

THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE

LEGISLATIVE PACKAGE DEALS IN EU DECISION-MAKING: 1999 - 2007

RAYA KARDASHEVA

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DECLARATION

I certify that the thesis I have presented for examination for the MPhil/PhD degree of the London School of Economics and Political Science is solely my own work other than where I have clearly indicated that it is the work of others.

ABSTRACT

This is a thesis about legislative package deals in the European Union and their effects on EU policy outcomes. It analyzes inter-chamber legislative exchange between the Council of Ministers and the European Parliament. The key argument is that package deals increase the legislative influence of the European Parliament across legislative procedures and policy areas. Package deals allow Member States to establish control over the financial aspects of legislation and to ensure its adoption without delay. In exchange, the European Parliament gains further institutional powers and access to some of the EU's most salient policy areas.

Legislative bargaining between the Council of Ministers and the European Parliament is analyzed across all EU legislation, completed in the period 1 May 1999 - 30 April 2007. The argument is tested empirically through the quantitative analysis of 1465 co-decision and consultation proposals, 19 policy areas and 8 years. Five in-depth case studies complement the findings.

The results indicate that the use of package deals in the EU is conditional on the distributive nature of legislative proposals, and their urgency. In turn, package deals and urgency affect legislative outcomes. Package deals and delay increase the EP's legislative influence in the consultation procedure. Package deals and Council impatience increase the EP's legislative influence in the co-decision procedure. Overall, package deals extend the EP's legislative influence in distributive policy areas and increase its institutional powers.

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The idea for this thesis originated in November 2004 at the LSE during our MSc seminar for EU Law and Government, led by Damian Chalmers. We discussed the legislative politics chapter in the *Political System of the European Union* by Simon Hix (1999), the *Legislative Procedures in the European Union* article by George Tsebelis et al. (2001) and the *Formal and Informal Institutions under Co-decision* article by Henry Farrell and Adrienne Heritier (2003). Legislative package deals in the European Union were underexplored and yet, they seemed to play a pivotal role in EU policy-making. I was lucky to have the opportunity to do my doctoral research at the European Institute.

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INTRODUCTION

This thesis develops an argument about legislative package deals in the European Union. Package deals are agreements between the Council of Ministers and the European Parliament which link decisions on multiple issues and proposals. Issue linkages take place not only within proposals, but also across proposals and legislative procedures. Despite the importance of package lawmaking, this phenomenon has received little theoretical and empirical attention in EU legislative research. Procedural spatial modelling has been the most widely used analytical tool in the study of EU legislative politics. Standard models of EU lawmaking have focused heavily on the effects of agenda-setting, amendment and veto powers on EU policy outcomes. However, the thesis finds that around 25 per cent of EU legislation is decided through informal package agreements (p. 149). Package deals cover all the main areas of EU law-making and cut across the two main legislative procedures: co-decision and consultation.

The purpose of the thesis, therefore, is to address this gap in the literature by providing answers to two questions:

- Why are legislative package deals concluded regularly in the European Union?
- What is the effect of legislative package deals on EU policy outcomes?

To that end, the thesis analyzes legislative decision-making between the Council of Ministers and the European Parliament across all EU legislation completed in the period 1 May 1999 - 30 April 2007. Legislative bargaining in the European Union is analyzed in the co-decision and consultation procedures across 2369 issues, 973 legislative proposals, 19 policy areas, and 8 legislative years.

The main argument of the thesis is that package deals alter the traditional lawmaking process and affect legislative outcomes in the European Union. Package deals allow the European Parliament and the Council of Ministers to trade support for their preferred issues through logrolling. Given their interdependence, different preference intensities, repeated interactions in lawmaking, and their ability to conclude and enforce informal commitments, EU legislators find it profitable to cooperate through package deals.

Package lawmaking allows Member States to establish control over the financial aspects of legislative acts and to ensure that legislation is adopted without significant delay. In exchange, the European Parliament receives further opportunities for legislative influence, increased institutional powers and access to some of the EU's most salient policy areas. Trialogue procedures provide the institutional structure for inter-chamber legislative gains from trade. Their informal nature allows EU legislators to exchange information during the decision-making process and to negotiate acceptable to both sides deals, thus avoiding gridlock. In addition, the thesis argues that timing affects EU policy outcomes. Time pressure can shadow the procedural power rules of the consultation and co-decision procedures. Delay and impatience may increase the power of a legislative actor beyond the procedural power allocated by the treaties.

The argument has three core elements. First, package deals and legislative delay increase the legislative influence of the European Parliament in the consultation procedure. By linking issues and proposals in the consultation procedure and delaying its opinion, the EP extracts legislative concessions from the Council. Second, package deals and Council impatience increase the EP's legislative influence in the co-decision procedure. By linking issues and proposals in co-decision and cooperating with an impatient Council, the EP extracts legislative concessions from the Member States. Third, package deals increase the legislative influence of the European Parliament in distributive policy areas.

Overall, inter-chamber package deals allow Member States to control the policy agendas they value the most and, in exchange, to offer side payments to the European Parliament for its cooperative behaviour. In exchange for allowing Member States to realize their budgetary and policy preferences, the European Parliament gains additional institutional powers in policy areas where it has been traditionally weak or even excluded. The Commission also gains from the enforcement of inter-chamber package deals. The Commission facilitates such institutional mechanisms, because it gains closer access to the decision-making process.

One of the most important features of legislative package deals is that despite their informal character, they have to be officially approved through voting by each of the EU legislative chambers. Any informal agreements made between representatives of the European Parliament and the Council of Ministers have to go through the formal legislative process in order to become law. Package deals are binding and the Council and the EP commit to enforcing them without amendments. This feature of package lawmaking requires that package compromises are clearly identified within the legislative process, so that they can be passed as block votes without amendments. The publicly available EP Legislative Observatory and the Council's Document Register provide sufficient data for a systematic study of the effects of package deals in the EU legislature.

Although theories of legislative exchange have occupied a central place in legislative studies, the idea of gains from exchange has received little attention in EU legislative research. This thesis argues that EU decision-making presents legislators with multiple issues for consideration and that their repeated interactions create opportunities for exchange of support. The thesis extends the standard logrolling argument, developed in the context of single chamber bargaining, to the bicameral setting of the EU legislature. The thesis tests empirically whether the theory of legislative exchange holds in the European Union context and if so, what the effects of package deals are on policy outcomes.

The thesis is structured in two parts. Part I focuses attention on the development of package deals in the EU legislative process. Chapter I reviews the existing literature on EU legislative politics. Chapter II reviews the theoretical explanations of the use and enforcement of informal institutional deals as offered by rational choice theorists and organizational theorists. Chapter III presents the theoretical argument of inter-chamber logrolling in the European Union. Chapter IV outlines the empirical data and methodology used throughout the thesis.

Part II presents the empirical tests of the theoretical argument. Chapter V examines the conditions for the use of package deals in the EU legislative process. Chapter VI analyzes the effect of package deals and timing on the legislative influence of the European Parliament in the consultation procedure. Chapter VII examines the effect of package deals and timing on the legislative influence of the EP in the co-decision procedure. Chapter VIII studies the effect of package deals on the legislative influence of the European Parliament across policy areas and across time.

Chapter I provides an overview of the development of legislative package deals and informal procedures in EU decision-making since 1999. The chapter draws attention to the two main legislative procedures in the EU: the co-decision and consultation procedures. It reviews the existing procedural literature on EU legislative politics and it identifies the need for studying EU lawmaking as a repeated process, where exchange of favours can take place between the European Parliament and the Council of Ministers.

Chapter II reviews two different literatures, which offer explanations of the emergence and enforcement of package deals in legislative organizations: rational choice theory and organization theory. Although the two literatures develop in different directions, both analytical approaches seek to explain the existence of informal institutional arrangements. They assume interdependence and repeated interactions between actors, where cooperative behaviour can emerge.

Based on the insights from these two approaches, Chapter III proposes the theoretical argument of inter-chamber logrolling in the European Union. The chapter describes the elements of the argument, its assumptions, and the main propositions to be tested in the empirical chapters. Particular attention is paid to legislators' motivations to engage in logrolls, their methods for doing so, and the potential gains from legislative exchange. The chapter outlines the hypotheses about the use of package deals and their effects on EU policy outcomes across legislative procedures, policy areas and time.

Chapter IV presents the empirical data and methodology for assessing the content of legislative proposals and for measuring the effect of package deals on legislative outcomes. It introduces the sources of the data and the process of compiling the dataset of all EU legislation (1465 proposals), proposed and completed between 1 May 1999 and 30 April 2007. The reliability of the data and measures are discussed. The empirical analysis is based on quantitative statistical methods and qualitative case studies.

Chapter V examines the conditions for the use of package deals in the EU legislative process. It argues that inter-chamber logrolling in the European Union is likely to take place on distributive and urgent legislation. This hypothesis is tested across all co-decision and consultation proposals completed between 1 May 1999 and 30 April 2007. The chapter finds that package deals are used regularly by EU legislators across several policy areas. Package deals allow the Council of Ministers and the European Parliament to exchange favours across issues and benefit mutually from the adoption of legislation.

Chapter VI analyzes the effect of package deals and timing on the legislative influence of the European Parliament in the consultation procedure. It argues that package deals and legislative delay increase the likelihood of EP success in influencing legislative outcomes. This hypothesis is tested across all consultation proposals (925) completed in the period 1999 - 2007. The results confirm that despite its limited legislative powers in

consultation, the EP is more likely to influence policy outcomes through package deals and delay. These results are illustrated with two case studies.

Chapter VII examines the effect of package deals and timing on the legislative influence of the European Parliament in the co-decision procedure. It argues that package deals and Council impatience increase the likelihood of EP success in influencing legislative outcomes. This hypothesis is tested across all co-decision proposals (540) completed in the period 1999 - 2007. The results confirm that EP influence in the co-decision procedure is conditional on the availability of multi-package proposals and Council impatience. These results are illustrated with two case studies.

Chapter VIII studies the effect of package deals on the legislative influence of the European Parliament across policy areas and across time. It argues that package deals increase the likelihood of EP success in influencing distributive policy outcomes in the EU. This hypothesis is tested across 2369 issues, contested in 973 pieces of legislation, falling in 19 EU policy areas, and negotiated in a period of 8 years. The results confirm that package deals allow the European Parliament to influence distributive legislative proposals and to gain greater institutional powers in some of the EU's most expensive policy areas. In addition, timing has a significant effect on EU legislative outcomes.

The concluding chapter reviews the main arguments of the thesis and the empirical results of the effects of legislative package deals and timing on EU policy outcomes. Inter-chamber package deals alter the traditional lawmaking process and affect legislative outcomes in the EU. Through package deals, Member States establish control over the financial aspects of legislative acts and ensure that legislation is adopted without delay. In exchange, the EP receives further opportunities for legislative influence and increased institutional powers. The final chapter addresses the contributions of the thesis with reference to the literature on EU legislative politics and the wider literature on legislative logrolling.

CHAPTER 1 : THE EU LEGISLATIVE PROCESS AND THE DEVELOPMENT OF PACKAGE DEALS

More than two hundred pieces of legislation are passed every year through the EU legislature. EU laws have direct consequences for the scope and timing of government action across Member States. A slow-paced legislative process may have damaging effects on government performance and can impede the ability of Member States to act on salient national and international issues. The EU legislature, however, has become bicameral. The Council of Ministers and the European Parliament are now co-legislators in many policy areas. Given their interdependence and repeated interactions in the EU's bicameral legislative system, governments and MEPs find it profitable to cooperate and resolve inter-chamber conflict through informal means.

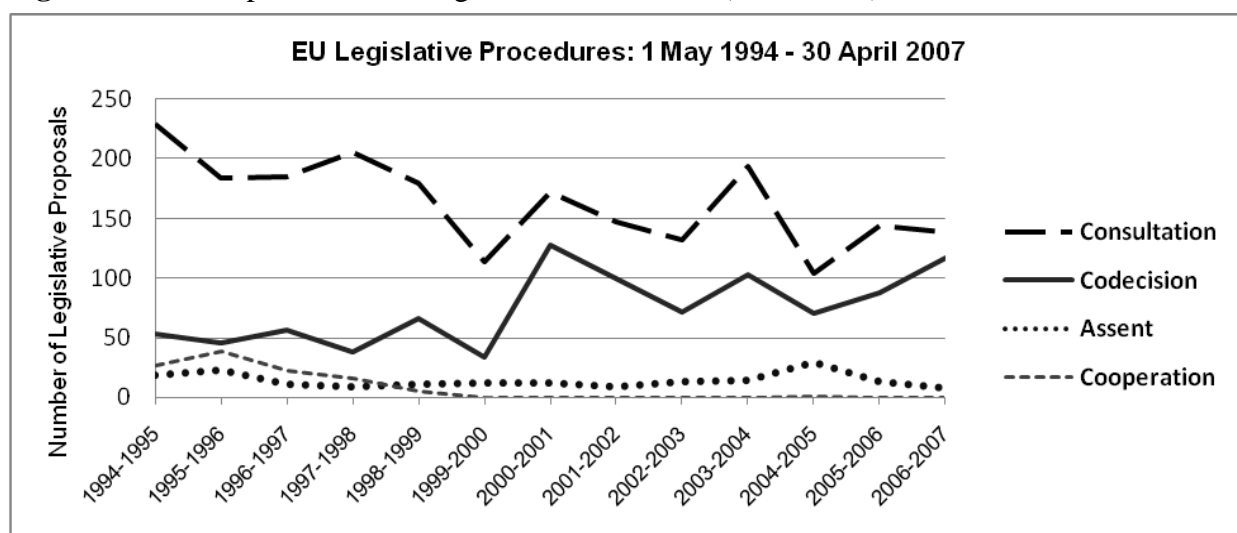
The institutional framework of the European Union has been restructured significantly by the changes introduced by the Single European Act (1987), the Maastricht treaty (1993) and the Amsterdam treaty (1999). Legislation was adopted initially through the consultation procedure, which was followed by the introduction of the cooperation, co-decision I (Maastricht) and co-decision II (Amsterdam) procedures. Especially since the signing of the Amsterdam treaty, the EU legislative process has experienced the development of informal procedures, which reduce the costs of collective action.

Legislative package deals between the Council and the Parliament have become a preferred and efficient alternative in bicameral decision-making. Despite the increasing amount of EU legislation made through informal bargains, students of EU legislative politics have said little about the consequences of this phenomenon. The chapter briefly examines the two main EU legislative procedures and traces the development of inter-chamber package deals, trilogue procedures and timing in EU decision-making since 1999. The chapter reviews the existing literature on EU legislative politics and it identifies need for an explanation of the use and effects of package deals in the European Union.

1.1 Legislative Procedures in the European Union

The legislative process of the European Union has developed as a highly efficient mechanism for proposing, amending and adopting laws. Today, EU laws are agreed between the European Parliament¹ and the Council of Ministers through two main legislative procedures: the co-decision and consultation procedures. In the 5th legislature (1999-2004), almost a half of EU legislation was decided under the co-decision procedure, the rest under consultation, no proposals under cooperation and only a small fraction of proposals under the assent procedure (see Figure 1.1). In comparison, in the 4th legislature (1994-1999), decisions were primarily made through the consultation procedure, followed by co-decision, with a small fraction decided under cooperation and assent. In the 6th legislature (since May 2004), around 50 % of EU legislation has been agreed through the co-decision procedure, and the rest under the consultation procedure. This section outlines briefly how the two main EU legislative procedures work.

Figure 1.1 Development of EU Legislative Procedures (1994-2007)



Source: European Parliament Legislative Observatory (OEIL): 01/05/1994 – 30/04/2007²

¹ The European Parliament was made up 626 MEPs in the period June 1999 - May 2004. It consisted of 732 MEPs in the period June 2004 - December 2006 and 785 MEPs in the period January 2007 – May 2009. 736 MEPs are to be elected in June 2009.

² The data were obtained from the European Parliament Legislative Observatory (OEIL). All procedures were taken into account (including, procedures completed, lapsed or withdrawn, and procedures under way). Each period starts on 1 May and ends on 30 April i.e. 01/05/1999 – 30/04/2000, etc. The period pictured runs from 01/05/1994 – 30/04/2007.

The Consultation Procedure

The consultation procedure was introduced by the Rome Treaties (1957) and until the signing of the Single European Act (1987) it was the main legislative procedure. Under consultation, the Member States in the Council are the key decision-making body and the European Parliament has only a consultative role. The procedure works in the following way. First, the Commission proposes legislation. The Parliament gives its opinion on the Commission proposal in the form of amendments. The Commission then may or may not incorporate the EP amendments in its revised proposal, which is submitted to the Council for a final decision. Usually, in order to adopt a proposal, the Council needs a qualified majority and in order to amend it - unanimity. Consultation is the simplest of all legislative procedures and although it was replaced in many policy areas, today the procedure applies to areas such as agriculture, budget, justice, freedom and security, and social and employment matters.

Although the European Parliament has only consultative formal powers in this procedure, it has the power to delay legislation. The consultation procedure involves only one reading and specifies no time limits. However, Member States cannot adopt legislation without the formal opinion of the European Parliament. The ability to delay legislation becomes an important tool for legislative influence for the EP, especially when governments are pressed by time and deadlines.

The Co-decision Procedure

The introduction of the co-decision procedure marks a significant increase in the legislative powers of the European Parliament. The procedure was established under the Maastricht treaty (1993) (known as co-decision I), extended and simplified by the Amsterdam treaty (1999) (known as co-decision II) and further extended by the Nice treaty (2003). The co-decision procedure gives the EP a co-legislative status with the Council. For a proposal to

become law both legislative chambers have to agree to an acceptable compromise. The procedure works as follows. First, the Commission proposes legislation, which is sent simultaneously to the EP and the Council for consideration. The first reading under co-decision is equivalent to the consultation procedure, with no specified time limits. The Amsterdam treaty introduced the option of reaching agreement at first reading (known as the fast-track procedure). If the Council accepts the position of the Parliament at first reading or vice versa, then the text is adopted.

If the Council and the EP are unable to agree at first reading, the proposal moves to second reading. The Council adopts a common position on the Commission proposal and this common position returns to the EP for a second reading. The Parliament within three months may accept, reject or amend the text. If the EP approves the text, the Council's common position becomes law. If the EP rejects the common position by an absolute majority, the legislation falls. If the EP proposes amendments to the common position, the proposal is returned to the Council. The Commission delivers its opinion on the EP amendments. The Council has three months (extendable with 1 month) to approve the EP amendments by qualified majority or unanimity (depending on the position of the Commission). If the Council rejects any of the EP amendments or fails to make a decision within the time limit, the proposal goes to conciliation (third reading).

A conciliation committee is convened within six weeks between an equal number of Council members and MEPs, and a non-voting representative of the Commission. The conciliation committee has six to eight weeks to negotiate a compromise text based on the common position of the Council and the EP's second reading amendments. In conciliation, the representatives of the two chambers seek to adopt a joint text. If both sides reach an agreement, within six to eight weeks the joint text has to be adopted by each of the legislative chambers. The Maastricht version of co-decision allowed the Council to reaffirm its common position, if the conciliation committee failed to agree a joint text. The

Amsterdam version of co-decision made the conciliation committee the last stage of the legislative process. If representatives of the Council and the EP cannot agree to a joint text in conciliation, the proposed legislation falls. Similarly, if either the Council or the EP fails to approve the text, the legislation falls.

Although the co-decision procedure is longer and more complex than the consultation procedure, it has evolved smoothly allowing the European Parliament and the Council of Ministers to reach inter-institutional compromise. Only on few occasions have the co-legislative institutions been unable to find a compromise³. Co-decision applies to a wide range of issues including financial services, environment, telecommunications, energy and transport. Most importantly, co-decision creates institutional interdependence between the Council and the Parliament and governments are bound to negotiate with MEPs if proposals are to be adopted by the EU legislature.

The formal process of adopting legislation in the EU through the consultation and co-decision procedures is outlined in the diagram in Figure 1.2. While formal procedures provide the general framework for legislative action, EU legislators have found informal ways for facilitating decision-making and reaching compromise without delay. Due to the development of package deals in the EU, much of the bargaining falls outside the frames of such ‘textbook diagrams’ of EU decision-making. The following section draws attention to the development of package deals, informal trilogue procedures, and timing in the EU legislative process since 1999. The chapter then reviews the existing literature on EU legislative politics and it identifies the gaps in the literature in explaining the effect of package deals on EU policy outcomes.

³ Since the introduction of co-decision, the EP has rejected the following pieces of legislation:
3rd reading rejections:

The Voice Telephony Directive (COD/1992/0437) was rejected on 19 July 1994.

The Biotechnology Directive (COD/1988/0159) was rejected on 1 March 1995.

The Securities Directive (COD/1995/0188) was rejected on 11 May 1998.

The Takeover Directive (COD/1995/0341) was rejected on 1 July 2001.

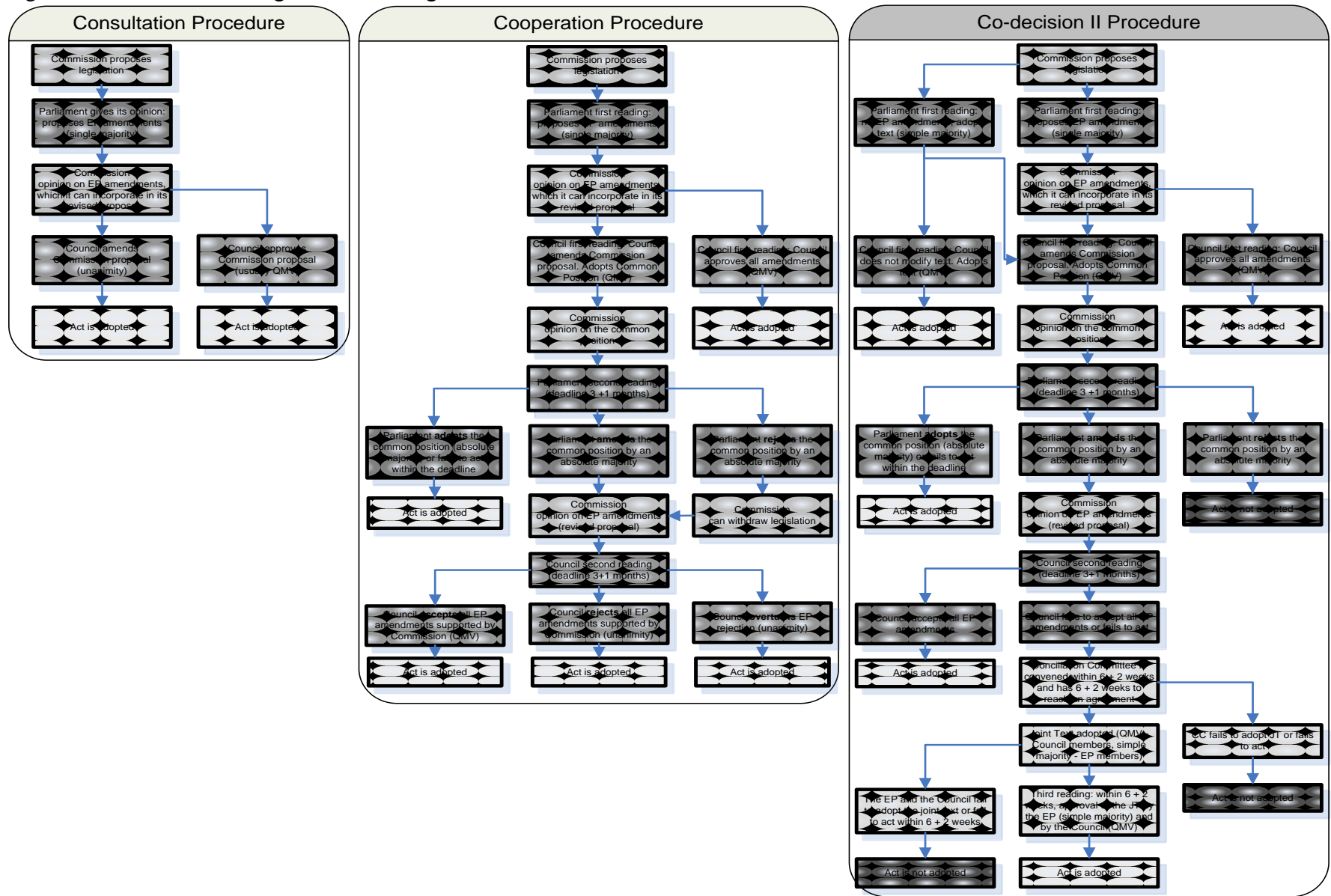
The Port Services Directive (COD/2001/0047) was rejected on 20 November 2003.

2nd reading rejections: The Computer Patents Directive (COD/2002/0047) was rejected on 6 July 2005.

1st reading rejections: The Port Services Directive (COD/2004/0240) was rejected on 17 January 2006.

Source: European Parliament Legislative Observatory (OEIL)

Figure 1.2 ‘A Textbook Diagram’ of EU Legislative Procedures



Source: adapted from <http://www.europa.eu> and Corbett et al. (2005)

1.2 Legislative Package Deals in EU Lawmaking

The Concept of Package Lawmaking

Legislative package deals are informal bargains agreed between representatives of the European Parliament and the Council of Ministers. Package deals allow the linkage of issues and proposals and their simultaneous decision by Council members and MEPs. Issues are not decided on a case-by-case basis, but are linked to one another. Usually agreed through informal negotiations, these legislative compromises serve as binding commitments and each of the legislative chambers has to accept the deals without further amendments. Package lawmaking allows the exchange of support between the EP and the Council across different types of issues to which the EU legislative chambers attach different preference intensities⁴. Logrolling allows some of the most controversial legislative proposals, which would otherwise face gridlock, to be negotiated successfully and passed without delay.

Package deals are increasingly used in the European Union legislative process. Initially associated with the budgetary procedure, package deals are now employed regularly in the EU's bicameral legislature in different policy areas⁵. While only 21% of the legislative proposals were negotiated through a package deal in 2000, more than 41% of the proposals were package compromises in 2006. In the period between 1 May 1999 and 30 April 2007 around 25% of the legislative proposals were negotiated through the bundling of issues and proposals together. 244 proposals involved an inter-chamber package compromise in the EU legislature (see Table 1.1). 72% of all package deals fell under the co-decision procedure (176 proposals) and around 28% of the package deals took place in consultation (68 proposals). In total, around 14 % of consultation legislation and 37% of co-decision legislation was decided through an inter-chamber package deal.

⁴ Such exchange of support, votes, control or favours among legislators has traditionally been referred to in the US literature as 'logrolling' (see Mueller, 2003).

⁵ Evidence of budgetary packages can be found in the Council negotiations in the mid-1960s, early 1970s and the early 1980s, as well as the Delors I package of 1987.

Table 1.1 Use of Legislative Package Deals in the European Union

Year	Consultation Procedure			Co-decision Procedure		
	No Package	Package Deal	Total	No Package	Package Deal	Total
1999/2000	52	1 (2%)	53	32	12 (27%)	44
2000/2001	70	9 (11%)	79	52	24 (32%)	76
2001/2002	69	6 (8%)	75	45	25 (36%)	70
2002/2003	60	14 (19%)	74	30	31 (51%)	61
2003/2004	70	8 (10%)	78	62	22 (26%)	84
2004/2005	43	5 (10%)	48	33	24 (42%)	57
2005/2006	42	21 (33%)	63	24	26 (52%)	50
2006/2007	29	4 (12%)	33	16	12 (43%)	28
Total	435	68 (14%)	503	294	176 (37%)	470

Source: Own calculations; see Chapter IV

How is package lawmaking different from traditional lawmaking?

Package deals in the EU legislature can take several forms. First, package deals between the European Parliament and the Council can be concluded on single proposals where multiple issues are bundled together. Such multi-issue proposals have also been known as ‘omnibus’ legislation⁶. Examples of single multi-issue package deals can be found in co-decision legislation. These include the Services Directive (2004), the Mobile Roaming Charges Regulation (2006) the Energy Efficiency Directive (2003), the Genetically Modified Organisms Regulation (2002), the Spirit Drinks Regulation (2005), and the Domain .EU Regulation (2000)⁷.

Second, legislative packages may often be decided on several proposals, linked in a multi-proposal package. Multi-proposal packages may include legislation, falling under the same or different decision-making procedures. Consider the Solidarity and Management of Migration Flows Package (2005)⁸. This package involved three co-decision proposals on the European Refugee Fund, the European Borders Fund, the European Return Fund, and a consultation proposal on the European Fund for the Integration of Third Country Nationals.

⁶ Such proposals usually involve a large number of issues and hence the term ‘omnibus’ (see Krutz 2001).

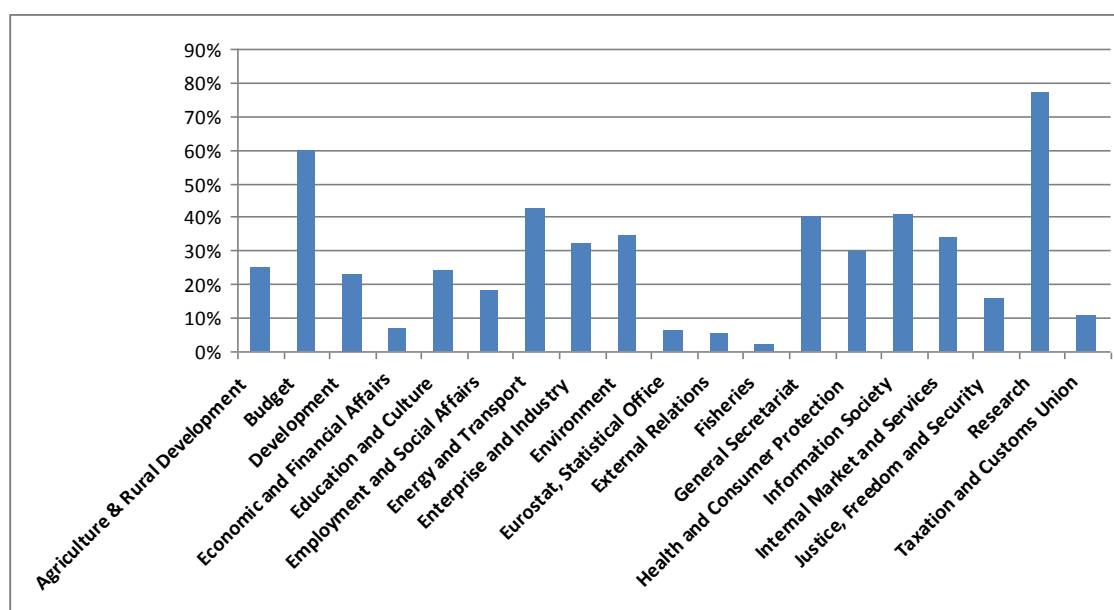
⁷ COD/2004/0001, COD/2006/0133, COD/2003/0300, COD/2002/0046, COD/2005/0028, and COD/2000/0328

⁸ COD/2005/0046, COD/2005/0047, COD/2005/0049, and CNS/2005/0048.

Another example of a multi-proposal package is the Company Law Package (2004)⁹, which involved three co-decision directives: the Statutory Audit Directive, Annual Accounts and Consolidated Accounts Directive, and the Formation of Public Limited Companies Directive. A further example of multi-proposal package legislation is the Road Safety Package (2003)¹⁰, which involved the decision on four co-decision directives, the Directive on Seats, Anchorages, Head Restraints and Safety Belts, the Directive on Safety Belts and Restraint Systems, the Directive on Anchorages of Safety Belts, and the Directive on Frontal Protection Systems on Motor Vehicles.

Figure 1.3 presents the distribution of package deals completed between 1999 and 2007 across policy areas. The policy areas with the highest percentage of legislative proposals decided through package deals were Budget (60%), Research (77%), Energy and Transport (42%), and Information Society (41%). On the other hand, the smallest percentage of package deals falls in the policy areas of Fisheries (2%) and External Relations (5%).

Figure 1.3 Percentage of Package Deals Across EU Policy Areas: 1999-2007



Source: Own calculations; Policy areas are defined by Commission Directorate - General (DG).

⁹ COD/2004/0065, COD/2004/0250, and COD/2004/0256.

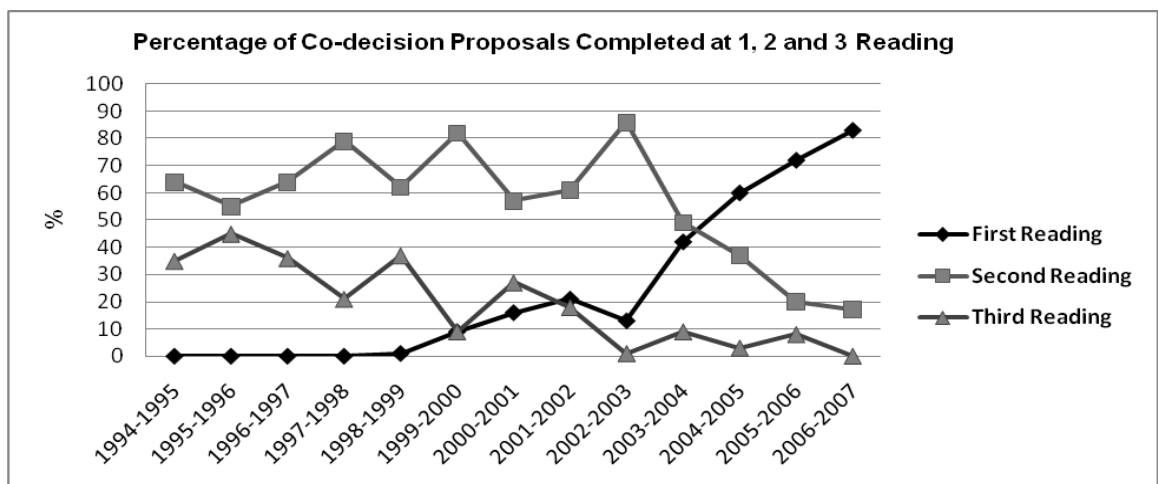
¹⁰ COD/2003/0128, COD/2003/0130, COD/2003/0136, and COD/2003/0226.

Package lawmaking allows the EU legislative bodies to obtain their most preferred outcomes by exchanging support on some issues for support on other issues. When decisions are made on packages of legislation and issues and proposals are linked together, EU lawmaking cannot be analyzed on a case-by-case basis. Due to their informal nature, package compromises require the support of both chambers in order to be enforced. The instability of informal agreements has led to the development of an institutionalized mechanism for their enforcement – the trialogue.

