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# The European Parliament and environmental legislation: The case of chemicals

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**Abstract.** The paper studies the impact of the EP on legislation on chemical pollutants introduced under the Cooperation procedure. A series of formal and informal analyses have predicted from significant impact of the EP, to limited impact (only in the second round) to no impact at all. Through the analysis of Parliamentary debates as well as Commission and Parliamentary committee documents, we are able to assess the significance of different amendments, as well as the degree to which they were introduced in the final decision of the Council. Our analysis indicates first that less than 30% of EP amendments are insignificant, while 15% are important or very important; second, that the probability of acceptance of an amendment is the same *regardless* of its significance. Further analysis indicates two sources of bias of aggregate EP statistics: several amendments are complementary (deal with the same issue in different places of the legal document), and a series of amendments that are rejected as inadmissible (because they violate the legal basis of the document or the germainess requirement) are included in subsequent pieces of legislation. We calculate the effect of these biases in our sample, and find that official statistics *under*estimate Parliamentary influence by more than 6 percentage points (49% instead of 56% in our sample). Finally, we compare a series of observed strategic behaviors of different actors (rapporteurs, committees, floor, Commission) to different expectations generated by the literature.

## Introduction

European integration has fascinated participants and observers alike, because of its promises, its institutional innovations, and its unpredictable twists and turns. In particular, European institutions evolve in real time, with a major revision every five years or so. Reformers observe the performance of the previous institutional layer, and modify what they perceive to be the undesirable features. Under the circumstances, it is difficult for research (whether theoretical or empirical) to catch up with reality. The new institutional layer is added before the previous one is completely understood. And scholarly cries for more empirical studies multiply (Jacobs 1997; Tsebelis & Garrett 1997).

This paper aims to present a case study of the interaction between different European institutions – the Council, the Commission and the European Parliament (EP) – under the Cooperation procedure which was introduced

by the Single European Act (1987). We use documents from the Parliament (committee reports, plenary debates) as well as the Commission (reports) in order to examine in depth several pieces of legislation protecting the environment from dangerous chemicals. This in-depth examination reveals interesting and sometimes novel features of the interaction between the institutions of the European Union. The paper is intellectually part of in-depth studies of European institutions (Judge 1992; Judge et al. 1994; Golub 1996; Jensen 1997; Kreppel 1997). We try to do theoretically informed empirical research, so that through the compilation of the different studies, an accurate image of the interaction between the different institutions will emerge.

Our findings include: (1) a breakdown of over 100 amendments in terms of their significance (a five point scale) and their degree of acceptance (five point scale); (2) an evaluation of different theories of Parliamentary influence on the basis of this dataset; and (3) a reevaluation of aggregate statistics published by the EP. In particular, we find that the statistics published by the EP contain several aggregation biases, and correction of some of these biases leads to revision of estimators by over six percentage points in the direction of increased EP influence. The conclusions of this paper, along with other case studies can be used subsequently to perform comparisons of the results of the different procedures used by the EU for legislative decisionmaking.

The paper is organized in four parts. First, we present a review of the expectations generated by the theoretical literature. Second, we review the environmental policy of the EU and the legislation we analyzed. Third, we analyze the data and identify two biases existing in the official data: complementary amendments, and informal agenda setting. We then present new evidence of strategic calculations by the different institutional actors. We conclude by relating our findings to the theoretical literature.

## Theoretical literature on European integration

From the 1950s until the 1980s, there were two major theoretical approaches to European integration. The first was (neo)functionalism (Haas 1958; Mitrany 1966; Nye 1971), the second was intergovernmentalism (Taylor 1983; Moravcsik 1991). In a nutshell, the first theory attributed integration to spillover effects from one area to another, while the second attributed the results of integration to the governments that sign the treaties.[1] While the first theory of integration was too optimistic about the rhythms of integration, the second was too pessimistic. Neither one could account for the observed changes over time in speed of the process of integration, nor for the fact that for some period (roughly from the 1960s to the mid 1980s) integration was

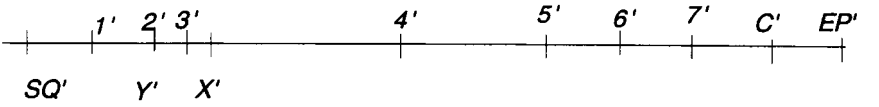


*Figure 1.* One dimensional model of the cooperation procedure: No amendments in equilibrium.

essentially pushed by the European Court of Justice, with other institutions of the European Union taking the lead subsequently.

A new, institutional approach to European integration started developing after the signing of the Single European Act (1987). Researchers started observing that through the legislative process, a single market was emerging. and they started describing and analyzing the institutions that produced this market. Articles and books on the institutions of the EU proliferated (Jacobs et al. 1996; Sbragia 1992; Lodge 1987, 1989; Dehousse 1989; De Zwaan 1986; Fitzmaurice 1988; Weiler 1991; Scharpf 1988).[2] Part of this institutional literature was a series of formal analyses of the powers assigned to different institutional actors by the new legislative procedures, and to the EP in particular (Garrett 1991; Tsebelis 1994, 1995a, 1997; Tsebelis & Garrett 1996; Crombez 1995; Schneider 1995; Stuenenberg 1994; Moser 1997). This literature made more detailed analyses of the Cooperation procedure, and more specific predictions about the legislative outcomes and the influence that different institutions exercise on final outcomes.

While this literature focused sharply on institutions, and the *cause* of different outcomes, the analyses were quite diverse. For some (Tsebelis 1994, 1995a, 1997; Garrett & Tsebelis 1996), the EP had gained significant powers. For others (Crombez 1995; Stuenenberg 1994), the EP had no significant powers. For others still (Fitzmaurice 1988; Moser 1997; Jacobs 1997), the powers were limited.

Let us analyze the logic of these three positions, because our empirical analysis will aim at finding evidence to corroborate or falsify them. According to the first theories, the EP has significant powers because it is a "*conditional agenda setter*" (Tsebelis 1994). In the second round of the Cooperation procedure, the EP can introduce by absolute majority amendments that *if* accepted by the Commission are more difficult for the Council to amend than to accept (unanimity is required for amendments, qualified majority for acceptance).

Figure 1 represents a one-dimensional version of the argument offered by Tsebelis (1994). The Council is represented by seven members (so that the required qualified majority can be approximated by five out of the seven members). The underlying dimension is integration, so that the EP and the Commission are to the right of the country members, while the status quo is

to the left. The strategic calculations of the EP are as follows: It has to offer five members of the Council a proposal that will make them better off than anything that the Council can decide by unanimity (see Tsebelis 1994, 1996). In Figure 1, the Council can unanimously modify the status quo and select anything in the SQ′Y′ area. Consequently, if the EP offers X′ which member 3′ barely prefers over Y′, this proposal will be accepted by the Commission and members 3′, 4′, 5′, 6′, and 7′ of the Council.

Other researchers (Stuenenberg 1994; Crombez 1995) argue that even if the EP behaves in the way described by Tsebelis (1994) in the second round, in the previous round, one of two things would happen: either the Commission liked some of the amendments and made them on its own, or, the EP knew that the Commission would reject its amendments, and consequently did not offer them. Thus, the EP should not be making amendments either because its opinion is already incorporated in the text, or because any changes would be rejected. In Figure 1, the Commission and the Parliament have similar tastes, so the Commission should start the procedure by making the proposal X. Either the EP would understand that no improvement is possible, or that if it offered a different proposal (say its own ideal point), the Commission would reject the amendment. Crombez (1995: 218) puts it succinctly this way: "Proposition 3: Under the Cooperation procedure the Parliament's opportunity to amend the Council's common position does not affect the equilibrium policy".

However, all the statistics of the time were reporting thousands of amendments – a good proportion of them adopted by the Council (see Jacobs et al. 1996). Therefore, a third direction of research tried to reconcile the two approaches. Moser (1996) argues that the impact of the EP is limited. He argues that because of the argument in the previous paragraph, the only way that the EP could make successful amendments is if something changed between the 'first and the second round, in which case the only way that a document can change is through Parliamentary amendments. According to this approach, the EP would have limited success: only in the second round. Other researchers argued along similar lines, although they did not make formal arguments: Bieber et al. (1986: 791) argued that "With regard to the EP, the Single Act is an inconsistent document: Where it increases the EP's powers of participation in decision-making the practical effect is either very limited or diminished because the exercise of the powers is conditional on the *attitude* of the Council and the Commission". Similarly, Fitzmaurice (1988: 391) argued that "despite the appearances of a co-decision model, the Council virtually retains the last word". Jacobs (1997: 6) explicitly criticizes the first approach by making two arguments: first, that there is a tendency for the Council to decide unanimously, and second, that the Commission

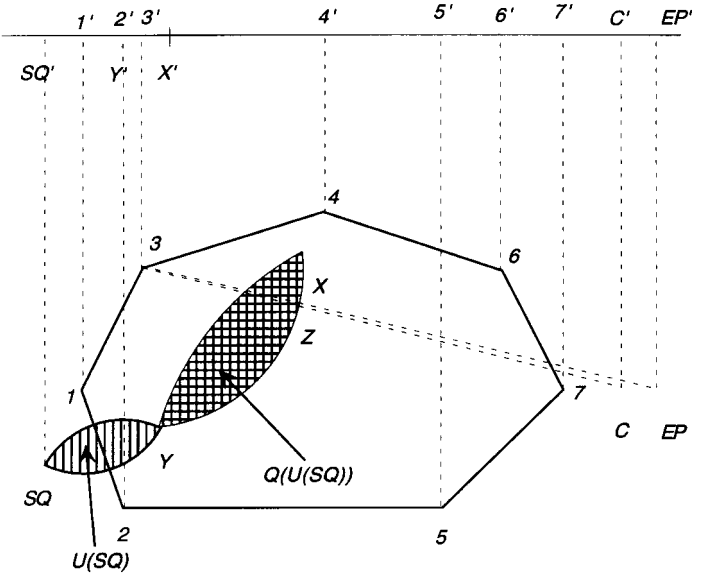


*Figure 2.* Two-dimensional model of the cooperation procedure: Parliamentary amendments are accepted in equilibrium.

has the tendency to "either side with, or at least not go against the most powerful actor, the Council, in the final stages of the procedure … even if it has supported Parliament amendments in first reading …".[3] Finally, Lodge (1987: 23) claims that the EP's limited power stems from the threat to block decisions: "in an alliance with one or more member states prepared to thwart the attainment of the necessary majorities (qualified or unanimous) unless EP's views and amendments were accommodated".

