the development of clear, objective criteria), but when it came to analysing the data, the categories become problematic as there is a degree of interaction between them. Therefore we have developed a new typology which we have termed ‘*environmental importance*’ which combines the two categories, environmental ambition (-1,0,1,2,3) and importance (1,2,3,4,5,) by multiplying them together to give an *environmental importance* score for each amendment of between -5 and 15. These scores were then reduced to five categories: negative (-5, -4, -3, -2, -1), neutral (0), weak (1, 2, 3, 4),

moderate (5, 6, 7, 8, 9) and strong (10+). A key advantage of this approach was that it allowed the same *environmental importance* scores to be generated in different ways. For example, an amendment with a final *environmental importance* score of 3 could be either an amendment with the highest legislative importance score and the second-highest environmental score (i.e. 5x2) or an amendment with the highest environmental score and the second-highest legislative importance (i.e. 3x4). This approach also gives us a way of distinguishing between more and less important negative amendments when reviewing the dataset. Reducing the product of the importance and environmental score to five categories for the purposes of statistical analysis facilitated interpretation and increased the sample sizes within each category.

Table 3: Environmental Typology

CLASSIFICATION	CODE	MEANING
Negative impact	-1	Potential negative impact on the environment. Derogations, exemptions and reduction of stringency of targets, limits or standards.
Neutral impact	0	No discernable impact, negative or positive, on the environment. Include technical and editorial changes.
Marginal impact	1	Potential marginal positive effect on the environment. Lip-service to key concepts. Minor addition to reports, data collection etc, costs. Vague commitments and promises. Limited environmental impact and imposes only minor costs on industry or consumers.
Weak ecological modernisation	2	Implements weak versions of a coherent ecological modernisation strategy. Establishes formal methods of achieving policy integration or applying the precautionary principle. Imposes or tightens deliverable targets, standards or timescales. May apply 'new' policy instruments and impose some costs.
Strong ecological modernisation	3	Applies principles such as binding policy integration, the legal application of the precautionary principle or the use of the polluter pays principle. Makes commitments to international environmental agreements. Adopts stringent targets, standards and timescales, backed by extensive monitoring systems and sanctions. May require extensive reform of political and economic institutions, including significant democratisation of institutions and mechanisms.

Source: Burns and Carter (forthcoming)

Two researchers were involved in classifying the amendments. They classified several cases together to ensure that as far as possible they were using the typologies in the same way and thereafter, each took the lead on specific cases, consulting each other on amendments that were difficult to classify and cross-checking the other person's classifications when completed. The researchers endeavoured to ensure that the amendment codes reflected the change proposed to the original text, thereby avoiding inflating or downgrading the EP's efforts. Moreover, as any evaluation of the environmental impact of amendments could be subjective, in order to limit any error as far as possible the researchers followed Tsebelis and Kalandrakis (1999: 130-1) in erring in the direction of underestimating the environmental impact of amendments. This approach allowed a conservative estimate of the EP's impact on the environment to be offered. In each case the researchers consulted the position of all the key institutions on the amendments, hence the scores given reflect this process of triangulation. Furthermore, where a dossier was very technical or the researchers were uncertain about classification they consulted a wider range of sources in the form of lobbying documents and relevant academic papers.

We then reviewed the dataset identifying key patterns and variables which we used as the basis for developing some hypotheses and engaging in statistical analysis (see below). In addition to this quantitative analysis of the dataset we were keen to gain some practitioner insight on our findings, to ensure that our understanding and interpretation of the data was not based on erroneous assumptions about the dynamics of policy-making. Thus, we presented our initial findings at a practitioner seminar in the EP (Burns *et al.* 2009) and received feedback from those present on a number of

questions that we had identified. We have also conducted some initial interviews with elite participants in the decision-making process.

FINDINGS

Is the EP proposing environmentally important amendments?

To date we have coded 5234 amendments made to 94 pieces of legislation, 59 of which were adopted in the 1999-2004 session (EP5) and 35 in the current 2004-2009 session (EP6). Nearly 50% of the amendments adopted by the EP have been classified as neutral (See Table 4). In our view this finding reflects the fact that many of the amendments deal with technical matters, which range from insignificant editorial changes to, for example, institutionally important comitology amendments, which nevertheless have no explicit environmental content. Only 2.61% of the amendments have been classified as negative and these amendments are invariably derogations. The remainder of amendments have been classified as having some environmental importance, although most of those fall into our weak category (36.36% of the total). Only 2.24% have fallen into our strongest category, but if we combine 2 and 3 then 12.16% of the amendments are moderate or strong under our classification.