1.3 Trialogue Procedures in EU Lawmaking

The development of the co-decision procedure has increased inter-chamber collaboration in the EU. Since 1999 a growing number of legislative proposals have been accepted at first reading and this has led to a significant decrease in decision-making time. While only 21% of co-decision proposals were decided at first reading in 2000, more than 72% of the proposals were first reading agreements in 2006. Accordingly, while the average decision-making time in 2000 was 630 days, legislative decision-making only took on average 350 days in 2006. With the view of resolving inter-chamber conflict, exchanging information, and reaching consensus earlier in the legislative process, the Council and the EP have intensified the use of trialogue procedures.

Figure 1.4 Percentage of Adopted Co-decision Legislation (1994-2007)



Sources: European Parliament Legislative Observatory, Own Calculations

Trialogues are informal legislative meetings that consist of a limited number of participants from the Council, the European Parliament, and the Commission¹¹. They facilitate negotiations between the EU legislative institutions prior to formal voting. Trialogues can be conducted at any time of the legislative process and may include EP rapporteurs, shadow-rapporteurs and political party leaders as well as Council ministers, Presidency representatives, Coreper and working group officials. While initially associated with the preparation of third reading conciliation committees, trialogue procedures have been gradually institutionalised across first and second readings. The 2007 Joint Declaration on Practical Arrangements for the Co-decision Procedure includes a reference to the practice of trialogue negotiations¹². These informal inter-chamber meetings have not only been used in the framework of co-decision, but they have also been employed in the consultation procedure. The use of trialogues procedures in consultation has gradually increased, especially since 2004.

Table 1.2 presents the distribution of co-decision and consultation proposals completed between 1 May 1999 and 30 April 2007 and the yearly use of trialogue procedures in EU decision-making. On average 76% of the amended co-decision legislation and 5% of the amended consultation legislation went through at least one informal inter-institutional meeting. In co-decision, all third readings, 79% of the first readings and 61% of the second reading legislative proposals were discussed by the Council, the Parliament and the Commission in informal meetings¹³. In 2000, only 41% of the co-decision proposals (including the third readings) involved trialogue contacts. In 2006, more than 94% of the proposals were negotiated between the Council and the Parliament through informal contacts.

¹¹ Trialogues were first introduced in 1995 (Shackleton, 2000).

¹² ‘... cooperation between the institutions in the context of codecision often takes the form of tripartite meetings (trialogues) which have demonstrated their vitality and flexibility in increasing significantly the possibilities for agreement at first and second reading stages, as well as contributing to the preparation of the work of the Conciliation Committee’ (European Parliament, 2007: 7-9).

¹³ Own calculations. See Chapter IV.

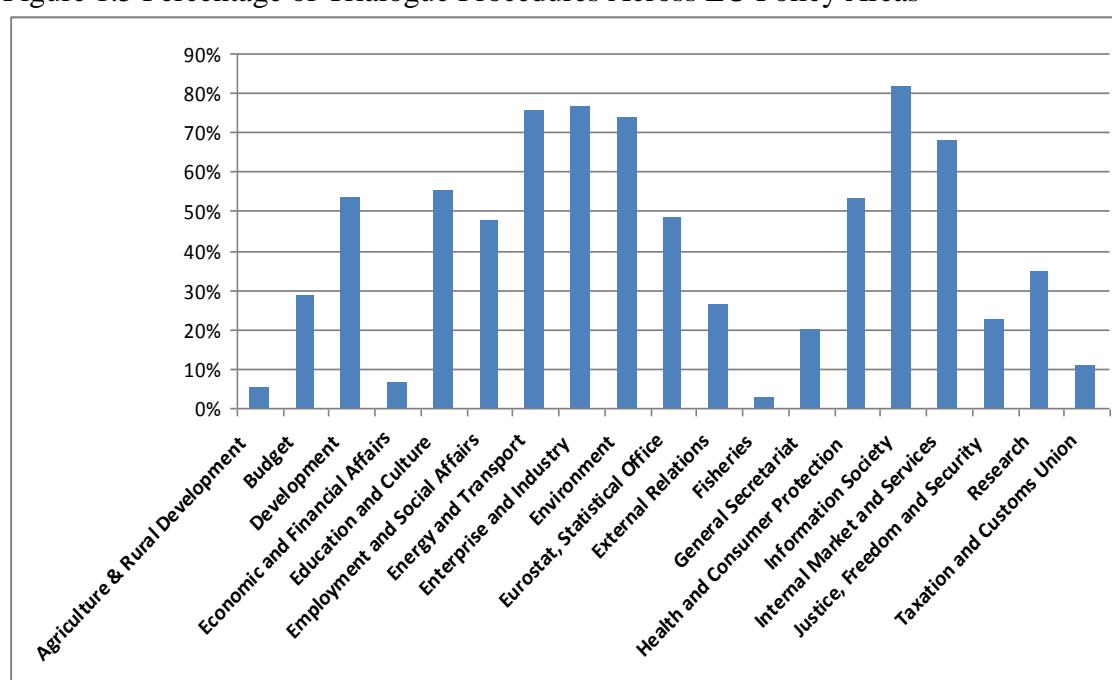
Table 1.2 Development of Triilogue Procedures in the EU Legislative Process

Year	Consultation Procedure			Co-decision Procedure		
	No Triologue	Triologue	Total	No Triologue	Triologue	Total
1999/2000	53	0 (0%)	53	26	18 (41%)	44
2000/2001	76	3 (4%)	79	28	48 (63%)	76
2001/2002	75	0 (0%)	75	26	44 (63%)	70
2002/2003	73	1 (1%)	74	13	48 (79%)	61
2003/2004	77	1 (1%)	78	15	69 (82%)	84
2004/2005	43	5 (10%)	48	3	54 (96%)	57
2005/2006	51	12 (19%)	63	0	50 (100%)	50
2006/2007	29	4 (12%)	33	0	28 (100%)	28
Total	477	26 (5%)	503	111	359 (76%)	470

Source: European Parliament Legislative Observatory and Council of Ministers' Document Register

Figure 1.5 presents the use of triologue procedures across EU policy areas. The policy areas with the highest percentage of legislative proposals decided through triologue negotiations were Information Society (81.8%), Enterprise and Industry (76.8%), Energy and Transport (75.8%), Environment (74.1%), Internal Market and Services (68.1%) and Education and Culture (55.2%). The smallest percentage of triologues is found in the areas of Fisheries (2.8%), Agriculture and Rural Development (5%) and Economics and Financial Affairs (6.7%).

Figure 1.5 Percentage of Triologue Procedures Across EU Policy Areas



Source: Own calculations

1.4 Timing in EU Lawmaking

The speed of EU decision-making has also increased since 1999. Whereas the average decision-making time in the consultation procedure has remained more or less constant between 1999 and 2007, the co-decision procedure has seen a gradual decrease in decision-making time. In 2000/2001 decision-making in the co-decision procedure took on average 686 days, whereas in 2005/2006 it took 506 days. It seems that since the 2004 enlargement, the speed of EU decision-making has increased further in both procedures (see Table 1.3).

Between 1999 and 2007, decisions on legislative proposals under the consultation procedure took on average 301 days, whereas legislative proposals under the co-decision procedure took on average 635 days. Due to the longer decision-making process and the greater involvement of the European Parliament, the co-decision procedure takes on average twice as long as the consultation procedure. This applies to legislative proposals to which the EP submitted amendments and to proposals which the EP passed without any amendments. Non-amended proposals in the consultation procedure took on average 251 days, whereas non-amended proposals in the co-decision procedure took on average 419 days. Generally, since 1999, the frequent interactions between the European Parliament and the Council of Ministers and the development of informal contacts have helped EU legislators reduce decision-making time.

Table 1.3 Average Time (Days) of EU Decision-Making

Year	Consultation Procedure			Co-decision Procedure			Both Procedures		
	Non - Amended	Amended	Total	Non - Amended	Amended	Total	Non - Amended	Amended	Total
1999/2000	319	307	312	623	739	729	346	490	442
2000/2001	202	325	272	341	730	686	222	525	430
2001/2002	241	362	306	426	670	642	264	510	426
2002/2003	254	382	342	386	551	532	280	458	417
2003/2004	324	315	319	538	572	566	375	448	425
2004/2005	258	397	315	660	704	700	290	564	449
2005/2006	264	368	327	149	541	506	251	445	389
2006/2007	159	242	191	214	344	310	168	289	228
Total	251	342	301	419	668	635	275	499	424

European Parliament Legislative Observatory <http://www.europarl.eu/oeil>; Own calculations

Moreover, the speed of EU decision-making varies across different types of legislation and policy areas. Table 1.4 presents the average decision-making time of EU legislation between 1999 and 2007 according to the type of legislative act: Directives, Regulations, and Decisions. On average, Directives took (682 days) almost twice as long as Regulations (370 days) and Decisions (338 days). Directives took on average 768 days in the co-decision procedure and 425 days in the consultation procedure. Regulations took on average 566 days in the co-decision procedure and 270 days in the consultation procedure. Decisions took on average 473 days in co-decision and 307 days in consultation.

Finally, the timing of EU decision-making varies across different policy areas (see Figure 1.6). On average, decision-making took the longest is in the policy areas of Health and Consumer Protection (714 days), followed by Enterprise and Industry (698 days), and Energy and Transport (670 days). These policy areas cover mainly co-decision legislation. In contrast, EU decision-making took the shortest amount of time in the policy areas of Agriculture and Rural Development (201 days), Budget (209 days), Economics and Financial Affairs (206 days) and Fisheries (259 days).

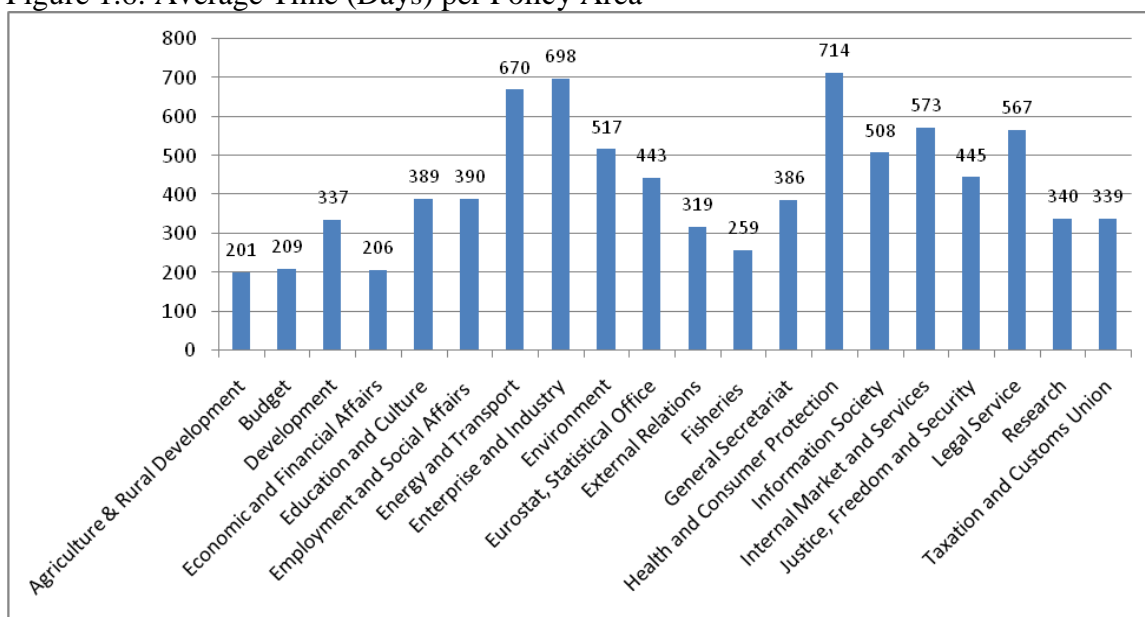
Table 1.4 Average Time (Days) of EU Legislative Acts

Year	Consultation Procedure			Co-decision Procedure			Both Procedures		
	Directive	Regulation	Decision	Directive	Regulation	Decision	Directive	Regulation	Decision
1999/2000	(6) 559	(42) 334	(47) 262	(26) 863	(12) 567	(5) 421	(32) 806	(54) 386	(52) 277
2000/2001	(14) 528	(61) 260	(65) 227	(52) 705	(25) 737	(10) 455	(66) 668	(86) 399	(75) 258
2001/2002	(11) 549	(59) 241	(70) 323	(30) 701	(34) 667	(14) 455	(41) 660	(93) 397	(84) 345
2002/2003	(12) 382	(57) 300	(38) 394	(32) 621	(27) 485	(10) 372	(44) 556	(84) 359	(48) 390
2003/2004	(13) 331	(63) 252	(60) 387	(35) 755	(45) 508	(22) 383	(48) 640	(108) 359	(82) 386
2004/2005	(11) 339	(41) 342	(66) 293	(25) 737	(25) 696	(13) 636	(36) 615	(66) 476	(79) 350
2005/2006	(8) 405	(44) 253	(52) 378	(11) 386	(24) 501	(20) 577	(36) 394	(66) 341	(79) 433
2006/2007	(3) 170	(45) 198	(37) 184	(15) 295	(17) 298	(6) 381	(18) 274	(62) 226	(43) 212
Total	(78) 425	(412) 270	(453) 307	(231) 768	(209) 566	(100) 473	(309) 682	(621) 370	(535) 338

Note: Number of directives, regulations and decisions included in parentheses.
5 directives were excluded from the 1999/2000 co-decision as they were extreme outliers, lasting more than 2000 days and were lagged from the previous 1994-1999 legislature.

Source: European Parliament Legislative Observatory <http://www.europarl.eu/oeil>; Own calculations

Figure 1.6: Average Time (Days) per Policy Area



Source: European Parliament Legislative Observatory <http://www.europarl.eu/oeil>; Own calculations

Legislative package deals, triologue procedures, and decision-making time have been central features of EU lawmaking since 1999. First, legislative package deals are regularly agreed between representatives of the Council of Ministers and the European Parliament. Decisions are not made on a case-by-case basis, but proposals and issues are bundled in packages and agreed as a whole. Second, triologue procedures have developed across the co-decision procedure and they are now employed in the consultation procedure. While initially associated with conciliation committees, triologue procedures have been gradually institutionalized and are employed frequently in different policy areas. Third, the speed of EU decision-making has increased. The timing of EU decision-making varies according to procedure, type of legislation and policy area.

Despite the importance of legislative package deals, triologue procedures and legislative timing, the existing literature on EU legislative politics has paid little attention to these factors. Spatial procedural models have been predominantly used in existing EU legislative research. Such models analyse how formal rules affect legislative outcomes, but they neglect the importance of informal negotiations, the existence of actors' different preference intensities and the opportunities for legislative exchange in the European Union.

1.5 Existing Research on EU Legislative Politics

Procedural Spatial Models of EU Legislative Politics

Rational choice institutionalism has been the most widely used theoretical approach for studying EU legislative politics¹⁴. Borrowing from theories and spatial models of legislative behaviour and organization, students of EU legislative politics have adapted and tested various models to understand the decision-making process in the European Union (Pollack, 2006, 14). Spatial models have played a central role in the analysis of legislative politics (Stewart, 2001). Spatial modelling has also been very popular in analyses of US legislative decision-making (Shepsle and Bonchek, 1997).

Spatial modelling is also the most widely used analytical tool in the existing EU legislative literature. This approach was developed in some of the best known models of EU decision-making (Tsebelis, 1994; Steunenberg, 1994; Crombez, 1996; Tsebelis and Garrett, 2000). These studies analyse how formal procedural rules and institutions shape legislative outcomes. Spatial models of EU legislative politics address the effects of agenda-setting, amendment and voting rights on policy outcomes (König, 1999).

In most spatial analyses of EU decision-making, legislators' expected utilities are measured by the distance between the location of their ideal policy position(s), the status quo and proposed amendments to Commission proposals (see Selck, 2004a, 2004b; König and Poter, 2001; Steunenberg and Selck, 2002; Selck and Steunenberg, 2004; König, 2005). Procedural models do not consider the possibility of actors' different intensities of preferences on different issues. Actors' preferences are not assigned any weights. Such models do not analyze actors' ability to link their voting positions across different issues. Decision-making is viewed as a one-shot game, where the possible effects of cooperation on past or future legislation are not taken into account. Actors are also assumed to make

¹⁴ This is not surprising as the most well-known studies of US legislative politics have also been based on rational choice theories (Kiewet et al, 2002, 5).

decisions on a one-dimensional policy space, and issues are decided on a case-by-case basis (Schulz and König, 2000). The existing procedural models of EU legislative politics analyse situations where no trading of favours, support or votes is possible. Informal negotiations in these models, if at all considered, do not deviate from procedural rules. Therefore, policy outcomes are not affected by informal commitments. Despite their preoccupation with the effects of formal rules and institutions, the existing procedural analyses have contributed immensely to the better understanding of EU lawmaking.

The academic debate started with a disagreement over the powers of the European Parliament in the consultation and cooperation procedures (Tsebelis, 1994; Steunenberg, 1994; Moser, 1996, 1997; Hubschmid and Moser, 1997; Kreppel, 1999). The Maastricht version of co-decision (1993) was a controversial topic in EU legislative research. Some regarded it as largely increasing the powers of the EP vis-à-vis the Council (Jacobs et al., 1995; Crombez, 1997; Scully, 1997; Kreppel, 2002). Others found it to have the opposite effect, thus decreasing the powers of the European Parliament (Garrett and Tsebelis, 1996, 1997; Tsebelis, 1997; Steunenberg and Dimitrova, 1999; Tsebelis et al., 2001). Since the introduction of the Amsterdam version of co-decision (1999), there has been a consensus on the institutional parity between the Council and the Parliament (Tsebelis and Garrett, 2000; Rittberger, 2000; Maurer, 2003; Crombez, 2000a; Hix, 2005).

In the context of the cooperation procedure, Tsebelis (1994) claimed that the European Parliament enjoyed increased legislative influence due to its conditional agenda-setting power. His argument is based on the assumption that in cooperation it is more difficult for the Council to modify an EP proposal (provided it was accepted by the Commission) than to accept it. Thus, the Parliament could offer a proposal that made a qualified majority of the Council better off and thus ensure Council support for EP amendments (Tsebelis, 1994, 131).¹⁵ Moser (1996) criticized this argument, claiming that

¹⁵ Tsebelis (1995) provides examples of how the EP uses its conditional agenda-setting powers

Parliament's power under cooperation was even more limited than it was under consultation. This was due to the EP's dependence on the Commission's decision to include EP amendments in its revised proposal. Thus, the Commission was the empowered actor in EU decision-making and not the EP (Moser, 1996, 834). Steunenberg (1994) also argued that the cooperation procedure left the Parliament a weak legislative institution.

Moser (1997) and Hubschmid and Moser (1997) found that the European Parliament could be influential in cooperation if unexpected changes took place in the legislative process and modified the positions of the Council and the Commission (Moser, 1997, 345). In her empirical analysis of over 500 EP amendments, Kreppel (1999: 533) also found that the European Parliament was a significant legislative actor in the cooperation procedure. Although it was easier for EP amendments to pass when they were largely technical, the EP was able to amend legislation in a substantive way.

Under the co-decision I procedure, the EP's right to unconditionally veto proposals after conciliation committees was widely regarded as empowering the European Parliament (Jacobs et al., 1995; Crombez, 1997; Scully, 1997). However, co-decision I allowed the Council to revert to its common position in the absence of an agreement with the EP during conciliation. This led some to conclude that the balance of power in the EU was weighted towards the Council. Instead of increasing the powers of the Parliament, the Maastricht version of co-decision diminished its conditional agenda-setting powers (Garrett and Tsebelis, 1996, 1997; Tsebelis, 1997).

This argument was supported by the empirical analysis of some 5000 EP amendments carried out by Tsebelis et al (2001). The authors found that the conditional agenda-setting powers accorded to the EP by the co-operation procedure were more important than the veto powers ascribed by co-decision I (Tsebelis et al, 2001, 573). Steunenberg and Dimitrova (1999) also found that although conciliation committees were officially co-chaired by both institutions, the Council had greater agenda-setting powers

due to its more important role at the preparatory stage of conciliation meetings. Kreppel (2002) challenged this view with an examination of more than 1000 EP amendments, proposed under the cooperation and co-decision procedures between 1989 and 1996. The results confirmed that the Parliament was more successful under the co-decision procedure than it was under cooperation (Kreppel, 2002, 810).

The Amsterdam version of the co-decision procedure (co-decision II) is now generally regarded as making the European Parliament an equal co-legislator with the Council (Tsebelis and Garrett, 2000; Crombez, 2000a; Tsebelis and Kreppel, 1998; Crombez et al, 2000; Garrett et al, 2001; Hix, 2002; Kreppel, 2003; Maurer, 2003; Corbett et al, 2003). Initially, some authors were rather sceptical about the innovative nature of co-decision II (Kasack, 2004¹⁶; Napel and Widgren, 2004¹⁷) and found no apparent symmetry between the Parliament and the Council. In contrast, Hix (2005: 33) claimed that co-decision II transformed EU lawmaking to closely resemble a two-chamber legislature.

While the Council and the Parliament share an equal standing in the co-decision procedure, the role of the Commission has been viewed as consistently declining (Tsebelis and Garrett, 2000; Tsebelis et al., 2001; Kreppel, 2002; Burns, 2004). Crombez (2000a: 53) even concludes that in the new version of co-decision the Commission is irrelevant, because it lacks formal power in the conciliation stage and can therefore be completely excluded from inter-chamber negotiations. In addition, due to the bicameral nature of EU law-making in co-decision, recent analyses of EU legislative politics have neglected decision-making in the consultation procedure despite the fact that it still applies in around 50% of EU legislation and concerns a number of highly salient EU policies such as agriculture, budget, justice, freedom and security, taxation, and employment affairs.

¹⁶ Kasack (2004: 258) indicates that the big step for the EP was made when progressing from cooperation to co-decision with the Maastricht Treaty and not from Maastricht to Amsterdam.

¹⁷ In their analysis of bargaining between the EP and the Council in the conciliation committee, (Napel and Widgren, 2004, 20) find no reason to conclude that the EP and the Council are equally powerful co-legislators.

Largely accepting the equal footing between the legislative chambers under co-decision, academic attention has shifted to the analysis of legislative politics inside the Parliament and the Council. The effect of the Council's internal politics on policy outcomes is a central theme in EU legislative research (Hayes-Renshaw and Wallace, 1997, 2006; Hayes-Renshaw et al, 2006; Heisenberg, 2005; Hagemann, 2007; Lewis, 2003, 2005). In their intra-institutional analyses authors have identified the increasing importance of Coreper (Lewis, 2000; Bostock, 2002), the Council Presidency (Warntjen, 2008; Tallberg, 2003; Thomson, 2008) and Council working groups (Häge, 2007, 2008; Fouilleux et al, 2005).

Students of the internal politics of the European Parliament have recognized the legislative influence of parliamentary rapporteurs (Kaeding, 2004, 2005; Benedetto, 2005), political party groups (Hix et al., 2007; Noury and Roland, 2002; Hoyland, 2006) and parliamentary committees (McElroy, 2006, 2007; Bowler and Farrell, 1995; Whitaker, 2005). While a full examination of the internal workings of the Parliament and the Council is beyond the scope of this thesis, some of the characteristics of intra-institutional decision-making are later taken into account in the analysis of inter-chamber bargaining in the EU.

Overall, standard spatial models of EU legislative politics are predominantly concerned with formal treaty provisions and the effect of procedural rules on legislative outcomes (Horl et al, 2005, 593). While realizing some of the limitations of existing models of EU legislative decision-making, much of the literature is still focused on explaining legislative behaviour through procedural spatial models, based on the treaty powers of the European Parliament and the Council of Ministers (Thomson et al., 2006; Selck, 2004b, 2005; Thomson and Stokman, 2006; Stokman and Thomson, 2004). Decision-making is viewed as a one-shot game, where issues are decided on a case-by-case basis. However, when EU legislative politics is analyzed as a repeated process where actors decide on several issues and proposals at a time, different conclusions may be made about legislative influence in the European Union.

Informal Procedures in EU Legislative Politics

Recognizing the shortcomings of the traditional spatial literature, several authors have explored the development of informal procedures in EU lawmaking (Garman and Hilditch, 1998; Shackleton, 2000, 2005; Farrell and Heritier, 2003, 2004; Shackleton and Raunio, 2003; Rasmussen, 2003; Rasmussen and Shackleton, 2005; Stacey, 2003; Stacey and Rittberger, 2003; Christiansen et al., 2003; Steunenberg and Selck, 2006; Häge and Kaeding, 2007; König et al., 2007; Reh, 2008; Settembri and Neuhold, 2009). These authors recognize the need to examine both the formal and informal aspects of decision-making and to trace their effects across the legislative process (Thomson and Hosli, 2006).

By examining the conciliation negotiations on several proposals, Garman and Hilditch (1998) identify the informal changes that have occurred in co-decision negotiations. They analyze informal inter-institutional meetings that precede official conciliation committees. However, the authors find insufficient evidence for the increased powers of any of the legislative chambers. Shackleton (2000) also recognizes the ability of informal norms to constrain institutional behaviour. Trialogues therefore may affect policy outcomes as the terms of informal negotiations are largely unregulated. In his study of the impact of informal agreements on the EU institutional balance, Stacey (2003) finds that the Parliament has gained in its negotiations with the Council. The EP has the ability not only to hold the Commission more accountable, but also to persuade it to support EP initiatives. The Commission, on the other hand, gains indirectly via the EP's gains vis-à-vis the Council and it simultaneously loses, due to the increase in inter-chamber agreements.

Farrell and Heritier (2003, 2004) argue that the increasing use of informal negotiations in co-decision increases the legislative influence of the European Parliament. Through its involvement in informal legislative meetings, the Parliament gains legislative powers vis-à-vis the Council. The authors acknowledge the inability of standard procedural accounts, which treat each piece of legislation as a one-shot game, to adequately picture the

dynamic inter-institutional bargaining process. Steunenberg and Selck (2006: 81) also argue that informal trialogues allow the Parliament to shape legislative proposals in co-decision. By making the initial proposal to the Council, the Parliament is perceived to have a first mover advantage, and to influence successfully the discussions in the subsequent stages of the legislative process.

Häge and Keading (2007: 357) also find that the European Parliament can extract more policy concessions from Member States in informal negotiations. Reh (2008: 27) analyzes the development of informal trialogues in the context of the co-decision procedure and argues that "*...where trialogues take place before the Council and the Parliament have established official positions that define the ground and scope for interaction....public deliberation and transparency are severely curtailed if not lost altogether*". Settembri and Neuhold (2009: 145) also point to the increasing importance of trialogues and note that in addition to conciliation negotiations, trialogues have spread to first and second readings, particularly after the 2004 enlargement.

Research in this area has been concerned to a large extent with EP - Council relations, neglecting the Commission's role in informal trialogues. The co-decision procedure makes it harder for the Commission to press for an outcome close to its preferences and reduces its formal institutional influence (Burns, 2004, 5). Nevertheless, Rasmussen (2003: 10) argues that the Commission can still be an influential actor. Through reliance on informal sources it is able to strategically persuade both the Council and the EP to take on board its policy preferences. Due to its co-existence with the other EU institutions, the Commission optimizes its influence, while participating in trialogues with the legislative chambers. König et al. (2007) study bicameral negotiations in conciliation committees and they also find that the Commission is an influential player in the co-decision procedure. While the importance of informal negotiations has been noted, little has been said about the effect of package deals in bicameral legislative decision-making.

Existing Accounts of Package Deals in the EU Legislative Literature

Departing from the traditional procedural literature, several authors have explored the importance of actors' preference intensities over issues and whether taking these into account has effects on EU policy outcomes (Arregui et al., 2006; Arregui and Stockman, 2004; Bueno de Mesquita and Stockman, 2004; Selck, 2004a). Several models that imply gains from legislative exchange in the context of EU decision-making have been developed recently. These are the position exchange model (Stockman and Van Oosten, 1994), the expected utility model (Bueno de Mesquita, 1994) and the spatial model of logrolling (Crombez, 2000b). Generally, these models analyse informal bargaining through which actors influence legislative outcomes and therefore are different from the existing formal procedural models. In contrast to procedural models, these analyses view EU decision-making as a repeat-play environment in which informal norms and cooperation can emerge among legislative actors (Bueno de Mesquita, 2004:133).

The first two models assume that actors are goal-oriented, but effective influence depends on cooperation between them. The Stockman and Van Oosten (1994) exchange model assumes the possibility of actors exchanging voting positions over a set of decisions. The authors argue that under certain conditions, two actors can gain expected utility simultaneously by exchanging voting positions on two decisions or issues. Both actors can expect to gain utility if actor A supports the policy position of actor B on issue 1 in exchange for support from actor B on issue 2. Collective decision-making is represented as a cooperative game in which all actors can gain under certain conditions and in which promises to shift positions are taken as binding commitments (Bueno de Mesquita, 1994).

Crombez (2000b) develops a spatial model of logrolling in the European Union. He defines logrolling as '*the exchange of votes among countries and MEPs*'. A logroll is a policy that results from such an exchange of votes. Crombez argues that consideration of multiple issues may motivate exchanges of votes among policy makers. Divergent policy

preferences create opportunities for such vote trading or logrolling. Crombez (2000b) argues that the EU's complex institutional framework provides multiple opportunities for efficient and stable logrolling. Every *'legislative proposal arguably offers a means to formalize a logroll. Although the EU uses strict germaneness rules and does not pass omnibus bills dealing with seemingly unrelated matters, legislative proposals naturally involve more than one dimension and represent opportunities for logrolling'* (p. 709).

Several exchange models have also been developed in the analysis of legislative politics inside the Council of Ministers (Turner and Linhart, 2004; Wallace, 1976). Relying on bargaining models as developed by Baron and Ferejohn (1989), Pappi and Henning (1999) develop a model of bargaining where utility maximizing Member States trade over multiple issues. König and Proksch (2006) develop an exchange model of Council decision-making, and empirically apply it to a case study on the Honey directive. However, there have been no analyses of possible logrolling practices inside the EP. While these models of legislative exchange has been developed, there has been no empirical testing of these models so far.

Existing Discussions of Package Deals in the Broader EU Literature

In contrast to the sparse literature on package deals in EU legislative politics, the concept of issue linkages and package deals has occupied a central place in the broader EU integration literature. As early as the 1960s package deals were identified as a means to Community decision-making and EC integration (Haas 1958; 1980; Lindberg 1963; 1965; Lindberg and Scheingold, 1970; Wallace, 1985; Nugent, 1989; Weber and Wiesmeth, 1991; Bulmer, 1996; Hosli, 1996; Wessels, 1997; Friis, 1998; Radaelli, 1999; Elgstrom et al., 2001). Package compromises and issue linkages have been core themes in the neofunctionalist writing of Haas (1958) and Lindberg (1963). Especially in the 1960s and 1970s, package deals were perceived by neofunctionalists as key to conflict resolution in

the European Communities. Haas (1958) and Lindberg (1963) argued that the use of deliberate linkages and package deals was an inseparable part of collective decision-making (at the time concentrated in the Council of Ministers). These neo-functional studies of Community policy-making stressed that over time political linkages resulting in package deals would become more and more central to the decision-making process. Lindberg (1965) noted that especially in the Agricultural sector, package deals are very likely to be constructed where issues from other functional sectors are introduced to compensate for agricultural concessions. EU integration, therefore, could progress by means of deliberate linkages that created mutual gains (Sandholtz and Zysman, 1989, 99).

Lindberg and Sheingold (1970) identified log-rolling and side-payments as mechanisms aiding European integration. Logrolling involved bargains designed to attract the support of more political actors to a particular proposal. Package deals ensured the presence of necessary coalitions in support of specific proposals or policies. In fact, log-rolls and package deals were almost inseparable parts of the decision-making process as defection by individual Member States was no longer a credible threat (Lindberg and Sheingold, 1970, 118). Thus, the bundling of issues has been considered as a powerful tool for overcoming distributional obstacles to cooperation among national governments (Haas, 1980; Keohane, 1984). Issues in EC decision-making are almost always complex and multidimensional. To reduce them Member State governments have used package deals agreed through extensive informal negotiations and personal contacts (Wallace, 1985). In order to achieve consensus in the Council of Ministers, unrelated policy issues are often linked in packages to create mutual rewards (Nugent, 1989, 249).

Complex bargains and informal agreements have been considered the norm in high politics negotiations surrounding the CAP and the Budget since the mid 1960s, early 1970s and the early 1980s (Swinbank, 1989; Spence, 1995). Distributive politics in the European Union are characterised by intense negotiations resulting in logrolling and side-payments.

Denton (1984) identifies successful issue linkage in the 1984 European Council CAP negotiations. Member States reached agreement on the agricultural package as increases in the Budget were linked to CAP reform. Weber and Wiesmeth (1991) also point to a successful package compromise in the negotiations over the establishment of the European Monetary System (EMS). Laffan (1997; 2000) finds that the negotiations of the Delors I package of 1987 were marked by issue linkages. The establishment of the internal market was linked to the budgetary package and several issues were linked together such as proposals for *'a doubling of the structural funds, a reform to the CAP and the introduction of a new fourth Own Resource, related to the total GNP of member states'* (Laffan, 1997, 62-70). By bundling a broad range of issue areas into a single package that was negotiated simultaneously, the Union succeeded in achieving macro-reform.

Lindner (2006) also discusses the importance of package deals in EU distributive politics. Due to the bundling of tightly interlinked reforms and the *'package deal character of agreements on financial perspectives, member states' distributive demands were generally accommodated'* (Lindner, 2006, 145). Finally, Radaelli (1999) identifies a successful package deal over the 1997 tax package. By the bundling of issues and their simultaneous decision, Member States losing on one specific tax policy issue received as a compensation gains in other issues. Thus, the *'package deal approach facilitated agreement and put pressure on reluctant countries'* (Radaelli, 1999, 674).

While the concept of issue linkage and package deals has been identified as a prominent feature of EU decision-making, the majority of the existing analyses have concentrated on negotiations among Member States in the Council of Ministers and the European Council (Hosli, 1996; Bulmer, 1996; Wessels, 1997; Meerts, 1997; Friis, 1998; Metcalfe, 1998; Elgrstrom et al., 2001). The negotiation process among the Member States is iterative in nature and the requirement for unanimity in the Council of Ministers strengthens the incentives for issue-linkage. While providing rich insights on governments'

motivations to engage in logrolling, existing analyses of package dealing in the EU have not explored the idea of successful exchanges between two legislative chambers in a bicameral setting. The thesis therefore concentrates on analysing the exchange process between the European Parliament and the Council of Ministers in the making of EU legislation. After observing the existence of package deals in Council decision-making, it should not be surprising that a version of package dealing between the European Parliament and the Council is present as the EU has developed a more bicameral legislative process. By taking into account legislators' saliencies over issues and the enforcement of package deals, this thesis develops the idea of inter-chamber exchange in the EU legislative process. The thesis extends the analysis of package deals to the inter-cameral level, where legislators from the European Parliament and the Council of Ministers exchange support across issues and proposals to achieve mutual gains.