Tsebelis (1996) addresses the criticisms of the other two approaches by arguing that the no-impact or limited impact theories are based on unrealistic assumptions of complete information and single dimensionality of the issue space. Once these assumptions are relaxed, *successful* EP amendments are possible. Tsebelis enumerates several such examples. For instance, the Commission may be willing to compromise with EP because it acts as an 'honest broker', or to avoid friction. But, because of incomplete information about EPs preferences, the Commission may wait to observe the degree of EPs resolve first (indicated, for example, by a strong majority or the assignment of a highly competent rapporteur) and *then* adopt these amendments.

Tsebelis also argues that the Commission may adopt EP amendments if the latter are introduced in a new dimension. Figure 2 is designed to illustrate this argument. Figure 2 starts by replicating Figure 1 in one dimension. Suppose that the Commission started with this representation of the prob-

lem, and made the proposal X. The EP can now introduce an amendment on a different dimension, and generate a two-dimensional policy space. In this space, the preferences of the Council are presented by the numbers 1–7, while the EP and Commission (C) positions are indicated to the right. Again, the EP has to make the following calculations: find what the Council can do unanimously (anything in the area U(SQ)), and make a proposal that makes five members better off than anything inside the area U(SQ). This is denoted by the heavily shaded area Q(U(SQ)) in the figure. Out of all the points in Q(U(SQ)), the Parliament selects the point closest to its own position, while the Commission has the choice of modifying this amendment slightly to Z or (if transaction costs are high) accepting it exactly the way it was written by the Parliament. Comparing Figures 1 and 2 indicates that the Commission prefers the proposal in a two-dimensional space (whether X or Z) over its own one-dimensional proposal.

So, the EP by introducing an amendment in a different dimension generates a different strategic situation both for the Commission and the Council. For the Council, the new situation is generated by the difference in opinion between members 2 and 3 along the new dimension. Because 2 and 3 have significant differences in the two dimensional picture (but not in the one dimensional projection) member 3 is willing to make many more concessions to the Commission and the Parliament than before. The Commission prefers the Parliament's amendment because it makes the Commission significantly better off compared to its initial proposal. As a result, Parliament's proposal is accepted in the first round.

To recapitulate, there are three different theories of Parliamentary influence in the Cooperation procedure: The first claims that the influence is real, and that the EP can use the 'conditional agenda setting' mechanism in order to alter Commission and Council documents significantly. The second claims that the influence is limited, and, consequently, the impressive numbers of amendments offered should either be rejected, should be successful only in the second round (Moser 1996), or should be essentially some kind of an artifact. For example, the other actors could accept the insignificant amendments and reject the important ones creating a false impression of influence. The third, claims that there is no impact whatsoever. The data that we have collected aims at evaluating these theories. But first, we have to discuss briefly the environmental policy of the EU.

## Environmental policy in the EU

The Treaty of the European Community made no reference to the environment or environmental policy until its revision by the Single European Act

in 1987. Despite this apparent lack of Constitutional framework, environmental legislation at the Community level dates as early as 1967. European Community Environmental Policy before the SEA is one of the most prominent examples of the mutation of Community's competencies and jurisdiction (Weiler, 1991).

Legislation of that period included such diverse issues of environmental protection as the marketing of dangerous substances and the protection of the Community's flora and fauna. For cases such as the former, which relate directly to the functioning of the internal market, legislation was passed under Article 100 of the Treaty of Rome. To overcome the lack of legal basis when legislation did not fall in that category, Article 235[4] or the two articles combined were used as legal basis.

Several factors account for this jurisdictional expansion. Environmental concerns became increasingly prominent in advanced industrialized democracies in the late 1960's and early 1970's. In contrast to the otherwise stagnant process of European integration of the period, environmental issues provided a high profile policy area through which Community institutions could preserve legitimacy and promote their involvement in European policy making (Vogel 1992). Furthermore, environmental issues often require coordinated action at an international level in order to be tackled effectively. The European Community provided a natural arena for such coordination. But in many cases, the mutation of Community jurisdiction arose naturally through the need for harmonization and protection of equal competition in the Community's internal market. Measures to protect man and the environment by individual Member States inevitably generated disparities and technical barriers to trade which required regulation at the Community level. While such legislation in principle served the goal of harmonization, it also clearly contained environmental provisions.

Regulation of chemicals is a policy area where all of the above factors operated from the inception of the Community's environmental policy. On the one hand, chemicals are substances with great potential to harm man and the environment, and often these properties are necessary for the product to be efficient. On the other hand, the economic importance of the industry rendered harmonization measures indispensable. Before the recent EU expansion, the Chemical industry was the third largest manufacturing industry in the EU. In 1988, it accounted for about 10% of total value added (Boons 1992). Moreover, the first Community legislative act related to environment was Council Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labeling of dangerous substances.[5] Over the years, the EU developed a comprehensive legislative framework regarding the environment. While the

EP was a vocal supporter of many of these legislative initiatives, it was only after the SEA and the Cooperation procedure that it could play an active part.

The SEA established for the first time the constitutional basis of the European Environmental Policy. However, this is not the most important change it brought about. Indeed, it is hard to find environmental provisions in the SEA that were not already recognized as principles of EEC Environmental Policy (since 1972), the first European Community Environmental Action Program, or active provisions of legislation passed prior to 1986 (Hildebrand 1992). But the SEA provided for procedural changes that had more far-reaching implications. The most important of these changes, not only for environmental policy, was the 'resurrection' of decision making by qualified majority in the Council and the Cooperation legislative procedure.

Article 100a(1) provides for the Cooperation Procedure in measures that "… have as their object the establishment and functioning of the internal market". Furthermore, Article 100a(3) provides for a "… high level of protection" as the base for Commission's proposals "… concerning health, safety, environmental protection and consumer protection". Another result of the establishment of qualified majority and the undertaking of the goal to complete the internal market by 1992 was a significant increase in the pace of progress (Hull 1994: 147). Environmental legislation during the period almost doubled.[6] Tsebelis (1994) and Tsebelis & Kreppel (1998) have argued that the establishment of the new decision making procedures played a fundamental role in this acceleration. Regarding legislation on Chemicals, a series of important legislative acts were passed under the Cooperation procedure in the period from 1988 to 1993, nine of which are the subject of this study (see Appendix A).[7]

This legislation is very complex and almost by definition multidimensional. Economic competitiveness and environmental protection clearly constitute two such dimensions, as they are most often in conflict with each other. Environmental protection involves additional cost for the industry, and when the chemical industry is impacted, such costs might have broader consequences, given the importance of the industry as well as its export-oriented character (Boons 1992). On the other hand, safety at the workplace and consumer protection is also the aim of much of this regulation, sometimes the initial primary objective. Other issues include the impact of notification procedures on research and development (confidentiality of data), as the obligation to release crucial research results may compromise the incentives for the development of new products. Even if the environmental objectives are unanimously accepted, practical considerations generate additional issues, such as optimal technology to meet these goals, availability or suitability of

substitute products when restrictions in marketing are in order, and avoidance of animal experiments when new information is required from industry'.

In general, Parliament's position emphasizes environmental as well as consumer and worker protection as much as possible, often at the expense of economic considerations. The EP in principle endorsed all of the nine legislative initiatives above on the grounds that they constitute progress toward better protection of man and the environment. At the same time, it sought to introduce amendments that better reflected its own position. The EP's pro-environmental stance was consistent with its position on these issues even before its members were directly elected. According to Regina Axelrod (1990), "... it has the strongest environmental orientation among the EC institutions". Also, all of the above legislation was reviewed by Parliament's Committee on Environment, Public Health and Consumer Protection, whose pro-environmental policy positions are well documented (Axelrod 1990; Judge 1992). On the other hand, economic considerations carry more weight in the Council's decisions. Of course, not all countries have identical positions, and it is exactly this possibility of differences of opinion in the Council that makes agenda setting feasible on the pail: of the Parliament. Not all Member States are producers of chemicals to the same extent, and environmental issues are more important in the public opinion of some countries.

Second, in the analysis to follow, we evaluate the impact of the EP on the content of these legislative acts through the introduction of amendments. Thus, we are not considering the informal influence Parliament has in bringing about many of these issues or in putting pressure on the Commission to revise its priorities in favor of initiatives that are of great importance to the EP. This informal agenda setting is also one of the aspects of Parliamentary influence in European policy making and takes the form of both official and unofficial Parliamentary action. For example, the Committee of the Environment, Public Health and Consumer Protection drew a report (A 2-0286/88) calling for a resolution by Parliament in order for the Commission to introduce legislation on batteries and accumulators. Legislation in this area was part of the Commission's program at least from 1987, but it kept being postponed. Although the impact of such pressures on any single piece of legislation is difficult to assess, Parliament, being the only directly elected Community institution, certainly provides the Commission with the political backing necessary to set priorities.[8]

We now turn to the analysis of EP's impact during the legislative process.

**Measuring the EP's impact on legislation**

The standard measure for assessing the success of the EP are tables of the adoption rates of its amendments. Such tables are compiled regularly by DG II of the EP (*suivi des actes parlementaires*). The aggregate statistics make a dichotomous categorization of amendments into those adopted and not adopted. We must make a general remark on these statistics before proceeding. The very existence of amendments indicates that the information different actors have about each other's preferences is incomplete, because otherwise successful amendments would have been introduced in the initial proposal, and unsuccessful ones would not have been offered. Therefore, counting amendments is relevant only in those cases where information transmission is not complete. While it is in principal obvious that information is incomplete in the overwhelming majority of cases (and, consequently, the data should be adequate for empirical research), one has to observe that it is possible that either the wishes of the EP may have been known to other actors, and therefore incorporated in the initial Commission proposal, or the EP may have known that its preferences would not be incorporated in a Council directive and avoided making the corresponding amendment. Existing data would be biased downwards if one could count anticipated amendments, and upwards if one could count non-offered amendments. We try to correct for some (but not by any means all) of these biases.