Table 4: Environmental Importance of Amendments Proposed by the EP %

Environmental Importance						
	-1	0	1	2	3	Total
1st Reading	2.14 %	36.72%	26.72%	7.17%	1.73%	74.48%
2nd Reading	0.47%	12.15%	9.64%	2.75%	0.51%	25.52%
Total	2.61%	48.87%	36.36%	9.92%	2.24%	100.00

Distribution of the EP's amendments

The EP has adopted amendments classified as '3' (or strong) to only 32 of our 94 pieces of legislation, with a disproportionately high number being addressed to air and water proposals. Air quality legislation accounts for 29% of the proposals analysed thus far and attracts a roughly proportionate number of amendments (23% of the total proposed) but 44% of the strong amendments are addressed to air quality proposals. Water legislation accounts for only 7.4% of the proposals, attracts 15% of the overall amendments but 23% of the strong amendments.

In fact, of the 115 strong amendments proposed, 49 (43%) of them are addressed to only four proposals: the Large Combustion Plant Directive (LCPD) (1998/0225); the Water Framework Directive (1997/0067); the Emission Trading System Directive (2001/0245) and the Waste from Electrical and Electronic Equipment (WEEE) batteries Directive (2003/0282). Three of these proposals (not the LCPD) were new and introduced innovative approaches to policy-making. It also appears that the EP's plenary was more likely to adopt strong amendments in the 1999-2004 session – 71% of the strong amendments were adopted by the EP in EP5 with only 28% of them adopted during the current session. Moreover, as Table 5 shows, in each of our categories of environmental importance (1, 2, and 3) EP5 adopted a greater number of environmentally important amendments than EP6. However, it should be noted that not all the legislation from the EP6 session is included in this analysis.

**Table 5: Environmental Importance of the Amendments Adopted by the EP
According to Session**

Session	Environmental Importance				
	-1	0	1	2	3
EP5 (99-04)	3%	44%	37.4%	12.4%	3.2%
EP6 (04-09)	2.3%	54.4%	34.8%	7.3%	1.2%

The negative amendments are directed to a slightly wider range of proposals (40 out of 94) and the distribution is more even but as with the strong amendments a large and disproportionately high percentage of negatives (42%) are addressed to air quality legislation. As with the strong amendments a high percentage (46%) of the total are addressed to a handful of cases.

Which variables shape the likelihood of the EP’s amendments being adopted?

The two principal questions that we want to address are:-

Is the likelihood of an amendment’s adoption linked to its environmental importance?

Has the EP’s behaviour changed over time – specifically, has it behaved differently in EP5 and EP6?

However, we were aware that at least one other variable, the reading at which amendments are proposed, could significantly affect their adoption. Other studies clearly indicate that the EP is more successful at second reading than at first (Burns and Carter forthcoming). This success at second reading is linked to the rules of codecision under which the EP has a right to conciliation (a face-to-face negotiation) if the Council does not accept its second-reading amendments. The Council generally wishes to avoid conciliation therefore the likelihood of the Council adopting

amendments increases at second reading. In order to incorporate all three variables we chose to test the following hypothesis:

- the adoption of EP amendments by the Council is affected by an amendment's environmental importance, the reading at which the amendment was introduced and the session of the EP.

We used a generalized linear model, fit by maximum likelihood, with a binomial error structure and a logit link function (logistic regression).⁵ The response (dependent) variable was a binary (adopted/not adopted). The data were grouped into total successes and failures for each combination of the explanatory variables. Of the explanatory (independent) variables, environmental importance was entered as a continuous metric variable (0,1,2,3). Whilst this variable is in fact an ordinal categorical variable, it was advantageous to treat environmental importance as a quantitative variable, as this made the model simpler to interpret and reduced the number of parameters estimated by the model (Agresti 2007), which was important as we wanted to test for interactions between our explanatory variables. The reading and session at which amendments to legislation were introduced were entered into the model as categorical factors. Negative amendments and modified amendments were excluded from this analysis, so a total of 4999 amendments were analysed. The maximal model contained environmental importance, reading and session and all possible interactions. Model simplification was conducted by removing non-significant terms at the 0.05 level (starting with the highest-order interaction terms) and testing the significance of the resulting increase in deviance of the model with Chi-squared test (Crawley 2007).

⁵ All analyses were conducted using R version 2.7.1 (Development Core Team 2008).