The Value of the US Legislature as a comparator to the EU Legislative System

As Chapter II demonstrates, there exists a large body of literature on the US Congress analysing the effect of package deals in legislative decision-making. The analysis of inter-chamber legislative exchange in the EU largely borrows from existing research based on the US legislature. How relevant is the US Congress literature to the study of the European Union legislative system? Of course, the US and the EU legislative systems are far from being identical. Power and Rae (2006) note that the US Congress is often used as a model in the analysis of other legislative systems. The authors confirm that the US Congress is a genuinely bicameral legislature and it has been a uniquely powerful legislature in comparative terms. However, they find similarities between the US and the EU legislatures. These include federalism, the separation of powers system, and a strengthening bicameralism. In both cases the legislatures possess effective policy-making power (Power and Rae, 2006, 13).

Despite some substantial differences between the US and EU legislature, Kreppel (2006) argues that the US case is particularly relevant to analyses of the EU legislature. Clearly, there are significant differences between the political systems and legislative branches of the US and the EU. However, despite these substantial differences, “*there are also important similarities both in terms of the legislatures themselves and within their broader political environments*” (Kreppel, 2006, 260). As in the US case, EU law enjoys supremacy over national law and legislation is made at the supranational level. In addition, the EU institutions, like those of the United States, include a method for representing the total population and the individual Member States – the European Parliament and the Council of Ministers. Although the balance of powers is different in the EU and the US, “*both face a similar dispersion of legislative power with the executive and both chambers share between them the powers of initiation, adoption, and veto*” (Kreppel, 2006, 262). Therefore, despite the differences between the US and the EU legislatures, the literature on the US legislative organization can inform a more advanced study of EU legislative decision-making (Bowler and Farrell, 1995, 25).

Contextual Effects: Policy Areas and Time in EU Decision-Making

In addition, the thesis analyses legislative influence in the European Union by taking into account the contextual effects of policy areas and timing. Thomson and Hosli (2006) acknowledge the importance of the variation of institutional influence across different issues, subject to the same decision-making procedures. Several recent studies attempt to explain legislative influence in the EU by studying institutional bargaining in different policy areas (Judge et al., 1994; Shackleton, 2000; Schmidt, 2001; Burns, 2005; Eberlein and Grande, 2005; Broscheid and Coen, 2007). Through the qualitative analysis of five single market case studies, Schmidt (2001) finds that in controversial cases with high distributional costs, the powers of the Commission are weakened vis-à-vis the Council’s

Presidency. By focusing on informal rules and social norms in the Council, Schmidt argues the Commission is in practice a much weaker agenda-setter (Schmidt, 2001, 126).

Burns (2005) studies the EP's influence across policy areas and she finds that the Parliament has more scope to influence regulatory policies than distributive policies. Placing legislative politics in different policy contexts helps to understand more fully legislative influence in the EU (Burns, 2005, 488). These studies agree that the regulatory field allows the EP a greater scope for legislative influence. In the area of the single market, Member States have been most prepared to pool sovereignty and delegate policy-making powers to supranational institutions. Generally, legislation in regulatory policies requires technical experience and regulatory provisions do not affect radically Member States' national interests. Despite the general consensus over the difference between distributive and regulatory policy areas (Wallace et al., 2005), there exists no specific definition of distributive legislation or distributive policy areas in the EU.

Broscheid and Coen (2007) have attempted to classify EU policy areas according to their distributive character. EU regulatory policies are characterized as largely technical areas, requiring more expertise. Distributive policies are assumed to be more politically salient. Hence, policies which consume large amounts of the EU's budget are assumed to be more politically salient than areas consuming little resources.

In addition to the effect of the policy context, the issue of timing has also become an increasingly important factor in the study of EU legislative politics (Golub, 1999, 2002, 2007, 2008; Schulz and König, 2000; König, 2007, 2008; Golub and Steunenberg, 2007; Goetz and Meyer-Sahling, 2009). These authors have underlined the need to analyse EU decision-making by taking into account time pressure and deadlines. There have been different opinions on the methodology for calculating EU decision-making time and the legislative acts included in the analysis (Golub, 2007; König, 2007). Golub (2007) argues that analyses should focus on directives and not regulations and decisions as directives are

the most important legislative instruments in the EU. König (2008) contests this argument by pointing out that regulations and decisions can be as important as directives. The focus on directives may provide a limited picture of the timing of EU decision-making as most of the legislative proposals decided in the consultation procedure are regulations and decisions (see Table 1.4 above).

Despite the increasing amount of EU legislation made through package deals, students of EU legislative politics have said little about this phenomenon¹⁸. To fill this gap in EU legislative research, the thesis studies the causes and effects of legislative package deals in EU decision-making. In the following chapters the thesis explores the reasons for informal negotiations and cooperation through package deals between the EP and the Council. The analysis is based on the gains from exchange approach and its application in the context of the EU legislature. It explores the conditions for logrolling between the legislative chambers and the consequences of package deals for the transparency and efficiency of EU lawmaking.

Conclusion

This chapter drew attention to the development of legislative package deals in the European Union, the increasing use of trialogue procedures in the co-decision and consultation procedures and the increasing speed of EU decision-making. It identified an important analytical gap in the current literature on EU lawmaking. Some of the best-known models of EU legislative politics (Tsebelis, 1994; Steunenberg, 1994; Crombez, 1996; Tsebelis and Garrett, 2000) focus solely on how formal rules shape legislative outcomes. Standard procedural models of EU decision-making analyse the effects of agenda-setting, amendment and veto powers on legislative outcomes.

¹⁸ “New legislatures generally borrow organization and procedure from older legislatures and develop their own distinctive pattern only gradually. While they are new, their organization tends to be imitative, relatively simple, relatively dependent on written rules. With longer experience, legislatures generate precedents, customs and folkways of their own. They become more and more distinctive in the way they carry out their activities. They become institutionalized” (Loewenberg and Patterson, 1979, 166).

Spatial models of EU decision-making generally ignore informal norms of behaviour that emerge as properties of repeat – play (Bueno de Mesquita, 2004:133). Decision-making is analyzed on a case-by-case basis and legislative actors do not hold different intensities of preferences over issues. Standard procedural models do not analyse situations in which actors link their voting positions on several issues and proposals. However, when EU legislative politics is analyzed as a repeated process where actors decide on several issues and proposals at a time, different conclusions may be made about the legislative influence of the European Parliament and the Council of Ministers.

The rest of the thesis attempts to develop a consistent theoretical argument about the use of package deals in the EU legislative process. It seeks to test empirically the argument across all EU legislation decided between 1999 and 2007 under the co-decision and consultation procedures. There are many reasons for assigning analytical priority to informal procedures and agreements¹⁹. Informal rules can limit the number of alternatives from which formal institutions are developed. They can persist when efforts at formal change are attempted and they can influence the distribution of resources in the establishment of formal institutions (Knight, 1992, 172).

¹⁹ “*Although party and committee organization are the main structural features of legislative bodies, every legislature has an informal, unofficial organization, which may complement or cut across party and committee organization*” (Loewenberg and Patterson, 1979, 117).

CHAPTER 2 : PACKAGE DEALS IN LEGISLATIVE ORGANIZATIONS: ANALYTICAL APPROACHES

This chapter reviews two different analytical approaches that offer explanations of the emergence, enforcement and operation of package deals in legislative organizations: rational choice theory and organization theory. These literatures form distinct branches of institutionalist theory: organization theory has developed as a branch of sociological institutionalism and public choice theory has developed as a branch of rational choice institutionalism (Hall and Taylor, 1996; Peters, 2001). Although the two literatures develop their analyses in different directions, theories of logrolling and organization theories provide useful insights to understanding the reasons for the use and enforcement of package deals in the European Union.

Logrolling theories analyze possible gains from exchange in the conclusion of package deals in legislative organizations. Organization theory analyzes interactions between organizations and it suggests that actors from different organizations have incentives to cooperate through informal channels just as actors within organizations. The argument of the thesis largely rests on the public choice theory of logrolling, but it borrows from organization theory the understanding that organizations have incentives to establish informal agreements with other organizations. Some of the best-known theories of logrolling are about exchange within a single legislative chamber. The thesis presents a theory about logrolling between two legislative chambers: the European Parliament and the Council of Ministers. These two actors cooperate through inter-chamber package deals.

This chapter reviews how each of these theories explains the emergence and use of informal procedures in legislative organizations. Section I discusses the propositions offered by rational choice institutionalists. Section II discusses the propositions offered by organizational theorists. Based on the insights from these two approaches, Chapter III proposes the theoretical argument of inter-chamber logrolling in the European Union.

2.1 The Rational Choice Approach to Legislative Package Deals

Rational choice theorists have devoted a large amount of time to understanding the development of informal deals in legislatures. Public choice theory developed as a branch of rational choice and aims at explaining political bargaining in legislative institutions and joint decision sets (Mueller, 2003). The establishment of institutions for legislative exchange has been a dominant topic in the literature of US legislative politics (Buchanan and Tullock, 1962, 2004; Coleman, 1966, 1990; Wilson, 1969; Ferejohn 1986; Weingast and Marshall, 1988; Mueller, 1989; Shepsle and Weingast, 1994; Stratmann, 1992, 1995, 1997; Gilligan and Krehbiel, 1994).

Analyses of logrolling and package deals take into account both the informal interactions among institutional actors and the formal rules of the legislative process. The definition of logrolling varies between different studies. In the US legislative literature, logrolling has been defined as the exchange of support, votes, control or favours, but overall, it is understood as *'the exchange of loss in some issues for benefits in others resulting in mutual overall gain between actors with different interests...'* (Mueller, 1989). Logrolling analyses have developed under a separate branch of legislative studies, known as distributive theories of legislative choice (Krehbiel, 1991).

Distributive theories of legislative organization are based on the assumption that legislators with diverse policy preferences find it in their interest to surrender some policy influence in less salient areas, in return for greater influence in policy domains that are more important to them (Kiewit et al, 2002, 8). The idea of logrolling is to establish links between issues, which are of different value for legislative actors. Actors accept loss in some fields to gain larger profit in others. The enforcement of package deals facilitates the expression of different preference intensities by legislative actors. Logrolling and package deals in many ways increase the internal predictability of decision outcomes for those who are involved in the process (Parisi, 2002, 187). Logrolling theories suggest that legislative

influence follows the extremity and intensity of legislators' preferences (Gilligan and Krehbiel, 1994). Initially, legislators table proposals to benefit themselves at the expense of others, but none of these proposals succeeds. Thus, legislators search for cooperation through legislative trades. In exchange for support, each legislator finds his proposal passed (Weingast and Marshall, 1988).

A. Logrolling and Intensities of Preferences

The origins of the gains from legislative exchange approach go back to Buchanan and Tullock's (1962) *Calculus of Consent*. Logrolling is simply defined as vote trading²⁰. One member of Parliament or Congress will agree to vote for legislation that another member wants in return for his or her vote on another issue. Buchanan and Tullock argued that actors give up property rights of self-determination in situations of interdependence, as long as the expected utility of coordination is higher than the costs of coordination. Exchange and package deals are seen as a welfare enhancing solution, because vote trading allows legislators to express different intensities of preferences. Legislators can benefit from vote trading by lending their support to other legislators' favourite issues in exchange for those legislators' support for their own preferred issues. When actors decide on a package deal that includes two or more issues in a multidimensional space, the inclusion of issue salience can significantly affect the legislative outcome.

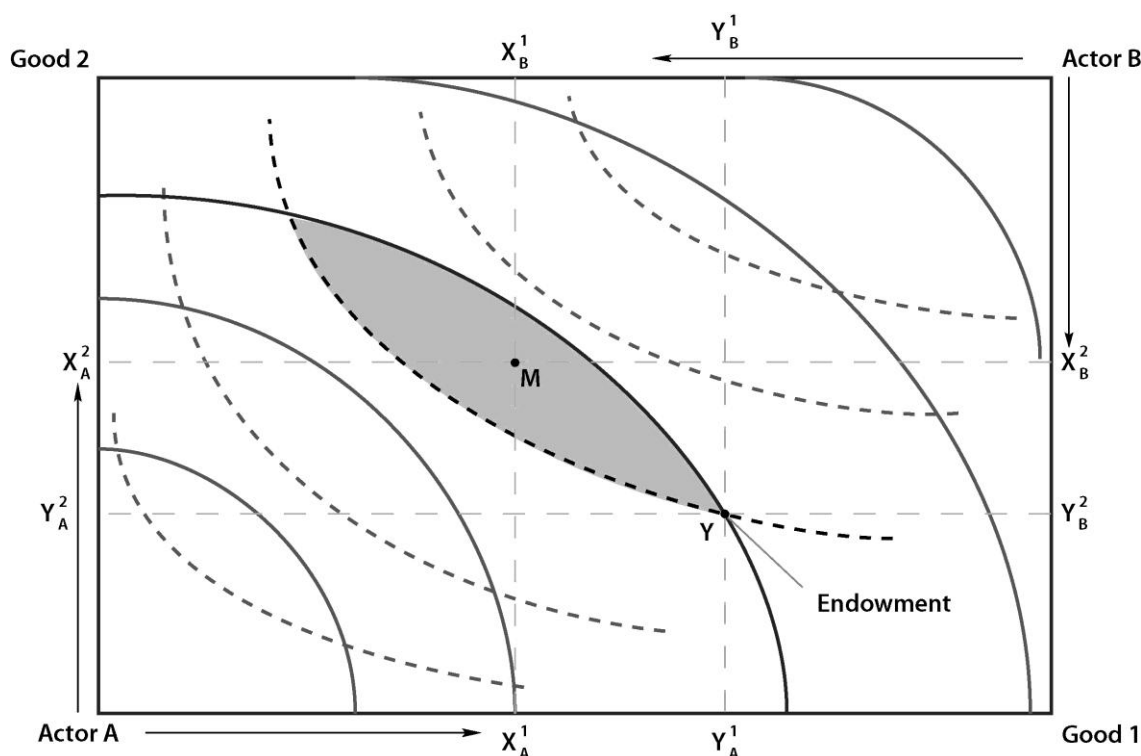
Issue salience and preference intensities differentiate logrolling theories from other spatial theories of legislative organization. Spatial theories, as discussed in Chapter I, address the effects of agenda-setting, amendment and voting rights on legislative outcomes. The theory of gains from exchange allows actors to enter into an exchange relationship in which they further their own interest by providing some product or service that is of direct

²⁰ "Logrolling is known by all students of politics, but until the development of public choice as a discipline it tended to receive little attention. Political scientists who did talk about vote trading viewed it realistically, but they also rarely had much to say and there was general moral disapproval of the phenomenon" (Tullock, 2002, 29).

benefit to the individual on the other side of the logroll. Two institutional actors find it mutually advantageous to join forces to accomplish certain common purposes. Legislative actors find it profitable to explore the possibility of organizing an activity collectively when they expect to increase their utility (Buchanan and Tullock, 2004, 41).

The bargaining process can be described in terms of a simple two actors and two commodities exchange model as is illustrated in the Edgeworth box diagram (see Figure 2.1). Logrolling in 2 actors - 2 issues negotiations is easy to visualize and is intuitive. It is the exchange of loss in one issue, usually less important in priority, for gains in the other issue, usually more important. The difference in preferences between the two issues results in an increase of the overall value to both parties, that is mutual gain (Tajima and Fraser, 2001, 220). In the case of a two-actor trade, there may be many different exchanges, each of which would be beneficial to both parties. The initial position before agreement is reached, is shown at Y.

Figure 2.1 Edgeworth Box: Two Actors with Two Goods Exchange



Source: Adapted from Varian (2006), *Intermediate Microeconomics*, 7th ed., pp. 566

Actor A, in the low left-hand corner, has in his possession X^1_a of Good 1 and X^2_a of Good 2. Actor B has in his possession the remaining amounts of the goods, X^1_b of Good 1 and X^2_b of Good 2. A's consumption bundle is denoted by $X_a = (X^1_a + X^2_a)$ and B's consumption bundle is denoted by $X_b = (X^1_b + X^2_b)$. The total amount of Good 1 is shown on the horizontal axis and the total amount of Good 2 is shown on the vertical axis. A pair of consumption bundles forms an allocation. An allocation is feasible if the total amount of each good consumed is equal to the total amount available, where $X^1_a + X^1_b = Y^1_a + Y^1_b$ and where $X^2_a + X^2_b = Y^2_a + Y^2_b$. The initial endowment allocation is (Y^1_a, Y^2_a) and (Y^1_b, Y^2_b) . The initial combination of commodities will offer to each individual a certain level of utility (Varian, 2006, 566).

The indifference curves for actors A and B are drawn through point Y. Each point on A's indifference curve indicates the various combinations of commodities that provide A with the same level of satisfaction. Similarly, each point on B's indifference curve indicates combinations equally satisfactory to B. The enclosed (shaded) area includes all combinations of the two commodities that will provide more utility to both parties A and B than is provided by the distribution shown at Y. Moving in the north-easterly direction on the diagram, A's level of satisfaction increases. In contrast, B's satisfaction increases as his position shifts in the south-westerly direction. Therefore, gains from trade are possible and actors A and B can mutually benefit from exchange (Buchanan and Tullock, 2004, 96).

The movement to M in the centre of the shaded region involves Actor A giving up $[X^1_a - Y^1_a]$ units of Good 1 and acquiring in exchange $[X^2_a - Y^2_a]$ units of Good 2. Actor B therefore gives up $[X^2_b - Y^2_b]$ units in Good 2 but acquires $[X^1_b - Y^1_b]$ units of Good 1. Therefore, legislators that hold different intensities of preferences over two different issues may find it mutually beneficial to exchange support for each other's most preferred outcomes. Legislators will therefore engage in legislative trade and will gain in the issues they care about the most.

B. Interdependence and Repeat - Play

Interdependence and repeat-play are central to theories of legislative exchange. According to Axelrod (1984: 10), cooperation will emerge in the presence of repeated interactions. Legislators are likely to cooperate if they anticipate future interactions with their present colleagues. Therefore, cooperation and logrolling situations are likely to emerge in policy areas where legislators are interdependent and anticipate to meet again in the near future. Reputations from past interaction and the anticipation of significant future interaction are likely to enforce informal arrangements between legislative actors. When legislators meet over multiple periods, a reputational equilibrium involving high contributions may obtain.

Compliance in agreements between legislators would be achieved through the threat of stopping all future exchanges between parties (Gilligan and Krehbiel, 1989; Kroszner and Stratmann, 1998). The termination threat will discipline behaviour to the extent that the present discounted value of the profits of continuing in the relationship exceeds the profit from cheating on the current transaction. In repeat-play situations, legislators will have an incentive to reduce uncertainty about their policy positions by developing clear and consistent reputations on particular issues. Bernholz (1978) shows that logrolling situations are plausible for a legislative assembly, whose members continually represent the same interests and have reasonably long tenure.

McGinnis (1986) notes that issue linkage can be found in a typical repeat-play, iterated Prisoner's Dilemma situation²¹, where the players may be able to reward or punish the behaviour of each other and therefore establish a self-enforcing mode of cooperative behaviour. Two types of linkage strategies are found to foster cooperation: tit-for-tat arrangements²², in which players cooperate over time and quid-pro-quo

²¹ In a single play of the Prisoner's Dilemma no matter what one player does, the other player is better off if he defects, and thus both, as rational actors, must defect (McGinnis, 1986).

²² As suggested by Axelrod (1984). In this case the sum of cooperative payoffs may be sufficient to provide each player the incentive to cooperate on them all as a package. Thus, the overall gains from cooperation on a package outweigh the incentive to cheat on any single issue (McGinnis, 1986, 151).

arrangements²³, in which each player sacrifices on some issues in order to gain more on others (McGinnis, 1986, 142).

Enelow (1986) argues that logrolling occurs when voters act as if they will consider an infinite number of issues. Just as a cooperative equilibrium exists in a prisoners' dilemma game played an infinite number of times, a stable outcome with logrolling might exist if players do not know which issue would be last. In the case of a finite number of issues, logrolling will occur if voters do not know how long they will remain members of the voting body. Under the assumption that the same types of issues arise again and again, the threat of re-voting is sufficient to protect against defections (Enelow, 1986, 290).

C. Enforcement of Commitments

Another core assumption of exchange theories is the enforceability of informal commitments. Coleman (1966, 1990) proposed a formal model of social exchange in which he assumes that actors face interdependencies over issues and that they expect possible benefits from exchange. Each actor shares partly control or authority over issues. The crucial feature of the assumption of a political exchange market is that control can be exchanged and that informal promises are kept and enforced. However, when vote trades are parts of only informal agreements and take place in sequence, legislators are motivated both to misstate their preferences at the time an agreement is formed and to violate the agreement after it is made.

Because logrolls are informally negotiated, legislators may be bluffing, cheating and there are strong incentives to renege (Mueller, 1989, 87). Political agents are limited to the extent to which they can enter into enforceable informal bargains. It is difficult to bind future voting decisions in a logrolling context, or to constrain the choices of future office-holders. In a traditional contract setting, a contractual agreement can be undone only with

²³ "This arrangement is suggested by the package deal that usually constitutes the outcome of a successful negotiations: each participant concedes more on those issues it values less in order to gain more on issues it deems more important" (McGinnis, 1986, 151).

the consent of all original contracting parties. In informal political agreements any agent can betray the original agreement (Parisi, 2002, 187). The availability of more than two players in a committee creates one of the major problems of logrolling²⁴ - the fact that it implies cyclical group preferences (Bernholz, 1978). The problem of ‘cycling’ is found in logrolling analyses in the US Congress (Tullock, 1981; Black, 1996).

Weingast and Marshall (1988) view the legislature as ‘*a market – like organization in which trades occur through policy bargains*’ (Krehbiel, 1991, 36). They also find that package logrolls face the problem of enforcement. The general non-enforceability of logrolls limits the deals that can be struck among legislators. There are multiple incentive to renege on informal package bargains. An institutional enforcement mechanism is therefore needed to ensure that informal deals are sustained. Weingast and Marshall (1988) argue that institutions exist in order to capture gains from trade. They find that the committee system in the US Congress serves this purpose.

Huber (1996) finds that the enforcement of package deals depends on the ability of political group leaders to ensure the required support in the legislature. Party leaders are therefore pivotal for the enforcement of informal legislative logrolls, as they can exercise party discipline and ensure a vote in favour within the legislative chamber. Carruba and Volden (2000) study intra-chamber logrolling and find that it is easier to maintain cooperative coalitions for logrolls where: the number of legislators is small, the bills are much more beneficial than costly, the future is highly valued, the probability of re-election is high, coalitions can be formed quickly and easily, and voting rules are less inclusive.

Especially vulnerable are informal deals that are agreed sequentially. Members of future sessions face incentives different from those faced when the trade occurred and may seek to amend, abolish, or ignore previous agreements. Logrolling arrangements “*may stretch over several years and because they are merely promises, the rational legislator*

²⁴ The classical intra-chamber logrolling situation has been modelled with two issues each with two alternatives, which turn up again and again in a group of three members (Coleman 1966; Bernholz 1973, 1974, 1978; Stratmann, 1992).

may breach them” (Brady, 2002, 84). If bargains are concluded in sequence and the game is played but once, the first player has no means by which to influence the second player’s decision at the time the latter is made. Thus, one would not expect vote trading to take place over issues decided sequentially. A stable, cooperative vote-trading game can be expected only when the issues on which votes are traded are all decided simultaneously, as part of an omnibus bill, or when the same constellations of issues come up repeatedly and a prisoners’ dilemma supergame emerges (Shepsle and Weingast, 1994).

D. Empirical Studies of Logrolling

In contrast to the large body of theoretical research on legislative exchange, empirically the idea of logrolling has received less attention (Ferejohn 1986; Shepsle and Weingast 1994; Stratmann 1992; 1995; Kruz 2001; Evans, 2004). This is most probably due to the informal nature of logrolls and the secrecy surrounding their terms and enforcement. Empirically, logrolling has been traced within the decision-making process of the US Congress, as the exchange of votes between legislators.

The majority of the existing theories of logrolling in the US concern package deals on distributive legislation (Weingast 1979, 1994; Shepsle and Weingast, 1994). Distributive politics, spending and the budget are found to be marked by logrolling, informal negotiations and package deals (Enelow, 1986; Baron, 1991; Haggard and McCubbins, 2001). In their comparative analysis, Baron and Ferejohn (1989) distinguish between closed rules and open rules. A closed rule applies when a proposal is voted without amendment up or down by the legislature. An open rule allows an unlimited number of amendments to the proposal to be considered before the proposal is put to the vote. Baron and Ferejohn find that closed rules and restrictive procedures will be selected on distributive legislation. According to Heller (2001: 39) evidence of logrolling is most easily found in spending, *‘Chambers resolve their differences through huge, budget-*

busting, deficit-inducing, intercameral logrolls'. However, Evans (2004) establishes empirically that logrolling occurs on several types of policies, not just on distributive legislation. Stratmann (1995: 453) also finds that informal agreements are widespread in the lawmaking process across diverse policy areas and that logrolling plays an important role for legislative decision-making²⁵. Therefore, although logrolling is most likely to develop on distributive legislation, it can also take place on general interest legislation.

Legislators trade votes because intensities in preferences over proposals differ and because proposals would not pass if every legislator voted sincerely. Stratmann (1992) finds that logrolling agreements in the US Congress can take two forms. First, two issues y and w can be joined in a single proposal and be voted on as a package. These types of package deals are often referred to as 'omnibus bills', which regularly appear in the US Congress. Second, the issue pairs can be voted upon separately, with y 's supporters voting for w and w 's supporters voting for y . Sinclair (1995; 2000) and Krutz (2001) also find evidence of package deals in the US Congress in different policy areas.

E. Intra-Chamber Logrolling vs. Inter-branch Logrolling

As discussed above, the majority of logrolling analyses are developed in the context of an intra-chamber committee bargaining situation. However, in a study of US 'unorthodox lawmaking', Sinclair (2000: 80) finds that '*the textbook diagram of how a bill becomes a law no longer accurately describes the legislative process on major bills*'. Only recently has the concept of inter-chamber cooperation through exchange started to develop in the US literature. In their analysis of executive-legislative interactions in the US, Haggard and McCubbins (2001) note that logrolling between two legislative branches is not implausible given that in the negotiations of the yearly budget '*the two branches communicate to each other through channels other than the formal proposal and*

²⁵ According to Stratmann (1995) a logrolling situation is defined as, '*Let (x, y) and (z, w) be pairs of mutually exclusive issues. Let voter preferences with respect to each pair be separable. Let each voter vote sincerely. P stands for social preference. A logrolling situation exists if xPy and zPw , but $ywPxz$* '.

amendments process' (130). Gailmard and Hammond (2006) also make a link between inter-cameral bargaining and intra-cameral organization. The authors note that single chamber models neglect the fact that the US Congress is bicameral and that each chamber has veto power over proposed legislation. Gilligan and Krehbiel (1987, 1990), Diermeier and Myerson (1999) and Ansolabehere, Snyder and Ting (2003) also develop their analyses within the broader context of multi-chamber legislative politics.

The review of the existing rational choice literature on legislative exchange suggests that logrolling analyses have concentrated on intra-chamber decision-making, predominantly within the US Congress. Nevertheless, these distributive theories developed in the context of single chambers provide the basis for the argument of the thesis. Krehbiel (1991) identifies two central hypotheses that form the core of distributive theories. First, to hasten agreement, closed rules are more likely to be used on highly distributive legislation (based on Baron and Ferejohn, 1989). Second, to reliably capture gains from trade, legislatures will commit to certain institutional arrangements that regulate and enforce informal agreements (based on Weingast and Marshall, 1988). Therefore, logrolling in the EU legislature is expected to take place on highly distributive legislation. Furthermore, as in any legislature, logrolling agreements in the European Union will require certain institutional agreements to regulate and enforce informal commitments.

In Chapter III, the idea of logrolling is extended to inter-chamber decision-making in the European Union. However, a good analytical explanation is needed to justify why legislative institutions, such as the European Parliament and the Council of Ministers can be viewed as the actors in a logrolling situation. Organization theory provides a useful analytical frame that views organizations as the actors in inter-organizational cooperation. The following section reviews how the insights from organizational theory can be used in the development of a theory of inter-chamber logrolling in the EU.

2.2 The Organizational Approach to Legislative Package Deals

Organization theory aims at explaining organizational dynamics by taking into account the structure and design of organizations. The structure of organizations, however, involves formal and informal procedures. This theoretical approach makes a sharp distinction between the formal structure of an organization and its day-to-day informal procedures (Meyer and Rowan 1991; Pfeffer 1981, 1997; Selznick, 1957; Pfeffer and Salancik, 1978; Powell and DiMaggio, 1991; Tolbert and Zucker, 2002; Helmke and Levitsky, 2004).

Organizational theorists analyze different types of organizations, including business corporations, firms and social organizations as well as legislatures and bureaucracies (Miller et al, 2002; Handy, 1999). While organization theory does not aim at explaining package deals in legislative organizations explicitly, this analytical approach contributes to understanding the development of informal package deals in the EU in two ways. First, organization theories place a great emphasis on informal rules and procedures in institutional decision-making. Second, organization theories view organizations as actors and analyze how organizations cooperate with other organizations in interdependent, repeat-play environments.

A. Informal Rules and Procedures within Organizations

The importance of informal rules and procedures has been a dominant topic for organization theorists (Roethlisberger and Dickson, 1939; Crozier, 1964; March and Simon, 1958, 1993; Simon, 1957; March, 1994; North, 1990; Krackhardt and Hanson, 1993; Jepperson, 1991; Powell and DiMaggio, 1991; Mershon, 1994; Tolbert and Zucker, 2002; Helmke and Levitsky, 2004). Given the wide research agenda in organizational theory, there are various views on how informal institutions manifest across organizations²⁶.

²⁶ Roethlisberger and Dickson (1967: 559) describe informal rules as '*the practically existing patterns of human interaction by which the work of the organization is performed*'. Others characterize them as 'natural'

Helmke and Levitsky (2004:727) define informal institutions as the *'socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels'*²⁷. Informal decision-making processes are often so important that formal decisions are simply ratifications of decisions reached earlier through informal means (Chisholm, 1989, 145). Formal provisions lay out the official blueprint for organizational interactions, but that does not mean that institutional actors conform strictly to them (Meyer and Rowan, 1991, 42). In their generality, official rules leave procedural gaps, which informal practices emerge to solve. In day-to-day decision-making unanticipated decisions must often be made and unofficial practices are likely to furnish such decisions long before formal rules have been adapted to the changing circumstances.

Although the official procedures coordinate and control behaviour, they can never completely determine and confine the social relations of the members of an organization. Therefore, the formal organization simultaneously gives rise to informal activities (North, 1990, 46). Informal institutions are *'not just a missing variable...they are more than behavioural regularities or unintentional by-products of formal institutions. They are not simply clashing, weak, or absent formal institutions'* (Tsai, 2003, 4). Just like formal institutions, however, informal institutions can be either weakly or strongly influential, and effectively or ineffectively enforced.

Every organization has an established informal organization that does not appear on any formal chart but is familiar to all employees. Much of what gets done in an organization goes through the informal organization, in ways not revealed by the formal hierarchy. Organizational decision-making and coordination frequently take place outside the formally designed channels as people interact informally on the job (Jones, 2004, 153).

vs. rational system (Selznick 1949; Thompson 1967), a 'residual or cafeteria' effect, culture, negotiated order and discourse (see Laubach, 2005).

²⁷ In contrast, formal institutions are defined as *'rules and procedures that are created, communicated, and enforced through official channels, this including state institutions (courts, legislatures, bureaucracies) and state-enforced rules (constitutions, laws, regulations) but also organizational rules, or the official rules that govern organizations such as corporations, political parties and interest groups'* (Helmke and Levitsky, 2004, 727).

Thus, by establishing a formal structure of interrelated roles, managers are also creating an informal social structure that affects behaviour in ways that may be unintended. Informalities develop because individual actors in the system seek ways to reduce uncertainty resulting from inter-organizational interdependence. Uncertainty is produced because organizations, as open systems, depend on each other, but cannot control the behaviour of others (Chisholm, 1989, 190). Over time actors realise that it is possible and beneficial to work around the formal rules, and so they devise informal rules to guide behaviour, ensure coordination, and maximize efficiency (Tolbert and Zucker, 2002, 177).

Institutional actors may develop informal arrangements to facilitate formal institutions. Because formal rules are usually incomplete, they cannot cover all situations incurred in day-to-day decision-making. Actors operating within a formal institutional context, such as bureaucracies and legislatures, develop norms and procedures that expedite their work or address unanticipated by the formal rules problems (Chisholm, 1989, 66). Moreover, institutional actors may develop informal arrangements to maximize their utility and to modify the organizational rules to suit their preferences (Pfeffer and Salancik, 1978). Actors may create informal rules to modify formal institutions they come to perceive as flawed. As actors engage in repeated interactions over time, actors become aware of the gap between the outcomes they had intended and the outcomes they see structured by formal institutions (Mershon, 1994, 49). Therefore, informal institutions may be used by actors who do not have the power to change formal rules.

Just like the majority of rational choice analyses of intra-chamber legislative exchange, many organizational theorists have studied the development of informal institutions within organizations. Many of the earlier studies of organizations analysed the role of informal arrangements, norms and values and their effects on institutional structures (Mayo, 1933, Barnard, 1938, McGregor, 1960, Bennis 1966; Selznick, 1957; Child, 1972; Dawson, 1986; Scott, 1987, 1991; Jepperson, 1991; Fligstein, 1991).

B. Inter-Organizational Cooperation

Central to the analysis of the thesis, however, is the idea of the development of inter-organizational informal arrangements (Simon, 1957; Pugh et al, 1969; Lawrence and Lorsch, 1967; Scott and Meyer, 1991; Mulford, 1984; Parsons, 1960; Perrow, 1970; Thompson, 1967; Aldrich, 1979, 1999; Van de Ven and Ferry, 1980). These theorists assume that organizations cannot exist alone, they are in a constant relation with the outside world and are affected by larger systems of relations. Hall (1996: 237) finds that inter-organizational relations occur due to the procurement and allocation of resources, in order to form coalitions of political advocacy and advantage, and to achieve legitimacy or public approval.