There is a second shortcoming of the existing aggregate data. Amendments that are not rejected are considered accepted. This is, in our opinion, a very crude measure. We use five categories to obtain a more refined view of the data. Thus, amendments that are adopted in full are categorized as *fully adopted.* If the bulk of the substantive provisions of an amendment are adopted (more than 50%), we classify the amendment as *largely adopted.* We classify those that incorporate less than 50% of the amendment provisions as *partially adopted.* We also use a fourth category (*modified* text) for a fraction of the amendments which cannot be classified in one of the above categories, but cannot be considered as not adopted. These are cases where the corresponding Commission or Council text has changed from the previous reading in ways that do not allow for a clear decision. In our data, these amendments reflect a small fraction of the overall number of amendments. Finally, *non-adopted* or *rejected* amendments are those that Parliament had no success in bringing into the Commission's or the Council's text.

To provide some preliminary information about the influence of the EP, we present the acceptance rate of Parliamentary amendments in both readings in Tables 1 and 2. Legislative documents are referred to by their SYN numbers. These numbers unify several complicated numbering systems used in the Official Journal. 'SYN' are the initial letters of the Greek work *synergasia*

*Table 1.* Acceptance of first reading amendments

| SYN: | Number of amendments | Commission | | Council | |
|---|---|---|---|---|---|
| | | Adopted* | Rejected | Adopted* | Rejected |
| 28 | – | – | – | – | – |
| 42 | 23 | 14 | 9 | 13 | 10 |
| 119 | 12 | 7 | 5 | 6 | 6 |
| 130 | 1 | 0 | 1 | 0 | 1 |
| 170 | 22 | 17 | 5 | 13 | 9 |
| 224 | 10 | 5 | 5 | 5 | 5 |
| 227 | 39 | 11 | 28 | 10 | 29 |
| 239 | 6 | 4 | 2 | 4 | 2 |
| 276 | 26 | 14 | 12 | 14 | 12 |
| All | 139 | 72 | 67 | 65 | 74 |

* Included are adopted, largely adopted, partially adopted, and modified text categories.
*Sources:* Compiled by the authors based on OJC and Commission Reports.

which means cooperation. The number of amendments introduced, adopted and rejected by Commission and Council are provided for each SYN. Table 1 presents the amendments of the first Reading, and Table 2 those of the second reading. The numbers in parenthesis in Table 2 indicate those among the amendments introduced in the 2nd reading that are new in content. Since we are looking at a very specific policy sector, we cannot make claims about the representativeness of our cases. On the other hand, it is important to note at this point that the information in Tables 1 and 2 is roughly in accordance with the overall rate of acceptance from the universe of legislation of the time period we study.

Table 2 presents the amendments introduced in the second EP reading. Some of these amendments reintroduce previous amendments, and some (14 out of 39) are new amendments (numbers in parentheses). New amendments in the second round have a high rate of acceptance, while reintroduction of old amendments has a very low rate of success. The overwhelming majority of first reading amendments are adopted in the first round of the Cooperation procedure. Apart from this last very important point, the mere adoption rate of EP amendments does not tell us much about the significance of Parliament's impact on this legislation. Use of these numbers as evidence of EP influence implies assumptions which await empirical investigation. Specifically, it remains to be determined whether these adopted amendments did actually introduce substantive changes. If, as one would expect, amendments differ with

*Table 2.* Acceptance of second reading amendments

| SYN: | Number of amendments | Commission | | Council | |
|---|---|---|---|---|---|
| | | Adopted | Rejected | Adopted | Rejected |
| 28 | 2(2) | 2(2) | 0 | 0 | 2(2) |
| 42 | – | – | – | – | – |
| 119 | 6(3) | 3(3) | 3 | 3(3) | 3 |
| 130 | – | – | – | – | – |
| 170 | 5(4) | 0 | 5(4) | 0 | 5(4) |
| 224 | 7 | 0 | 7 | 0 | 7 |
| 227 | 12 | 2 | 10 | 2 | 10 |
| 239 | 2 | 1 | 1 | 0 | 2 |
| 276 | 5(5) | 5(5) | 0 | 5(5) | 0 |
| All | 39(14) | 13(10) | 26(4) | 10(8) | 29(6) |

*Sources:* Compiled by the authors based on OJC and Commission Reports. New amendments in parentheses.

respect to their importance, we have to check whether successful amendments were indeed substantive, and if so, to what extent.

*Accounting for the importance of amendments*

Evaluation of the significance of EP amendments is by no means a straightforward undertaking, especially if we consider the technical nature of the legislation studied. Based on the information from Committee reports, the Debates, and Commission documents as well as analyses of this legislation in the relevant literature, we were able to classify the amendments in five categories in order of importance. These are *insignificant*, *significant*, *highly significant*, *important*, and *highly important*. Our evaluation was based on three principles:

1) Amendments have an impact on an array of different dimensions affected by the legislation. But the actors involved in the legislative process and third parties concerned (industry, workers, consumers) attach different importance to the various aspects of these provisions. As much as possible, we consider the impact in all dimensions involved (such as environmental and economic effects, protection of consumers and workers etc.).

2) A qualitative evaluation of the importance of amendments inevitably involves some element of arbitrariness. Since our goal is to assess the EP's impact on legislation, our attempt has been to minimize this error as much as possible, or otherwise, *err in the direction of underestimating the importance*

*of amendments which are adopted in the final text*; This way we can have a conservative estimate of the EP's influence.

3) Our classification of amendments does not imply comparisons of their importance across different legislative initiatives. Rather, we only consider the importance of each amendment, relative to the scope and impact of the legislative initiative in which it was introduced. Our analysis aims to evaluate the EP's influence for each different legislative initiative, relative to what the scope of this initiative allows the EP to achieve.[9]

In view of the above, we categorized amendments according to the following criteria:

– *Insignificant* are amendments that apply only to the version of the text in a specific language, modify the text in order to add or ensure clarity (editing amendments), do not have any substantive legal implications for the final legislative outcome, or introduce provisions that are already covered in the original text.

– *Significant* and *highly significant* are amendments that introduce substantive changes, but do not significantly alter the scope of the legislative initiative, or imply consequences that are comparable in importance to the legislative act itself. *Highly significant* amendments involve clear cases of substantive changes – for example those that modify time limits, introduce requirements for additional cost from industry etc. According to principle 2 above, when such effects are not straightforward to assess, but changes involved are substantive, we classify the amendment as *significant.* Also, we do so if the substantive changes involved are comparably of secondary importance.

– *Important* and *highly important* are the remaining amendments, and these introduce changes that significantly alter the scope of legislation, or imply serious consequences relative to the impact of the overall legislative initiative. For most of the latter cases, we use the *important* category and reserve the *highly important* one for cases of considerable alterations of the scope of legislation. If there is difficulty in making a definite classification of amendment as *highly important*, we classify them as *important.*[10]

A final note is due regarding amendments in the preamble of the legislation. Typically, these amendments do not have direct impact on the legislative outcome. In cases where the preamble of legislation is not overshadowed by more specific provisions in the main text, though, it is possible that these amendments may have an effect to the extent that European Courts apply a teleological interpretation of legislation. For the most part, amendments of the preamble are intended to adjust it to new substantive provisions Parliament introduces in the main text. This, for one thing, implies that many of the EP's amendments are interdependent or complementary. We do correct

*Table 3.* Commission and council acceptance[a] of first reading amendments according to importance[b]

| Category | Total | Commission | | | | | Council | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 1 | 2 | 3 | 4 | 5 |
| Insignificant | 28% | 38% | 5% | 5% | 8% | 44% | 26% | 5% | 3% | 10% | 56% |
| | (39) | (15) | (2) | (2) | (3) | (17) | (10) | (2) | (1) | (4) | (22) |
| Significant | 32% | 27% | 16% | 9% | 2% | 45% | 20% | 16% | 9% | 5% | 50% |
| | (44) | (12) | (7) | (4) | (1) | (20) | (9) | (7) | (4) | (2) | (22) |
| Highly | 24% | 12% | 24% | 12% | – | 53% | 6% | 29% | 12% | – | 53% |
| significant | (34) | (4) | (8) | (4) | – | (18) | (2) | (10) | (4) | – | (18) |
| Important | 9% | – | 38% | 8% | – | 54% | – | 31% | 8% | 8% | 54% |
| | (13) | – | (5) | (1) | – | (7) | – | (4) | (1) | (1) | (7) |
| Highly | 6% | – | 33% | 11% | – | 56% | – | 33% | 11% | – | 56% |
| important | (9) | – | (3) | (1) | – | (5) | – | (3) | (1) | – | (5) |
| All | 100% | 22% | 18% | 9% | 3% | 48% | 15% | 19% | 8% | 5% | 53% |
| | (139) | (31) | (25) | (12) | (4) | (67) | (21) | (26) | (11) | (7) | (74) |

[a] 1 = Fully adopted, 2 = Largely adopted, 3 = Partially adopted, 4 = Modified, 5 = Rejected.
[b] Number of amendments appear in parentheses.
*Sources:* Compiled by the authors based on OJC, Committee Reports, Debates, and Commission Documents.

for this phenomenon further down in our analysis. Neglecting this business of interdependent amendments for the moment, the approach we take for amendments of the preamble is to classify them one category lower than we classify the complementary amendment in the main text, if such a complementary amendment exists. If a complementary amendment does not exist, we classify the amendment as either *insignificant*, or *significant* if it does introduce principles that could serve for a teleological interpretation of the main text and thus effect the legislative outcome.

