

CODING DESCRIPTION

Each piece of legislation is presented in an Excel file. Each file has 4 sheets. The first sheet contains the complete text of all the entries that were amended by the European Parliament (EP). On the first sheet, any text in the original version or Council common position that the EP deleted is underlined. Text added by the EP is italicized. Each new entry is distinguished by a title in bold face. In the EP column the title is preceded by the number of the amendment. For example, in COD 00/426 the Commission's original version of the first paragraph of the eleventh article was typed in boldface, "**Article 11, paragraph 1.**" The EP amendment to this entry was the fifty-eighth amendment introduced on the floor and was entered as "**#58 Article 11, paragraph 1.**"

The second sheet has a brief summary of each entry. In the third sheet, the information is represented in numerical form using scales that will be discussed in more detail below. The tables below provide keys to the numerical coding on sheet 3. The summaries on sheets 2 and 3 include an assessment of the degree of adoption of each EP amendment. Each response in the Commission first and second revisions (COM I and COM II respectively) and the Council's Common position and the final directive are examined in relation to the EP amendment and coded on a 5 point scale of degree of adoption. If the amendment was adopted in full then the summary for that stage of the procedure is "ADOPTED." When more than half of the amendment was incorporated into the Commission or Council version in question, then the summary is "LARGELY ADOPTED" and when less than half of the amendment was adopted, the sheet 2 summary is "PARTIALLY ADOPTED." When the Council or Commission response resembled

neither the EP nor the original version the response to the amendment was coded as “MODIFIED.” If none of the EP changes were incorporated into the entry, the response was coded as “NOT ADOPTED.”

| <u>Substantive Meaning</u> | <u>Sheet 2 Summary</u> | <u>Sheet 3 Numerical Code</u> |
|---|------------------------|-------------------------------|
| Amendment adopted verbatim | ADOPTED | 1 |
| More than half adopted | LARGELY ADOPTED | 2 |
| Less than half adopted | PARTIALLY ADOPTED | 3 |
| Change by Commission or Council not like EP or original version | MODIFIED | 4 |
| Amendment rejected entirely | NOT ADOPTED | 5 |

TABLE 1: KEY TO DEGREE OF ADOPTION CODING

Responses to amendments that are coded as modified indicate that a change was made which could not be identified as being either more in line with the original version or the EP version. Such a change is not necessarily counter to the wishes of the EP. It may well be the case that the change instituted by the Commission or Council is on a new dimension of the issue, in which case there is no reason to believe that the change was agreeable or disagreeable to the EP. For that reason these changes are distinguished from simple NOT ADOPTED cases. A response to an amendment is most often coded as MODIFIED when the response to an EP amendment is to delete the entire amendment rather than adopt either the EP or original version.

It is important to note that reasonable people might disagree about the exact values assigned to entries. However, the scale is intentionally broad and loose and was designed

to capture overall trends rather than precise changes in meaning. In all cases, coders are instructed to “be conservative” in assessing the degree of adoption of EP amendments. For example, if a coder is unsure about whether to declare an amendment partially or largely adopted, he is encouraged to choose the former.

In its second reading the EP may take any one of a number of actions. If the EP chooses not to amend the entry further, the EP is said to have taken “NO FURTHER ACTION.” Alternatively, the EP can simply reintroduce its first round amendment in the second round without change. Often the EP reintroduces a first round amendment but with some substantive modifications, possibly in an attempt to arrive at a compromise. Finally, the EP can introduce a completely new amendment to an entry either along a new policy dimension or entry that first appeared in the Council’s Common Position.

| <u>Sheet 2 Summary</u> | <u>Sheet 3 Numerical Code</u> |
|------------------------------------|-------------------------------|
| NO FURTHER ACTION | 1 |
| REINTRODUCED | 2 |
| REINTRODUCED WITH MODIFICATIONS | 3 |
| NEW AMENDMENT | 4 |

TABLE 2: KEY TO EP II AMENDMENT TYPE SUMMARIES

The fourth sheet provides the citations for each version of the bill, the length of the bill’s final version, and any miscellaneous notes. The final versions of legislation are published in the Official Journal of the European Communities: Legislation, also known as “Series L” or “OJL.” All previous versions of the legislation are published in the Official Journal of the European Communities: Information and Notices, also known as “Series C” or “OJC.” The cites on sheet 4 indicate the series (OJC or OJL), the issue number, the date of publication followed by the page number. For example, “OJC 315 22/11/93: 139”

is a reference to page 139 of issue 315 of 1993 in the Information and Notices series of the Official Journal. In many cases, information regarding previous versions was not published in the OJC and was instead released in a microfiche document designated by a number such as “COM(96)0229.”