Through repeated interactions organizations develop common understandings and practices that form the institutions that define the organizational field and at the same time, these institutions shape the ongoing patterns of interaction from which they are produced. The negotiations associated with such inter-organizational collaboration tend to be more complex and fundamental, leading to new understandings, norms and practices that may be transmitted across organizations (Lawrence et al, 2002, 282).

In their interaction with their external environments, organizations create inter-organizational networks, which are linked together by a special type of relations to attain collective and self-interested goals or to resolve specific problems. Organizations must interact and transact with others who possess those resources, which makes organizations dependent on their environments (Sanders et al, 1998, 113). The continuous social interaction may give rise to social integrative bonds that unite organizational actors (Blau, 1964, 65). However, ties formed to help generate the flow of resources into an organization also carry with them the risk of losing certain autonomy to organizations from which the resources flow (Doreian and Fujimoto, 2004, 45).

Similarly to the rational choice theories of exchange reviewed in Section I, organization theories that study inter-organizational cooperation assume repeat-play and interdependence. Interdependencies create uncertainty in decision-making because they may lead to the necessity of increased coordination and mutual control over each other's activities (Mulford, 1984, 6). Different forms of interdependence exist in organizations, including the interdependence which arises from joint activity on some work product, so that what one unit does to the product affects and may be affected by the actions of the other unit. Interdependence ties organizational participants together, and each is concerned with what the other does and obtains (Pfeffer, 1989, 68).

The need for coordination is a function of the interdependence of the parts of an organizational system (Chisholm, 1989, 3). Informal channels of communication, informal bargains and agreements and norms of reciprocity all contribute directly and indirectly to processes of coordination. They also promote consensus in situations initially characterized by conflict. Where formal organizational arrangements are absent, insufficient, or inappropriate for providing the required coordination, informal adaptations develop to satisfy that need. The informal organization that develops may be quite stable and effective, more so than formal hierarchical arrangements (Chisholm, 1989, 18). Through their interdependence with external environments, organizational units come to resemble other units that face the same set of environmental conditions (Powell and DiMaggio, 1991, 67).

While not focusing explicitly on explaining package deals in legislatures, organization theory offers two central analytical tools for the analysis of informal inter-chamber bargains in the European Union. First, organization theories place a particular emphasis on informal institutional arrangements in formal organizations. Second, organization theories analyse interactions between organizations and suggest that actors from different organizations have incentives to cooperate through informal channels just as actions within organizations.

2.3 Explaining Package Deals in the European Union

This chapter reviewed how two distinct institutionalist approaches understand and help to explain the emergence, enforcement, and operation of package deals in legislative organizations. Although they have developed as different branches of institutionalist theory (Hall and Taylor, 1996; Peters, 2001), organization theory and rational choice institutionalism share several assumptions (Zye, 1998). Both analytical approaches focus on the existence of informal institutional arrangements, and they aim at explaining cooperative behaviour between actors within interdependent, repeat-play contexts.

Section I discussed explanations offered by rational choice theorists. Theories of logrolling provide solid analytical tools for understanding package deals in legislatures. The argument of the thesis largely rests on rational choice institutionalism. However, the best-known distributive theories are about exchange within a single chamber, the US Congress (see Shepsle and Weingast, 1987, 1994; Marshall and Weingast, 1988). The argument developed in Chapter III, however, is about logrolling between two chambers in the EU legislature, the European Parliament and the Council of Ministers.

Therefore, the argument borrows from organization theory the understanding that organizations can establish informal agreements with other organizations. Section II discussed the contributions of organizational theorists to understanding the development of legislative package deals in the European Union. While not directly addressing informal deals in legislatures, organizational theory contributes by placing a strong emphasis on informal procedures and inter-organizational cooperation through repeated-play (see Chisholm, 1989; Doreian and Fujimoto, 2004; Sanders et al, 1998; Lawrence et al, 2002).

Chapter III develops an argument about inter-chamber logrolling in the EU. While borrowing its assumptions from rational choice theories of logrolling, the argument presented here extends the idea of legislative exchange from a single chamber context to a bicameral setting.

CHAPTER 3 : LEGISLATIVE PACKAGE DEALS IN THE EUROPEAN UNION: ARGUMENT

This chapter develops an argument about inter-chamber legislative package deals in the European Union. The key argument is that package deals increase the legislative influence of the European Parliament in EU decision-making across legislative procedures and policy areas. The development of legislative package deals in the European Union allows the Council and the Parliament to exchange support for their preferred policy outcomes. Member States ensure that legislation is adopted without significant delay and governments have greater control over the financial aspects of legislative acts. In exchange, the European Parliament receives further opportunities for legislative influence, increased institutional powers, and access to some of the EU's most salient policy areas.

There are prospects for gains from exchange in the EU legislature, since logrolls can make both chambers better off. Once EU decision-making is viewed as a process where players interact repeatedly, credible commitments, informal deals and logrolling situations become possible. Logrolling is defined here as the exchange of support between Member States in the Council and Members of the European Parliament. A legislative package deal is the result of such an inter-chamber exchange of support, which is enforced by the legislative chambers through voting.

Various legislative deals take place among members of committees, parties and working groups. In bicameral legislatures, in addition to intra-chamber deal-making, members of each chamber engage in bargaining with representatives from the opposite chamber in order to make laws (Longley and Oleszek, 1989; Tsebelis and Money, 1997). This inter-chamber deal-making stage is the focus of the argument. Without a doubt, numerous promises and informal agreements are made within each of the EU legislative institutions. While these are important, the thesis focuses on the macro inter-institutional level where informal package deals are enforced between the EP and the Council.

3.1 Why Legislative Package Deals in the European Union

Package deals are fragile informal bargains agreed between representatives of the Parliament and the Council. Legislative proposals and the issues included in packages are discussed and voted as a whole. Usually agreed through informal negotiations, these legislative compromises serve as binding commitments and each of the legislative chambers has to accept such deals without any further amendment. Package deals allow the linkage of issues and proposals and their simultaneous decision by EU legislators. Issues are not decided on a case-by-case basis, but are linked to one another. Decisions on one issue are connected to decisions on another issue.

Lawmaking through package deals allows the exchange of support between the Parliament and the Council across different types of issues to which the EU legislative chambers attach different preference intensities. Package deals allow the legislative bodies to obtain their most preferred outcomes by exchanging support on some issues for support on other issues. The distributive nature of EU legislation and the timing of legislative action induce the use of package deals. Logrolling allows some of the most controversial proposals that would otherwise face gridlock, to be successfully negotiated and passed. The bicameral EU legislative structure does not allow Member States to avoid the opinion of the European Parliament or to proceed without the EP's consent. This interdependence requires close cooperation between the legislative bodies. Package deals help the legislative chambers to resolve conflict and to reduce the costs of collective action.

If there are no opportunities for legislative exchange, the Member States and the European Parliament negotiate legislative proposals on a case-by-case basis and the issues involved in these proposals are discussed one at a time. In such cases, no linkage of issues or proposals takes place. When package deals are not possible, EU lawmaking follows the procedural route of decision-making as described in Chapter 1.

Package Deals as Responses to Inter-Cameral Conflict and the Costs of Collective Action

Due to the bicameral nature of the EU legislature, inter-chamber package deals serve two purposes: a) resolving conflict between the legislative chambers and b) reducing the costs associated with common action.

First, the use of legislative package deals in the EU is a solution to the problem of conflict resolution at the inter-cameral level. In bicameral legislatures, chambers may differ in their policy positions. The passage of a legislative proposal in either the Parliament or the Council does not constitute the end of the legislative process. Because different chambers can have different policy preferences, the inter-institutional bargaining process is crucial to legislative outcomes (Gailmard and Hammond, 2006, 3). Even if the two chambers are nearly identical in political alignment, this does not mean that legislative proposals will find identical support in both of them. Differences between the legislative chambers may persist to exist (Tsebelis, 2002, 144). Therefore, lawmaking through package deals in the EU has developed as a practical solution to resolving inter-chamber conflict.

The second reason for the sealing of package deals in the EU is the collective action problem. The larger the size of the group needed to take collective action, the more difficult it is to organize individual legislators around a common position (Olson, 1965). In order to facilitate the law-making process, reduce uncertainty, speed up decision-making and avoid gridlock, EU legislators develop informal procedures. Making the legislature work is a collective interest. By working closely at the very early stages of the procedures, legislators from the Council and the Parliament gain an idea on what goes on in the other chamber. Package deals hence serve as a coalition-building strategy (Evans, 2004, 31). The leaders in the EP and the Council work together on legislative packages and build support in each of their chambers around the package compromises. Package deals help each chamber coordinate its internal politics in order to enforce a possible inter-chamber compromise.

3.2 Assumptions

The theory of inter-chamber logrolling in the EU is developed further with a discussion of the several assumptions made about the legislative actors, their preferences and intensities of preferences, their interdependence, their repeated interaction and the possibility of enforcing informal commitments. The argument shares these assumptions with the basic assumptions found in distributive theories (as discussed in Chapter II).

A. The Actors in Inter-Cameral Lawmaking through Package Deals in the EU

The analysis is concerned with logrolling between two legislative chambers: the European Parliament and the Council of Ministers. Most of the well-known theories of logrolling are about legislative exchange inside a single chamber, the US Congress. These are theories about logrolling at the micro intra-institutional level (Shepsle and Weingast (1987, 1994), Marshall and Weingast (1988), Gilligan and Krehbiel (1987, 1990))²⁸. The argument here largely rests on these theories, but it borrows from organization theory the understanding that organizations can establish informal agreements with other organizations (Van de Ven and Ferry, 1980, Doreian and Fujimoto, 2004, Lawrence et al, 2002)²⁹.

In this macro - level inter-chamber logrolling the two institutions become the actors that organize logrolls through legislative package deals. The argument makes the simplifying assumption that there are only two actors interacting in the making of EU law, the Council and the Parliament. The bargaining is bilateral. Informal exchange takes place between two legislative chambers. When both sides have something to gain from a package exchange, the Council and the EP enter the inter-chamber bargaining stage.

²⁸ Exceptions to this rule are several more recent studies by Gailmard and Hammond (2006), Diermeier and Myerson (1999) and Ansolabehere, Snyder and Ting (2003). These authors acknowledge the limitations of intra-chamber analyses of logrolling and take into account the effects of multi-chamber bargaining.

²⁹ See also Mulford (1984), Chisholm (1989), Pfeffer (1989), Sanders et al (1998).

Treating these two institutions as unitary actors can be problematic for many students of EU legislative politics. Authors who have studied intra-institutional decision-making in the Council (Hayes-Renshaw and Wallace, 1997, 2006; Fouilleux et al., 2005; Haege, 2008)³⁰ and the European Parliament (Hix et al., 2007; Benedetto, 2005; McElroy 2006, 2007)³¹ rightly point out that each of the legislative institutions is a collection of actors. Divisions among these actors are central to legislative politics and treating the Parliament and the Council as unitary actors can undermine the explanatory power of models (Hoyland and Hagemann, 2007).

However, in the study of inter-cameral package deals, there is a good reason for treating the EP and the Council as unitary actors. When it comes to inter-cameral decision-making, compromise depends on the consent of the EP and the Council. Although there are many important actors within the legislative institutions, at the inter-institutional stage, the representatives of the European Parliament and the Council of Ministers bargain on behalf of their respective institutions. Any agreements reached between these representatives are then binding on their parent chambers.

B. Intensities of Preferences

A key assumption of the argument is that actors can feel differently about policy outcomes. Therefore, the saliency they attach to legislative proposals and the issues within them can vary. The Council and the Parliament often disagree about the content of legislation. The assumption that actors can have different preference intensities is at the core of the most well-known theories of logrolling (Buchanan and Tullock 1962, 2004; Coleman 1966, 1990; Ferejohn, 1986; Weingast and Marshall, 1988; Mueller, 1989; Shepsle and Weingast, 1994; Stratmann, 1992, 1995, 1997; Gilligan and Krehbiel, 1998). Package deals cannot be

³⁰ see also Lewis, 2000; Bostock, 2002; Tallberg, 2003; and Warntjen, 2008.

³¹ see also Kaeding, 2004, 2005; Hoyland, 2006; Noury and Roland, 2002; Bowler and Farrell, 1995; and Whitaker, 2005.

profitable to legislative institutions if the actors attach the same saliency to proposals. If there are multiple issues, the two actors may value policy change on each issue differently.

Each actor is assumed to be more concerned about some dimensions of the legislature's activities than others. Each legislative institution is assumed to have well-defined preferences and multiple issues to choose from (Gilligan and Krehbiel, 1994, 187). The actors may feel more intensely about some issues than others. Member States in the Council are assumed to be more concerned about the financial matters in EU legislation. Governments are directly affected by the budgetary aspects of legislative proposals. The possibility of controlling the extent to which EU legislation affects governments' budgets, motivates the Council to engage in legislative trade with the EP. Issues of funding or budgetary contributions are therefore assumed to be much more salient for the Council than for the Parliament. On the other hand, the European Parliament, as the 'voice of the people', is assumed to attach higher priorities to issues of human rights, transparency, privacy, and data protection. Impatience can increase the actors' intensity of preferences. If all intensities of preferences are identical over all issues, no trading of support is possible. In this case, the EP and the Council feel as strongly on one issue as on any other, and they will never rationally agree to exchange their support for reciprocal favours.

C. Interdependence and Repeat - Play

Moreover, the Council and the Parliament are assumed to be interdependent in the framework of the EU legislative system. The Parliament cannot avoid the Council and vice versa. This interdependence creates pressures for cooperation. The EU legislative actors are affected by each others' actions and seek ways for reaching compromise. The assumption of interdependence is also found at the core of logrolling theories (Buchanan and Tullock, 1962; Coleman, 1966; Enelow, 1986; Bernholz, 1978; Axelrod, 1984; Kroszner and Stratmann, 1998). Cooperation is expected to emerge between interdependent actors who

meet repeatedly. Due to their interdependence, the EU legislative institutions cannot behave without affecting each other. This legislative interdependence creates the necessity to coordinate inter-institutional decision-making in order to sustain an efficient EU legislative process. The use of informal methods for compromise serves to facilitate this bicameral coexistence.

The two legislative chambers are assumed to participate repeatedly in EU law-making. The choices made in the present may influence legislative outcomes in the future. This possibility may induce the actors to give up their ideal preferences and choose to cooperate. Repeat-play fosters cooperation (Axelrod, 1984). Due to repeat-play, when making decisions, actors take into account any reputations developed in the past as well as the possibility of future interactions. Legislative decisions on issues discussed repeatedly may be very different to decisions taken on a case-by-case basis. Repeat-play fosters the enforcement of informal agreements as cheating may be punished in the future. Legislators who are interdependent and meet repeatedly, therefore, are more likely to establish the terms of informal interactions and enforce inter-institutional informal commitments.

Considering that the Council of Ministers and the European Parliament will interact on future occasions within the same policy framework and within other policy areas, EU negotiators are likely to accept an outcome different from their ideal preferences. This way, bargaining in one legislative procedure can be linked to negotiations in another procedure. Therefore, the formal separation between co-decision and consultation matters can be overcome through the linkage of issues and proposals in packages. Factors such as the existence of previous legislation in the area and the opportunity of deciding under a different legislative procedure are central to understanding legislative behaviour. The repeated interaction of members of the Council and the EP leads to their cooperative behaviour.

D. Enforcement of Commitments

The legislative chambers are assumed to be able to commit to a particular informal inter-institutional arrangement. Following Gilligan and Krehbiel (1987, 1990) and Diermeier and Myerson (1999) who assume the possibility of commitment to restrictive rules, this argument considers the case where legislative chambers can commit to agree and enforce a package deal. The Council and the Parliament can commit to enforce and sustain informal agreements. The representatives of each chamber have the authority and credibility to agree package deals at the inter-institutional level and to ensure that these are adopted by their parent chambers. Of course, EU legislators face the problem inherent in all informal agreements – the instability of informal deals.

Logrolling agreements face the general problem of non-enforceability. Informal agreements are difficult to enforce, as actors may cheat, deny, and seek to amend or abolish any previous commitments (Mueller, 1989; Shepsle and Weingast, 1994; Stratmann, 1992; Parisi, 2002). In the European Union context, the problem of non-enforceability of informal agreements between the legislative actors is overcome with the establishment of an institutional structure for political exchange. The need to organize the legislative process and the terms of political exchange lead to the development of institutional tools for inter-chamber negotiations. As the legislative exchange is only bilateral and agreed between representatives of the two chambers, informal commitments are much easier to enforce. Inter-institutional meetings such as the trilogue provide the institutional framework for the agreement and enforcement of legislative package deals in the European Union.

E. Information

The success of legislative package deals depends on the ability of the agents of the Council and the Parliament to negotiate with clear information about the policy positions and preference intensities of their parent chambers. In a large legislature, such as the EU,

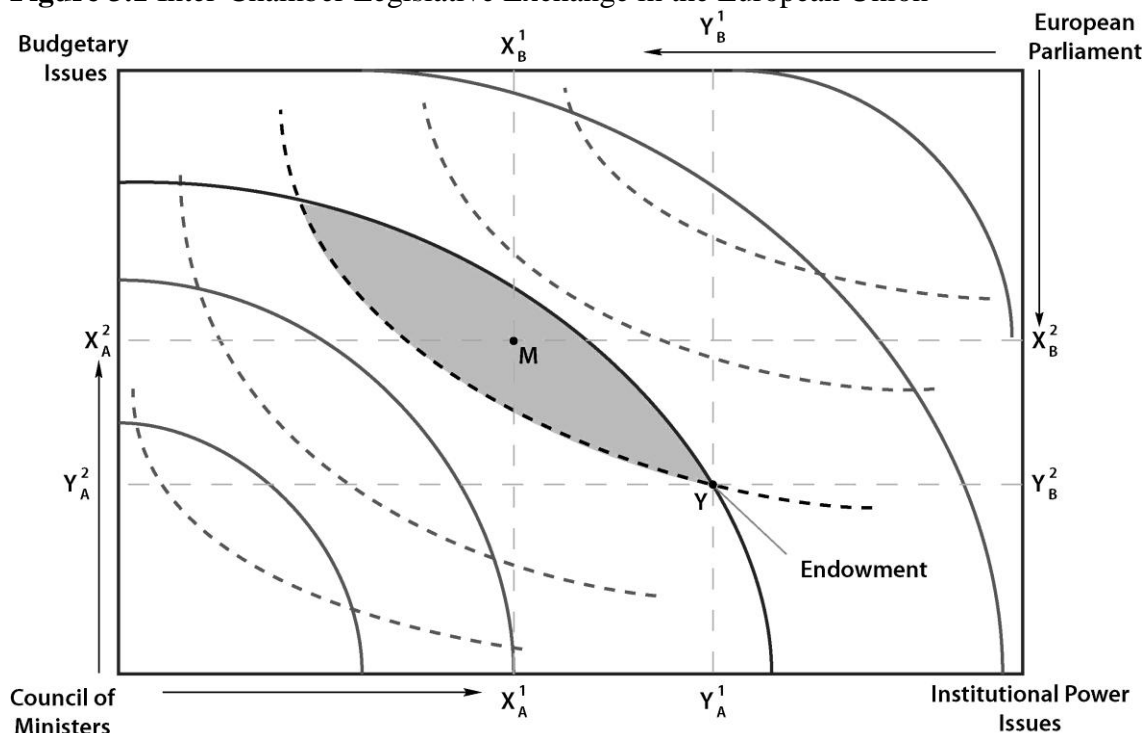
knowing the policy positions and preference intensities of individual legislators is almost impossible, especially during the early stages of the legislative process. Internally both the EP and the Council reduce the number of participants in drafting legislative proposals. The preparatory bodies in the Council and the legislative committees in the EP ensure that their members are aware of their policy preferences and the intensity of these preferences on different issues. Legislators have incentives to reduce uncertainty about their policy positions by developing clear and consistent reputations on particular issues. Therefore, the representatives of the EP and the Council enter the inter-institutional legislative stage with clear accounts of the policy preferences and salience of issues to their respective chambers.

3.3 Modelling Legislative Package Deals in EU Decision-Making

Given their interdependence, different preference intensities, repeated interactions, and their ability to conclude and enforce informal commitments, EU legislators find it profitable to cooperate through package deals. Following the methodology of Diermeier and Krehbiel (2003) and Huber and Shipan (2002), this section outlines the details of the legislative process, the possibilities for packaging issues and proposals, and the mechanisms for agreeing package deals between the EP and the Council.

Just as in Chapter II, the legislative inter-chamber exchange process can be described with an Edgeworth Box (see Figure 3.1). Actors A and B are now the Council and the Parliament. Goods 1 and 2 are two different types of issues, say, Institutional Powers and Budgetary Issues. Gains from exchange are possible in the following scenario. Actor A, the Council, in the low left-hand corner, holds preferences X^1_a over Institutional Powers Issues and X^2_a over Budgetary Issues. Actor B, the Parliament holds preferences X^1_b over Institutional Powers Issues and X^2_b over Budgetary Issues. The indifference curves of the Council and the EP are drawn through Y. The shaded area represents all points where exchange between the EP and the Council will lead to mutual gains.

Figure 3.1 Inter-Chamber Legislative Exchange in the European Union



In order to gain in budgetary issues and to move from Y to M , the Council will have to give up $[X^1_A - Y^1_A]$ in Institutional Power Issues and it will acquire in exchange $[X^2_A - Y^2_A]$ in Budgetary Issues. In exchange, the Parliament gives up $[X^2_B - Y^2_B]$ in Budgetary Issues, but it gains $[X^1_B - Y^1_B]$ in Institutional Powers. Given their different intensities of preferences over these two different types of issues, the two legislative chambers in the EU can engage in trade and achieve mutually beneficial outcomes.

A. Three Stages of the EU Decision-Making Process

The decision-making process in the EU legislature is presented as a three-stage process. The legislative process consists of the following stages: a) intra-chamber decision-making; b) inter-chamber bargaining; and c) voting. The process starts with decision-making within each legislative institution. The second stage of the process is the decision-making stage between the two legislative chambers: the Parliament and the Council. At this inter-institutional stage, the Council and the EP can commit to sustain and enforce a package deal. Finally, informal commitments are enforced within each legislative chamber through voting, which constitutes the third stage of the legislative process.

Stage I: Intra-Chamber Decision-Making

The Commission proposes legislation. The Member States in the Council start the intra-chamber discussions (across working parties, Coreper, Presidency). At this first stage the EP drafting committee(s) also starts discussions on the proposal. First, both the EP and the Council reconcile the conflicting positions within their respective institutions so that an acceptable compromise can be achieved within each of the legislative chambers. The decision-making process within each chamber follows the procedural rules as prescribed by the internal rules of the Council of Ministers and the European Parliament.

Stage II: Inter-Chamber Bargaining

The EP and the Council enter a bargaining process to reconcile the differences between each other in the search for an inter-institutional compromise. The Council has two incentives to enter package deal negotiations with the EP regardless of the decision-making procedure. First, the Council finds it profitable to conclude package deals with the EP in order to ensure that its policy preferences on salient for Member States legislation are reflected in legislative outcomes. The chambers are interdependent and meet repeatedly on a daily basis. Through package deals the Council ensures that the issues it feels most strongly about are not rejected by a non-cooperative Parliament.

Second, the Member States may be impatient about the decision on a legislative proposal. Time may be pressing the Council to offer its support for the EP's demands in exchange for an instant EP opinion. When both sides have something to gain from such an exchange, the Council and the EP enter the inter-chamber bargaining stage. The inter-institutional and intra-institutional stages are related. The intra-institutional stage does not always precede the inter-institutional stage. Package deals may be made first between the chambers at the inter-institutional stage, and may then be translated into the internal decision-making processes of the EP and the Council. Sometimes legislative package deals can shift several times between the two stages.

Stage III: Voting

Any commitments undertaken by the representatives of the European Parliament and the Council during the informal negotiations at stage II are later enforced within each chamber. The deals struck between the leaders of the legislative houses have to be voted in favour, without amendment, by the members of each institution. Package deals in the EU are enforced through restrictive procedures, where compromises are passed as a whole. Individual members of the legislative institutions are not encouraged to propose amendments to these packages. This way, legislative package deals in the EU resemble Baron and Ferejohn's (1989) closed rules where package texts are voted up or down as a whole by the legislative chambers, without further amendments.

B. Where Do Legislative Package Deals Originate in the EU?

This theory of inter-chamber logrolling applies to package deals within proposals and package deals across proposals. Furthermore, package deals are expected to be enforced when issues and proposals are discussed simultaneously.

One way of concluding a legislative package deal in the European Union is through a logroll on a single proposal, in which the two actors attach different salencies to the multiple issues involved in the legislative act. A package deal on a single 'omnibus' proposal ensures that the piece of legislation passes within each chamber and that it respects the priorities of the European Parliament and the Council. Another way of concluding a legislative package deal is through a logroll on multiple proposals. The two actors attach different salencies to the multiple issues involved in the legislative acts, but an agreement is only possible if the two or more legislative proposals are passed together. Whether inter-chamber logrolling takes place within proposals or across proposals, package deals are expected to be agreed simultaneously.

Logrolls are likely to break if promises are made across time or policy areas. This is in line with the consensus in the more recent ‘gains from exchange’ literature that informal deals are especially vulnerable when agreed sequentially (Shepsle and Weingast, 1994; Parisi, 2002). In the EU legislature, the Parliament and the Council may be represented by different bargaining agents in the future. Even if the bargaining agents commit to enforcing an informal agreement over time, the parent chambers may feel differently in future situations. Intra-chamber politics may lead to the inability of the EP and the Council to enforce informal commitments over time. Therefore, legislative package deals are not expected to be agreed sequentially.

Legislation in the EU may become part of a package deal through two routes. These are packages proposed by the European Parliament or the Council of Ministers and packages proposed by the European Commission. First, a package deal is negotiated when any of the legislative chambers proposes a logroll. This can be either the EP or the Council. A package deal will occur if there is room for exchange between the legislative chambers. The legislative actors propose the bundling of issues in order to find an overall compromise, satisfying their different preference intensities. However, if one looks earlier in the legislative process, it becomes clear that logrolling situations can be structured even when the Commission proposes legislation.

Second, a package compromise can be proposed by the Commission. If it proposes several pieces of legislation simultaneously and treats them as a package, the Commission structures the negotiations between the EP and the Council in a logrolling framework. By identifying that several legislative proposals are part of a package, and thus naming the bundle of issues and/or proposals – a package³², the Commission increases its ability to affect legislative outcomes. The Commission includes issues that would otherwise be

³² See for example the Energy package (2003), the Telecom package (2002), the Single Sky package (2001), the Railway package (2004), the SIS II package (2005) (see Appendix I)

impossible to pass if proposed separately. When the Commission proposes package legislation, the EP and the Council engage in trade in order to get their most preferred policy outcomes as part of the package deal.

C. Who Strikes the Deals on Behalf of the Legislative Chambers? Bargaining Agents

When package deals are negotiated between the Parliament and the Council, this does not mean that all members of one chamber start negotiations with all members of the opposite chamber. Informal agreements are conducted between representatives from each legislative chamber, who have the authority to negotiate an inter-chamber deal on behalf of their institutions. The Parliament and the Council are represented by their bargaining agents at the inter-cameral decision-making stage. These agents serve two roles. First, the bargaining agents of each legislative institution negotiate the terms of package deals on behalf of their parent chamber. Second, these agents persuade the members of their parent chamber to accept the terms of the negotiated inter-institutional package compromise.

While there are clearer rules on who represents the European Parliament in conciliation committees (Rasmussen, 2005, 2008), there are no clear rules of ‘electing’ or ‘appointing’ the EP’s representatives to package deal negotiations with the Council. However, any informal agreement between the representatives of the two chambers has to be enforced through formal voting. Therefore, the EP is represented by people who have the authority and credibility to ‘sell’ the package compromise back to the plenary. This can be the committee rapporteur (together with any shadow rapporteurs and committee chairs), who is in charge of writing the legislative report and ensuring that it passes through the Parliament. In addition, the EP can be represented by political group leaders who, although not in charge of writing legislative reports, have the power to motivate party members to pass package compromises in plenary.

The Council of Ministers operates a stricter procedure in its nomination of a representative to inter-cameral informal negotiations with the Parliament. To start informal contacts with the EP, the Council Presidency requires a mandate from Coreper and it is obliged to report back the results of the informal meetings. Usually, Coreper reviews the results and requires the responsible Council working party to draft a compromise text. The revised text is then referred to the Presidency for further negotiations with the EP. Only after it has been given a mandate from the Member States could the Presidency negotiate a package compromise on behalf of the Council.

D. How are Legislative Package Deals Enforced in the EU?

Trilogues serve as the institutional mechanisms for information exchange and capturing gains from legislative trade in the European Union. Triologue procedures allow the EP and the Council to communicate their intentions informally and to exchange information on their positions early in the legislative process. Repeat-play and the time constraints of the legislative process require the close cooperation between the EP and the Council in order to accommodate the preferences of both sides. Consensus is therefore sustained through increased communication between the EP and the Council and through the establishment of a stable cooperative relationship between the two legislative branches. As decision-making is a costly activity, it is in the interest of both institutions to reach agreement early. Therefore, triologue procedures allow EU legislators to cut the costs of lawmaking. They provide the informal setting in which binding enforceable agreements are reached between representatives of the Council and the Parliament.

In their study of the US Congress, Weingast and Marshall (1988) find that package logrolls face the problem of enforcement. The general non-enforceability of logrolls limits the deals that can be struck among legislators as there are multiple incentives to renege on informal package bargains. Weingast and Marshall argue that an institutional enforcement

mechanism is needed to ensure that informal deals are sustained. They find that the committee system in the US Congress serves this purpose. The committee system is a feasible institutional enforcement mechanism for capturing gains from trade within single legislative chambers. However, inter-chamber logrolling in the EU requires a different institutional mechanism to enforce these gains from trade.

In the EU legislature informal trialogues serve this function. Trialogues provide the institutional structure for legislative exchange between the Parliament and the Council. Their informal nature allows EU legislators to exchange favours during the decision-making process and to negotiate acceptable to both sides deals, thus avoiding gridlock. Trialogues provide the institutional setting in which governments and MEPs overcome the distinct clashes of their ideological, political and policy preferences in the creation of EU legislation.

While trialogues facilitate the enforcement of informal package deals, these institutional arrangements do not directly lead to a successful logroll. Trialogues provide the institutional framework for legislative bargaining, but the success of a package deal depends on the terms of agreement and the ability of the representatives of the Council and the EP to enforce the informal agreements within their parent chambers³³. It is not the participation at a dialogue that affects the legislative influence of a chamber, it is the package deal agreement negotiated at this dialogue that affects legislative outcomes.

Overall, the availability of legislative package deals in the EU helps minimize the costs of political bargaining. The possibility of credible commitments and their enforcement increases the stability of legislative outcomes. EU legislators gain utility when cooperating and are better off than playing against each other. Repeated interactions foster package deals and the development of long-term inter-chamber relationships.

³³ That is why, the authors (Farrell and Heritier, 2004; Steunenberg and Selck, 2006; Haeghe and Kaeding, 2007) who argue that dialogue procedures in the EU lead to increased legislative powers of either the EP or the Council, are wrong.

E. Conditions for Inter-Chamber Cooperation through Legislative Package Deals

Legislative package deals allow each chamber to achieve its preferred policy outcomes. Member States establish control over the financial aspects of legislation and ensure that it is adopted without delay. In exchange, the EP receives further opportunities for legislative influence, increased institutional powers, and access to some of the EU's most salient policy areas. If logrolling is profitable to each legislative institution, why is only some legislation decided through package deals? Two key conditions lead to the use of package deals in the EU: the distributive nature of legislative proposals and their urgency.

Distributive Proposals

First, Member States are likely to be interested in discussing possible legislative exchange with the European Parliament if the issues have a distributive character. Governments feel intensely about the financial aspects of EU legislation. The prospects of controlling the extent to which EU legislation concerns their budgets, is a core condition for the Council's decision to engage in legislative trade with the European Parliament. Distributive proposals are highly salient for Member States. Budget allocating proposals have direct consequences for Member States and the Council has greater incentives to negotiate compromise package deals with MEPs³⁴. Expensive legislative proposals are therefore more likely to be negotiated through logrolls as actors can trade their support in order to obtain their most preferred outcomes. The distributional aspect of such proposals leads the EP and the Council to use informal methods of decision-making in which each institution can gain the issues it cares about the most. This leads to the first hypothesis:

Hypothesis 1: Package deals are more likely to occur when proposals are distributive.

³⁴ However, if the Council of Ministers can take a decision on budgetary issues without the European Parliament's approval, then even though the EP may propose trade again and again, nothing guarantees the Council's interest in a package deal. For example, even though the same issues come up repeatedly in the areas of agriculture and fisheries, this does not lead to more inter-chamber logrolling in these areas.

Urgency

Second, time is increasingly valued in the EU legislature. A sluggish EU legislative process can impede the ability of governments to act on salient national and international issues. Time is a precious resource for Member States and the inability of the EU legislature to adopt laws within set deadlines can have a damaging effect on government performance. As the time pressure increases, Member States have a greater interest in shaping the outputs of the EU legislature. Impatient legislators are more likely to consider alternative routes for cooperation in order to speed-up decisions. When time is limited, issues and proposals are more likely to be bundled together so that overall compromise could be reached.

Package deals are likely to speed up the decision-making process and legislative decisions are likely to be fast-tracked. Legislators care not only about their successful input over the content of legislation, but also about avoiding delays in the decision-making process. Impatient legislators are also more likely to grant concessions to each other in order to avoid unnecessary delay. Urgent situations induce the use of logrolling and package deals serve as a practical solution to time pressure. Therefore, the second hypothesis states that:

Hypothesis 2: Package deals are more likely to occur when proposals are urgent.

3.4 The Effect of Legislative Timing

Even when package deals are not possible, legislative timing is expected to affect the opportunities of EU legislators to influence policy outcomes. Timing has been found to be a crucial factor in bicameral decision-making (Tsebelis and Money, 1997; Binder, 1999, 2003). Delay is a prominent factor in legislative bargaining (Cox and Kernell, 1991; Alesina and Drazen, 1991) and impatient legislators are more likely to grant concessions (Hiroi, 2008). Impatient Member States therefore are more likely to cooperate with and to

grant concessions to the EP in return for a fast-track decision. The European Parliament is more likely to realize its legislative demands in return for not using its power to delay an opinion. In contrast, when the EP is relatively more impatient about the conclusion of a legislative deal, it is in a weaker bargaining position. Therefore, urgency matters and the relative impatience of a legislative chamber will have an effect on its influence over policy outcomes.