Table 3 presents the data on the first reading acceptance rates of all amendments for each different category of importance. Table 4 presents the same data for the second reading amendments. From Table 3, we see that 28% of the first reading amendments are *insignificant*, 32% *significant*, 24% *highly significant*, 9% *important*, and 6% *highly important.* Thus, 72% of first reading amendments (100 out of 139) introduce substantive provisions and constitute a significant majority of amendments introduced. Of these, 22% (22 out of 100), are *important* or *highly important* (i.e., they introduce provisions that significantly influence the impact of legislation). When looking at the acceptance rates of these amendments by both Council and

*Table 4.* Commission and council acceptance[a] of second reading amendments according to importance[b]

| Category | Total | Commission | | | | | Council | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 1 | 2 | 3 | 4 | 5 |
| Insignificant | 28% | 55% | – | – | – | 45% | 45% | 9% | – | – | 45% |
| | 11(8) | 6(6) | – | – | – | 5(2) | 5(5) | 1(1) | – | – | 5(2) |
| Significant | 21% | – | 13% | – | – | 88% | – | 13% | – | – | 88% |
| | 8(2) | – | 1 | – | – | 7(2) | – | 1 | – | – | 7(2) |
| Highly | 33% | 15% | 8% | – | – | 77% | 15% | 8% | – | – | 77% |
| significant | 13(2) | 2(2) | 1 | – | – | 10 | 2(2) | 1 | – | – | 10 |
| Important | 10% | 25% | – | – | – | 75% | – | – | – | – | 100% |
| | 4(1) | 1(1) | – | – | – | 3 | – | – | – | – | 4(1) |
| Highly | 8% | 33% | 33% | – | – | 33% | – | – | – | – | 100% |
| important | 3(1) | 1(1) | 1 | – | – | 1 | – | – | – | – | 3(1) |
| All | 100% | 26% | 8% | – | – | 67% | 18% | 8% | – | – | 74% |
| | 39(14) | 10(10) | 3 | – | – | 26(4) | 7(7) | 3(1) | – | – | 29(6) |

[a] 1 = Fully adopted, 2 = Largely adopted, 3 = Partially adopted, 4 = Modified, 5 = Rejected.
[b] Number of amendments appear below percentages. Numbers in parentheses indicate new amendments.
*Sources:* Compiled by the authors based on OJC, Committee Reports, Debates, and Commission Documents.

Commission, we note that there is a very low correlation between rejection by Commission and significance, but there is no correlation between significance and acceptance by the Council. In other words, the probability of acceptance of a Parliamentary amendment is around 50% (ranges from 44% to 50%) *regardless* of its significance.

Table 3 provides further evidence regarding the patterns of acceptance of the different importance categories. We see that *insignificant* amendments are more often *fully adopted* (38% by Commission, 26% by Council), whereas the other categories are incorporated more often in modified form (*largely* or *partially adopted*). The pattern for the *insignificant* amendments is intuitive if we take their nature into account. For example, editing amendments, if adopted, are likely to be fully incorporated in the text. On the other hand, the modification of the substantive amendments is an indication of compromises on the part of the EP with the Commission as well as strategic calculations on the part of Parliament. We will pursue this point further in the rest of our analysis.

Table 4 is somewhat more difficult to interpret at first glance not only due to the small N per category, but also because one has to keep track of the

numbers in parentheses in order to understand the success or failure of new second reading amendments. First, we note again that of the 39 amendments in the second reading, 14 are new in content. Making the calculations from the first column of Table 4, we see that, of the 25 reintroduced amendments, only 3 are *insignificant*, 6 are *significant*, 11 are *highly significant*, 3 *important*, and 2 *highly important.* This composition is in accordance with the EP's practice of insisting on the more substantive of its amendments in the second reading (Judge 1992). We have already shown in Table 2 that reintroduced amendments by the EP in the second reading have very slim chances of success; Table 4 merely replicates this pattern. We also see that new amendments have higher success rates overall, but the number of such amendments per category is too small to make inferences or alter the conclusions drawn from Table 3. All new amendments in the three higher categories of importance are adopted by the Commission, but the Council rejects the two *important* ones. Finally, among the new amendments, the *insignificant* amendments have a very high rate of success (6 out of 8). It turns out that 5 of these 6 adopted amendments (amendments 1 to 5 of SYN 276) amount to the introduction of the same provision, (i.e., they are in some sense complementary), a fact that serves as an introduction for the next step in our analysis.

*Complementary amendments and informal agenda setting*

We have already mentioned, referring to amendments in the preamble of legislation, the fact that many amendments often introduce the same provisions, or complement each other. How often does this happen? And if it happens frequently, does it affect the above analysis? One need only read the text of EP amendments to realize that interdependent amendments are indeed a frequent phenomenon. This interdependence takes many forms, most of which are results of the EP's observation of the germaniess principle (i.e., the requirement that individual amendments should not alter the text in more than one part of the legislation). Hence, there are amendments that delete a provision coupled by another amendment to replace the deleted text (e.g., amendments 19 and 20 of SYN 42), amendments that alter the provisions in the main text that are accompanied by amendments to adjust the preamble of the legislation accordingly (e.g., amendments 9 and 24 of SYN 170), or amendments that simply reintroduce the same provisions many times (e.g., amendments 11, 12, and 13 of SYN 224).

While accounting for complementary amendments in the universe of legislation would be an enormous task, the volume of our data allows us to perform such an analysis and thus obtain a clearer idea about the real impact of the EP. We recount the amendments, counting complementary amendments as one single amendment. We categorize these amendments according to the highest

category of importance among the constituent amendments.[11] We also categorize them accordingly with respect to their adoption by the Commission and the Council. Precisely because these amendments are interdependent, we did not encounter cases where one of these amendments was adopted and its complement was rejected.

There is a second source of bias of the aggregate statistics of Tables 3 and 4. Several of the *non-adopted* amendments introduce provisions that are outside the legal basis, or scope, of the legislative initiative. Clear examples are amendments 4, 6, 30, and 40 of first reading in SYN 227 which extend the scope of the Directive, and require that its provisions apply also to exported substances. These provisions reflect *highly important* amendments, in that they could significantly affect the international competitiveness of the Community's Chemical industry which is very export-oriented.[12] Because they do not relate to the internal market, these amendments had no chance of being incorporated in this legislative initiative. During the debate of SYN 227, the rapporteur Oomen-Ruijten (PPE-NL) clearly states that: "Various amendments tabled by the Environment Committee are apparently not in accordance with the legal basis of the directive. When we deal further with these at voting time, the result should be that the proposal is amended in this respect, . . . "

Furthermore, exported substances were covered by other Community legislation, whose revision was in progress under the Consultation procedure. Commissioner Ripa Di Meana states in the debate of the first Reading: "However, in the light of the fears expressed by Parliament, the Commission will re-examine the interdependence between the present proposal and the Community dispositions – both existing and those that are envisaged – such as the revision, which is currently in progress, of Council Regulation 1734/88 on the import and export of hazardous chemical products, . . . " Thus, the Committee report of the second reading states: "The amendments from Parliament's first reading which were concerned with the export of dangerous substances have not been resubmitted, because this matter is covered by Regulation EEC no 1734/88. A proposal to amend this Regulation is currently before the Council; . . . ".[13] The substance of these EP amendments was indeed incorporated in Regulation 2455/92/EEC concerning the export and import of certain dangerous chemicals.

The above amendments are by no means an isolated incident. We present them more extensively because they fall outside the legal basis of the legislation they were introduced in, and thus they are an indisputable example of EP amendments that could not for legal reasons be incorporated in the final text under the Cooperation procedure. What the above quotations illustrate is that this is often not the EP's real intention when introducing amendments. Rather,

such amendments aim to influence Community policy by putting pressure on the Commission to undertake a commitment to satisfy Parliament through a statement during the debate, or simply provide the Commission with the necessary political support to set legislative priorities according to the EP's views. Thus, Cooperation procedure amendments are used as part of the EP's informal agenda setting (see also Judge 1992: 206).

Similar arguments can be made for several other amendments. For example, in SYN 119 amendment number 4 introduces a new paragraph in the preamble of this legislation which amounts to an expression of intent to undertake Community legislation on waste and introduce restrictions on the use of certain dangerous substances, specifically substitutes of PCBs. The Commission commented that this amendment does not have appropriate legal form. Nevertheless, the Commission offered to satisfy the EP's desire by making a statement to this end. On the same SYN, amendments 6 and 12 aim to introduce the prohibition of DBBT, a substance developed as substitute to PCBs and PCTs. Commission did not accept the amendments because it had undertaken to introduce separate legislation on the issue. In effect, this was the goal of SYN 239, and the EP's views were incorporated there. The same applies to amendment number 5 which refers to the development of a uniform Community method to measure the presence of PCBs and PCTs. Commission had already initiated the process for a Directive covering the subject under the Cooperation Procedure (SYN 161).[14] Specifically, Article 8 of this initial proposal contains a provision for the Commission to set out a uniform method after consulting a committee established by Article 12b of Directive 75/442/EEC. Even though none of these amendments was adopted by the Commission or the Council, Parliament's views were incorporated in other legislative initiatives.

The above examples underline the analytical inadequacy of acceptance statistics that are solely based on the number of amendments incorporated in the final text of each Cooperation procedure. Amendments that are introduced only in order to influence the Community's larger legislative program are reported as *rejected* as if the EP had failed, even if its main goal is eventually achieved (i.e., the content of these amendments is adopted in other legislation). One possible remedy for this problem would be to exclude from our analysis all of the amendments that fall outside the scope of the corresponding SYN. This has the possible drawback that it may overinflate acceptance rates's.[15] A second approach, which we take here, is to identify the fraction of this category of amendments that were eventually incorporated in other legislation, and report them as adopted. Here the drawback. is that we may underestimate EP success, as it is not always possible to trace the survival of amendments in other legislative initiatives or even Commission decisions.

The list of these initially rejected and subsequently accepted amendments is presented in Appendix C.

Tables 5 and 6 reproduce the results of Tables 3 and 4, taking into account the shortcomings of the aggregate data. From Table 5, we see that overall rejection rates are lower for both the Commission (39% vs. 48%) and the Council (45% vs. 53%) compared with Table 4. Regarding the percentages for each importance category, we observe similar patterns regarding the acceptance rates of the Commission and the Council. Across importance categories, we see that there is larger variation from the overall rates. The most notable change is the acceptance of *highly important* amendments. In effect, all of these amendments were incorporated in some form of legislation. As can be inferred by observing the numbers in parenthesis from Table 5, the conclusion regarding the relation between acceptance and importance would not change even if we only considered the effect of complementary amendments. Similar patterns hold for Table 4 vs. Table 6. Thus, our analysis so far is robust, and our conclusions are unaffected – and even strengthened – if we take into account complementary amendments and informal agenda setting of the EP through the Cooperation procedure.