The logistic regression analysis revealed that the likelihood of an amendment being adopted was significantly affected by an amendment's environmental importance, the reading at which the amendment was introduced and the session of the EP (Table 6). Furthermore, each of the possible two-way interactions between these variables was significant at the 0.05 level. The mean effect of a one-unit increase in environmental importance (calculated from the model with all other variables held constant at their mean value) was a decrease in the likelihood of adoption by 8.3%. Amendments introduced at second reading were, on average, more than twice as likely to be adopted; mean adoption at first reading was 30.8%, but at second reading this increased to 69.5%. Amendments introduced to legislation in session 6 of the EP were more likely to be adopted (mean adoption 58.1%) than those introduced in session 5 (mean adoption rate of 42.2%). The logistic regression model also revealed significant interactions between variables. The effect of environmental importance on the likelihood of an amendment being adopted was significantly affected by both reading and session (Table 6; Fig. 1). The effect of reading on the likelihood of adoption was strongly dependent upon the session at which amendments were introduced (Table 6; Fig.1).

Table 6: Estimates of Maximum Likelihood coefficients, standard errors, Wald z-statistic and p-values for the logistic regression model.

	Coefficient	S.E.	Wald z	<i>P</i>
Environmental Importance	-0.586	0.064	-9.194	<0.001
Reading	0.724	0.129	5.605	<0.001
Session	-0.219	0.084	-2.596	0.01
Environmental Importance: Reading	0.236	0.102	2.311	0.02
Environmental Importance: Session	1.486	0.159	9.336	<0.001

INSERT FIGURE 1 ABOUT HERE

Discussion

Thus far our data show that the EP is proposing environmentally important amendments but it is not proposing many strong environmentally important amendments. Nor on the other hand is it proposing many negative amendments. The concentrated distribution of strong and negative amendments suggests to us that where legislation lends itself easily to tightening emission limits, as in the case of air and water quality, the EP is more able and willing to take a strong stance. Large important pieces of legislation are also more likely to attract strong lobbies resulting in both more strong and negative amendments being proposed. New proposals introducing innovative approaches to policy-making are also likely to attract lobbying, high numbers of amendments generally and proportionally higher numbers of strong and negative amendments.

One of our most striking findings is that the EP's behaviour seems to have changed over time – it is proposing fewer important and negative amendments in EP6 but its success has increased. How do we explain this pattern of behaviour? An obvious explanation is enlargement, which has changed the institutional, geographical and ideological landscape of the EU and EP and is likely to have had an effect upon most aspects of behaviour.

Enlargement has shifted the political centre of gravity of the EP ideologically to the right and geographically to the East. New MEPs have arrived in Brussels from

accession states that have no established tradition of environmental protection. Indeed, no Green MEPs were elected from any of the 10 new member states. Enlargement has also consolidated the right-of-centre European People's Party's position as the largest political group in the EP. An expert survey of EP political groups in 2004 found that the EPP was less progressive than the PES on the environmental dimension and regarded the issue as less salient (McElroy and Benoit 2007: 11, 16)⁶. Under these circumstances it is unsurprising that the EP appears less radical. A clear illustration of the impact of enlargement is the appointment of Czech Christian Democrat, Miroslav Ouzky, to the chairmanship of the EP's environment committee. As noted above, the environment committee has played a crucial role in shaping the EP's environmental reputation, and saw a high level of continuity of leadership between 1979 and 1999. The change of leadership of the committee and certainly the more recent appointment of an inexperienced MEP to the chairmanship of the one of the EP's most important legislative committees, has almost undoubtedly had an impact upon the EP's environmental reputation and behaviour. For example, the environment committee has not had any cases of legislation going to conciliation since Miroslav Ouzky took over as chair. Indeed it was suggested by interviewees from both the Council and Parliament that one explanation for our findings was that the EP's environment committee had lost its desire for conflict with the Council, and its stomach for conciliation (personal interviews, January 2009). The Temporary Committee on Climate Change was also clearly a response of the Socialist Group and key personnel from the European People's Party to fears that the environment

⁶ It is too early to tell whether the apparent 'greening' of the major centre-right parties in France, Germany and the UK since 2006-07 has affected the EPP.

committee would not be able to provide leadership on this issue following Ouzky's appointment (personal interview, January 2009).

The 2004-2009 session has also seen the development and consolidation of norms of decision-making, particularly the use of early first and second-reading agreements under codecision and this seems to be a potentially important explanation for the patterns of behaviour we have observed. Under codecision the EP has up to three readings of legislation, the opportunity to reject legislative proposals and a right to face-to-face negotiations (conciliation) with the Council when the two sides cannot agree. The conciliation process is conducted by equal size delegations from the EP and Council (up to 27 delegates from each) with the Commission present as an interlocutor and facilitator of agreement. However, both Council and EP have agreed that where possible they should avoid conciliation as it is time consuming and difficult to organise. They have also agreed that they should seek to reach agreement as early as possible in the process (European Parliament, Council, and Commission 2007) and early first and second reading agreements are the means by which they achieve this goal.