Time pressure can shadow the procedural power rules of the EU's consultation and co-decision procedures. Delay and impatience may increase the power of a legislative actor beyond the procedural power allocation found in the treaties. Therefore, although the European Parliament is very limited in its legislative powers in the consultation procedure, legislative timing may reduce the options of the Council. Delay can therefore increase the legislative influence of the European Parliament vis-à-vis the Member States. Similarly, although the European Parliament is considered to be an equal co-legislator with the Council in the co-decision procedure, legislative timing may reduce its decision options. Parliamentary impatience is likely to increase the legislative influence of the Council vis-à-vis the EP.

The rest of the chapter examines the effects of package deals and timing on EU legislative outcomes. The argument is presented from the viewpoint of the European Parliament. The hypotheses that follow are about the EP's legislative influence.

Package Deals and Legislative Timing in Different Procedural and Policy Contexts

The following section examines the interaction of the two legislative chambers in three different contexts: the consultation procedure, the codecision procedure and across policy areas. Legislative package deals and timing are analysed under different procedural and policy circumstances in order to explore in detail their possible effects on the legislative influence of the European Parliament.

3.5 Legislative Package Deals and Timing in the Consultation Procedure

In the consultation procedure, the Council is the main decision-making body (see Chapter I). Formally, the European Parliament can propose amendments to Commission proposals, but the Member States in the Council have no obligation to accept these. The Member States must consult the EP of its opinion, but the Council can decide whether to incorporate the EP amendments in its final text. Hence, the Council can completely ignore the EP's preferences. Formally, in the consultation procedure the EP has limited legislative powers in relation to the Council. Informally, two factors allow the EP legislative influence in this procedure: a) package deals and b) legislative delay.

1) Legislative Package Deals in the Consultation Procedure

The consultation procedure allows the Council to decide on legislation without having to incorporate the EP's amendments in the legislative text. What kind of a package deal could there be in the consultation procedure? What can the European Parliament offer in exchange to the Council and receive concessions? First, the European Parliament can link its consultation opinions to proposals in co-decision. In co-decision, the Council must collaborate with the EP for a proposal to become law. The Parliament may refuse to cooperate under co-decision if the Council disregards the EP position under consultation.

If the Parliament can trade its support in co-decision for support in consultation, then it is more likely to obtain concessions from the Council. By linking proposals from the two legislative procedures, the EP can block progress on whole packages of legislation. Faced with several blocked proposals, the Council is likely to reconsider its position and allow concessions in favour of Parliament's preferred outcome. Linking strategies can be used by a rapporteur, who is involved in negotiations on proposals falling in both co-decision and consultation. Linkage can also be used by closely cooperating rapporteurs from different EP committees, who coordinate the blockage of proposals under both

procedures. In addition, if rapporteurs fail to negotiate a successful package exchange with the Council, party leaders may step in and take over the negotiations. Despite the formal consultation procedures, the linkage of proposals can confine the options available to the Council and allow the EP greater legislative influence.

An EP committee rapporteur (in cooperation with other rapporteurs or party leaders) may choose to refuse to issue the committee report unless the Council considers it as part of a package of proposals. The Council has an incentive to enter package deal negotiations for two reasons. First, the Council and the EP are interdependent under co-decision and an EP refusal to cooperate under co-decision may have detrimental effects on the policy outcome. Hence, the Council may find it profitable to exchange its support for the EP's demands under consultation in order to ensure the EP's support for the Council's preferred policy outcomes in co-decision. Second, the Member States may be impatient about the decision on the consultation proposal and time may be pressing the Council to offer its support for the EP's demands in exchange for an instant EP opinion. Package deals are expected to increase the legislative influence of the European Parliament. Therefore:

Hypothesis 3: Package deals increase the likelihood of European Parliament success in influencing legislative outcomes in the consultation procedure.

2) The Effect of Timing in the Consultation Procedure

As indicated earlier, in the consultation procedure the Council can formally neglect Parliament's amendments to legislation. The EP is not a co-decisive legislator, but only a consultative body. Hence, the EP has little to lose if it does not act in a timely manner and it does not have an incentive to favour accelerated decision-making. Because the treaty does not set a consultation procedure deadline, the Parliament has the option to delay its opinion until it decides otherwise. The EP has an incentive to delay the vote on its position

in order to obtain concessions from the Council. The EP's power of delay is a bargaining tool, especially when the Member States in the Council are impatient about passing a legislative act. Therefore, despite its limited formal powers, legislative delay can informally increase the European Parliament's influence over legislative outcomes in the consultation procedure. As delay cannot occur without an EP majority voting in favour of it, a united Parliament is a crucial condition for the exercise of the power of delay. The rapporteur is expected to be the key figure in the exercise of the EP's 'power of delay' in order to ensure majority in plenary supporting delay.

The EP's power to delay dates back to the Isoglucose ruling, which stipulates that the Council cannot adopt a decision until the Parliament has delivered its opinion. The European Court of Justice confirmed the importance of the EP's opinion under consultation in the *Roquette Freres*³⁵ and *Cabotage II*³⁶ rulings. The ECJ stated that disregard of Parliament's consultation made the legislative measures void. Because the treaty does not set a consultation procedure deadline, some authors have understood the lack of a procedural deadline as granting the EP an 'indefinite power of delay' (Scully, 1997, p. 235). However, the ECJ has set certain limits on the EP's right to exercise its delay powers. In the *General Tariff Preferences*³⁷ ruling, the Court stated that the Parliament should not abuse its right of consultation and should fulfil its 'obligation to cooperate sincerely with the Council' (Chalmers *et al*, 2006, p. 147).

The EP's Rules of Procedure specify two routes through which the Parliament can delay its final opinion on a legislative proposal. First, the EP can decide to refer a proposal back to committee due to a rejection of a Commission proposal (Rule 52 (3)): The Parliament rejects the Commission proposal in its entirety, invites the Commission to withdraw the proposal, but the Commission refuses to do so. The rapporteur (or committee chair) proposes to the plenary not to issue a final opinion and refers the proposal back to

³⁵ Case 138/79 *Roquette Freres v Council* (1980) ECR 3333.

³⁶ Case C-65/90 *Parliament v Council* (1992) I-4593.

³⁷ Case C – 65/93 *Parliament v Council* (1995) I-643.

committee for further consideration³⁸. Second, the EP can decide to refer a proposal back to committee when its amendments are not accepted in full by the Commission (Rule 53 (2)): The Parliament approves the Commission proposal with amendments, but the Commission does not accept all of them. The rapporteur (or committee chair) proposes to the plenary not to issue a final opinion and refers the proposal back to committee for further consideration³⁹.

Depending on the importance attached to an issue by the Council and the Commission, the European Parliament may be able to exploit its power to delay in order to obtain benefits in the decision-making process. First, through delay the Parliament may be able to find its demands incorporated in the final legislative text. Second, delay allows MEPs to negotiate informally with the Council and often to get a better deal through informal meetings. Third, delay gives an additional reading to the consultation procedure. The EP signals its position to the Council and the Commission, but refrains from issuing an opinion, so that another round of legislative negotiations can take place. Overall, legislative delay is likely to increase the EP's chances of influencing proposals under consultation. This leads to the hypothesis:

Hypothesis 4: Legislative delay increases the likelihood of European Parliament success in influencing legislative outcomes in the consultation procedure.

³⁸ Rule 52(3) "If the Commission does not withdraw its proposal, Parliament shall refer the matter back to the committee responsible without voting on the draft legislative resolution. In this case, the committee responsible shall, orally or in writing, report back to Parliament within a period decided by Parliament which may not exceed two months."

³⁹ Rule 53(2) "Where the Commission announces that it does not intend to adopt all Parliament's amendments, the rapporteur of the committee responsible or, failing him, the chairman of that committee shall make a formal proposal to Parliament as to whether the vote on the draft legislative resolution should proceed. Before submitting this proposal, the rapporteur or chairman of the committee responsible may request the President to suspend consideration of the item. Should Parliament decide to postpone the vote, the matter shall be deemed to be referred back to the committee responsible for reconsideration."

3.6 Legislative Package Deals and Timing in the Co-decision Procedure

In the co-decision procedure, the two legislative chambers have the power to propose and veto amendments. Formally, they must both agree on the content of legislation before a proposal can be adopted. The co-decision procedure, therefore, allows equal opportunities to both actors to influence legislative outcomes. The European Parliament and the Council are interdependent, because one chamber cannot decide without the consent of the other. Two factors are likely to increase the European Parliament's legislative influence in the co-decision procedure: a) package deals and b) Council impatience.

1) Legislative Package Deals in the Co-decision Procedure

In order to reach compromise in co-decision, Member States in the Council may find it profitable to trade support for some issues in return for the EP's cooperation on other issues. EU legislators choose to trade policy packages in order to speed up their daily legislative work. Through the linkage of issues and proposals in package deals both the Parliament and the Council can obtain their most preferred items on the legislative agenda and compromise some of the other issues. Therefore, some legislative deals reached in co-decision can be highly profitable for the European Parliament.

The EP can be more successful in co-decision when it negotiates several acts in a package and treats them as one during the legislative process. The Parliament may refuse to cooperate with the Council on a proposal until the Member States respect the EP position on another co-decision proposal. Faced with several blocked proposals in a package, the Council is likely to reconsider its position and allow concessions closer to Parliament's preferred outcome. If the EP can trade its support on one issue for support on another, then it is more likely to get concessions from the Council. What motivates the enforcement of a package deal in co-decision?

Co-decision gives the Council and the Parliament equal legislative powers. Both sides have incentives to enter package deals as the inability of one of the chambers to agree to a compromise text results in deadlock. The Council and the EP are interdependent under co-decision and each house has an interest in a package deal. Impatience can also play a role as time may be pressing each of the houses to offer support for the other chamber's demands in exchange for an early agreement under co-decision. Package deals are expected to increase the legislative influence of the EP. This leads to the fifth hypothesis.

Hypothesis 5: Package deals increase the likelihood of European Parliament success in influencing legislative outcomes in the co-decision procedure.

As was discussed above, trialogues are increasingly employed in the co-decision procedure because they provide the structural framework for inter-international exchange. While legislative package deals are expected to be profitable for the European Parliament, there is no reason to believe that trialogues will increase the EP's legislative success in co-decision. Trialogues are institutional arrangements, which serve as mechanisms for exchange of information about the policy positions of each chamber. Trialogues provide the institutional framework for capturing gains from exchange in the EU legislature. Trialogues facilitate cooperation among EU legislators and provide a common platform for negotiations. The mere participation at a triologue, however, does not affect the legislative influence of a chamber. The package deal agreement negotiated at this triologue is what affects legislative outcomes. This leads to the sixth hypothesis:

Hypothesis 6: Trialogues do not increase the likelihood of European Parliament success in influencing legislative outcomes in the co-decision procedure.

2) The Effect of Timing in the Co-decision Procedure

First readings in the co-decision procedure resemble the consultation procedure – there are no procedural deadlines for the delivery of an opinion. As in consultation, the European Parliament also has the option to delay its opinions before first readings in co-decision. Therefore, it is important whether the Council or the Parliament is more impatient about the passage of legislation. If Member States are impatient about the conclusion of a legislative proposal, the Council is more likely to cooperate with the Parliament in return for an early agreement. Even under co-decision, the European Parliament is expected to realize many of its legislative demands in return for not using its power to delay an opinion.

While first readings set no time limits and the EP can delay its legislative opinion, second reading negotiations follow a strict deadline. In addition, second reading amendments, unlike those at first reading, require an absolute majority of MEPs in favour in order to pass. Although the European Parliament has the ability to use its veto in third reading, going all the way to conciliation involves high costs for the EP in terms of time and institutional resources. Therefore, Council impatience is expected to increase the EP's chances of influencing proposals under co-decision. This leads to the seventh hypothesis:

Hypothesis 7: Council impatience increases the likelihood of European Parliament success in influencing legislative outcomes in the co-decision procedure.

3.7 The Effect of Legislative Package Deals Across Policy Areas

The previous two sections argued that package deals and legislative timing are likely to increase the European Parliament's influence over legislative outcomes in the consultation and co-decision procedures. What is the effect of legislative package deals beyond the procedural context? Logrolling allows the European Parliament to gain legislative presence

in the EU's distributive policy areas. Contrary to the conventional understanding that the EP's legislative influence is confined within regulatory policy areas (Judge *et al.*, 1994; Burns, 2005), legislative package deals allow the European Parliament to influence distributive policy outcomes.

Package deals reduce the ability of individual MEPs to participate fully in legislative bargaining with the Council. Logrolls are typically fast-tracked and they do not allow a large number of MEPs to participate, deliberate and include amendments to package compromise texts. Package deals also make the legislative process less transparent as they are usually agreed informally between a select number of representatives from the EP and the Council. However, package deals benefit the EP as a legislative institution. Through package deals, the Parliament gains legislative presence in some of the EU's most expensive policy areas.

It was argued earlier that package deals are more likely to take place on distributive proposals. Policy areas that involve a large proportion of distributive proposals are therefore more likely to be marked by package deals. Although Member States retain control over the financial aspects of proposals in the EU's distributive policies, the European Parliament gains further opportunities for legislative influence as a side payment. In exchange for allowing Member States control over budgetary issues in legislation, the European Parliament gains increased institutional powers in distributive areas. Therefore, the value added of package deals for the EP is its legislative presence in policy areas from which it has been traditionally excluded. Therefore, the eighth hypothesis is:

Hypothesis 8: Package deals increase the likelihood of European Parliament success in influencing distributive policy areas.

Gains in Institutional Powers for the European Parliament

What are the specific profits for the European Parliament from its repeated engagement in package deals with the Council? A core assumption of the thesis is that funding and budgetary matters are highly salient issues for governments. As package deals usually take place on distributive proposals, the stakes are very high and Member States are particularly interested in the budgetary terms of legislation. In exchange for allowing the Member States to realize their budgetary and policy preferences, the European Parliament gains additional institutional powers through logrolls. Hence, through logrolling the EP gains institutional powers. Such concessions are not assumed to be costly for Member States and this may be one of the motivations for the Council's willingness to offer such institutional side-payments to the EP. Despite their seemingly less substantial value, the European Parliament is able to exploit such institutional capabilities to extend its legislative powers.

The institutional powers the EP gains through package deals are different to the formal institutional powers assigned by treaty reform. Institutional powers here are those administrative powers the EP gains as additions to legislative deals. Such institutional powers include the ability of the EP to receive reports and to be consulted by the Commission and the Council on the implementation; the right to question the directors, boards and members of EU bodies as well as to oversee the activities of EU agencies; greater involvement in some policy areas, as well as a greater role in comitology committees. In contrast to the formal treaty increases in its institutional powers, package deals allow the European Parliament to obtain administrative rights, which ease the EP's more pronounced involvement in a broader range of policy areas.

First, the European Parliament often requires and gains the right to receive reports by the Commission and the Council. Examples of gains in such institutional powers can be found in numerous cases - the Trans - European Networks case (COD/2001/0296), the Fight Against Organised Crime case (CNS/2000/0817), the Development Cooperation case

(COD/2006/0116), the Maritime Transport case (COD/2003/0089) as well as the European Maritime Safety Agency case (COD/2005/0098). Second, the EP may often gain the right to question the directors, boards and members of EU bodies. Examples of such institutional gains can be found in the European Monitoring Centre for Drugs and Drugs Addition case (COD/2005/0166), the European Training Foundation case (CNS/2002/0171), the European Agency for Health and Safety case (CNS/2002/0178), the European Food Safety Agency case (COD/2002/0179), the European Environment Agency case (COD/2002/0169), the EU Agency for Fundamental Rights case (CNS/2005/0124), and the Community Fisheries Control Agency case (CNS/2004/0108). During the negotiations on these proposals the European Parliament gained the right of scrutiny over the Agencies' activities, the right to receive annual reports by their directors as well as the right to overview the appointment of their board and directors.

In addition, the EP often receives as a side payment the right of further involvement in some policy areas. Examples of such institutional gains can be found in the Animal Diseases and Public Health case (COD/2004/0270B) and the Peace Process case (CNS/2000/0042) where the EP was granted greater involvement in the future development of these policies. Although such increases in the EP's further policy involvement are rather general, the EP may later exploit these institutional gains to increase its legislative influence in policies where it has been traditionally weak. Finally, the EP may require and receive as a concession from the Council a stronger role in comitology committees. Examples of such institutional gains can be found in the co-decision Spirit Drinks case (COD/2005/0028) as well as the European Financial Markets case (COD/2001/0086). Therefore, the EP's institutional gains from its involvement in package deals are different to and less substantial than the formal institutional gains found in treaty provisions. Nevertheless, such administrative capabilities strengthen the EP's presence in EU policy-making and may prove substantial in the long-run.

When the two chambers attach different preference intensities to issues, trade is possible and logrolls can be profitable for both the Council and the EP. The thesis assumes that budgetary issues are much more salient to Member States than the institutional powers they give in exchange to the EP. Member States' preferences are expected to be much more intense about issues such as spending, financing, and funding for programs and Community actions than they are about institutional issues such as the EP's ability to monitor and control the establishment of new bodies, parliamentary scrutiny, or the writing of reports. On the other hand, MEPs are assumed to value highly an increase in the institutional powers of their chamber. This leads to the last hypothesis:

Hypothesis 9: Package deals increase the likelihood of European Parliament success in gaining institutional powers.

Gains in Agenda - Setting Powers for the Commission

The story of EU lawmaking through package deals is centred around two actors – the Parliament and the Council. Package deals allow the EP and the Member States certain gains. In addition, the Commission, which is left out of the process of inter-chamber bargaining, also has something to gain from the enforcement of informal commitments in package legislation. Beyond the proposal stage, the Commission has limited access to information and can often be excluded from negotiations between the Council and the EP. This is generally true for the co-decision procedure, but in logrolling situations, this can also be true for the consultation procedure. However, the Commission can influence legislative outcomes through its ability to propose package legislation. It can influence legislative outcomes by proposing packages in the first place. If it proposes several pieces of legislation simultaneously and treats them as a package, the Commission structures the negotiations between the EP and the Council in a logrolling framework. By fostering

logrolling situations, the Commission regains its institutional presence in EU decision-making. By identifying bundles of issues and/or proposals as a package, the Commission increases its ability to affect legislative outcomes. The Commission includes issues that would otherwise be unable to pass through on single proposals.

3.8 Summary of the Argument and Empirical Implications

The development of legislative package deals in EU decision-making allows the Council and the Parliament to exchange support for their preferred policy outcomes. Given their interdependence, different preference intensities, repeated interactions in lawmaking, and their ability to conclude and enforce informal commitments, EU legislators find it profitable to cooperate through package deals.

The thesis argues that there are two conditions for the use of package deals in the European Union legislature: the distributive nature of legislative proposals, and their urgency. The key argument is that package deals allow Member States to establish control over the budgetary aspects of legislation and to ensure its speedy adoption. In exchange, the European Parliament receives further opportunities for legislative influence, increased institutional powers, and access to some of the EU's most salient policy areas.

Trialogues are institutionalized at the inter-cameral level to facilitate information exchange and to capture gains from trade. Trialogues provide the institutional structure for legislative exchange between the Parliament and the Council. Their informal nature allows EU legislators to exchange favours during the decision-making process and to negotiate acceptable to both sides deals, thus avoiding gridlock. Trialogues offer the institutional setting in which governments and MEPs overcome the distinct clashes of their ideological, political and policy preferences in the creation of EU legislation.

In addition to package deals, the thesis argues that legislative timing affects EU policy outcomes. Time pressure can shadow the procedural power rules of the EU's

legislative procedures. Delay and impatience may increase the power of a legislative actor beyond the procedural capabilities allocated by the treaties. Package deals and timing are placed under different procedural and policy circumstances in order to explore in detail their possible effects on the legislative influence of the EP.

The argument has three core elements. First, package deals and legislative delay are expected to increase the legislative influence of the European Parliament in the consultation procedure. By linking issues and proposals in the consultation procedure and delaying its opinion, the EP extracts legislative concessions from the Council. Second, package deals and Council impatience are expected to increase the legislative influence of the European Parliament in co-decision. By linking issues and proposals in the co-decision procedure and cooperating with an impatient Council, the European Parliament extracts legislative concessions from the Member States.

Third, package deals are expected to increase the legislative influence of the European Parliament in distributive policy areas. When it comes to funding and budgetary matters, Member States are less open to negotiations. However, through package deals the EP gains access and legislative presence in policy areas from which it has traditionally been excluded. In exchange for allowing Member States to realize their budgetary and policy preferences, the European Parliament gains additional institutional powers in the EU's distributive policy areas.

Overall, logrolling allows the Member States to control the policy agendas they value the most, and in exchange to offer side payments to the European Parliament for its cooperative behaviour. In exchange for supporting the Council's policy and budgetary preferences, the EP gains further legislative influence and institutional presence in policy areas from which it is otherwise excluded or formally weak. The Commission also gains from the enforcement of inter-cameral package deals. The Commission facilitates such institutional mechanisms, because it gains closer access to the decision-making process.

Table 3.1 summarizes the hypotheses derived from the argument in this chapter. It outlines the chapters where the hypotheses will be tested empirically.

Table 3.1 Summary of Hypotheses

Tested in:

I. Why Package Deals In the European Union Legislative Process?

Hypothesis 1: Package deals are more likely to occur when legislative proposals are distributive. Chapter V

Hypothesis 2: Package deals are more likely to occur when legislative proposals are urgent. Chapter V

II. The Effects of Legislative Package Deals and Timing: Consultation Procedure

Hypothesis 3: Package deals increase the likelihood of EP success in influencing legislative outcomes in the consultation procedure. Chapter VI

Hypothesis 4: Legislative delay increases the likelihood of EP success in influencing legislative outcomes in the consultation procedure. Chapter VI

III. The Effects of Legislative Package Deals and Timing: Co-decision Procedure

Hypothesis 5: Package deals increase the likelihood of EP success in influencing legislative outcomes in the co-decision procedure. Chapter VII

Hypothesis 6: Trialogues do not increase the likelihood of EP success in influencing legislative outcomes in the co-decision procedure. Chapter VII

Hypothesis 7: Council impatience increases the likelihood of EP success in influencing legislative outcomes in the co-decision procedure. Chapter VII

IV. The Effects of Package Deals on EU Legislative Outcomes: Policy Areas

Hypothesis 8: Package deals increase the likelihood of EP success in influencing distributive policy areas in the EU. Chapter VIII

Hypothesis 9: Package deals increase the likelihood of EP success in gaining institutional powers. Chapter VIII

This chapter proposed a theory of inter-chamber logrolling and outlined a three-stage decision-making process under the co-decision and consultation procedures. In the following chapters, the hypotheses outlined here will be tested empirically. The empirical chapters test the main argument of the thesis that package deals and urgency increase the legislative influence of the European Parliament across legislative procedures and policy areas. This argument is tested in three different contexts: a) the consultation procedure, b) the co-decision procedure, and c) across policy areas and time.

In Chapters V, VI, and VII and VIII these claims are applied to all legislation decided in the co-decision and consultation procedures in the period 1999 – 2007. These chapters illustrate why informal agreements matter for EU legislative politics, how they are enforced between the European Parliament and the Council of Ministers, and to what extent they affect the legislative influence of the European Parliament.

Chapter V tests the conditions that lead to logrolling in the EU. It studies why package deals are enforced between the European Parliament and the Council of Ministers. Chapter VI, VII and VIII test the argument that package deals increase the legislative influence of the European Parliament. These chapters explore the effect of logrolling on legislative outcomes in the EU. Chapter VI tests the argument in the consultation procedure; Chapter VII tests the argument in the co-decision procedures; and Chapter VIII tests the argument across all EU policy areas and time.

If the argument presented here is supported empirically, the following chapters should illustrate that the European Parliament frequently engages in informal deals with the Council of Ministers under the co-decision and the consultation procedures. Moreover, the chapters should find empirical evidence that the European Parliament gains further legislative influence from its involvement in logrolling with the Council of Ministers. Chapter IV provides an overview of the data and methodology used in the analysis.

CHAPTER 4 : METHODOLOGY, DATA AND MEASUREMENT

The previous chapter developed an argument about package decision-making in the EU legislative process. This chapter discusses the data and the methodology used to test the empirical predictions of the argument. The chapter reviews the data analysed, the sources for these data, the operationalization of the variables used in the statistical analysis and the choice of case studies. The main goal of the empirical chapters is to evaluate the predictions of the argument, as outlined in Chapter III, and to compare the results with theoretical predictions found in the existing literature.

The thesis examines EU legislative politics in the period 1 May 1999 – 30 April 2007. The complete data set consists of all 1465 legislative proposals proposed and adopted between 1 May 1999 and 30 April 2007. These include 540 co-decision proposals and 925 consultation proposals. The data were collected from the publicly available official European Union databases: the European Parliament's Legislative Observatory, the Council of Ministers' Document Register and the European Commission's Pre-Lex Legislative Database. The empirical analysis uses two methodologies: quantitative statistical analysis and qualitative case studies.

A major strength of the thesis is that the data analysed cover all completed legislative proposals in the period 1999 – 2007. This reduces any errors that might occur due to selection bias and sampling (King et al., 1994, 128). The publicly available data make the study easily replicable. The dataset was compiled manually. Although many of the variables (such as legislative proposal ID; name and political affiliation of the rapporteur; reading; procedure; policy area; and EP committee) can be downloaded with an automated script, the manual compilation of the dataset has several benefits. First, the manual data collection allowed for a more thorough understanding of the EU legislative process. Second, it helped the finding of new patterns not informed by previous research. Third, some errors in the EU databases were identified and corrected.

4.1 Identifying Package Deals in the EU Legislative Process

If package deals are informal, how could one trace these and find evidence for their existence? One of the most important features of legislative package deals is that despite their informal character, they have to be officially approved through voting by each of the EU legislative chambers. These informal bargains need to be enforced by the European Parliament and the Council of Ministers. Any agreements made between the representatives of the institutions, have to go through the formal legislative process in order to become law. Informal bargains made between the Council and the Parliament are therefore binding and their representatives have to commit to pass and enforce them without further amendments within their respective institutions.

This feature of package lawmaking requires that package deals are clearly identified within the legislative process, so that they can be passed as block votes without additional amendments. Each of the legislative institutions keeps records of informal inter-chamber negotiations and the progress on them. The Council of Ministers' document register is a particularly good source on package compromises and informal dialogues. The working documents of the Council clearly indicate the frequency and scope of informal inter-chamber negotiations with the Parliament. Contentious issues are identified, as well as the terms of package compromises.

The use of package deals in the co-decision and consultation procedures was traced through the Council's Document Register and the European Parliament's Plenary Debates and Summaries of Sitings (available through the EP Legislative Observatory). A proposal was counted as a package deal proposal only if there was written evidence of a negotiated compromise package on a single legislative proposal or on several legislative proposals between the Council and the EP. Both the Council's Document Register and the European Parliament's Legislative Observatory contain enough data so that package deals can be traced and researched systematically.

4.2 Structure of the Complete Dataset

The dataset used in the analysis is structured hierarchically across four levels: time, policy areas, proposals and issues. The complete dataset consists of 2369 issues i , which are part of 973 legislative proposals j , which are part of 19 policy areas k , and 8 legislative years l . Each of these structural components of the dataset is discussed here.

A. Time: 1 May 1999 – 30 April 2007

The period under study covers eight legislative years. It covers the full 1999 – 2004 legislature and three years from the 2004 – 2009 legislature. Each year starts on 1 May and ends on 30 April. By studying all legislative proposals decided since 1999, the thesis controls for two factors. First, it studies proposals that were decided through the co-decision procedure, as amended by the Amsterdam Treaty (co-decision II). Second, the thesis controls for any effects of enlargement by including proposals decided since 2004. By including the time level in the analysis, the thesis explores whether the use of legislative package deals and their effect on policy outcomes vary from year to year.

B. Policy Areas

As discussed in Chapter I, the policy area context is expected to affect legislative outcomes in the European Union (Judge et al., 1994; Shackleton, 2000; Burns, 2005; Thomson and Hosli, 2006). What constitutes a policy area? The definition of a policy area will have a clear effect on the results of the analysis. The existing studies of EU legislative politics that analyze the effect of policy areas, define policies according to the European Parliament's drafting committees. For example, if the EP's Committee on Civil Freedoms, Justice and Home Affairs is drafting a legislative proposal, the proposal would be assigned to the policy area of Justice and Home Affairs. However, this methodology can lead to inaccurate results. First, such a definition of policy areas can bias the results due to the existing

competition in the European Parliament among EP committees for certain proposals. Strong committees may draft proposals in policy areas not directly falling within their expertise. Second, it is an increasing practice for legislative proposals to be drafted not by one, but by several cooperating EP committees. Third, due to time pressure legislative proposals may be assigned to EP committees with less workload, despite the fact that the proposal does not fall within their particular policy expertise.

Therefore, the definition of a policy area according to the EP drafting committee is not appropriate. Nor is the definition of a policy area according to the Council approving a legislative proposal. A Council on Justice and Home Affairs can adopt proposals on Justice and Home Affairs as well as proposals in any other policy area. For example, a proposal on Air Transport can equally be adopted by a Council on Justice and Home Affairs and a Council on Agriculture.

The definition of policy areas according to the Commission's structure is more accurate. Policy areas are defined according to the Commission's Directorate - Generals proposing the legislation. Legislative proposals originating from the same DG are closely linked. This definition does not concern the internal structure of the European Parliament or the Council of Ministers. The EU legislative institutions decide proposals within the policy domains defined by the Commission.

As Table 4.1 demonstrates several EP committees write reports within the same policy area. For example, in the policy area of Budgets, legislation in the Parliament was dealt with by four different committees: the Committees on Budgets, Budgetary Control, Culture and Education, and Economic and Monetary Affairs. Moreover, in the policy area of Health and Consumer Protection, legislation in the EP was dealt with by seven different committees: the Committees on Agriculture and Rural Development, Economic and Monetary Affairs, Employment and Social Affairs, Environment, Public Health and Food Safety, Fisheries, Internal Market and Consumer Protection and Legal Affairs.

Table 4.1 Policy Areas and EP Committees Responsible for Legislation

Policy Area (CommissionDG)	Agriculture and Rural Development	Budgets	Budgetary Control	Civil Liberties, Justice and Home Affairs	Constitutional Affairs	Culture and Education	Development	Economic and Monetary Affairs	Employment and Social Affairs	Environment, Public Health and Food Safety	Fisheries	Foreign Affairs	Industry, Research and Energy	Internal Market and Consumer Protection	Legal Affairs	Regional Development	Transport and Tourism	Women's Rights and Gender Equality
Agriculture & Rural Development	x		x						x									
Budget		x	x		x		x											
Development				x		x		x				x						x
Economic and Financial Affairs		x	x	x			x				x	x						
Education and Culture				x	x			x										
Employment and Social Affairs				x				x							x			x
Energy and Transport		x											x					x
Enterprise and Industry	x			x			x		x			x	x		x			x
Environment									x									x
Eurostat, Statistical Office	x	x		x			x	x	x			x						x
External Relations		x		x			x				x	x		x				
Fisheries and Maritime Affairs											x							
General Secretariat		x		x	x							x						
Health and Consumer Protection	x							x	x	x	x		x		x			
Information Society				x	x							x			x			
Internal Market and Services				x			x						x		x			x
Justice, Freedom and Security				x								x			x			x
Research				x								x						
Taxation and Customs Union			x	x			x							x				x

Source: Own calculations based on the 1465 legislative proposals studied in the period 1999 – 2007.

Note: Policy areas are defined according to the European Commission's Directorate Generals proposing the legislation.

C. Legislative Proposals

The complete dataset of 1465 legislative proposals (see Appendix I) was compiled from information available from the three publicly available databases of the European Parliament, the Council of Ministers and the European Commission. The list of legislative proposals adopted and completed in the period 1 May 1999 - 30 April 2007 was obtained from the European Parliament Legislative Observatory. The proposals were selected through the database search function for proposed and completed legislation in this period. Only proposals for which the legislative process had already been completed between these two dates: 1 May 1999 and 30 April 2007, were returned⁴⁰. Therefore, the dataset does not contain any legislative proposals listed as pending or withdrawn⁴¹. For the analysis of the effect of package deals on legislative outcomes, it was important to have access to the final legislative text.

Overall, 540 co-decision and 925 consultation proposals were returned by the search. These 1465 completed legislative proposals included 309 Directives, 621 Regulations and 535 Decisions. The 540 co-decision proposals included 231 Directives, 209 Regulations and 100 Decisions. The 925 consultation proposals included 78 Directives, 412 Regulations and 453 Decisions. For each piece of legislation, the texts of the Commission proposals, EP opinions and Council positions as well as the final texts were read to identify the main issues involved in the proposals. Of the total 1465 completed legislative proposals, 494 proposals passed without any proposed amendments by the European Parliament. In assessing legislative influence, careful consideration should be paid to only those instances in which preferences conflict, for they are the only cases in which relative power can be observed. Therefore, the analysis focuses on the 973

⁴⁰ Note: All proposals returned by the database, as of October 2007, were included in the dataset. There have been several additions to the OEIL database since then. That is why, there may be a discrepancy of around 50 proposals if a search is carried out now.

⁴¹ In this period under the co-decision procedure, there were 34 proposals listed as pending and 33 proposals listed as lapsed/withdrawn. Under the consultation procedure, there were 68 proposals listed as pending and 67 proposals listed as lapsed/withdrawn.

legislative proposals (470 in co-decision and 503 in consultation) to which the EP proposed amendments. This way the contentious issues can be identified, the different policy positions of the EP and the Council can be extracted and the terms of any resulting package deals can be determined.

While all 1465 legislative proposals have been used in the analysis of the use of package deals in EU legislative decision-making, the study of the EP's influence on policy outcomes concentrates on those 973 legislative dossiers to which the Parliament proposed amendments. Hence, the analysis of EP legislative success ignores the 494 legislative proposals that passed without amendments by the Parliament. One of the main reasons for concentrating on only those proposals to which the EP proposed amendments is the fact that the EP's proposed changes to the text can later be compared to the final legislative text. When the EP does not propose any amendments to legislative dossiers it is very difficult to pinpoint and to quantify the position of the European Parliament and whether or not its preferences are included in Commission proposals or Council texts.

The thesis, however, does not assume that silence on behalf of the EP links directly to no influence on legislation. On the contrary, proposals that pass without amendments by the EP may already contain the EP's desired preferences. The Commission may well have included the EP's preferred issues in its initial Commission proposal and hence there may be no need for the EP to rewrite the proposal. This may often happen in policy areas where legislation is reintroduced and where issues have been reoccurring. The Commission may have learnt from its previous experience in proposing legislation in such policy areas and may already include such possible amendments in its original proposal. In addition to finding its preference already included in Commission proposals, the EP may introduce changes by directly negotiating with the Council so that the EP and the Council amendments are all introduced by the Council's amended text. If the EP assumes that a piece of legislation will be subject to amendments in the Council, the EP representatives

may prefer to leave the proposal in the hands of the Council, while making clear what kind of changes the Parliament will be prepared to negotiate on. However, for the purposes of the thesis, such cases are not analysed due to the difficulty of finding the link between past EP amendments and Commission proposals.