## The strategic calculations of the EP

The EP operates under institutional constraints that do not facilitate strategic coordination. Such constraints include its size and multi-ethnic composition, incomplete information, and the qualified majority requirement that amounts to a *de facto* super-majority rule. It is, therefore, essential to ask how the EP manages to act strategically in order to reach a successful proposal. Clearly, much of this strategic action Lakes place internally, 'behind the scenes'. Thus, even though the vast majority of proposals for amendments originate from committee and are adopted in plenary session in their original form, strategic action might have taken place at an earlier stage. For example, the EP might have already adjusted its opinion based on information it had at the stage of deliberations in the corresponding standing committee.

Committees are a natural institutional device through which a Parliament like the EP can coordinate its action. This is both because of the flexibility that committee meetings provide in order for members to discuss strategic issues, as well as due to the expertise committee members tend to accumulate, which is invaluable in making assessments about complex EU legislation. Hence, it is not surprising that the EP relies heavily on the corresponding committee proposal. There are few cases of amendments tabled by the floor during plenary sessions which were preferred to the committee version.[16] In these

*Table 5.* Commission and council acceptance[a] in first reading, accounting for complementary amendments and informal agenda setting[b]

| Category | Total | Commission | | | | | Council | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 1 | 2 | 3 | 4 | 5 |
| Insignificant | 30% | 38% | 6% | 6% | 12% | 38% | 26% | 6% | 3% | 15% | 50% |
| | 34 | 13 | 2 | 2 | 4(1) | 13 | 9 | 2 | 1 | 5(1) | 17 |
| Significant | 34% | 26% | 26% | 3% | 5% | 41% | 18% | 26% | 3% | 8% | 46% |
| | 39 | 10 | 10(2) | 1 | 2(1) | 16 | 7 | 10(2) | 1 | 3(1) | 18 |
| Highly | 23% | 12% | 27% | 15% | – | 46% | 4% | 31% | 15% | – | 50% |
| significant | 26 | 3 | 7 | 4 | – | 12 | 1 | 8 | 4 | – | 13 |
| Important | 9% | 10% | 40% | 10% | – | 40% | 10% | 40% | 10% | – | 40% |
| | 10 | 1(1) | 4 | 1 | – | 4 | 1(1) | 4 | 1 | – | 4 |
| Highly | 5% | 17% | 50% | 17% | 17% | – | 17% | 50% | 17% | 17% | – |
| important | 6 | 1(1) | 3 | 1 | 1(1) | – | 1(1) | 3 | 1 | 1(1) | – |
| All | 100% | 24% | 23% | 8% | 6% | 39% | 17% | 23% | 7% | 8% | 45% |
| | 115 | 28(2) | 26(2) | 9 | 7(3) | 45 | 19(2) | 27(2) | 8 | 9(3) | 52 |

[a] 1 = Fully adopted, 2 = Largely adopted, 3 = Partially adopted, 4 = Modified, 5 = Rejected.
[b] Number of amendments appear below percentages. Numbers in parentheses indicate amendments adopted in other legislative initiatives.
*Sources:* Compiled by the authors based on OJC, Committee Reports, Debates, and Commission Documents.

*Table 6.* Commission and council acceptance[a] in second reading accounting for complementary amendments and informal agenda setting[b]

| Category | Total | Commission | | | | | Council | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 1 | 2 | 3 | 4 | 5 |
| Insignificant | 25% | 29% | – | – | – | 71% | 14% | 14% | – | – | 71% |
| | 7(4) | 2(2) | – | – | – | 5(2) | 1(1) | 1(1) | – | – | 5(2) |
| Significant | 30% | – | 25% | – | 25% | 50% | – | 25% | – | 25% | 50% |
| | 8(2) | – | 2 | – | 2 | 4(2) | – | 2 | – | 2 | 4(2) |
| Highly | 26% | 29% | 14% | – | – | 57% | 29% | 14% | – | – | 57% |
| significant | 7(2) | 2(2) | 1 | – | – | 4 | 2(2) | 1 | – | – | 4 |
| Important | 7% | 50% | – | – | – | 50% | 50% | – | – | – | 50% |
| | 2 | 1 | – | – | – | 1 | 1 | – | – | – | 1 |
| Highly | 11% | 33% | – | – | 33% | 33% | – | – | – | 33% | 67% |
| important | 3(1) | 1(1) | – | – | 1 | 1 | – | – | – | 1 | 2(1) |
| All | 100% | 22% | 11% | – | 11% | 56 | 115% | 15% | – | 11% | 59% |
| | 27(9) | 6(5) | 3 | – | 3 | 15(4) | 4(3) | 4(1) | – | 3 | 16(5) |

[a] 1 = Fully adopted, 2 = Largely adopted, 3 = Partially adopted, 4 = Modified, 5 = Rejected.
[b] Number of amendments appear below percentages. Numbers in parentheses indicate new amendments.
*Sources:* Compiled by the authors based on OJC, committee reports, debates, and commission documents.

instances, the committee's proposals appear to be more moderate, whereas floor versions were rejected by the Commission and the Council.

One such case involves amendments 11, 12, and 13 of SYN 224. These provided for the labeling of products containing more than 0.01% of cadmium by weight, and had not gotten a majority in committee, as stated by the rapporteur during debate. Rather, the committee had tabled amendments 6, 8, and 10 which provided for a considerably less extreme value of 0.1% of cadmium by weight. Commissioner Ripa Di Meana indicated that the Commission was more favorable towards the committee's version, even though he expressed concern as to whether this provision should be introduced in other Community legislation instead. On the contrary, he was opposed outright to the extreme floor version. The amendments were not adopted by either the Commission or the Council.

The function of rapporteurs as accumulators of expertise and intermediates between the EP and the Commission has been emphasized in numerous instances (Judge 1992; Tsebelis 1995a; Bowler & Farrell 1995; Corbett et al. 1995). Evidence of specialization of rapporteurs is clear in our data. In the nine legislative acts we study, there were 19 committee reports. Eight were

carried by Ursula Schleicher of EPP, four by Alexander Sherlock of the ED, two by R. Oomen-Ruijten and one each by Derek Prag (ED), Beate Weber (S), Ken Collins (S), Vera Squarcialupi (COM) and John Iversen (GUE). Furthermore, these MEPs often participate in EP deliberations in committee or during debates even when they are not rapporteurs. One aspect of this collaboration, is the fact that the EP can keep up with developments in the Council and obtain crucial information about the configuration of preferences among its members.

Consideration of the configuration of preferences in the Council as a guide for EP action is direct evidence of strategic behavior. Committee reports provide evidence for such strategic calculations. In the second reading Committee report of SYN 224,[17] it is stated that "The European Parliament notes with some degree of satisfaction that the Council arrived at its decision by a qualified majority since at least two Member States were also in favor of stricter regulations". Similarly, the second reading committee report of SYN 239,[18] makes note of the fact that the Council Common position was reached unanimously.

Another facet of strategic behavior are compromises on the part of EP. We noted when analyzing Table 3, that a large portion of the substantive EP amendments are adopted in part, and we associated this pattern with compromises in the bargaining process between the EP, the Commission and the Council. What is not clear about this argument is: how are these compromises reached? For most cases, the evidence we have for this process is incomplete and comes from the debates. Specifically, during debates the EP has the right to ask the representative of the Commission present to state the Commission's stance on EP amendments. If the Commission has the view that some of the amendments should be modified or adopted in part, it explicitly states so at this stage of the process. Most often, Parliament then votes on the original version of the amendments but either tacitly or explicitly grants the Commission the discretion to modify these amendments. Both before and during the debate, the role of the rapporteur as the EP's link with the Commission appears crucial.

For example, during the debate of SYN 42, Commissioner Lord Cockfield stated that "… there is very little of substance on which our views differ from the excellent report of Mr. Sherlock and the committee. The Commission hopes that the House will bear this in mind in taking its final decision on the Commission proposal, which, *we are agreed*, will require substantial rewording and restructuring to reflect the committee's views and the amendments which it has put forward and which we accept" (emphasis added). Also, during the debate of SYN 170, Commissioner Millan suggested a compromise on amendment number 9 which provided for a ban of alkaline manganese

batteries which contain more than 0.025% mercury by weight. The original text provided for a limit of 0.3% mercury by weight, and the Commissioner suggested a compromise value of 0.1%. The rapporteur Vera Squarcialupi (COM – Italy) replied that given that the Commission's proposal "... is four times higher than what Parliament proposes, perhaps it would be a good idea to reject the proposal for a directive. However, since the Member States must present the programs by 1 July 1989, in a very few month's time, I think we should vote for the motion for a resolution and adopt our report, in hope that the Commission *adheres to what it has just said* or that it accepts, if not all, then at least most of what we have proposed" (emphasis added).[19]

Apart from the informal consent of Parliament so that the Commission can adopt a more moderate version of EP amendments, there are also instances where strategic EP action is more explicit. Amendment 9 of the first reading of SYN 239 (number 3/revised of the second reading) is by far the clearest such case among our data, and we present it here in detail. SYN 239 provided for an immediate ban on two new dangerous substances, DBBT and ugilec 121. For another substance, ugilec 141, the situation was a bit more complicated, since it had existed in Community markets for some time. An exception was granted for the use of this substance. Specifically, in the cases were the substance is in use in machinery after three years from the adoption of this directive, it can continue being used for the proper maintenance of this machinery, or until it is disposed of, or until it reaches the end of its service life. The machinery involved is usually mining machinery used in coal-mines or in transformers and its effective life can be up to 40 years. Parliament considered it unacceptable that this substance could be in use for so long and requested a definite deadline that would require the appropriate disposal of the substance. The Council was opposed to such a deadline, considering the associated economic costs to be prohibitive.