EXAMPLE. To help the reader understand how the data was created and to assist in reading the individual spreadsheet files, consider the example of amendment #58 in COD 00/426 below. The next several paragraphs are a step by step discussion of the coding of this one amendment. Amendment #58 was chosen because it contains responses to the EP that were coded as **PARTIALLY ADOPTED** as well as **MODIFIED**. Furthermore, the EP’s second round action on this entry was to reintroduce its first round amendment with modifications. Thus, tracking this amendment presents examples of the most complicated situations at the same time.

On sheet 1 any text in the original version that the EP deleted was underlined. Text added by the EP in their version of the entry was italicized. For example, the original version of the first paragraph of the eleventh article of COD 00/426 on Novel foods is entered into the first Excel sheet as follows:

Article 11, 1st paragraph This Regulation shall enter into force on 1st January 1993 (OJC 190 29/7/92: 3).

In addition to deleting the underlined text above, the EP added replacement text that was italicized.

#58 Article 11, 1st paragraph This Regulation shall enter into force *30 days after the publication of the list referred to in Article 3(2) and on 1 January 1994 at the earliest* (OJC 315 22/11/93: 139).

The Commission first revision response to amendment #58 was entered into the Excel file on sheet 1 as:

Article 10, 1st paragraph This Regulation shall enter into force 20 days after its publication in the Official Journal of the European Communities (OJC 16 19/1/94: 10).

The Commission's response incorporated the EP's change to basing the date for entry into force on publication in the Official Journal. However, the Commission did not specify that January 1, 1994 should be the earliest possible date for entry into force. This constitutes a partial adoption of the EP amendment. Note that in the Commission's first revision response the title has changed. As the bills go through the legislative process there are frequent changes in position due to changes in the order of subjects addressed or due to the deletion or addition of previous articles.

The second round begins with the Council's common position. Continuing with the example from COD 426, the common position was entered as follows:

Article 15 This Regulation shall enter into force 12 months following the day of its publication in the Official Journal of the European Communities (OJC 320 30/11/95: 1).

In this case the Council changes the time frame being debated from a few weeks or a month to a full year, far beyond what the EP asked for. For this reason the Council's response cannot be reasonably determined to be closer in the issue space to either the original Commission proposal or the EP's proposal. Indeed it is certainly possible that the

EP would have preferred the Commission time frame to that proposed by the Council. The Council version is so different from both previous versions that it was coded as MODIFIED.

The EP second round amendment of article 15 reflects the EP's attempt to restore a time frame for entry into force that involved considerably less delay than that proposed in the Council's Common Position. The EP's second reading version of this article was given in the forty-eighth amendment introduced on the floor during the second reading:

#48 Article 15, first paragraph This Regulation shall enter into force *90 days* following its publication in the Official Journal of the European Communities (OJC 96 1/4/96: 27).

The EP's second round amendment is along the same dimension as its first round amendment, however it is not a mere reintroduction of its first round position. In the second round the EP has chosen to REINTRODUCE WITH MODIFICATION. The Commission's response in its second revision was to adopt the second round EP text verbatim (COM(96)0229). The Council also adopted the EP's modified amendment (OJL 43 14/2/97:1).

The example discussed above is not intended to be representative. It was chosen purely because of its complexity. Most of the entries are considerably more straightforward than amendment #58 of COD 00/426. The description above is intended to get the reader to the point where he or she can examine the data in its raw form. Questions or comments regarding the data should be directed to George Tsebelis (tsebelis@ucla.edu).