It is important to note the variation in proposed amendments to legislative dossiers across policies (see Table 5.1). The European Parliament proposes amendments under the consultation procedure less often than it does under co-decision. The proportion of co-decision proposals to which the EP proposed amendments was 87% (470 of 540 proposals), whereas the proportion of consultation legislation to which the EP proposed amendments was only 54.5% (503 of 925 proposals). Therefore, in co-decision 70 proposals passed with no proposed amendments by the EP and in consultation 422 proposals passed with no proposed amendments by the EP. Overall, the European Parliament proposes amendments to 66.4% of the legislative proposals (973 of 1465) and the rest are passed subject to no amendment.

The policy areas with the lowest proportion of amended by the European Parliament proposals are Budget (41.7%), General Affairs (29.4%), Agriculture and Rural Development (43.9%), Economics and Social Affairs (50.0%), External Relations (52.8%), Taxation and Customs (53.8%). On the other hand, the policy areas with the highest proportion of amended by the EP legislative proposals are Development (100%), Employment and Social Affairs (86.4%), Health and Consumer Protection (84.6%), Enterprise and Industry (82.4%), and Information Society (81.5%). While these percentages are indicative of the activity of the EP across policy areas, activity rates do not directly lead to EP success. It may be that EP committees that consists of more active MEPs propose amendments to legislation more often than committees that are made up of less active MEPs. Hence, high activity rates of proposed EP amendments do not directly mean a greater interest of the European Parliament in some policy areas.

D. Issues Contested by the European Parliament

The influence of the European Parliament is analyzed through the examination of the issues the EP contested on each legislative proposal. A proposal may contain multiple issues and the influence of the European Parliament may differ according to the issue and its nature (Benedetto and Hix, 2007). Overall, 2369 issues were identified in the 973 amended proposals. Why was an issue-based methodology preferred over an amendment adoption methodology? The amendment adoption rate methodology employed by Kreppel (1999, 2002) and Tsebelis *et al.* (2001) has been a powerful tool in the assessment of European Parliament legislative success. A major shortcoming of this methodology, however, is the fact that it does not take into account the substance and quality of EP amendments⁴². Recent research on EU legislative politics (Thomson et al, 2006) has pointed this out and has suggested the issue - based approach as a more appropriate methodology for assessing the European Parliament's legislative influence.

The rise of package deals and informal agreements between the European Parliament and the Council of Ministers significantly undermines the strength of the 'amendment adoption' methodology. First, as the use of informal dialogues and package deals has increased in recent years, many of the amendments the European Parliament submits are the result of compromise agreements with the Council. The large number of proposed EP amendments is very often the combination of the amendments of both the EP and the Council. With a view to concluding the legislative process early, the two institutions agree that all compromise amendments are included in the EP proposal. As a result, many of the amendments submitted to the EP plenary already contain the Council preferences. For example, in the case of the regulation on Spirit Drinks 2005/0028 (COD),

⁴² For example, a single issue such as the change of a date in a legislative proposal may appear as several amendments, because the date appears in several places in the legislative text. Therefore, the EP amendment of "22 June 2002" replacing the text "22 April 2002" will result in as many amendments as the times the "22 April 2002" is mentioned in the text.

the 'rapporteur, Mr Horst Schnellhardt (EPP/ED-DE), presented a report on behalf of the Committee on the Environment, Public Health and Food Safety containing 123 amendments...a number of informal contacts took place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading. Various political groups and individual MEPs tabled a further 26 amendments ... six amendments (amendments 126-7 and 142-5) were compromise amendments which correspond to the compromise package that was agreed during the informal contacts referred to above...the plenary adopted six amendments... The amendments adopted correspond to what was agreed between the three institutions' (Council of the EU, 2007).

Second, instead of voting on a series of amendments, the European Parliament increasingly considers compromise texts that are submitted as a single amendment, containing the complete legislative text. For example, in the decision of the External Borders Fund 2005/0047 (COD) '*...the rapporteur, Ms. Kudrycka (EPP/ED-PL) presented on behalf of the Committee on Civil Liberties, Justice and Home Affairs the three draft reports, which contained the entire text of the Commission proposals thus amended, that correspond to the agreement reached during the informal contacts ... Contrary to previous general practice, the reports were not composed of individually numbered amendments'* (Council of the EU, 2006b). Therefore, what may seem as a single EP amendment to the Commission proposal, is in fact a revised version of the whole legislative proposal. In cases when the EP resolution is submitted as a compromise text and not in the form of amendments, it is impossible to distinguish the changes introduced by the Parliament alone. Therefore, the analysis of the number of amendments submitted by the EP and their adoption rate no longer offers an accurate way of measuring the EP's legislative influence.

Breaking the proposals to the contested issues offers an alternative for the analysis of the EP's legislative influence. Both the EP and the Council provide summaries of the main issues discussed during the course of the negotiations. Therefore, it is possible to identify the issues the European Parliament contests in each proposal and to trace whether the EP's demands on these issues have been included in the final text. The issues were classified in four categories: 1) budgetary issues, 2) policy substance issues, 3) fundamental rights issues and 4) institutional powers issues. On each piece of legislation, the decision-making process was traced from the initial Commission proposal, the debates in the EP committees and plenary, the decision-making process within the Council, any informal Council-EP negotiations, the formal positions of each legislative institution and the final Council legislative act.

Table 4.2 Classification of Issues According to Issue Type

	Type of Issues Contested by the EP				
	Total	Policy Substance	Budgetary	Fundamental Rights	Institutional Powers
Total proposals	973				
Total Issues	2369	1528	256	269	316
(%) of total		(64.5)	(10.8)	(11.4)	(13.3)
Co-decision Proposals	470				
Co-decision Issues	1567	1080	146	196	145
(%) of total		(68.9)	(9.3)	(12.5)	(9.3)
Consultation Proposals	503				
Consultation Issues	802	448	110	73	171
(%) of total		(55.9)	(13.7)	(9.1)	(21.3)

Source: Own calculations

The issues were classified in the four categories according to the following criteria:

1. Budgetary issues: These issues included EP demands for higher or lower spending by the Commission or the Member States, co-financing, funding for specific urgent matters; funding for specific programmes, budgetary undertakings by some Member States and not others, financial declarations, etc.

2. *Policy substance issues*: Such issues included EP demands for the extension or the limitation of the scope of the legislation, the introduction of further clarifications on the definitions and terms; requirements for in-depth impact assessments of the policy area; addition of clauses, specific for the subject field.

3. *Fundamental rights issues*: These issues were EP demands for human rights, transparency, privacy, and asylum. They include EP demands for data protection, references to the Charter of Fundamental Rights, human rights conventions, protection of citizens and third-country nationals, children's rights.

4. *Institutional powers issues*: These issues were EP demands for the establishment or the increase of the legislative powers of the European Parliament. The European Parliament may demand a greater role for the EP in the policy area; ability to monitor and control the establishment of new bodies; Parliamentary scrutiny of Council activities; reports by the Commission and the Council, submitted to the EP periodically.

4.3 Sources: Publicly Available Databases of the EU Institutions

A. European Parliament Legislative Observatory: <http://www.europarl.eu>

The first source of information for the thesis' empirical analysis is the European Parliament Legislative Observatory OEIL. It contains information on individual legislative proposals, their progress and their legislative procedure. The Legislative Observatory also provides a useful gateway to internal EP sources such as committee documents and political group websites. This database provides direct links to Commission proposals, committee texts, rapporteurs' opinions and EP positions at the various stages of the legislative procedures as well as committee and plenary votes.

B. Council of Ministers Public Register: <http://www.consilium.eu>

The second source of information is the Council of Ministers Public Document Register. It contains information on individual legislative proposals, and the various versions of the Council texts before a Council decision is reached. The Council's Document Register contains various versions of the Presidency compromises, internal communications between the Presidency and Member States, outcomes of EP decisions, and Commission communications. Most of the documents used were directly available online from the Council's Document Register. Some of the internal Council documents, however, were obtained via email from the Council's Services. These documents are available upon request.

C. The European Commission's Pre-Lex Database: <http://prelex.europa.eu>

The third source of information is the European Commission's Prelex Database. It allows users to follow the EU inter-institutional decision-making process online and it contains direct links to both European Parliament and Council documents. The database details all legislative procedures opened by official documents (proposals, recommendations, communications etc.) transmitted by the Commission to the Council and the Parliament and to other institutions and bodies.

D. Plenary Debates and Speeches at the European Parliament

The European Parliament plenary debates and speeches were also used in the analysis. All European Parliament debates for the period 1 May 1999 – 30 April 2007 are available in written form from the European Parliament website. For the above period, 485 plenary debates took place. The minutes and speeches in all of these debates were reviewed. In addition to the speeches of individual members, the plenary debates contain information on MEPs' political group affiliation and nationality.

Table 4.3 Plenary Debates Followed: 1 May 1999 – 30 April 2007

Month	Year	Plenary Sessions	Dates of Plenary Sessions		Month	Year	Plenary Sessions	Dates of Plenary Sessions
May	1999	4	3,4,5,6		May	2003	4	12,13,14,15
June	1999	-	-		June	2003	7	2,3,4,5,18,19,30
July	1999	4	20,21,22,23		July	2003	3	1,2,3
August	1999	-	-		August	2003	-	-
September	1999	5	13,14,15,16,17		September	2003	8	1,2,3,4,22,23,24,25
October	1999	10	4,5,6,7,8,25,26,27,28		October	2003	6	8,9,20,21,22,23
November	1999	7	3,4,15,16,17,18,19		November	2003	6	5,6,17,18,19,20
December	1999	7	1,2,13,14,15,16,17		December	2003	6	3,4,15,16,17,18
January	2000	5	17,18,19,20,21		January	2004	6	12,13,14,15,28,29
February	2000	7	2,3,14,15,16,17,18		February	2004	6	9,10,11,12,28,29
March	2000	9	1,2,13,14,15,16,17,29,30		March	2004	7	8,9,10,11,29,30,31
April	2000	5	10,11,12,13,14		April	2004	5	1,19,20,21,22
May	2000	7	3,4,15,16,17,18,19		May	2004	4	3,4,5,6
June	2000	4	13,14,15,16,		June	2004	-	-
July	2000	5	3,4,5,6,7		July	2004	3	20,21,22,23
August	2000	-	-		August	2004	-	-
September	2000	7	4,5,6,7,8,20,21		September	2004	4	13,14,15,16
October	2000	10	2,3,4,5,6,23,24,25,26,27		October	2004	6	13,14,25,26,27,28
November	2000	7	13,14,15,16,17,29,30		November	2004	4	15,16,17,18
December	2000	5	11,12,13,14,15,		December	2004	6	1,2,13,14,15,16,
January	2001	5	15,16,17,18,31		January	2005	6	10,11,12,13,26,27
February	2001	6	1,12,13,14,15,28		February	2005	4	21,22,23,24
March	2001	5	1,12,13,14,15		March	2005	4	7,8,9,10
April	2001	4	2,3,4,5		April	2005	6	11,12,13,14,27,28
May	2001	8	2,3,14,15,16,17,30,31		May	2005	6	9,10,11,12,25,26
June	2001	4	11,12,13,14		June	2005	6	6,7,8,9,22,23,
July	2001	4	2,3,4,5		July	2005	4	4,5,6,7
August	2001	-	-		August	2005	-	-
September	2001	7	3,4,5,6,12,19,20		September	2005	8	5,6,7,8,26,27,28,29
October	2001	8	1,2,3,4,22,23,24,25		October	2005	6	12,13,24,25,26,27
November	2001	6	12,13,14,15,28,29		November	2005	5	14,15,16,17,30
December	2001	5	10,11,12,13,17		December	2005	5	1,12,13,14,15
January	2002	4	14,15,16,17		January	2006	4	16,17,18,19
February	2002	6	4,5,6,7,27,28		February	2006	6	1,2,13,14,15,16
March	2002	5	11,12,13,14,20		March	2006	6	13,14,15,16,22,23
April	2002	6	8,9,10,11,24,25		April	2006	6	3,4,5,6,26,27
May	2002	6	13,14,15,16,29,30		May	2006	5	15,16,17,18,31
June	2002	4	10,11,12,13		June	2006	6	1,12,13,14,15,20
July	2002	4	1,2,3,4		July	2006	4	3,4,5,6
August	2002	-	-		August	2006	-	-
September	2002	8	2,3,4,5,23,24,25,26		September	2006	8	4,5,6,7,25,26,27,28
October	2002	6	9,10,21,22,23,24		October	2006	6	11,12,23,24,25,26
November	2002	6	6,7,18,19,20,21		November	2006	6	13,14,15,16,29,30
December	2002	6	4,5,16,17,18,19		December	2006	5	11,12,13,14,18
January	2003	6	13,14,15,16,29,30		January	2007	5	15,16,17,18,31
February	2003	4	10,11,12,13		February	2007	5	1,12,13,14,15
March	2003	7	10,11,12,13,20,26,27		March	2007	6	12,13,14,15,28,29
April	2003	4	7,8,9,10		April	2007	4	23,24,25,26

Source: European Parliament: Plenary Sitings

Note: the plenary debates (total 66) between April 2006 and April 2007 (in bold) were followed live through Europarl TV.

Table 4.3 lists all plenary sessions followed. The publicly available transcripts of EP plenary sessions debates were analysed with a qualitative analysis program AtlasTi. This programme, similar to other programs for computer-aided qualitative analysis such as NVivo and Alceste, allows for all 485 transcripts of the EP plenary debates to be put together, searched and coded simultaneously. The content analysis approach provides a systematic and transparent way of managing large amounts of text. *'This avoids problems of reactivity of the respondent that may occur in interviews'* (King et al, 1994). The analysis of the EP Plenary Debates was particularly useful for identifying instances of package deals and trilogue negotiations and for observing MEPs attitudes towards these informal institutional arrangements.

E. Europarl TV: Live Parliamentary Debates

Since April 2006, all European Parliament debates can be viewed online at Europarl TV. Between April 2006 and April 2007, 66 plenary sessions were followed from start to finish, that is more than 450 hours footage of parliamentary debates. The discussions on individual proposals were followed. The availability of directly observable parliamentary debates provides a good source of information on how the Parliament works, on the parliamentary procedures and rules, and on the way MEPs vote. It was possible to follow the debates very closely and to monitor the various viewpoints of MEPs from different political groups.

F. Informal talks

Several informal talks with representatives of the Parliament, the Council and the European Commission, involved in the EU legislative process were held in the period October 2007 - November 2008. No conclusions were drawn merely on the basis of these discussions. The interviews themselves do not lead to definitive conclusions about EU lawmaking, but they helped in the development of the argument and hypotheses. The informal talks were used to complement the findings from the quantitative analysis and the case studies and to compare the results of the empirical tests with the viewpoints of EU practitioners.

Table 4.4 Predicted Effect of Variables in the Empirical Analysis

Legislative Package Deals in the European Union, 1999 – 2007

	Chapter V	Ex	Obs	Chapter VI	Ex	Obs	Chapter VII	Ex	Obs	Chapter VIII	Ex	Obs
	All legislation			Consultation			Codecision			All legislation		
Dependent Variable	Package Deal			EP Success			EP Success			EP Success		
Independent Variables												
(Argument)												
	Distributive Proposal	+		Package Deal	+		Package Deal	+		Package Deal	+	
	Council Impatience	+		Delay	+		Triologue	-		Distributive Policy	-	
	Urgent	+		Council Impatience	+		Council Impatience	+		Council Impatience	+	
				Urgent	+		Urgent	+		Urgent	+	
				Urgent for the Commission	+		Urgent for the Commission	+		Urgent for the Commission	+	
Interaction effects	-			Delay * Urgent for the Commission	+		Triologue * Institutional Powers Issues	+		Package Deal * Distributive Policy	+	
										Package Deal * Institutional Powers	+	
(Existing Literature)												
	Absolute Saliency	+		EP Cohesion	+		EP Cohesion	+		EP Cohesion	+	
	Party Leaders Involved	+		EP Committee Supported	+		EP Committee Supported	+		EP Committee Supported	+	
	Policy Issue Complexity	+		Relative EP Saliency	+		Relative EP Saliency	+		Relative EP Saliency	+	
	EP - Council Saliency Tie	-		EP - Council Saliency Tie	-		EP - Council Saliency Tie	-		EP - Council Saliency Tie	-	
				Commission Support	+		Commission Support	-		Commission Support	-	
				Issues Type	+		Issues Type	+		Issues Type	+	
				Council Unanimity	+		Reading	+		Codecision	+	
	Proposal Saliency	+		Proposal Saliency	+							

4.4 Testing the Argument

Chapter V: Analyzing Legislative Package Deals in the European Union

Chapter V explores the conditions for the use of package deals in the EU legislative process. The following dependent and independent variables are used in the analysis.

Dependent Variable

Package Deal

The use of package deals across legislative procedures, policy areas and time is tested with a dichotomous variable *Package Deal*. Here the unit of analysis is the legislative proposal. The use of package deals in the EU co-decision and consultation procedures was traced through the Council's Document Register and the European Parliament's Plenary Debates and Summaries of Sitings (available through the EP legislative observatory). A proposal was counted as a package deal proposal only if there was written evidence of a negotiated compromise package on a single legislative proposal or on several legislative proposals between the Council and the European Parliament. The variable = 1 if there was written evidence of a package compromise between the Council and the European Parliament on a proposal, and it = 0 if otherwise.

Independent Variables

Distributive Proposals

The first hypothesis derived from the theoretical argument is that package deals are more likely to occur on distributive proposals. What makes a proposal distributive? Are some proposals more distributive than others? How can the distributive effects of legislation be estimated? Is it not the case that regulatory proposals contain distributive elements and vice versa? One way of identifying distributive proposals is to examine legislation in the EU's distributive policy areas, known to require considerable financial contributions by Member

States such Budget, Agriculture, Fisheries, Taxation, Employment and Social Affairs, etc. However, this method may overestimate the distributive nature of some legislative proposals. Despite the generally expensive policy area, a legislative proposal may be simply an administrative adjustment or a recast version of the legislation already in force. For example, consider the proposals on EC/Denmark/Greenland Fisheries agreement (2003)⁴³ and the EC/Cape Verde Fisheries agreement (2004)⁴⁴. These proposals were simply modifications and extensions of already existing legislation. Therefore, what might appear as European Parliament success on a distributive proposal may simply be a European Parliament success on a high technical administrative proposal with little distributive effects in practice.

Another way of defining distributive proposals may be to construct a continuous variable measuring the amount of money contained/required by the legislation. This measurement has the advantage of a greater differentiation between the distributive nature of legislative proposals. However, proposals that do not contain a specified amount of financial contributions in their legislative text can also have significant distributive effects. For example, consider the proposal on Economic and Social Cohesion, regarding the European Social Fund (2004)⁴⁵. Although the legislative proposal did not contain a specific reference to financial contributions, the legislation has huge distributive effects. It deals with expenditure, grants, credits, co-financing, etc. Therefore, what might appear as European Parliament failure on a non-distributive proposal may be a European Parliament failure on a highly distributive proposal with serious financial consequences for Member States.

⁴³ CNS/2003/0236 EC/Denmark/Greenland Fisheries agreement: period from 1st January 2004 to 31 December 2006: Modification of the 4th Protocol.

⁴⁴ CNS/2004/0058 EC/Cape Verde Fisheries agreement: protocol for the period from 1st July 2004 to 30 June 2005.

⁴⁵ COD/2004/0165 Economic and Social Cohesion: European Social Fund ESF for employment, social insertion, training and education, 2007-2013 (repeal. regul. 1784/1999/EC).

The thesis adopts a methodology for defining distributive proposals by adapting the typology developed by Lowi (1964; 1972). The definition of distributive legislation adopted here is guided by the “Who pays?” question. Each legislative proposal was read to identify whether the costs incurred by the legislation were to be covered by a) private actors, b) the EU budget; c) Member States’ budgets, or d) simply administrative costs (see Table 4.5 for classification of legislative dossiers according to Policy Area and Cost Type).

These four categories form the basis of the categorical *Proposal Cost Type* variable, which tests the first hypothesis of the argument in Chapter III. The distributive nature of proposals was determined by reading the final legislative texts of every piece of legislation. To ensure consistency the variable was coded twice by the same person at different times, using exactly the same classification of categories. The proposals were classified according to four categories⁴⁶:

Category 1 = Regulatory Proposal: Legislative proposals were classified in this category if the final legislative text involved costs to be covered primarily by private actors (and there were no direct costs for Member States or the EU budget).

Category 2 = Distributive (EU budget) Proposal: Legislative proposals were allocated in this category if the final legislative text involved the allocation of EU funding and contained a direct reference to the EU financial framework.

Category 3 = Distributive (Member States budgets) Proposal: Legislative proposals were classified in this category if the final legislative text involved costs to be covered largely by the Member States’ own budgets.

Category 4 = Administrative Proposal: Legislative proposals were classified in this category if the final legislative text involved no or minor costs.

⁴⁶ Although the categories classify EU legislation in four distinct groups, it should be noted that proposals in Category 2, for example, that allocate EU funding often imply matching national expenditure. Moreover, regulatory legislation (in Category 1) which imposes ‘private costs’ is often taken extremely seriously by those Member governments, whose private sectors may be significantly affected by new legislation.

Table 4.5 Legislative Proposals According to Policy Area and Cost Type

Policy Area (Commission DG)	Total	Regulatory Proposals		Distributive Proposals		Administrative Proposals			
		private actors		EU budget	Member States	no costs			
Who pays?									
Agriculture & Rural Development	80	40	(50.0%)	25	(31.3%)	15	(18.8%)	-	
Budget	35	-		32	(91.4%)	1	(2.9%)	2	(5.7%)
Development	13	3	(23.1%)	10	(76.9%)	-		-	
Economic and Financial Affairs	30	4	(13.3%)	19	(63.3%)	6	(20.0%)	1	(3.3%)
Education and Culture	29	4	(13.8%)	18	(62.1%)	4	(13.8%)	3	(10.3%)
Employment and Social Affairs	38	10	(26.3%)	7	(12.1%)	12	(31.6%)	6	(15.8%)
Energy and Transport	99	57	(57.6%)	9	(9.1%)	24	(24.2%)	9	(9.1%)
Enterprise and Industry	56	45	(80.4%)	9	(16.1%)	1	(1.8%)	1	(1.8%)
Environment	58	34	(58.6%)	7	(12.1%)	11	(19.0%)	6	(10.3%)
Eurostat, Statistical Office	33	10	(30.3%)	6	(18.2%)	14	(42.4%)	3	(9.1%)
External Relations	38	8	(21.1%)	20	(52.6%)	3	(7.9%)	7	(18.4%)
Fisheries	107	59	(55.1%)	11	(10.3%)	31	(29.0%)	6	(5.6%)
General Secretariat	10	1	(10.0%)	2	(20.0%)	1	(10.0%)	6	(60.0%)
Health and Consumer Protection	77	56	(72.7%)	6	(7.8%)	12	(15.6%)	3	(3.9%)
Information Society	22	14	(63.6%)	7	(31.8%)	-		1	(4.5%)
Internal Market and Services	47	35	(74.5%)	7	(14.9%)	1	(2.1%)	4	(8.5%)
Justice, Freedom and Security	147	78	(53.1%)	27	(18.4%)	27	(18.4%)	15	(10.2%)
Research	26	2	(7.7%)	23	(88.5%)	1	(3.8%)	-	
Taxation and Customs Union	28	5	(17.9%)	6	(21.4%)	13	(46.4%)	4	(14.3%)
Total Legislative Proposals	973	465	(47.8%)	256	(26.3%)	175	(18.0%)	77	(7.9%)

Own calculations

Legislative Timing

Hypothesis 2 derived from the theoretical argument states that package deals are likely to occur on urgent proposals. The thesis adopts several measures of legislative timing: the dichotomous *Urgent* variable, the dichotomous *Urgent for the Commission* variable and the dichotomous *Council Impatience* variable. These variables are tested in all empirical chapters.

First, the *Urgent* variable = 1 if there was a specific deadline according to which the legislative act had to enter into force and it = 0 if there was no deadline. Information on whether there was a deadline for the legislative act to come into effect was found either in the documents accompanying the Commission proposals, in the rapporteur's opinion accompanying the EP's opinion, or in the Council's internal documents. This variable does not take into account whether the deadline was set by the Commission or by the European Council's conclusions.

Second, the variable *Urgent for the Commission* = 1 if the deadline was set by the Commission, but no political agreement was reached on the proposal at the European Council level. It = 0 if the call for urgent action originated in the European Council conclusions and the Member States had already discussed a possible legislative draft of the proposal. Information on this variable was found either in the documents accompanying the Commission proposals, in the rapporteur's opinion accompanying the EP's opinion, or in the Council's internal documents.

Third, the variable *Council Impatience* tests whether the relative impatience of a legislative actor has an effect on the legislative outcome. It = 1 if the Council had started discussions and prepared a draft text of the legislative proposal before the EP had done so and it = 0 if the EP had started discussions and prepared a draft legislative text earlier than the Council. This variable was measured by comparing the dates of the first draft texts on a legislative proposal held in the EP's Legislative Observatory and the Council's Register.

Chapters VI, VII, VIII: The Effect of Package Deals and Timing on EP Success

Dependent Variable

European Parliament Success

There is a single dependent variable across all three empirical chapters VI, VII and VIII, which tests for the EP's legislative influence: *European Parliament Success*. The empirical tests in these chapters aim at explaining why and under what conditions the European Parliament succeeds in influencing the legislative text. Of course, the definition of European Parliament Legislative Success is not an easy task⁴⁷. The measurement of European Parliament success is operationalized in the following way.

EP Success is understood as the ability of the European Parliament to have its demands incorporated in the final legislative text. Here the unit of analysis is the issue contested by the European Parliament and the Council. Hence, the dependent variable EP Success measures the EP's legislative influence on separate issues. EP Success was initially treated as an ordinal variable, including four degrees of success: high success (3), average success (2), low success (1) and failure (0). An issue was allocated to category 3 if the European Parliament's demand was inserted in the legislative text exactly as the EP had proposed it. An issue was allocated to category 2 if the European Parliament's demand was inserted in the final legislative text, but it was modified by the Council and did not satisfy the EP's demand in full. An issue was allocated to category 1 if the European Parliament's demand was largely modified by the Council and it departed from the EP's original position, but it was still included in the legislative text. An issue was allocated to category 0 if the European Parliament's demand was completely ignored by the Council or it made it to the final legislative text, but aimed at correcting spelling or technical improvements.

⁴⁷ "If you hold a book over a table, say 'fall, book' and then release the book from your hand, the book will fall back onto the table. Does this mean you have power over the book? Of course it does not. Gravity was responsible for the book's falling, not your persuasiveness, resources, or expertise" Jeffrey Pfeffer (1981: 44) on measuring power in organizations.

However, only 10.1% of all issues fell in categories 1 and 2. In the rest of the cases, the European Parliament either failed completely, or it managed to fully realize its legislative demands. In the consultation procedure, the distribution of EP success was as follows. 74.2% (595 issues) fell in category 0 = failure. Only 3.7 % (30 issues) of the observations fell in category 1 (low success) and 6.1 % (49 issues) fell in category 2 (medium success). 16 % (128 issues) of the observations fell in category 3 (high success). In the co-decision procedure, the distribution of EP success was as follows. 34.9% (547 issues) fell in category 0 = failure. Only 2.6% (41 issues) of the observations fell in category 1 (low success) and 7.5% (117 issues) fell in category 2 (medium success). 55 % (862 issues) of the observations fell in category 3 (high success).

Table 4.6 Distribution of EP Success According to Success Degree

EP Success Ordinal	Issues Contested by the EP		
	Consultation	Co-decision	Total
Category 3 = High Success	128	862	990
	(%) (15.9)	(55.0)	(41.8)
Category 2 = Medium Success	49	117	166
	(%) (6.1)	(7.5)	(7.0)
Category 1 = Low Success	30	41	71
	(%) (3.7)	(2.6)	(3.0)
Category 0 = Failure	595	547	1142
	(%) (74.2)	34.9	(48.2)
Total	802	1567	2369

Own calculations

In total, 48.2% (1142 issues) fell in category 0 = failure. 3.0% (71 issues) fell in category 1 (low success) and 7.0% (990 issues) fell in category 2 (medium success). 41.8% (990 issues) of the observations fell in category 3 (high success). Due to the limited number of observations in categories 1 and 2, this variable was re-coded as a binary where 0 = failure and 1 = the three degrees of success (1 + 2 + 3). Chapters VI and VII treat *EP Success* as a binary variable. Chapter VIII pools all issues and legislative proposals and in addition to *EP Success* as a binary variable, the chapter treats *EP Success* as an ordinal and a categorical variable.

Independent Variables

To test the hypotheses about the effect of package deals and timing on the EP's legislative influence, the following independent variables were used in the analysis in Chapters VI, VII and VIII.

Package Deal

The variable *Package Deal* which was the dependent variable in Chapter V, becomes an explanatory variable in Chapters VI, VII, and VIII. In addition to treating the variable as binary, the *Package Deal* variable is also coded as a categorical variable (in the analysis of the co-decision procedure). *Package Deal* was coded as 2 if there was a package deal between the Council and the European Parliament on a single proposal, which involved multiple issues; it was coded as 1 if there was a package deal between the Council and the European Parliament on a multi-proposal package; and it was coded 0 if there was no package deal on a legislative proposal. The inclusion of the different types of package deals in the analysis of EP success provides a better account of the types of logrolling in the EU and the possibilities for EP influence.

Hypothesis 3 states that package deals increase the likelihood of European Parliament Success in the consultation procedure. Hypothesis 5 states that package deals increase the likelihood of European Parliament Success in the co-decision procedure. The variable *Package Deal* is therefore expected to be positively correlated and significant across all statistical tests.

Legislative Timing: Delay

Hypothesis 4 derived from the argument states that legislative delay increases the likelihood of European Parliament success in influencing legislative outcomes in the consultation procedure. This hypothesis is tested with the dichotomous *Delay* variable. A case is counted as delayed (and = 1) when the following is observed. First, a Commission

proposal was put to the vote in the EP plenary. Second, the MEPs present in plenary voted to refer the proposal back to the drafting committee. Third, the same proposal was discussed again by the EP at a later date, when the European Parliament issued a final opinion. Information on this variable was obtained through the European Parliament's Legislative Observatory and the EP Plenary Debates.

Legislative Timing: Council Impatience

Hypothesis 7 derived from the argument states that Council impatience increases the likelihood of European Parliament success in influencing legislative outcomes in the co-decision procedure. This hypothesis is tested with the dichotomous *Council Impatience* variable. As noted earlier, this variable tests whether the relative impatience of a legislative actor has an effect on the legislative outcome. It = 1 if the Council had started discussions and prepared a draft text of the legislative proposal before the EP had done so and it = 0 if the Parliament had started discussions and prepared a draft legislative text earlier than the Council. This variable was measured by comparing the dates of the first draft texts on a legislative proposal held in the EP Legislative Observatory and the Council's Register.

In addition, the other two measures of legislative timing: the dichotomous *Urgent* and the dichotomous *Urgent for the Commission* are also included in the analysis.

Trialogues

Hypothesis 6 states that trialogues do not increase the likelihood of EP success in influencing the legislative text in the co-decision procedure. No significant effect is expected as trialogues only provide the institutional structure for information exchange and legislative bargaining. This hypothesis is tested with the dichotomous *Triologue* variable. The employment of triologue meetings in the EU legislative process was traced through the Council's Document Register and the European Parliament's Plenary Debates and

Summaries of Sittings (available through the EP legislative observatory). The *Triologue* variable = 1 if there was evidence in the Council's internal documents and/or in the EP plenary statements and summaries that an informal trialogue meeting between the Council, the European Parliament and the Commission had taken place during the course of the negotiations on a particular proposal and it = 0 if there was no written evidence.

The Council Document Register contains evidence of 96% of the proposals that were negotiated at a trialogue in the period 1 May 1999 – 30 April 2007. The Council's working documents contain more detailed information on the participants, timing and agenda of informal meetings. The EP Plenary Debates and summaries of sittings account for around 45% of the trialogues. However, 135 (of 442) EP Plenary debates involved a discussion of the outcome of trialogue negotiations.

The Distributive Character of EU Policy Areas

Hypothesis 8 states that package deals increase the likelihood of European Parliament success in influencing distributive policy outcomes in the EU. However, similarly to the definition of distributive proposals, the literature of EU legislative studies lacks a precise definition of a distributive policy area. There is a clear distinction in the literature between the general characteristics of regulatory and distributive policies (Hix, 2005; Wallace et al., 2005). Some authors have also classified EU policy areas with a binary variable: regulatory and distributive (Broscheid and Coen, 2007). However, as Table 4.4 above demonstrates, each EU policy area consists of regulatory as well as distributive proposals. Moreover, EP influence is here analysed through the examination of legislative proposals and the issues contested within them. Therefore, dichotomizing the distributive/regulatory divide in EU policy areas may lead to inaccurate results. To overcome this issue, the thesis adopts the following methodology for defining the distributive character of EU policy areas. First, as indicated in Table 4.5 above, each EU policy area includes administrative, regulatory and

distributive proposals. In the case of distributive proposals the costs are covered by either the EU budget or Member States' budgets. Such proposals are highly salient for Member States and governments often are reluctant to incorporate the EP's demands. These proposals were grouped into one category = *Distributive*. In the case of regulatory and administrative proposals, the costs are covered by either private actors or there are no significant costs. Such proposals should be relatively less salient for Member States and governments may be more willing to incorporate the EP's preferences. These proposals were grouped into the second category = *Regulatory*.

Second, in each EU policy area the percentage of *Distributive* proposals and the percentage of *Regulatory* proposals were calculated. The continuous *Distributive Policy Area* variable was calculated as the proportion of distributive proposals in a policy area. The *Distributive Policy Area* variable is used as an independent variable in Chapter VIII. While the variable is expected to have a negative effect on *EP success*, its interaction *Distributive Policy Area* x *Package Deal* is expected to be significant and positively correlated with EP success when it is measured as a binary as well as an ordinal variable.