A first version of EP's amendment provided for a five year deadline. This version did not pass in committee. The amendment was re-tabled at the plenary session. This time it provided for an eight year deadline. Rapporteur Mrs. Schleicher (PPE-DE), expressed support for this amendment and this version obtained a majority. The Commission considered the eight year period too short and did not adopt the amendment. In the second reading, the amendment was initially retabled by the Committee of the Environment. What is interesting, is that during the second reading debate, Commissioner Bangemarin suggested a compromise. An eight year period would still apply for transformers, and a fifteen year deadline for the use of mining machinery. Parliament attached great importance to this issue, as evidenced by both the committee report in second reading[20] and the positions of the rapporteur and Socialist Party during debate. Thus, Parliament voted the revised version of

the amendment which the Commission adopted this time around. Despite the adoption by the Commission, this amendment was not incorporated in the final Council text.

## Conclusions

A series of findings at both the empirical and the theoretical level have to be underlined. The statistics published by the EP are highly aggregated and provide an incomplete and sometimes inaccurate picture. They are incomplete because amendments are not broken down by significance or by degree of acceptance. We were able to provide such a breakdown because of the limited number of amendments involved in our study. The results of our analysis are the following: First, there is no significant difference of acceptance rate based on the importance of the amendment. It is not true that the Council accepts the insignificant amendments while rejecting the significant or important ones in order to create an artificially high number of accepted amendments. Second, Parliamentary amendments are accepted in the first round (despite Moser's expectation), or in the second if they are introduced for the first time. The probability of acceptance of a re-introduced amendment is almost insignificant. Nor did we find evidence supporting Jacobs' thesis that the Commission flip-flops. We did find cases where the Commission partially accepted EP amendments in the first round, the EP insisted on its previous position in the second round, and the Commission rejected the second round amendment (Amendments #4 and part of #5, first reading, and #3 and #4, second reading of SYN 224). But this is not evidence supporting Jacobs' argument. But even if we had found such evidence, it would have been an indication of strategic voting by the Commission; not shifting alliances. Rejection of an amendment in the first round means unanimity in the Council, and if such unanimity exists, the Commission can do nothing to change the Council's decision.[21]

The picture that the aggregate statistics provide may be inaccurate because of a series of biases which cannot be corrected without in depth analysis of amendments. We identified two of these biases. The first is that every amendment counts the same regardless of its content, and consequently, amendments that are introduced several times count as different amendments. Correction of such multiple submissions (which we called 'amendment complementarity') does not affect the analysis. However, a second problem affects aggregate statistics significantly. The rules of legal basis and germaineness require that EP amendments be relevant to the text under consideration. However, the EP uses its power to amend in order to make its positions heard in the long as well as in the short run. A long-run amendment is introduced in

*Table 7.* Commission and council acceptance[a] in each reading accounting for complementary amendments and informal agenda setting[b]

| | Commission | Council |
|---|---|---|
| Acceptance rate in 1st reading | 54.7% | 43.0% |
| (overall cooperation)* | (4,572) | (4,572) |
| Acceptance rate in 1st reading | 51.8% | 46.8% |
| | (139) | (139) |
| Acceptance rate in 1st reading (corrected) | 60.8% | 54.8% |
| | (115) | (115) |
| Acceptance rate in 2nd reading | 44.2% | 23.6% |
| (overall cooperation)* | (1,074) | (1,074) |
| Acceptance rate in 2nd reading | 33.0% | 25.6% |
| | (39) | (39) |
| Acceptance rate in 2nd reading (corrected) | 44.4% | 40.7% |
| | (27) | (27) |
| Total acceptance | 58.3% | 43.4% |
| (estimated[c] overall cooperation) | (5109)[c] | (5109)[c] |
| Total acceptance | 54.2% | 49.0% |
| | (153) | (153) |
| Total acceptance (corrected) | 61.3% | 55.6% |
| | (124) | (124) |

[a] Number of amendments appear in parentheses.
[b] Included are adopted, largely adopted, partially adopted, and modified text categories.
[c] Estimated assumes 50% new amendments in second reading (this assumption overestimates the acceptance rate by the Commission).
*Sources:* Compiled by the authors based on OJC and Commission Reports, *Corbett et al. (1995: 199).

order to extract a commitment that the issue will be revisited and dealt with in the specified way. This is what we called 'informal agenda setting'. Even if the Commission complies with the request, it will reject the amendment in the short run, and introduce a new piece of legislation incorporating the amendment. Aggregate statistics treat the incident as a rejected amendment in the first time, and as no amendment the second. As a result, they underestimate the influence of the EP. The question now becomes: By how much?

Table 7 is designed to correct these two biases. For comparison reasons we provide aggregate statistics provided by the EP, the corresponding numbers and percentages generated by this study, and the correction for complementarity and informal agenda setting. The reader can verify that there is

a difference on the order of ten percentage points when these corrections are introduced. In the final two lines of Table 7, we compare the overall acceptance rates of amendments. For our study, eliminating double counts for amendments was easy (separating between first round, reintroduced and second round amendments and counting how many of them were accepted only once). In the aggregate statistics it is not, because the number of new second round amendments is not reported. Tsebelis (1994) assumed that the number of these amendments was zero and calculated an overall acceptance rate. Today we know that approximately 50% of second round amendments are new amendments, and we recalculate overall acceptance rate on this basis. These estimates overestimate the acceptance rate of the Commission, because there are some amendments that the commission accepts both in first and second round (which are excluded from our calculations). The reader can verify again, that while there is no significance of acceptance of amendments by the Commission, the two approaches generate differences bigger than six percentage points for the Council (we make the comparison between the two estimates generated by our sample).

These results point to the conclusion that the European parliament's influence on legislation is not confined either to insignificant amendments or to amendments introduced in the second round. In terms of a broader comparison among the three major theories of European integration, intergovernmentalism, neofunctionalism and institutionalism our analysis points to the superiority of institutionalism to account for the everyday reality of European integration. Indeed, while our analysis was not designed to provide a crucial experiment among these three theories, the fact that this whole legislative process is ignored by intergovemmentalism and subsumed under the broad concept of 'spillover' by neofunctionalism indicates serious deficiencies of these two theories to capture the process of European integration.

Finally, we saw that rapporteurs are performing strategic calculations and trying to anticipate what will be accepted by other actors and what not, and advise the EP accordingly. The EP as a whole, sometimes accepts these recommendations, sometimes it insists on its previous position, and sometimes it makes proposals that it knows will be defeated in order to exercise informal agenda setting (influence future pieces of legislation). All these calculations are indicative of a strategic body, trying to maximize its influence through its behavior, not of a decorative institution not exercising any influence 'in equilibrium'.

Our study was not designed to present unbiased statistical estimates. We would not be able to select a subject and gain the expertise to evaluate the importance of amendments or the degree of acceptance had we selected a

random sample of amendments or of pieces of legislation. As a consequence of this limitation, other studies will be necessary in order to replicate our results and make sure that environmental legislation is not an exception with respect to the EP's influence.

Some years ago, the Commission made the following statement on the basis of aggregate results: "Since the Single European Act came into force on 1 July 1987, over 50 percent of Parliament's amendments have been accepted by the Commission and carried by the Council. No national parliament has a comparable success rate in bending the executive to its will" (Commission Press release 15 December 1994; quoted in Earnshaw & Judge 1996: 96). In our judgement, this statement indicates a confusion too often present in both official EU texts as well as scholarly work. The role of the EP in the cooperation procedure is not similar to Parliaments in Parliamentary systems. Tsebelis (1995b) and Tsebelis & Garrett (1997) have made the distinction between Presidential and Parliamentary systems in terms of legislative agenda control arguing that Parliaments are agenda setters in Presidential systems, but governments are the agenda setters in Parliamentary systems. They have also argued that the European Parliament under the cooperation procedure resembles more a parliament in a Presidential than a Parliamentary system. Consequently, the comparison across systems that the Commission performs in the quote above is an ill advised one. Having said that, if our results are replicated by other studies, the supporting evidence that the Commission provides is stronger than reported.

## Appendix A: Content of directives covered in this study

– Directive 88/379/FEC[22] on the Approximation of Laws, Regulations and Administrative Provisions of the Member States Relating to the Classification, Packaging and Labeling of Dangerous Preparations (SYN 42) regulates mixtures of chemical substances that form a preparation. Preparations where riot covered by 67/548/EEC and its amendments. According to this directive, any preparation that contains at least one substance that is characterized as dangerous according to conventional testing methods or using concentration limits must meet the same labeling and packaging requirements as dangerous substances. The classification of preparations must be performed according to the greatest degree of hazard and then provisionally be labeled by the manufacturer or importer until systematic classification by the Community procedure.[23] Member States may provisionally prohibit the marketing of dangerous preparations and notify the Commission which may then take action in consultation with the other Member States.

– Council Directive 89/677/EEC[24] amending for the eighth time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (SYN 119). This amendment of the annex of 76/769/EEC adds or introduces new restrictions in the marketing and use of a list of substances (2-naphtylamine, 4-nitrodiphenyl, benzidine, lead carbonates, sulphates, mercury, arsenic and tin compounds).

– Council Directive 89/678/EEC[25] amending Directive 76/769/EEC on the approximation of laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (SYN 28). This directive amends the procedure for adaptation to technical progress of the Annex of 76/769/EEC, as regards substances that are already listed there. The procedure for this adaptation is a decision by a 'Regulatory Committee' (Commitology). For inclusion of new substances, a new daughter' Council directive is required.

– Council Directive 91/157/EEC[26] on Batteries and Accumulators containing certain dangerous substances (SYN 170). This directive establishes a framework for the disposal and recycling of spent batteries. In this respect, it relates to issues of waste management and the corresponding Community policy. It also places restrictions on the marketing of certain batteries containing dangerous substances. These restrictions enter the Annex of Directive 76/769/EEC. Member States are required to draw plans for safe disposal of batteries and/or recycling of batteries. Also, Member States are encouraged to promote research to improve batteries and accumulators and reduce their content of dangerous substances.

– Council Directive 91/l73/EEC[27] amending for the ninth time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (SYN 130). This Amendment introduces restrictions on the marketing and use of pentachlorophenol (PCP).

– Council Directive 91/338/EEC[28] amending for the tenth time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (SYN 224). This tenth amendment of 76/769/EEC adds restrictions in the marketing and use of cadmium.

– Council Directive 91/339/EEC[29] amending for the eleventh time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the

marketing and use of certain dangerous substances and preparations (SYN 239). This Directive introduces restrictions in the marketing and use of three substances (DBBT, Ugilec 121 or 21 and Ugilec 141).