Under the early first-reading procedure the report adopted by the relevant EP committee is taken as a mandate for negotiations with the Council. Generally speaking the committee rapporteur and shadow rapporteur are delegated responsibility for conducting negotiations with the Council. The Council in turn delegates responsibility for conducting negotiations to Presidency representatives. The Presidency follows discussions on the relevant dossiers in the EP committee and once the report has been adopted by the committee, the Council's representatives open informal negotiations with the EP's rapporteur. The two sides negotiate a compromise

which is then endorsed by the Council and submitted to the EP's plenary normally as a block of amendments that are endorsed.

Under a fast-track second-reading procedure the EP adopts its first-reading opinion and then opens negotiations with the Council before the Council has formally reached its common position. The final text agreed between the EP and Council delegation is then recommended to the EP's plenary for a second reading which simply endorses the product of the negotiations.

Analysis of the stage at which legislation is completed shows that the early-reading procedures are being used much more extensively in EP6 at both first and second reading. Between 1999-2004 just under 50% of the cases we have analysed were concluded after conciliation, whereas of the 2004-2009 cases that we have analysed, less than half of that number have gone to conciliation, indeed almost 46% have been decided via a fast-track first reading procedure (see Tables 7 and 8).

Table 7: Stage at which legislation is completed EP5 (1999-2004)

Stage Completed	Number of Cases	%
Amended Commission Proposal	7	12
Fast-Track First Reading	6	10
Common Position	11	19
Amended Common Position	6	10
Fast-track Second Reading	1	2
Conciliation	28	47
Total	59	100

Table 8: Stage at which legislation is completed EP6 (2004-2009)

Stage Completed	Number of Cases	%
Fast-track first reading	16	46
Fast-track second reading	11	31
Conciliation	8	23
Total	35	100

The increased success rate and apparently weaker content of the EP's amendments in EP6 reflects this increasing use of the early reading agreements – the number of amendments that are fully adopted in EP6 is much higher and they appear weaker because the amendments proposed to plenary are the product of a compromise with the Council. It is well-documented that the evolution of codecision has seen the emergence of a new culture of compromise the EP and Council (see Shackleton 2000; Shackleton and Raunio 2003; Farrell and Heritier 2004; Reh 2008). The EP's willingness to engage in practices that were once the subject of debate within the Parliament (see Shackleton and Raunio 2003) may in turn reflect the fact that the EP faces an increased workload and the advent of enlargement has put pressure upon all the institutions to ensure that the legislative machinery does not grind to a halt.

Conclusions

This paper has further developed existing work on the European Parliament and its environmental behaviour in order to develop an innovative typology for classifying the EP's amendments to environmental legislation. The dataset we are compiling enables us to provide a global portrait of the EP's environmental behaviour over the past decade. Moreover, because the environment committee is one of the largest customers of codecision our findings are relevant not only to the study of environmental policy but also of the EP and EU decision-making.

We find that the European Parliament *is* proposing environmentally benign amendments, but it is not particularly radical and it has proposed fewer strong amendments in the 2004-2009 session than it did in the 1999-2004 session. However, its success rate has increased. The EP's apparently waning environmental ambition reflects the interplay of a variety of factors: enlargement with concomitant changes in the ideological and geographic composition of the EP, and the changing nature of codecision. It remains to be seen what effect the current economic crisis will have on the EP's behaviour. We have yet to complete the dataset for this session but initial analysis of the European Climate Change Package indicates that the Council, and particularly new member states, have been unwilling to agree to amendments that impose significant costs. Consequently, the EP's plenary amendments, which are the output of negotiation with the Council, do not reflect well upon the EP, whilst the amendments proposed to committee, which provided the basis for negotiation, are more radical. This fact highlights one limitation of our approach thus far. When we initially undertook our project we wanted to move beyond a focus solely upon the EP's environment committee, to avoid the skewed analysis which we believe has dogged the literature in this field. We wanted to take a global picture of the EP's plenary and its environmental behaviour. However, the shift to the use of early agreements under codecision, where committee reports are taken as a mandate for negotiation with the Council, means that our focus may inevitably have to shift back to the environment committee, so that we can compare the difference between committee and plenary amendments. It may be the case that when we do so, we find that the EP is more radical than its plenary amendments currently suggest.

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Figure 1: Adoption of EP Amendments by Reading and Session