Issue Types

Hypothesis 9 states that package deals increase the likelihood of European Parliament success in gaining institutional powers. This hypothesis is tested with the *Issue Type* variable. It = 1 for budgetary issues, = 2 for policy substance issues, = 3 for fundamental rights issues, and it = 4 for institutional powers issues. This variable is included in all statistical tests and category 1 = budgetary issues is always the base category. Therefore, the results from the regression analysis will compare the success of policy substance issues, fundamental rights issues and institutional powers issues with the performance of budgetary issues. The interaction term *Institutional Powers* x *Package Deal* is expected to be significant and positively correlated with *EP Success*.

Independent Variables Suggested by the Existing Literature

In addition to testing the predictions of the argument, the empirical chapters also test a number of variables identified by the existing literature on logrolling and on EU legislative politics. Chapter V includes several hypotheses derived from the existing logrolling literature. In addition to distributive and urgent proposals, the chapter tests whether the different preference intensities of the legislative chambers, the involvement of party leaders in the drafting of the legislation and the issue complexity of the policy areas have effects on the probability of the use of package deals in the EU.

Measuring Salience and Intensities of Preferences

The concept of different preference intensities is at the core of logrolling theories. However, it is difficult to measure an actor's intensity of preference, and it is even more difficult to compare the intensities of preference of two different actors. Two measures were adopted for the salience of the proposal to the legislative chambers. The number of EP committees involved in the drafting of a legislative proposal was taken as a proxy for the salience of the proposal to the EP. This is how the continuous variable *EP Salience* was constructed⁴⁸. The more salient the proposal for the European Parliament, the more committees will be given the task to provide an opinion. The number of documents held in the Council's document register per legislative proposal was taken as a proxy for the salience of the proposal to the Council⁴⁹. The more salient the proposal for the Council, the

⁴⁸ For example, the COD/2003/0256 REACH directive involved 10 EP committees, the COD/2001/0265 Energy directive on Bio Fuels - 5 committees, the COD/2004/0137 Money Laundering directive - 5 committees, the COD/2005/0282 Motor Vehicles directive - 5 committees; the CNS/2002/0115 Fishing Vessels regulation - 2 committees, the CNS/2004/0020 regulation on the Protection of Deep-Water Coral Reefs - 2 committees, and the COD/2003/0060 directive on Statistical Surveys of Milk and Milk Products - 1 committee.

⁴⁹ For example, the COD/2003/0256 REACH directive was associated with 180 documents, the COD/2001/0265 Energy directive on Bio Fuels - 36 documents, the COD/2004/0137 Money Laundering directive - 25 documents, the COD/2005/0282 Motor Vehicles directive - 22 documents; the CNS/2002/0115 Fishing Vessels regulation - 9 documents, the CNS/2004/0020 regulation on the Protection of Deep-Water Coral Reefs - 9 documents, and the COD/2003/0060 directive on Statistical Surveys of Milk and Milk Products - 9 documents.

more discussions there will be and the more documents there will be in the register. This is how the continuous *Council Salience* variable was measured.

In order to make the *EP Salience* and *Council Salience* measures comparable, the variables were linearly rescaled according to a 10 point scale (1 = the lowest and 10 = the highest degree of saliency). Three variables are used in the analysis of the relative preference intensities of the Council and the European Parliament over proposals: *Absolute Saliency Distance*, *Relative EP Saliency* and *Saliency Tie*. All of these measures of preference intensities are at the proposal level. The measurement of preference intensities over proposals is more reliable than the measurement of preference intensities over separate issues⁵⁰. Moreover, an inter-chamber logrolling situation only requires a difference in the preference intensities over proposals and the availability of multiple issues.

Absolute Saliency Distance

First, the distance *Absolute Saliency Distance* variable measures the absolute distance (capturing the size but not the direction) between the EP's and the Council's importance attached to a proposal. The *Absolute Saliency Distance* variable was calculated by measuring the distance between the rescaled *Council Saliency* and *EP Saliency* variables. The larger the distance between the two actors, the more opportunities there will be for logrolling. This variable is expected to be significant and positively correlated with the probability of a *Package Deal* in the EU legislative process.

⁵⁰ There are several difficulties with the measurement of preference intensities over separate issues within proposals. First, not all proposals have multiple issues. Any measurement of issue saliency within proposals will be useless for proposals in which the European Parliament contests only one issue. Second, detailed information on the preference intensities of the two actors on each issue is not always available. The decision-making process is usually well documented for very important pieces of legislation, which involve multiple issues. The EP-Council intensity of preferences over issues in such salient pieces of legislation is possible, but only to a limited extent. A possible measurement of preference intensity over issues is the number of times the issue is mentioned in the EP reports and respectively in the Council's working documents. The more often an issue comes up in the internal documents of the EP and the Council, the more important it is to the legislative body. In a case with, say, six contested issues (a, b, c, d, e, f), it is possible to identify the most important issues (a and b) over which most of the negotiations take place. However, the difficulty comes from the rest four issues (c, d, e, and f), which are clearly less salient compared to a and b, but the preference intensity of an actor over c, d, e, f is difficult to measure. Therefore, it is possible to identify that $a > c, d, e, f$ and that $b > c, d, e, f$. However, is $c > d > e > f$ or is $c < d > e > f$ or is $c = d = e = f$? This point is illustrated in the case studies presented in Chapters V, VI and VII.

Relative EP Salience

Second, the distance *Relative EP Salience* variable measures the relative difference between the EP's and the Council's importance attached to a proposal. It was measured by subtracting the value of the *Council Salience* from the *EP Salience* variable. Compared to the *Absolute Salience Distance* variable, it captures the size as well as the direction of the relative institutional preference intensities on legislative proposals.

Council – EP Salience Tie

Third, the dichotomous *Council – EP Salience Tie* was included. It = 1 if the EP and the Council attached equal importance to a legislative proposal and it = 0 if the distance between the EP' and the Council's preference intensities was different from zero (regardless of the direction). When the Council and the Parliament attach equal importance, package deals are less likely to occur. Therefore, the variable is expected to be negatively correlated with the probability of a *Package Deal* in the EU legislative process.

Proposal Salience

In addition, the continuous *Proposal Salience* variable measures the general importance of the legislative act. It is measured by the number of recitals in a legislative proposal. The larger the number of recitals in a legislative proposal signified a more salient proposal. Information on this variable was obtained by reading every legislative proposal and counting the number of recitals contained in the final legislative text. Tsebelis (2002) argues against this methodology. However, the number of recitals seems to be a valid measure for the general importance of legislative proposals⁵¹. Haegel (2007) also uses the same measurement for proposal saliency in the European Union.

⁵¹ For example, the COD/2003/0256 REACH directive contained 116 recitals, the COD/2001/0265 Energy directive on Bio Fuels – 29 recitals, the COD/2004/0137 Money Laundering directive - 48 recitals, the COD/2005/0282 Motor Vehicles directive – 27 recitals; the CNS/2002/0115 - Fishing Vessels regulation – 10

Party Leaders

The thesis also tests whether the involvement of party leaders in drafting legislative proposals has an effect on the probability of package deals. The dichotomous *Party Leaders* variable = 1 if in addition to the committee rapporteur, the political group leaders in the EP participated in the writing of the proposal and the informal negotiations with Council representatives and it = 0 if the committee rapporteurs (shadow rapporteurs and chairmen) were solely responsible for the negotiations over a legislative proposal. Information on this variable was found in the EP's procedural pages and the Council's working documents. The variable is expected to be positively correlated with the probability of a *Package Deal*.

Policy Area Issue Complexity

The logrolling literature also suggests that the issue complexity of a policy area leads to the use of more package deals. This hypothesis is tested with the continuous *Policy Area Issue Complexity* variable. Proposals that contain multiple issues are more complex and more time consuming. The variable measures the proportion of multi-issue legislation in a policy area, that is, proposals containing two and more issues. First, the number of issues contested by the EP per legislative proposal was counted (see Appendix I). Second, the proportion of legislative proposals in a policy area containing two and more contested issues was calculated. The greater the proportion of complex proposals per policy area, the larger is the value of the variable. The variable is expected to be positively correlated with the probability of a *Package Deal*.

In addition to the independent variables suggested by the existing theories of logrolling, in Chapter VI, VII, and VIII, the thesis tests a number of hypotheses derived from the existing studies on EU legislative decision-making. The addition of these

recitals, the CNS/2004/0020 regulation on the Protection of Deep-Water Coral Reefs – 8 recitals, and the COD/2003/0060 directive on Statistical Surveys of Milk and Milk Products - 4 recitals.

variables makes the findings of the thesis not only relevant to the literature on legislative exchange, but also to the more general research on legislative politics in the EU.

European Parliament

EP Cohesion in Committee

Two variables are used to test the effect of the cohesion of the European Parliament on its legislative influence. Both variables are expected to have a positive effect on *EP Success*. Firstly, the continuous *EP Cohesion* variable is included in the analysis. The variable measures the size of the majority in the European Parliament drafting committee in favour of a report, as a percentage of those voting. Information on this variable was found in the EP's reports, under section Committee votes. These are obtainable from the procedural pages of legislative proposals through OEIL.

EP Cohesion in Plenary

There are occasions when despite a cohesive EP committee, other MEPs can propose completely different amendments to those proposed by the committee and obtain support in plenary. To measure EP cohesion at the EP Plenary level the dichotomous *EP Plenary Support* variable is used. It = 1 if the EP plenary supports the committee report in its entirety and MEPs do not submit replacement amendments and it = 0 if the EP plenary amends or rejects the committee proposal. Information on this variable was found in the summaries of sittings on each legislative proposal, the minutes of the EP plenary sittings, and Council's internal reports on the outcomes of votes in the European Parliament.

Council of Ministers

The *Council Unanimity* variable tests whether the European Parliament is more likely to succeed when the voting rule in the Council is unanimity. It = 1 if the legal base of the

legislative proposal requires unanimity in the Council and it = 0 if the legal base requires qualified majority voting. Information on this variable was found in the Pre-Lex database for the legal base of legislative proposals; the EU's gateway europa.eu website and Hix (2005) for voting rules.

Commission Support

The *Commission Support* variable tests whether the legislative influence of the European Parliament is conditional on Commission support. The variable is measured at the issue level. It = 1 if the Commission expresses its support for an EP demand in front of the EP plenary, after informal meetings with MEPs or in its opinion on the EP position; and it = 0 if the Commission does not support the EP on a given issue. Information on this variable was found in the Commission statements at the EP plenary, Commission communications to the EP, as well as Council internal documents reporting on the progress of legislative decision-making. The variable is expected to be positively correlated with *EP Success*.

Control Variables:

The categorical variable *Legislative Reading* is introduced in chapter VI, to control for the timing of adoption of the legislative proposal in the co-decision procedure. It 1 = *First Reading* - if a proposal was adopted at first reading; 2 = *Second Reading* - if a proposal was adopted at second reading; and 3 = *Conciliation* - if a proposal was adopted at third reading. Information on this variable was obtained from the European Parliament Legislative Observatory⁵².

⁵² Dummy variables were also used to test whether EP success depends on the *Legislative type* of the proposal (directive, regulation, decision, or recommendation). Information on this variable was obtained from the final legislative texts of completed proposals. Dummy variables are used to test the effects of the *Political Group* affiliation of the rapporteur on EP success. Dummy variables are used to test the effects of the drafting *EP Committee* on EP success. Information on these variables was obtained from the OEIL. However, none of these variables produced significant results, and were therefore not included in the final models.

Descriptive Statistics: EU Legislation: 1999 – 2007

A major methodological strength of the empirical design is the fact that the same set of variables are tested across the co-decision and consultation procedures and across policy areas. Therefore, the results of each empirical chapter are comparable with the rest of the empirical tests. Table 4.7 and 4.8 present the summary statistics and correlations for the use of package deals in the EU (Chapter V). Table 4.9 and 4.10 present the summary statistics and correlations for EP success (802 issues) in the consultation procedure (Chapter VI). Table 4.11 and 4.12 present the summary statistics and correlations for EP success (1567 issues) in the co-decision procedure (Chapter VII). Table 4.13 and 4.14 present the summary statistics and correlations for EP success across all 2369 issues (Chapter VIII).

There are several interesting patterns suggested by the descriptive statistics and variable correlations. First, as can be seen from Table 4.7 package deals occur on average in 25.1% of the cases. In addition, 26.3% of all legislative proposals were distributive proposals (allocating EU funds). 18% of all proposals were distributive proposals (where the costs were to be covered by Member States' budgets). 47.8% of the proposals were regulatory (where the costs were to be covered by private actors) and 7.9% of the proposals were administrative (they involved no or insignificant costs and required the administrative updating of legislative acts).

45 per cent of the legislative proposals were Urgent (there was a deadline for the legislation to come into effect). This supports the argument that legislative timing and deadlines are becoming increasingly important for EU decision-making. Moreover, the party leaders were involved in the drafting of 12% of the legislative proposals in addition to the EP committee rapporteur. In 37% of the cases, the European Parliament and the Council attached equal preference intensities to proposals and in the rest 63% of the cases, the two legislative chambers attached different preferences to legislation.

Table 4.7 Descriptive Statistics: Package Deals in the EU (V)

Name	Description of variables	Sources	Obs.	Min.	Max.	Mean	Std. Dev.
Package Deal	1 = Proposals and issues were decided as a package between the EP and the Council; 0 = otherwise	Statements of EP rapporteurs, Council minutes	973	0	1	.251	.434
Independent variables							
<i>Legislative Cost Type</i>							
Distributive Proposal (EU budget)	1 = A legislative proposal included a direct reference to the EU financial framework; 0 = otherwise	Legislative text	973	0	1	.263	.441
Distributive Proposal (Member States budgets)	1 = A legislative proposal involved costs to be covered by Member States' budgets; 0 = otherwise	Legislative text	973	0	1	.180	.384
Regulatory Proposal (Private Actors)	1 = A legislative proposal involved costs to be covered by private actors (and no direct costs for EU budget or Member States); 0 = otherwise	Legislative text	973	0	1	.478	.500
Administrative Proposal	1 = A legislative proposal involved no or insignificant costs and required the administrative updating of legal acts; 0 = otherwise	Legislative text	973	0	1	.079	.270
Urgent	1 = Specific deadline for the legislative proposal to come into force; 0 = otherwise	Commission draft, EP Reports	973	0	1	.452	.498
Council Impatience	1 = The Council started discussions and prepared a draft text of the legislative proposal before the EP had done so; 0 = the EP started discussions and prepared a draft text of the legislative proposal before the Council	Council Document Register; EP Legislative Observatory	973	0	1	.333	.471
Absolute Preference Distance	Absolute Preference Distance = EP Saliency (linearly rescaled 1-10) - Council Saliency (linearly rescaled 1-10), regardless of the sign (+ or -)	Council Document Register; EP Reports, Procedural Pages	973	0	9	1.062	1.263
Parliament - Council Saliency Tie	1 = Equal preference intensities attached to a proposal by the EP and the Council; 0 = otherwise	Council Document Register; EP Reports, Procedural Pages	973	0	1	.372	.484
Party Leaders Involved	1 = Party leaders involved in the negotiations with the Council, in addition to the rapporteur	Council Register; EP Procedural pages	973	0	1	.120	.325
Policy Area Issue Complex	Percentage of legislative proposals per policy area containing two and more issues	EP Legislative Observatory	973	14	90	55.062	22.385

Table 4.8 Correlations of Variables: Package Deals in the EU (V)

	Package Deal	Distributive Proposal (EU budget)	Distributive Proposal (Member States budgets)	Regulatory Proposal (Private Actors)	Administrative Proposal	Urgent	Council Impatience	Absolute Salience Distance	Parliament - Council Salience Tie	Party Leaders Involved	Policy Area Issue Complexity
Package Deal	1.000										
Distributive Proposal (EU budget)	0.209	1.000									
Distributive Proposal (Member States budgets)	-0.049	-0.280	1.000								
Regulatory Proposal (Private Actors)	-0.098	-0.572	-0.448	1.000							
Administrative Proposal	-0.091	-0.175	-0.137	-0.281	1.000						
Urgent	0.137	0.306	-0.076	-0.241	0.055	1.000					
Council Impatience	0.220	0.009	0.021	-0.012	-0.021	0.046	1.000				
Absolute Salience Distance	0.122	0.100	0.002	-0.088	-0.003	0.071	0.088	1.000			
Parliament - Council Salience Tie	-0.122	-0.083	-0.028	0.085	0.019	-0.059	-0.052	-0.648	1.000		
Party Leaders Involved	0.245	-0.120	0.049	0.089	-0.038	-0.044	0.128	0.164	-0.062	1.000	
Policy Area Issue Complexity	0.286	-0.006	-0.146	0.098	0.036	-0.006	0.211	0.071	-0.077	0.248	1.000

Table 4.9 Descriptive Statistics: the Consultation Procedure (VI)

Name	Description of variables	Sources	Obs.	Min.	Max.	Mean	Std. Dev.
Success	1 = EP demands included in final Council legislative act; 0 = EP demands NOT included in final legislative act	EP report, amendments, Council final text	802	0	1	.259	.439
Independent variables							
Single Package Deal	-	-	-	-	-	-	-
Proposals Package Deal	1 = Proposals and issues were decided as a package between the EP and the Council; 0 = otherwise	Statements of EP rapporteurs, Council minutes	802	0	1	.176	.381
Delay	1 = The EP voted in plenary to delay the vote and issued a final opinion at a later date; 0 = no delay	European Parliament Legislative Observatory, Plenary Debates	802	0	1	.106	.308
Council Impatience	1 = The Council started discussions and prepared a draft text of the legislative proposal before the EP had done so; 0 = the EP started discussions and prepared a draft text of the legislative proposal before the Council	Council Document Register; EP Legislative Observatory	802	0	1	.273	.446
Urgent	1 = Specific deadline for the legislative proposal to come into force; 0 = otherwise	Commission draft, EP Reports	802	0	1	.494	.500
Urgent for the Commission	1 = Deadline approaching, but no decision taken by European Council in advance; 0 = otherwise	Commission Proposal, Council minutes, European Council conclusions	802	0	1	.167	.373
European Parliament Cohesion	Percentage of MEPs in the drafting committee voting in favour of the committee report (of all committee members present)	European Parliament Reports: Committee votes	802	51	100	91.7	10.6
EP Committee Supported	1 = The EP plenary supports the committee report and no further amendments are tabled by MEPs; 0 = Committee report amended or rejected by the Plenary	European Parliament plenary sittings	802	0	1	.905	.293
Relative EP Saliency	Relative EP Preference Intensity = EP Saliency (linearly rescaled 1-10) - Council Saliency (linearly rescaled 1-10), including the direction (+ or -)	Council Document Register; EP Reports, Procedural Pages	802	-8	5	.677	1.504
EP - Council Saliency Tie	1= Equal preference intensities attached to a proposal by the EP and the Council; 0 = otherwise	Council Document Register; EP Reports, Procedural Pages	802	0	1	.382	.486
Commission Support	1 = Commission support for issue contested by the EP; 0 = No Commission support	Commission Statements at EP plenary, Communications to EP	802	0	1	.379	.485
<i>Issues Type</i>			802				
Budgetary Issues	1 = issue budgetary (EU spending, co-financing, funding for specific programmes);	EP report, amendments	802	0	1	.137	.344
Policy Substance Issues	2 = issue policy substance (scope of the legislation, clarifications on definitions and terms;	EP report, amendments	802	0	1	.559	.497
Fundamental Rights Issues	3 = issue fundamental rights (human rights, data protection, asylum, privacy, freedoms	EP report, amendments	802	0	1	.091	.287
Institutional Powers Issues	4 = issue institutional powers (change of decision-making procedure; reports);	EP report, amendments	802	0	1	.213	.410
Council Unanimity	1 = legal basis requires unanimity; 0 = legal basis requires QMV	Prelex for Legal Base, Europa for voting rules	802	0	1	.584	.493
Proposal Saliency	Number of recitals in final Council legislative act	Final Council Legislative Acts	802	1	73	14.9	11.1

Table 4.10 Correlations of Variables: the Consultation Procedure (VI)

	Success	Proposals Package Deal	Delay	Council Impatience	Urgent	Urgent for the Commission	European Parliament Cohesion	EP Committee Supported	Relative EP Saliency	EP - Council Saliency Tie	Commission Support	Budgetary Issues	Policy Substance Issues	Fundamental Rights Issues	Institutional Powers Issues	Council Unanimity	Proposal Saliency
Success	1.000																
Proposals Package Deal	0.287	1.000															
Delay	0.360	0.341	1.000														
Council Impatience	0.091	0.239	0.025	1.000													
Urgent	0.161	0.258	0.260	-0.028	1.000												
Urgent for the Commission	0.215	0.285	0.313	0.071	0.260	1.000											
European Parliament Cohesion	-0.044	0.071	0.085	-0.101	-0.052	0.206	1.000										
EP Committee Supported	-0.013	0.049	-0.027	-0.002	-0.013	0.042	0.130	1.000									
Relative EP Saliency	-0.032	0.115	-0.088	-0.202	0.086	0.072	0.059	0.103	1.000								
EP - Council Saliency Tie	-0.037	-0.107	-0.104	-0.078	-0.052	-0.125	-0.072	0.026	-0.354	1.000							
Commission Support	0.335	0.004	0.007	0.052	0.020	0.015	-0.062	-0.054	-0.039	0.001	1.000						
<i>Issues Type</i>																	
Budgetary Issues	0.045	0.140	0.075	0.114	0.027	0.045	0.017	-0.057	0.025	-0.030	-0.117	1.000					
Policy Substance Issues	-0.184	-0.111	-0.151	-0.019	-0.191	-0.039	0.046	-0.004	-0.047	0.114	0.011	-0.449	1.000				
Fundamental Rights Issues	0.317	0.002	-0.010	0.040	0.052	-0.060	-0.119	-0.046	-0.073	0.037	0.325	-0.126	-0.356	1.000			
Institutional Powers Issues	-0.037	0.016	0.127	-0.100	0.174	0.053	0.013	0.085	0.088	-0.139	-0.143	-0.208	-0.586	-0.165	1.000		
Council Unanimity	0.044	-0.095	0.094	-0.203	0.232	-0.001	-0.015	0.072	0.074	-0.107	0.081	-0.178	-0.135	0.206	0.168	1.000	
Proposal Saliency	0.180	0.294	0.014	0.407	-0.012	-0.008	-0.160	-0.098	-0.091	-0.071	0.113	0.148	-0.032	0.104	-0.159	-0.178	1.000

Table 4.11 Descriptive Statistics: the Co-decision Procedure (VII)

Name	Description of variables	Sources	Obs.	Min.	Max.	Mean	Std. Dev.
Success	1 = EP demands included in final Council legislative act; 0 = EP demands NOT included in final legislative act	EP report, amendments, Council final text	1567	0	1	.652	.476
Independent variables							
Single Package Deal	1 = Issues within a proposal were decided as a package between the EP and the Council; 0 = otherwise	Statements of EP rapporteurs, Council minutes	1567	0	1	.186	.390
Proposals Package Deal	1 = Proposals were decided as a package between the EP and the Council; 0 = otherwise	Statements of EP rapporteurs, Council minutes	1567	0	1	.278	.448
Triologue	1 = An informal triologue meeting between the Council, Parliament and the Commission took place; 0 = no triologue took place	Council working documents; EP plenary statements and summaries of sittings;	1567	0	1	.839	.368
Council Impatience	1 = The Council started discussions and prepared a draft text of the legislative proposal before the EP had done so; 0 = the EP started discussions and prepared a draft text of the legislative proposal before the Council	Council Document Register; EP Legislative Observatory	1567	0	1	.463	.499
Urgent	1 = Specific deadline for the legislative proposal to come into force; 0 = otherwise	Commission draft, EP Reports	1567	0	1	.449	.498
Urgent for the Commission	1 = Deadline approaching, but no decision taken by European Council in advance; 0 = otherwise	Commission Proposal, Council minutes, European Council conclusions	1567	0	1	.196	.397
European Parliament Cohesion	Percentage of MEPs in the drafting committee voting in favour of the committee report (of all committee members present)	European Parliament Reports: Committee votes	1567	51	100	87.9	14.3
EP Committee Supported	1 = The EP plenary supports the committee report and no further amendments are tabled by MEPs; 0 = Committee report amended or rejected by the Plenary	European Parliament plenary sittings	1567	0	1	.639	.480
Relative EP Salienc	Relative EP Preference Intensity = EP Salienc (linearly rescaled 1-10) - Council Salienc (linearly rescaled 1-10), including the direction (+ or -)	Council Document Register; EP Reports, Procedural Pages	1567	-8	9	-.010	2.123
EP - Council Salienc Tie	1= Equal preference intensities attached to a proposal by the EP and the Council; 0 = otherwise	Council Document Register; EP Reports, Procedural Pages	1567	0	1	.257	.437
Commission Support	1 = Commission support for issue contested by the EP; 0 = No Commission support	Commission Statements at EP plenary, Communications to EP	1567	0	1	.592	.492
<i>Issues Type</i>							
Budgetary Issues	1 = issue budgetary (EU spending, co-financing, funding for specific programmes);	EP report, amendments	1567	0	1	.093	.291
Policy Substance Issues	1 = issue policy substance (scope of the legislation, clarifications on definitions and terms;	EP report, amendments	1567	0	1	.689	.463
Fundamental Rights Issues	1 = issue fundamental rights (human rights, data protection, asylum, privacy, freedoms	EP report, amendments	1567	0	1	.125	.331
Institutional Powers Issues	1 = issue institutional powers (change of decision-making procedure; reports);	EP report, amendments	1567	0	1	.093	.290
First Reading	1 = Proposal decided at first reading; 0 = otherwise	EP Legislative Observatory	1567	0	1	.280	.449
Second Reading	1 = Proposal decided at second reading; 0 = otherwise	EP Legislative Observatory	1567	0	1	.481	.500
Third Reading	1 = Proposal decided at third reading; 0 = otherwise	EP Legislative Observatory	1567	0	1	.239	.426

Table 4.12 Correlations of Variables: the Co-decision Procedure (VII)

	Success	Single Package Deal	Proposals Package Deal	Triologue	Council Impatience	Urgent	Urgent for the Commission	European Parliament Cohesion	EP Committee Supported	Relative EP Salience	EP - Council Salience Tie	Commission Support	Budgetary Issues	Policy Substance Issues	Fundamental Rights Issues	Institutional Powers Issues	First Reading	Second Reading	Third Reading	
Success	1.000																			
Single Package Deal	-0.032	1.000																		
Proposals Package Deal	0.051	-0.296	1.000																	
Triologue	0.000	0.201	0.163	1.000																
Council Impatience	0.058	0.173	0.004	0.227	1.000															
Urgent	0.015	-0.013	0.168	-0.033	0.145	1.000														
Urgent for the Commission	0.030	-0.038	0.042	-0.046	0.044	0.547	1.000													
European Parliament Cohesion	0.106	-0.105	0.032	-0.201	-0.103	0.151	0.148	1.000												
EP Committee Supported	0.082	-0.063	-0.202	-0.246	-0.073	0.047	0.112	0.374	1.000											
Relative EP Salience	0.002	0.060	-0.054	-0.117	-0.076	0.235	0.252	0.100	0.126	1.000										
EP - Council Salience Tie	-0.040	0.022	-0.060	-0.032	0.040	-0.036	-0.003	0.027	0.021	0.003	1.000									
Commission Support	0.105	0.080	-0.051	-0.068	0.008	-0.060	-0.068	-0.057	-0.028	-0.043	0.033	1.000								
<i>Issues Type</i>																				
Budgetary Issues	-0.093	-0.063	0.046	0.027	-0.020	0.192	0.262	0.093	0.085	0.095	-0.048	-0.127	1.000							
Policy Substance Issues	-0.100	0.070	-0.070	-0.058	-0.007	-0.221	-0.231	-0.130	-0.085	-0.136	0.060	0.122	-0.477	1.000						
Fundamental Rights Issues	0.142	-0.042	0.046	0.045	0.055	0.105	0.052	0.031	0.031	0.075	-0.028	0.110	-0.121	-0.563	1.000					
Institutional Powers Issues	0.090	-0.000	0.013	0.014	-0.032	0.040	0.048	0.080	0.015	0.036	-0.016	-0.192	-0.102	-0.476	-0.121	1.000				
First Reading	0.080	0.212	-0.155	0.081	0.358	0.163	0.122	0.224	0.137	0.133	0.109	-0.023	0.015	-0.069	0.056	0.031	1.000			
Second Reading	-0.069	-0.012	-0.035	-0.282	-0.098	0.012	0.052	-0.059	0.135	0.090	-0.004	0.095	0.030	0.009	-0.040	0.001	-0.601	1.000		
Third Reading	-0.002	-0.210	0.205	0.246	-0.262	-0.186	-0.190	-0.167	-0.303	-0.246	-0.109	-0.087	-0.051	0.062	-0.013	-0.034	-0.349	-0.539	1.000	

Table 4.13 Descriptive Statistics: EP Success Across Policy Areas (VIII)

Name	Description of variables	Sources	Obs.	Min.	Max.	Mean	Std. Dev.
Success	1 = EP demands included in final Council legislative act; 0 = EP demands NOT included in final legislative act	EP report, amendments, Council final text	2369	0	1	.519	.500
Independent variables							
Package Deal	1 = Proposals and issues were decided as a package between the EP and the Council; 0 = otherwise	Statements of EP rapporteurs, Council minutes	2369	0	1	.366	.482
Co-decision	1 = codecision procedure; 0 = consultation procedure	EP Legislative Observatory	2369	0	1	.661	.473
Council Impatience	1 = The Council started discussions and prepared a draft text of the legislative proposal before the EP had done so; 0 = the EP started discussions and prepared a draft text of the legislative proposal before the Council	Council Document Register; EP Legislative Observatory	2369	0	1	.399	.490
Urgent	1 = Specific deadline for the legislative proposal to come into force; 0 = otherwise	Commission draft, EP Reports	2369	0	1	.464	.499
Urgent for the Commission	1 = Deadline approaching, but no decision taken by European Council in advance; 0 = otherwise	Commission Proposal, Council minutes, European Council conclusions	2369	0	1	.186	.389
European Parliament Cohesion	Percentage of MEPs in the drafting committee voting in favour of the committee report (of all committee members present)	European Parliament Reports: Committee votes	2369	51	100	89.2	13.3
EP Committee Supported	1 = The EP plenary supports the committee report and no further amendments are tabled by MEPs; 0 = Committee report amended or rejected by the Plenary	European Parliament plenary sittings	2369	0	1	.729	.444
Relative EP Saliency	Relative EP Preference Intensity = EP Saliency (linearly rescaled 1-10) - Council Saliency (linearly rescaled 1-10), including the direction (+ or -)	Council Document Register; EP Reports, Procedural Pages	2369	-8	9	.222	1.963
EP - Council Saliency Tie	1= Equal preference intensities attached to a proposal by the EP and the Council; 0 = otherwise	Council Document Register; EP Reports, Procedural Pages	2369	0	1	.299	.458
Commission Support	1 = Commission support for issue contested by the EP; 0 = No Commission support	Commission Statements at EP plenary, Communications to EP	2369	0	1	.520	.500
<i>Issues Type</i>							
Budgetary Issues	1 = issue budgetary (EU spending, co-financing, funding for specific programmes);	EP report, amendments	2369	0	1	.108	.311
Policy Substance Issues	1 = issue policy substance (scope of the legislation, clarifications on definitions and terms);	EP report, amendments	2369	0	1	.645	.479
Fundamental Rights Issues	1 = issue fundamental rights (human rights, data protection, asylum, privacy, freedoms	EP report, amendments	2369	0	1	.114	.317
Institutional Powers Issues	1 = issue institutional powers (change of decision-making procedure; reports);	EP report, amendments	2369	0	1	.133	.340
Distributive Policy Area	Proportion of distributive proposals in a policy area	Legislative text	2369	.170	.943	.413	.208

Table 4.14 Correlations of Variables: EP Success Across Policy Areas (VIII)

	Success	Package Deal	Co- decision	Council Impatience	European Parliament Cohesion	EP Committee Supported	Relative EP Salience	Parliament – Council Salience Tie	Commission Support EP	Issue Budgetary	Issue Policy Substance	Issue Fundamental Rights	Issue Institutional Powers	Distributive Policy Area
Success	1.000													
Package Deal	0.186	1.000												
Co- decision	0.372	0.283	1.000											
Council Impatience	0.130	0.207	0.184	1.000										
European Parliament Cohesion	0.012	-0.062	-0.134	-0.124	1.000									
EP Committee Supported	-0.052	-0.243	-0.283	-0.105	0.349	1.000								
Relative EP Salience	-0.067	-0.025	-0.166	-0.133	0.111	0.162	1.000							
Parliament - Council Salience Tie	-0.105	-0.091	-0.129	-0.023	0.015	0.057	-0.074	1.000						
Commission Support EP	0.237	0.069	0.202	0.058	-0.083	-0.089	-0.073	-0.006	1.000					
<i>Issue Type Contested by EP</i>														
Issue Budgetary	-0.065	0.018	-0.067	0.014	0.076	0.062	0.082	-0.031	-0.134	1.000				
Issue Policy Substance	-0.070	0.000	0.129	0.014	-0.094	-0.096	-0.128	0.062	0.107	-0.469	1.000			
Issue Fundamental Rights	0.198	0.021	0.051	0.059	-0.013	-0.013	0.031	-0.013	0.181	-0.125	-0.482	1.000		
Issue Institutional Powers	-0.028	-0.036	-0.168	-0.086	0.075	0.080	0.077	-0.047	-0.197	-0.137	-0.529	-0.140	1.000	
Distributive Policy Area	-0.040	0.014	-0.277	-0.085	0.208	0.160	0.310	-0.085	-0.092	0.191	-0.230	0.028	0.122	1.000

4.5 Statistical Methods and Models

Binary Logistic Regressions

In Chapter V, VI, VII and VIII the dependent variables *Package Deal* and *EP Success* are dichotomous (0;1) variables. Logistic regressions are used to examine the effect of the independent variables (Hosmer and Lemeshow, 2000). As indicated earlier the dataset is structured hierarchically into 2369 issues, nested in 973 proposals, nested in 19 policy areas and 8 legislative years. Therefore, the observations cannot simply be pooled, because this violates the assumption of the independence of the observations (Snijders and Bosker, 1999). Individual issues cannot be treated as independent observations as some issues that are part of the same proposal, policy area and year may share a similar probability of EP success (Rabe-Hesketh and Skrondal, 2005; Raudenbush and Bryk, 2002; Rasbash et al, 2000). ANOVA tests are performed in each of the chapters in order to check whether the variance in the probability of the dependent variable = 1 can be explained by differences between the legislative proposals, policy areas or time (Steenbergen and Jones, 2002)

Two techniques are employed to account for the clustered nature of the data. Firstly, the models can be estimated as robust logistic regressions, correcting the standard errors for clustering within legislative proposals and/or policy areas and years. Secondly, the models can be estimated as multi-level logistic regressions with issues at level 1 and proposals, policy areas and time at levels 2, 3, 4 (Gelman and Hill, 2007; Rasbash and Goldstein, 1994; Leyland and Goldstein, 2001; Hox, 2002). As well as correcting for the dependence of observations within proposals, this method also makes adjustments to both within and between parameter estimates that take into account the clustered nature of the data⁵³. Each of the models reports the coefficients, the standard errors and the full models present the

⁵³ “Political scientists often treat multilevel data structures as if no hierarchy between units of analysis existed. Consequently, observations are treated as independent, whereas in fact they are to some extent dependent because of the hierarchical nesting structure. This can easily lead to incorrect inferences, such as rejecting the null hypothesis of no effect too frequently” (Snijders and Bosker, 1999).

odds ratios of the independent variables. Robust logistic regressions and multi-level logit models are used in Chapters V, VI, VII and VIII.