– Council Directive 92/32/EEC[30] amending for the seventh time Directive 67/548/EEC on the approximation of laws, regulations and administrative procedures relating to the classification, packaging and labeling of dangerous substances (SYN 227). This 7th Amendment of Directive 67/548/EEC was initiated in order to "... rectify any anomalies which have come to light since 1981 and also to improve the efficiency of implementation".[31] It places more emphasis on the protection of man and the environment, by amending the aims of the directive in Article I and the preamble. The safeguard clause at the end of the directive allows for restrictions in marketing of substances if they are dangerous for the environment, even if they meet the labeling requirements. Provisions were introduced in order to ensure that importers and domestic producers face the same requirements with respect to notification, and that existing provisions are enforced more effectively for importers. Several definitions are improved, and new harmonized notification requirements are introduced for low volume substances.[32] A provision concerning advertising, requires that the dangerous properties of a substance be mentioned when the product is advertised. Other changes include provisions to ensure that animal testing be kept at the minimal possible level and deal with the issue of confidentiality of data.

– Council Regulation 793/93/EEC[33] on the Evaluation and Control of the Risks of Existing Substances (SYN 276) deals with 'existing substances'. While the sixth amendment of Directive 67/548/EEC provides for the systematic evaluation of substances entering the Community market after September 18, 1981, some 100,000 chemical substances marketed before that date awaited systematic evaluation of their hazardous properties and risk assessment. Regulation 793/93/EEC closed this long-lasting gap in Community legislation. The undertaking of evaluation and risk assessment of existing substances involves collection and processing of an enormous amount of information. It was, therefore, unrealistic to attempt concurrent evaluation and risk assessment for all existing substances. The approach taken in this regulation was to set priorities based on the quantities of the substances involved and work that had already been performed by individual countries and other international organizations such as the OECD. Time limits are set for submission of necessary information depending on the produced or imported quantities of existing substances. Once this information is available, a process of risk assessment[34] follows, based on priority lists.

**Appendix B: List (non-exhaustive) of adopted EP amendments**

SYN 42: By far the most important amendment was number 10 of the first reading which introduced a whole new method for the classification of dangerous preparations.[35] This method relied on concentration limits based on the information about the substances composing the preparation. Amendment number 12 was incorporated in part and extended the provisions requiring safe packaging of dangerous preparations, in particular for children and the general public. Amendment 14 revised the labeling requirements for preparations, so that they convey the necessary safety information in a simpler manner. Amendments 19 and 20 altered provisions regarding requirements to disclose data about the contents of preparations so that confidentiality of commercially valuable information be protected, and at the same time ensure that all necessary information be available for medical purposes and safety at the workplace.

SYN 119: Amendment number 8 of the first reading extends the restrictions on the use of mercury compounds as wood preservatives. Amendments 1 and 3 of the first reading make reference to International Labor Conventions that regulate benzene and white lead in order to ensure that these provisions for safety at work will not be overshadowed by the provisions of the directive. Amendments 6 and 7 of the second reading introduce exceptions to restrictions on the use of white lead sulphates and lead carbons in order to protect historical buildings. Use of these substances under the above derogation is still subject to the relevant ILO convention.

SYN 170: Amendments 9 and 24 of the first reading extend the ban on the marketing of alkaline manganese batteries that contain more than 0.025% mercury by weight. The Commission 5 initial proposal provided for a value of 0.3%. Thus, the final text reflects a very significant reduction of this limit.[36] Amendments 17 and 19 of the first reading refer to the dates and range of applicability of the directive. These amendments reduce the value of the heavy metal content of batteries over which the directive is applicable, and alter the dates for the entry into force of these provisions The initial proposal provided for a gradual reduction of weight limits for the application of the directive's provisions. The final text reflects a significant reduction in these weight limits, as well as uniform and earlier date of implementation than the initial proposal.

SYN 224: This directive aimed at the immediate or gradual restriction of the use of cadmium in three areas of application: pigments, stabilizers, and plating. A ban to the use of cadmium applies to a list of products, or sectors or articles depending on the area of application. The directive is applicable in different time limits, ranging from immediate ban to a period of adjustment of 3 to 5 years. The EP introduced amendments 2, 4, 5, 7 and 9 to reduce

these time limits. The final text reflects, at least in part, a reduction in these time limits.

SYN 227: Amendment number 33 of the first reading and 11 of the second reading was incorporated in part in the final text. The new provisions require that all dangerous categories of a chemical substance be mentioned when the substance is advertised. Amendments 28 and 29 of the first reading were adopted in part and introduce tighter requirements for packaging of dangerous substances, especially regarding child safety. Other adopted amendments include numbers 22 and 23 of the first reading regarding a time limit within which notified authorities should react. Also, amendment number 1 of the first and second reading modifies the preamble to emphasize that harmonization measures are taken also in order to protect man and the environment, apart from establishing the internal market.

SYN 276: Amendment 8 of the first reading extends the scope of the directive by including consumer protection and safety at work among the risks of existing substances to be evaluated. Parts of amendments 10, 11, and 20 extend the applicability of the regulation to substances that are incorporated in preparations. Amendment number 14 stipulates that priority lists for risk assessment of existing substances should be compiled after taking into account the priority lists of Member States. Also, in combination with amendment number 3, it introduces a one year deadline for the compilation of these priority lists. Amendments 5, 7 and 22 introduce new provisions that further the expressed goal of the regulation to keep the number of animal experiments at the minimum possible level.

## Appendix C: List (non-exhaustive) of rejected amendments adopted[37] in other initiatives

- Amendments #4 first reading, #1 second reading, SYN 119. Largely adopted in Council Directives 91/339/EEC (SYN 239), 96/59/EEC.[38]
- Amendments #5 first reading, SYN 119. Largely adopted in Council Directive 96/59/EEC.
- Amendments #6 and #12 first reading, −2 and #5 second reading, SYN 119. Adopted in Council Directive 91/339/EEC (SYN 239).
- Amendments #10 and #18 first reading, #2 second reading, SYN 170. In modified text in Commission Directive 93/86/EEC.[39]
- Amendment #1 first reading, #1 second reading, SYN 224. According to the New Approach Commission requested the CEN to take action towards satisfying EP's suggestion.[40]
- Amendments #6, #11, #30, and #40 first reading, SYN 227. Adopted in Council Regulation 2455/92/EEC.[41]

– Amendments #2 and #37 first reading, #2 and #12 second reading, SYN 227. In modified text in Council Directive 96/82/EEC.[42]

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## Notes

1. For a detailed account of the two theories see Keohane & Hoffman (1991) and for criticisms see Tsebelis & Kreppel (1997) and Garrett & Tsebelis (1996).
2. Actually, Scharpf's seminal article occupies an intermediate position between intergovernmentalism and institutionalism, because while it describes decision making in the Council it uses an intergovernmentalist logic of convergence to the least common denominator.
3. Strictly speaking, Jacobs' argument is not a refutation of Tsebelis' thesis: Tsebelis (1994) 'conditional agenda setting' argument is predicated upon acceptance by the Commission, and absence of unanimity in the Council. He does not make any prediction about how often these conditions will obtain. However, if these conditions are rarely met, conditional agenda setting becomes less empirically relevant. For this reason we will examine Jacobs' claims empirically below.
4. Article 235 of the Treaty of Rome allows for the possibility of Community level legislation in fields not covered explicitly by the Treaty.
5. OJL 1996, 16.8.1967.
6. Carlo Ripa di Meana, in Preface of Commission of the European Communities, Directorate-General XI, 1992.
7. Excluded are directive 88/320/EEC on Good Laboratory Practice for which the EP did not introduce any amendments, and a directive on Biotechnology (90/220/EEC), a new field of legislation at the European level. For a summery of EP's impact on the Biotechnology Directives see Judge 1992: 204–205.
8. Judge (1992), Tsebelis (1994), Corbett et al. (1995) mention this influence of EP before the legislative stage.
9. One could also regard this approach as a view of each legislative initiative as a different 'game'.
10. Based on the second principle of our classification, it is possible that we classify some 'important' or 'highly important' amendments as 'highly significant'.
11. The case when two complementary amendments are given a different importance category happens mainly for amendments in the preamble.
12. Commission of the European Communities, 1991, pp. 66–67.
13. PE 154.109/final, p. 10.
14. COM (88) 559/final. This initiative became law with considerable delay in 1996 (Directive 96/59/EEC) due to disagreement regarding the appropriate legal basis.

15. If we set aside the clear case of amendments that fall outside the legal basis of Cooperation (as the amendments on exported substances mentioned earlier), amendments that fall outside the initial scope of legislation can in principle be adopted in any legislative initiative. It is then an issue of 'legislative technique' to determine which legislation is appropriate for the content of these amendments. Thus, when Commission rejects some amendments on the basis of the fact that they fall outside the scope of the current legislative initiative, it is not always straightforward whether this is the only reason or there is also substantive disagreement.
16. Unfortunately, we do not have access to the content of amendments from the floor that do not obtain a majority by EP.
17. PE 148.070/final, p. 7.
18. PE 148.260/final, p. 7.
19. In this case, Council went even further than Commission in adopting EP's views in its Common Position, and one could argue that the strategic value of this compromise is in doubt. We note that a similar incident took place in the famous case of the car emissions Directive (Tsebelis 1996). Without it being possible to dismiss this possibility, it is highly unlikely that Commission attempted to impose its position against both a majority in Parliament *and* a unanimous Council.
20. PE 148.260/final.
21. In fact, we found two cases where a modification of the Commissions opinion made the Council change its mind: Amendment #1 and part of amendment #11 of second reading of SYN 227 were adopted by the Commission and rejected by the Council in the first round; in the second round the Commission argued in front of the EP that insistence on these amendments was futile, the Parliament insisted, the Commission adopted, and the Council modified its opinion.
22. OJL 187, 1988, p. 14.
23. Commission of the European Communities, 1992, Directorate-General XI, vol. 3, Chemicals.
24. OJL 398, 1989 p. 19.
25. OJL 398, 1989, p. 24.
26. QJL 78, 1991, p. 38.
27. OJL 85, 1991, p. 34.
28. OJL 186, 1991, p. 59.
29. OJL 186, 1991, p. 1.
30. OJL 154, 1992, p. 1.
31. Commission initial proposal, COM(89) 575/final.
32. Less than one tone.
33. OJL 84, 1993, p. 1.
34. Unlike classification of chemicals according to their dangerous properties, risk assessment involves an evaluation of the dangers for man and environment from the quantities and ways the given substance is used. Hence, it goes beyond identification of the intrinsic properties of the substance. For a simple example see Commission of the European Communities, 1991, pp. 47–48.
35. This amendment reflected a change of opinion in Commission since its initial proposal, and was very close to a compromise discussed in the "… Council working party", PE 108.686/final, p. 33.

36. We will further discuss this amendment when considering the strategic aspects of EP action.
37. Included are fully, largely, partially adopted, and modified text categories.
38. OJL 243, 1996, p. 31.
39. OJL 264, 1993, p. 51.
40. COM (90) 545/final, p. 5, SEC(91) 946/final, p. 2. Text Modified.
41. OJL 251, 1992, p. 13.
42. OJL 10, 1997, p. 13.

## References

Axelrod, S.R. (1994). Environmental policy and management in the European Community, in N.J. Vig & M.E. Kraft (eds.), *Environmental Policy in the 1990s: Toward a New Agenda* (pp. 253–273). Washington DC: CQ Press.

Bowler, S. & Farrell, M.D. (1995). The organizing of the European Parliament: Committees, specialization and co-ordination, *British Journal of Political Science* 25: 219–243.

Collins, K. & Earnshaw, D. (1992). The implementation and enforcement of European Community environment legislation, *Environmental Politics* 1(4): 213–249.

Commission of the European Communities, Brussels: CEC. COM (83) 556/final. COM (85) 364/final. COM (87) 39/final. COM (87) 633/final. COM (88) 7/final. COM (88)190/final. COM (88) 559/final. COM (88) 672/final. COM (89) 316/final. COM (89)454/final. COM (89) 548/final. COM (89) 52/final. COM (89) 606/final. COM (89) 575/final. COM (89) 665/final. COM (90) 227/final. COM (90) 545/final. COM (90) 566/final. COM (90) 562/final. SEC (91)138/final. SEC (91) 946/final. COM (91)186/final. COM (91) 469/final. COM (92) 8/final. COM (92) 601/final.

Commission of the European Communities (1990). *Environmental Policy in the European Community.* Luxembourg: Office for Publications of the European Communities.

Commission of the European Communities, Directorate-General XI (1991). Chemicals Control in the European Community. Cambridge: The Royal Society of Chemistry.

Commission of the European Communities, Directorate-General XI (1992a). European Community Environmental Legislation, vol. 1, General Policy. Luxembourg: Office for Publications of the European Communities.

Commission of the European Communities, Directorate-General XI (1992b). European Community Environmental Legislation, vol. 3, Chemicals, Industrial Risks and Biotechnology. Luxembourg: Office for Publications of the European Communities.

Coppock, R. (1986). *Regulating Chemical Hazards in Japan. West Germany, France, United Kingdom, and the European Community: A Comparative Examination.* Board on Environmental and Toxicology Commission on Life Sciences, National Research Council. Washington: National Academy Press.

Debates of the European Parliament. Luxembourg: EP.

Dehousse, R. (1989). 1992 and beyond: The institutional dimension of the internal market programme, *Legal Issues of European Integration* 109–136.

De Zwaan, J. W. (1986). The single European act: Conclusion of a unique document, *Common Market Law Review* 23: 747–765.

Earnshaw, D. & Judge, D. (1996). From co-operation to co-decision: The European Parliament's path to legislative power, in J. J Richardson (ed.), *European Union: Power and Policy-Making.* London: Routledge.

The EC Committee of the American Chamber of Commerce in Belgium (1995). EU Environment Guide.

European Parliament Committee Reports. Luxembourg: EP. (PE 108.686/final. PE 121.083/final PE 123.475/final. PE 126.065/final. PE 128.340/final. PE 130.076/final. PE 128.437/final. PE 134.038/final. PE 134.045/final. PE 134.111/final. PE 140.092/final. PE 140.093/final. PE 141.305/final. PE 145.154/final. PE 145.362/final. PE 148.070/final. PE 148.260/final. PE 148.066/final. PE 154.109/final. PE 202.657/final.

Fitzmaurice, J. (1988). An analysis of the European Community's co-operation procedure, *Journal of Common Market Studies* 4: 389–400.

Garrett, G. & Tsebelis, G. (1996). An institutional critique of intergovernmentalism, *International Organization* 50: 269-2-99.

Golub, J. (1996). State power and institutional influence in European integration: Lessons from the packaging waste directive, *Journal of Common Market Studies* 34(3): 313–339.

Haas, E. (1958). *The Uniting of Europe.* London: Stevens Press.

Haigh, N. (1987). Collaborative arrangements for environmental protection in Western Europe, in G. Enyedi, A. Gijswijt & B. Rhode (eds.), *Environmental Policies in East and West*. London: Taylor Graham.

Höll, O., ed. (1994). *Environmental cooperation in Europe: The Political Dimension.* Boulder: Westview Press.

Hull, R. (1994). Environmental policy of the EC, in O. Höll (eds.), *Environmental Cooperation in Europe: The Political Dimension.* Boulder: Westview Press.

Jacobs, F. (1997). Legislative co-decision: A real step forward? Paper presented at the Fifth Biennial ECSA Conference in Seattle.

Jensen, C. (1997). The European Parliament's role in forming occupational health and safety policy. Paper presented at APSA 1997.

Judge, D. (1992). Predestined to save the Earth: The environment committee of the European Parliament, *Environmental Politics* 00: 186–212.

Judge, D., Earnshaw, D. & Cowan N. (1994). Ripples or waives: The European Parliament in the European Community Policy Process, *Journal of European Public Policy* 1: 27–52.

Keohane, R.O. & Hoffman, S. (1991). Institutional change in Europe in the 1980s, in R. Keohane & S. Hoffman (eds.), *The New European Community: Decisionmaking and Institutional Change.* Boulder, Colorado: Westview Press.

Krämer, L. (1987). The single European act and environmental protection: reflections on several new provisions in community law, *Common Market Law Review* 24: 659–688.

Krämer, L. (1990). *EEC treaty and environmental protection*. London: Sweet & Maxwell.

Krämer, L. (1993). Environmental protection and article 30 EEC treaty, *Common Market Law Review* February, V30 N1: 111–143.

Kreppel, A. (1997). The European Parliament's influence over EU policy outcomes: fantasy, fallacy or fact?, Prepared for the 1997 annual meeting of the American Political Science Association, Washington DC, August 28–Sept 1.

Liefferink, J.D., Lowe, P.D. & Mol, A.P.J., eds. (1993). *European Integration and Environmental Policy*, Belhaven, London & New York.

Lodge, J. (1987). The single European act and the new legislative cooperation procedure: A critical analysis, *Journal of European Integration* 11: 5–28.

Lodge, J. (1989). The European Parliament – From 'assembly' to co-legislature: Changing the institutional dynamics, in J. Lodge (ed.), *The European Community and the Challenge of the Future.* London: 59–79.

Mitrany, D. (1966). *A Working Peace System.* Chicago: Quadrangle Books.

Moravcsik, A. (1991). Negotiating the single European act: National interests conventional statecraft in the European Community, *International Organization* 45: 19–56.

Nye, J.S. (1971). Comparing common markets: A revised neofunctional model, in Lindberg and Scheingold (eds.), *Regional Integration.* Cambridge: Harvard University Press.

Sands, P. (1991). 'European Community Environmental Law: The evolution of a regional regime of international environmental protection, *The Yale Law Journal* 100: 2511-2523.

Scharpf, F.W. (1988). The joint-decision trap: Lessons from German federalism and European integration, *Public Administration* 66: 239–278.

Schneider, G. (1995) The limits of self-reform: Institution-building in the European Union, *European Journal of International Relations* 1: 59–86.

Sbragia, A., ed. *Euro-Politics.* Washington D.C.: Brookings.

Straaten Van Der, J. (1992). A sound European environmental policy: challenges, possibilities and barriers, *Environmental Politics* 1(4): 65–83.

Stuenenberg, B. (1994). Decision-making under different institutional arrangements legislation by the European Community, *Journal of Institutional and Theoretical Economics* 150: 642–669.

Taylor, C. & Press, A. (1990). *Europe and the Environment*. London: The Industrial Society.

Taylor, P. (1983). *The Limits of European Integration.* London: Croom Helm.

Tsebelis, G. (1994). The power of the European Parliament as a conditional agenda setter, *American Political Science Review* 88(1): 128–142.

Tsebelis, G. (1995a). Conditional agenda-setting and decision making European Parliament, *The Journal of Legislative Studies* 1(1): 65–93.

Tsebelis, G. (1995b). Decision making in political systems: Veto players in presidentialism, parliamentarism, multicameralism, and multipartyism, *British Journal of Political Science* 25: 289–326.

Tsebelis, G. (1996). More on the European Parliament as a conditional agenda setter: Response to Moser, *American Political Science Review* 90(4): 839–844.

Tsebelis, G. & Garrett, G. (1996). Agenda setting power, power indices and decision making in the European Union, *International Review of Law and Economics* 16: 345–361.

Tsebelis, G. & Garrett, G. (1997). Agenda setting, vetoes, and the European Union's co-decision procedure, *Journal of Legislative Studies* 3: 74–92.

Tsebelis, G. & Kreppel, A. (1998). The history of conditional agenda setting in European institutions, *European Journal of Political Research* 3: 41–71.

Vandermeersch, D. (1987). The single European act and the environmental policy of the European Economic Community, *European Law Review* 12(6): 407–429.

Vogel, D. (1992). Environmental protection and the creation of a single European market, Prepared for delivery at the 1992 Annual Meeting of APSA.

Vogel D. (1993). Environmental policy in the European Community, in Sheldon Kamieniecki (ed.), *Environmental Politics in the International Arena.* Albany: University of New York Press.

Weiler, J.H.H. (1991). The transformation of Europe, *The Yale Law Journal* 100: 2403–2483.

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