Ordinal Logistic Regressions

In Chapter VIII, in addition to treating the *EP success* variable as a binary variable, *EP success* is studied as an ordinal variable with four outcomes (where 0 = failure, 1 = low success, 2 = medium success; 3 = high success). When the issues from the co-decision and consultation procedures are pooled together, none of the categories is empty or extremely small (Bickel, 2007). Therefore, it is possible to run an ordinal logistic test. By including the degree of EP success in the analysis, the results of the statistical tests will provide a clearer picture of the extent to which the European Parliament influences legislative outcomes across policy areas in the EU. Exactly the same set of independent variables is used in the analysis. The ordinal logistic regression models are estimated with robust standard errors to take into account the clustered nature of the data.

One of the assumptions underlying ordinal logistic regression is that the relationship between each pair of outcome groups is the same. This is known as the proportional odds assumption (Rabe-Hesketh and Skrondal, 2005, 148). Ordinal logistic regression assumes that the coefficients that describe the relationship between the lowest versus all higher categories of the dependent variable are the same as those that describe the relationship between the next lowest category and all higher categories (Dupont and Martensen, 2007). If there is a difference between the different categories, then a multinomial logit regression is more appropriate (Long, 1997; Agresti, 2007).

Multinomial Logistic Regressions

In Chapter VIII, the dependent *EP success* is also treated as a categorical variable and a multinomial logistic regression is estimated. The multinomial model will aid the analysis of

the effect of the independent variables for each EP success category (0, 1, 2, or 3). Here *EP success* is the dependent variable with four nominal outcomes (Agresti, 1990). Multinomial logit regression works like an ordinary binary logistic regression, except that all the different outcomes in the dependent variable are compared against each other. In a model with four alternative categories, outcome 0 (failure) is compared to outcome 1 (low success), outcome 1 (low success) is compared to outcome 2 (medium success), outcome 2 (medium success) is compared to outcome 3 (high success) and outcome 3 (high success) is compared to outcome 0 (failure). As in the ordinal logistic regression, to account for the contextual effect of the policy area level, the multinomial regression is estimated with clustered robust standard errors. Exactly the same set of independent variables is used in this analysis, so that the results from the different estimations can be compared.

4.6 Introducing the Illustrative Case Studies

Choosing the Illustrative Case Studies: Legislative Proposals

Three of the empirical chapters supplement the findings with illustrative case studies. The intention here is not to draw deep conclusions about the way EU policy-making works from five legislative proposals. Rather, these illustrative case studies are used as examples of some of the key arguments and of important trends identified in the quantitative sections of the thesis. All of the cases represent important pieces of legislation where informal negotiations and package deals play a central role in the decision-making process. The consultation cases were chosen to illustrate that the consultation procedure can also involve important informal dialogues, which are usually associated with the co-decision procedure. In addition, the cases illustrate that delay is important to the EP's influence, regardless of its limited formal consultation powers. In contrast, the co-decision cases were chosen to illustrate that co-decision does not always guarantee a co-equal status of the Parliament. The co-decision cases demonstrate that party leaders can often undermine the role of the

committee rapporteur in inter-cameral negotiations. The cases also show that EP influence in co-decision is not constant, but it varies according to the different policy contexts. Whereas none of the case studies shows all aspects of the argument in Chapter III, each of the cases provides contexts around some of the key findings of the thesis.

The selected examples were chosen according to four factors: the type of legislative procedure (co-decision or consultation); the policy area they belong to; their salience; and the time period in which they were decided (1999 - 2007). The examples were not randomly chosen, nor are they intended to be representative of the whole population of legislative acts. The cases, however, illustrate the process and consequences of legislative package deals in the EU and the importance of the policy area context for legislative decisions. First, the case studies help in identifying and understanding the particular issues involved in legislation. Second, they help in identifying the actors who gain and lose from the EP's involvement in informal negotiations. Third, they help in understanding the gains and losses from the EP's commitments to informal package compromises. The illustrative examples look at legislative bargaining in the policy areas of telecommunications (co-decision), agriculture (consultation), justice, freedom and security (consultation), insurance (co-decision), and energy (co-decision).

Chapter V illustrates the way package deals work in the EU legislative process with a case study on the co-decision Data Retention Directive⁵⁴. Chapter VI illustrates the possibilities for EP legislative success in the consultation procedure with two case studies – Voluntary Modulation of Direct Payments Regulation⁵⁵ and the EU Agency for

⁵⁴ Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC

⁵⁵ Council Regulation (EC) No 378/2007 of 27 March 2007 laying down rules for voluntary modulation of direct payments provided for in Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, and amending Regulation (EC) No 1290/2005

Fundamental Rights Regulation⁵⁶. These case studies demonstrate how package deals and proposal linkages increase the ability of the European Parliament to succeed in the consultation procedure. Moreover, these consultation case studies underline the power of the European Parliament to delay legislation and extract concessions from the Council of Ministers. Chapter VII illustrates the possibilities for EP legislative success in the codecision procedure with two case studies – the Reinsurance Directive⁵⁷ and the Energy Efficiency Directive⁵⁸. The case studies illustrate how package deals are enforced between the European Parliament and the Council. The examples also show that informal dialogues between the EP and the Council may often take place before first and second reading and such fast-tracked package compromises may undermine the EP’s co-legislative status.

Telecommunications: Data Retention Directive

In Chapter V, the co-decision Data Retention Directive case study illustrates how informal agreements are made between the European Parliament and the Council of Ministers in the co-decision procedure. Proposed in 2005, this piece of legislation aimed to harmonize Member States’ legislation on the retention of data, processed by telecommunications companies. Once adopted, the directive would facilitate judicial cooperation in criminal matters and the investigation of serious criminal offences. This case underlines the importance of urgency, institutional impatience, and the involvement of party leaders in the conclusion of inter-institutional package deals. The case also illustrates how the success of informal agreements depends on their simultaneous decision. Informal agreements are likely to fall apart when promises are made sequentially. In exchange for supporting the Council’s preferences on Data Retention, the European Parliament was promised a future

⁵⁶ Council Regulation (EC) No 168/2007 Establishing a European Union Agency for Fundamental Rights

⁵⁷ Directive 2005/68/EC of the European Parliament and of the Council of 16 November 2005 on reinsurance and amending Council Directives 73/239/EEC, 92/49/EEC as well as Directives 98/78/EC and 2002/83/EC

⁵⁸ Directive 2006/32/EC of the European Parliament and of the Council of 5 April 2006 on energy end-use efficiency and energy services and repealing Council Directive 93/76/EEC (Text with EEA relevance)

pay-off in the negotiations of the VIS consultation legislation. Nevertheless, during the negotiations of the Schengen proposals, the Council refused to keep any previous promises or agreements with the EP. The case underlines the fragile nature of inter-chamber logrolls, but it demonstrates their important role for the EU legislative process.

Common Agricultural Policy: Voluntary Modulation for Direct Payments Regulation

The first case in Chapter VI is a study of the consultation Voluntary Modulation regulation. Proposed in 2006, this legislative act aimed to establish the practical rules for allowing Member States to use voluntary modulation. It laid down the procedures for shifting up to 20% of direct payments from the first pillar to rural development under the CAP. The Council had previously agreed to cut payments to rural development and this proposal aimed partially to compensate for the lack of necessary funds under the second pillar of the CAP. In order to make the Commission and Council listen to its position, the EP decided to link its opinion on Voluntary Modulation to the funding of rural development programmes in the 2007 budget. In the framework of the 2007 annual budgetary procedure, the EP blocked and put into reserve 20% of the commitments and payments appropriations for rural development programs. This way the European Parliament linked its opinion on Voluntary Modulation to its opinion on other urgent budgetary legislation. Moreover, the EP delayed its opinion. The case illustrates that when issues are important and urgent to the Council, the EP can exploit its powers in other procedures and its right to delay in consultation in order to extract concessions from the Member States. Though delay, the EP agreed a package deal with the Council in which it realized some of its preferences. The case also illustrates that the European Parliament is able to influence legislation much more than what the official treaty provisions prescribe and what existing analyses have suggested.

Justice and Home Affairs: Agency for Fundamental Rights Regulation

The second case in Chapter VI is a study of the consultation EU Agency for Fundamental Rights Regulation. The case again illustrates how the European Parliament can successfully influence legislation in the consultation procedure through delay. In 2005, the European Commission proposed the establishment of a Fundamental Rights Agency with the objective to provide assistance and expertise to the EU institutions and the Member States in relation to fundamental rights when they are defining policies or implementing legislation. The Agency's main responsibilities were the formulation of opinions and issuing of annual reports on the respect and visibility of fundamental rights in the EU. The case highlights that informal inter-chamber triologue meetings take place in the consultation procedure as well. Although triologue meetings have usually been associated with negotiations in the co-decision procedure, this case demonstrates that as many as six informal dialogues and numerous intra-chamber meetings took place between 2005 and 2007 when final agreement was achieved. In this case the European Parliament also delayed its opinion and managed to gain concessions from the Council by having its demands included in the final legislative text.

Insurance: Reinsurance Directive

The first case in Chapter VII is a study of the co-decision Reinsurance Directive. Proposed in 2004, this legislative dossier aimed to provide a framework for the regulation of specialized reinsurers – those companies, whose sole activity is reinsurance. The drafting of the text was largely led by the Council Presidency who ensured that the EP's drafting committee made no amendments to the Council's compromise text. Decided under first reading, this fast-tracked procedure left little room for discussion, debate or inclusion of further amendments by MEPs outside the EP's drafting committee. The case demonstrates how informal contacts between the EP leadership and the Council Presidency weaken the

ability of ordinary MEPs to participate in the legislative process. Due to the accelerated fast-track agreement on this proposal, most committee members and MEPs did not have a chance to influence the legislative text. The EP plenary voted on a pre-agreed package compromise as a block vote without any further amendments.

Energy: Energy Efficiency for End-Users Directive

The second case in Chapter VII is a study of the co-decision Energy Efficiency directive. Proposed in 2003, the legislation aimed to stimulate energy efficiency by introducing mandatory savings targets for Member States and taking measures that would assist the development of the market in energy services. It aimed to contribute to the achievement of the EU's Kyoto emissions-reduction target and covered the great majority of forms of energy sold to end-users: electricity, gas, district heating, heating oil, and transport fuels. Similarly to the Reinsurance case, informal contacts between the EP party leaders and the Council Presidency weakened the ability of ordinary MEPs to participate in the legislative process. In this case, the role of the EP committee and the EP rapporteur was undermined due to the last-minute deal agreed with the majority party leaders. The agreement was again fast-tracked and the package compromise was passed in plenary as a block vote.

This chapter described the empirical material used to test the theoretical argument. The data consist of all EU legislation adopted in the period 1 May 1999 – 30 April 2007 across all policy areas and the EU's co-decision and consultation legislative procedures. The chapter underlined that there is a lot of publicly available information, which allows the systematic tests of the argument. In Chapter V the analysis is applied to all 1465 legislative proposals. In Chapter VI the analysis is focused on the consultation procedure (925 proposals). In Chapter VII the analysis is focused on the co-decision procedure (540 proposals). In Chapter VIII the data from the consultation and co-decision procedures are pooled together and the analysis is applied to all 1465 legislative proposals.

CHAPTER 5 : WHY PACKAGE DEALS IN THE EU LEGISLATIVE PROCESS

Introduction

This chapter studies the use of package deals in European Union decision-making and it analyses the conditions for inter-chamber logrolling. Existing studies of legislative politics in the EU overlook the importance of the use of package deals in the EU legislative process. The possibility of logrolling between the European Parliament and the Council has attracted little theoretical attention and no empirical testing. This chapter explores the conditions for the use of legislative package deals in the European Union through the examination of 1465 legislative proposals completed between 1 May 1999 and 30 April 2007 under the co-decision and consultation procedures.

The chapter tests **Hypothesis 1** and **Hypothesis 2** that legislative proposals in the EU are more likely to be decided through a package deal when proposals are 1) distributive and 2) urgent. The chapter finds that package deals are regularly used by EU legislators as they allow the Council and the Parliament to achieve their most preferred policy outcomes through the exchange of support. In addition to distributive and urgent legislative proposals, the chapter tests whether logrolling occurs when, 3) the preference intensities of the EP and the Council on these proposals differ, 4) the EP party leaders are involved; 5) the policy area is issue complex.

Section I of the chapter presents an overview of the development of package deals in the co-decision and consultation procedures between 1 May 1999 and 30 April 2007. Section II outlines the conditions that led to the employment of package deals in EU decision-making. Section III presents the statistical tests and reports the findings. Section IV illustrates the importance of package deals with a case study. The case highlights some of the most important characteristics of informal legislative logrolls and it further supports the argument that package deals are important for legislative decision-making in the EU.

Theoretical analyses of EU legislative politics have largely neglected the importance of informal rules and procedures and the possibility of logrolling and package deals in the decision-making process. The majority of the existing models of EU decision-making view lawmaking as a process of single-shot interactions between the Council, the European Parliament and the Commission. They ignore the possibility of repeated interactions between the institutional actors and eliminate the idea of logrolling and the conclusion of package deals in the EU legislative context (Tsebelis, 1994; Steunenberg, 1994; Crombez, 1996; Garrett and Tsebelis, 1996; Tsebelis, 2000; Tsebelis and Garrett, 2000).

The idea of logrolling has occupied a central place in the literature of legislative politics and theories of exchange have been most prominent in the literature of US legislative decision-making (Buchanan and Tullock, 1962, 2004; Coleman, 1966, 1990; Ferejohn, 1986; Weingast and Marshall, 1988; Mueller, 1989; Shepsle and Weingast, 1994; Stratmann, 1992; 1995; 1997; Gilligan and Krehbiel, 1998; Krutz 2001). Analyses of logrolling and package deals take into account both the informal interactions among institutional actors and the formal rules of the legislative process. The definition of logrolling varies between the studies but overall, it is understood as *'the exchange of loss in some issues for benefits in others resulting in mutual overall gain between actors with different interests...'* (Mueller, 1989).

In contrast, ideas of gains from legislative exchange in the EU context have received little attention, limited theoretical focus and no empirical testing. Recently, several theoretical models, implying logrolling have been developed in the EU decision-making literature (Stokman and Van Oosten, 1994; Bueno de Mesquita, 1994; Crombez, 2000b; König and Proksch, 2006). In addition to the procedural rules of the EU legislative process, these models focus on the informal bargaining through which institutional actors exercise legislative influence. These authors acknowledge that EU decision-making presents

legislators with multiple issues for consideration and that their repeated interactions in the EU legislative process create opportunities for logrolling and exchange of support. Nevertheless, there exist no empirical tests of whether legislative exchange is a significant process in EU decision-making.

This chapter finds that logrolling in the EU manifests itself in the form of package deals between the Council and the European Parliament. Package deals are widespread in the EU legislative system and they are of central importance for EU decision-making in a large number of EU policy areas. Inter-chamber legislative package deals can be found in the co-decision as well as the consultation procedures.

5.1 Package Deals in the EU Legislative Process

“Anyone familiar with lawmaking knows that legislators frequently vote for legislation they really do not like in return for another legislator’s agreement to vote for something they favour strongly” (Tullock, 2002, 29).

5.1.1 What Exactly is a Package Deal? The Concept of Package Legislating

Package deals are fragile informal bargains agreed between representatives of the European Parliament and the Council of Ministers. Legislative proposals and the issues included in a package are discussed and voted as a whole. Usually agreed through informal negotiations, these legislative compromises serve as binding commitments and each of the legislative chambers has to accept the deal without any further amendment.

5.1.2 Where Did the Package Deal Originate?

The origins of the package deal in the European Union can be traced back to the development of the budgetary procedure and the CAP. The broader qualitative literature on EU decision-making suggests the use and importance of package deals in the Council of

Ministers. As discussed in Chapter I, package deals have long been associated with distributive politics in the EU. This is not surprising as the EU budget is renegotiated repeatedly and similar constellations of issues arise again and again. Cooperation on deals like these indicates repeated play among legislators, which is not implausible, given that the annual budgetary process must be repeated each year, and that the European Parliament and the Council of Ministers communicate to each other through channels other than the formal proposal and amendment processes outlined by the treaties (pictured in Figure 1.2).

The origin of the package deal in the EU is similar to the development of package legislating in the US. Distributive politics, spending and the budget are found to be marked by logrolling, informal negotiations and package deals (Enelow, 1986, 291; Haggard and McCubbins, 2001, 130). According to Heller (2001: 39) *'The easiest place to look for evidence of logrolls is in spending... Chambers resolve their differences through huge, budget-busting, deficit-inducing, intercameral logrolls'*.

Before focusing on the use of package deals across policy areas, it is interesting to note the variation in amendment rates of proposals across policies (see Table 5.1). The European Parliament amends less legislation under the consultation procedure than it does under co-decision. The proportion of co-decision proposals to which the EP proposed amendments was 87% (470 of 540 proposals), whereas the proportion of consultation legislation to which the EP proposed amendments was only 54.5% (503 of 925 proposals). Overall, the European Parliament proposes amendments to 66.4% of the legislative proposals (973 of 1465) and the rest are passed subject to no amendment.

Table 5.1 Total EU Legislation Analysed: 1999 – 2007

Policy Area (Commission DG)	Co-decision Procedure			Consultation Procedure			All Legislative Proposals		
	Total proposals	Non Amended	Amended	Total proposals	Non Amended	Amended	Total proposals	Non Amended	Amended
Agriculture & Rural Development	8	1	7	129	60	69	137	61	76 (55.6%)
Budget	12	3	9	72	46	26	84	49	35 (41.7%)
Development	10	1	9	4	-	4	14	1	13 (92.9%)
Economic and Financial Affairs	2	-	2	58	30	28	60	30	30 (50.0%)
Education and Culture	26	1	25	13	9	4	39	10	29 (74.4%)
Employment and Social Affairs	22	2	20	22	4	18	44	6	38 (86.4%)
Energy and Transport	100	7	93	33	27	6	133	34	99 (74.4%)
Enterprise and Industry	62	9	53	4	1	3	66	10	56 (84.8%)
Environment	55	5	50	35	27	8	90	32	58 (64.4%)
Eurostat, Statistical Office	39	7	32	4	3	1	43	10	33 (76.7%)
External Relations	12	-	12	60	34	26	72	34	38 (52.8%)
Fisheries	1	-	1	131	25	106	132	25	107 (81.1%)
General Secretariat	3	1	2	31	23	8	34	24	10 (29.4%)
Health and Consumer Protection	57	1	56	34	13	21	91	14	77 (84.6%)
Information Society	24	4	20	3	1	2	27	5	22 (81.5%)
Internal Market and Services	48	7	41	18	12	6	66	19	47 (71.2%)
Justice, Freedom and Security	26	2	24	178	55	123	204	57	147 (72.1%)
Legal Service	17	17	-	8	8	-	25	25	0 (0 %)
Regional Policy	1	1	-	7	3	4	8	4	4 (50.0%)
Research	7	-	7	37	18	19	44	18	26 (59.1%)
Taxation and Customs Union	8	1	7	44	23	21	52	24	28 (53.8%)
Total Proposals	540	70	470	925	422	503	1465	492	973 (66.4%)

Source: European Parliament Legislative Observatory

The policy areas with the lowest proportion of amended by the European Parliament proposals are Budget (41.7%), General Affairs (29.4%), Agriculture and Rural Development (43.9%), Economics and Social Affairs (50.0%), External Relations (52.8%), Taxation and Customs (53.8%). On the other hand, the policy areas with the highest proportion of amended by the EP legislative proposals are Development (100%), Employment and Social Affairs (86.4%), Health and Consumer Protection (84.6%), Enterprise and Industry (82.4%), and Information Society (81.5%).

Around 25% of the completed EU legislation in the period between 1 May 1999 and 30 April 2007 was decided through a package deal. Of the total 1465 legislative proposals, 973 proposals were amended and 244 proposals involved a package compromise between the European Parliament and the Council of Ministers. The use of package deals in the co-decision and consultation procedures was traced through the Council's document register and the European Parliament's plenary debates and summaries of sittings. A proposal was counted as a package proposal only if there was written evidence of a negotiated compromise package between the Council and the European Parliament. 72% of all package deals fell under the co-decision procedure (176 proposals) and around 28% of the package deals took place under the consultation procedure (68 proposals).

Table 5.2 presents the distribution of all legislative proposals completed in the period according to policy area, procedure, and use of package deals in the legislative process⁵⁹. It confirms that package deals occur in many EU policy areas. The policy areas with the highest percentage of legislative proposals decided through package deals were Budget (60%), Research (77%), Energy and Transport (42%), and Information Society (41%). On the other hand, the policy areas of Fisheries (2%) and External Relations (5%) only rarely contain package legislation.

⁵⁹ Sources: European Parliament Legislative Observatory and Council of Ministers Register of Documents. Own calculations.

Table 5.2 Package Deals in Co-decision and Consultation Legislation: 1999 - 2007

Policy Area (Commission DG)	Total Amended	Co-decision				Consultation				Total Package Deals
		Amended Proposals	Single Package	Multi Package	Package Proposals	Amended Proposals	Single Package	Multi Package	Package Proposals	
Agriculture & Rural Development	80	7	1	2	3 (43%)	73	-	17	17 (23%)	20 (25%)
Budget	35	9	-	5	5 (56%)	26	-	16	16 (62%)	21 (60%)
Development	13	9	-	3	3 (33%)	4	-	-	-	3 (23%)
Economic and Financial Affairs	30	2	-	2	2 (100%)	28	-	-	-	2 (7%)
Education and Culture	29	25	-	6	6 (24%)	4	-	1	1 (25%)	7 (24%)
Employment and Social Affairs	38	20	1	6	7 (35%)	18	-	-	-	7 (18%)
Energy and Transport	99	93	16	26	42 (45%)	6	-	-	-	42 (42%)
Enterprise and Industry	56	53	8	10	18 (34%)	3	-	-	-	18 (32%)
Environment	58	50	14	6	20 (40%)	8	-	-	-	20 (34%)
Eurostat, Statistical Office	33	32	1	1	2 (6%)	1	-	-	-	2 (6%)
External Relations	38	12	2	-	2 (23%)	26	-	-	-	2 (5%)
Fisheries	107	1	-	-	-	106	-	2	2 (2%)	2 (2%)
General Secretariat	10	2	-	-	-	8	-	4	4 (50%)	4 (40%)
Health and Consumer Protection	77	56	13	10	23 (41%)	21	-	-	-	23 (30%)
Information Society	22	20	5	4	9 (45%)	2	-	-	-	9 (41%)
Internal Market and Services	47	41	12	4	16 (39%)	6	-	-	-	16 (34%)
Justice, Freedom and Security	147	24	3	9	12 (50%)	123	-	11	11 (9%)	23 (16%)
Research	26	7	1	3	4 (57%)	19	-	16	16 (84%)	20 (77%)
Taxation and Customs Union	28	7	1	1	2 (29%)	21	-	1	1 (5%)	3 (11%)
Total Legislative Proposals***	973	470	78	98	176(37%)	503	-	68	68 (14%)	244 (25%)

*** = 243 directives, 468 regulations, 247 decisions and 14 recommendations.

5.2 Types of Inter-Chamber Package Deals

Three types of package deals can be identified in the European Union legislative process⁶⁰.

These are package deals on: a) single proposals that involve multiple issues; b) several proposals that are decided simultaneously within the same legislative procedure; and c) several proposals that are decided simultaneously across the co-decision and consultation procedures.

a) Single proposals with multiple controversial issues

First, legislative package deals are concluded between the European Parliament and the Council on single proposals that involve multiple controversial issues. Package deals allow the legislative bodies to obtain their most preferred outcomes by exchanging support on some issues for support on other issues, part of the same legislative proposal. Hence, logrolling allows some of the most controversial legislative proposals that would otherwise face gridlock, to be successfully negotiated. Overall, 32% of the package deals in the period took place on single proposals (78 proposals). For example, in the negotiations of the regulation on the European Globalisation Adjustment Fund (2006/0033(COD)), the *“EP explained to the Chair of Coreper that it viewed the negotiations as a whole package and would be prepared to accept Article 2 as proposed by the Council, including the 15% in 2(c), should the Council for its part agree to increase the rate of co-financing to 50%”*⁶¹. However, package compromises on single proposals only took place in the co-decision procedure.

⁶⁰ In the literature on the US Congress, Stratmann (1992) finds that logrolling agreements can take two forms. First, two issues y and w can be joined in a single proposal and be voted on as a package. This type of package deals are often referred to as ‘omnibus bills’ (Sinclair, 2000; Krutz, 2001). Second, the issue pairs can be voted upon separately, with y ’s supporters voting for w and w ’s supporters voting for y .

⁶¹ Council Document 15696/06 Brussels, 22 November 2006).

b) Several proposals decided simultaneously under the same procedure

Second, legislative package deals are agreed when several proposals are decided simultaneously either within the same legislative procedure or across the co-decision and consultation procedures. 68 % of the package deals involved the bundling of legislative proposals in packages and their simultaneous negotiation (166 proposals). Package deals on several proposals allow EU legislators to trade support across proposals and hence make compromises on legislative packages that would otherwise be difficult to pass. For example, during the negotiations on the Detergents regulation (2002/0216(COD)), the Council reports: *“On 8 December 2003 an informal triologue meeting was held and a list of compromise amendments was drawn up... The European Parliament indicated that, should the compromise package be accepted by the Council, it was prepared to drop all other amendments and vote to approve the compromise package in January 2004...”*⁶².

c) Several proposals decided simultaneously across legislative procedures

Third, package deals are concluded when several proposals are decided simultaneously across the co-decision and consultation procedures. Table 5.1 highlighted that EU policy areas contain draft proposals from both legislative procedures. Hence, package deals can also involve proposals from the co-decision and consultation procedures within the same policy area. For example, during the negotiations on the SIS II proposals: *“On 31 May 2005, the Commission submitted legislative proposals setting out the legal basis for SIS II: two Regulations to be adopted in co-decision procedures and one Council Decision to be adopted by unanimity and with EP consultation. However, the EP has very clearly indicated that these three legislative instruments will be dealt with as a package”*⁶³.

⁶² Council Document 15894/1/03, Brussels 11 December 2003, on Regulation on Detergents).

⁶³ Council Document 13050/06, Brussels, 22 September 2006, on SIS II legal instruments).

Therefore, there is evidence of both single omnibus legislation, where several issues are packaged in a single proposal and of multi-proposal package legislation, where several proposals are bundled together and decided simultaneously. It seems that in the EU single ‘omnibus’ proposals are less popular than packages of several proposals decided simultaneously. ‘Omnibus’ packaging on single proposals occurred only under the co-decision procedure (78 package proposals). Proposals were decided together in bundles under the co-decision and consultation procedures (166 package proposals).

The largest number of omnibus single proposals was in the policy areas of Energy and Transport (16), Environment (14), Health and Consumer Protection (13) and Enterprise and Industry (8). The largest number of multi-proposal package legislation was in the policy areas of Energy and Transport (26), Agriculture (17), Research (16), and Budget (16). Cross-procedure packaging of proposals took place in the policy areas of Justice, Freedom and Security, Research, Budget, Agriculture, Education and Culture, and Taxation. Altogether, there were 78 proposals decided as omnibus packages in the co-decision procedure, 98 proposals decided as part of a multi-package deal in the co-decision procedure and 68 multi-package proposals in the consultation procedure.

It is difficult to trace successful package deals between the Parliament and the Council over time. The general non-enforceability of informal political bargains limits the deals that can be struck among MEPs and representatives from the Council. It is difficult to bind future legislative decisions in a logrolling context because informal agreements can easily be amended or ignored (Shepsle and Weingast, 1994; Weingast and Marshall, 1998). When agreements are only informal and take place sequentially, actors are likely to ‘misstate their preferences at the time an agreement is formed and to violate the agreement after it is made’ (Mueller, 1989, 87).

Package deals are fragile informal bargains and such agreements are also difficult to enforce across policy area. In informal agreements, *'any political agent can betray the original agreement and destabilize the original coalition'* (Parisi, 2002, 187). Therefore, in the EU context evidence of legislative exchange can easily be found when proposals are negotiated simultaneously, but logrolls are likely to break if promises are made across time or policy area. For example, the European Parliament was promised by the Council that if it supported the Council's position on the co-decision Data Retention directive (2006/24/EC), the Council would work closely together with the EP in deciding future proposals in the area of Justice, Freedom and Security. In return for reaching a compromise deal by the end of 2005, the Parliament was promised a pay-off in the negotiations of the VIS consultation legislation (see this chapter's case study). Nevertheless, during the negotiations of the Schengen proposals, the Council refused to keep any previous promises or agreements with the EP.

Finally, package legislating in the EU is an increasingly used practice for resolving inter-chamber conflict. While only 21% of the legislative proposals were negotiated through a package deal in 2000, more than 41% of the proposals were package compromise deals between the EP and the Council in 2006. Overall, between 1999 and 2007 around 25% of the legislative proposals were negotiated through the bundling of issues and proposals together. Therefore, logrolling between the European Parliament and the Council is a significant process and package deals are increasingly employed across EU policy areas, going beyond the co-decision procedure. What explains the use of package deals in the EU legislative process? If informal bargaining and package deals obscure the decision-making process, why does the EP participate in logrolling with the Council? If package deals benefit both the EP and the Council, why not use package deals all the time?

5.3 Why Legislative Package Deals in the EU

The theoretical argument in Chapter III outlined two conditions for the use of package deals in EU decision-making. These are the distributive nature of legislative proposals and their urgency. In addition, several factors influencing the use of package deals in EU decision-making can be derived from the literature on legislative exchange. These are the differing preference intensities of the European Parliament and the Council, the involvement of political groups leaders, and policy area issue complexity.

Distributive Proposals

Logrolling in the EU is more likely to occur on distributive proposals. Distributive proposals are highly salient for both the EP and the Council and the decision-making process on such legislation is likely to be decided through package deals. Expensive legislative proposals are more likely to be negotiated through logrolls as actors can trade their support in order to obtain their most preferred outcomes. Proposals that involve budget allocation issues therefore, are more likely to be negotiated through a logroll. The distributional aspect of such proposals leads the EP and the Council to use informal methods of decision-making in which each institution can gain the issues it cares about the most. Furthermore, budget allocation proposals have direct consequences for Member States and the Council has greater incentives to negotiate compromise package deals with MEPs.

Hypothesis 1: Package deals are more likely to occur when proposals are distributive.

Urgency

Second, package deals in the EU are more likely to take place on legislative proposals that require urgent conclusion. Impatient legislators are more likely to consider alternative

routes for cooperation in order to speed-up decisions. When time is limited, issues and proposals are more likely to be bundled together so that overall compromise could be reached. Package deals will speed up the decision-making process and legislative decisions will be fast-tracked. Legislators care not only about their successful influence on legislative outcomes, but also about avoiding delays in the decision-making process. Impatient legislators are also more likely to grant concessions to each other in order to avoid unnecessary delay. Urgent situations induce the use of logrolling and package deals serve as a practical solution to time pressure.

Hypothesis 2: Package deals are more likely to occur when proposals are urgent.

Intensity of Preferences

Third, informal bargains are likely to be made when the intensity of preferences varies (Buchanan and Tullock, 1962; Coleman, 1966, 1990). As discussed in Chapter II, a crucial assumption of logrolling is that political support can be exchanged and that the informal promises achieved between the institutions can be kept and enforced. Legislators trade votes because the intensities in preferences over proposals differ. That is, legislative exchange between the EP and the Council will take place when the institutions can exchange their support for issues they are less interested in for support of issues they are more interested in. Therefore, in cases when the Parliament and the Council attach relatively equal importance to legislative proposals, political exchange is not possible and package deals are less likely to occur.

Hypothesis 3: Package deals are more likely to occur when the EP and the Council attach different preference intensities to legislative proposals.

Party Leaders

Moreover, package deals are dependent on the ability of political group leaders to ensure the required support in the legislature for the vote in favour of informal legislative logrolls (Huber, 1996). Package deals are used by the European Parliament and the Council to resolve difficulties and to reduce uncertainty in the making of EU policies. Package agreements require the Council and the EP to preserve the essential elements of legislative compromises achieved through informal means. Therefore, package deals are more likely to occur when the political group leaders in the European Parliament are involved in the inter-institutional negotiations.

Hypothesis 4: Package deals are more likely to occur if EP party leaders are involved in the negotiations with the Council.

Multi-Issue Legislation

Logrolling is likely to increase as the issue complexity of the policy area increases (Krutz, 2001). The large volume of multi-issue legislation in a policy area creates more interaction between the EP and the Council. The repeated interaction between legislators and the availability of multiple issues increase the likelihood of logrolling (Enelow, 1986, 290). The simultaneous consideration of multiple issues increases the complexity of legislative proposals and makes it more difficult for legislators to reach decisions quickly. The existence of multi-issue proposals also reduces the time available to legislators and complex proposals are more likely to be negotiated in packages. Package deals offer a practical way to agree on several proposals at the same time and avoid potential decision-making delays.

Hypothesis 5: Package deals are more likely to occur as the issue complexity of the policy area increases.

5.4 Statistical Analysis of the Use of Package Deals in the EU Legislative Process

Dependent Variable

The probability of logrolling in the EU is analyzed through the examination of 973 legislative proposals decided in the period 1999 – 2007 in the consultation and co-decision procedures. The *dependent variable* is whether a legislative proposal was decided through a package deal (*Package Deal*). This is a dichotomous variable where 1 = a package deal on a proposal and 0 = no package deal. A legislative proposal was counted as a package proposal when there was written evidence in the Council's document register and the EP plenary debates and summaries of sittings of the bundling of issues and proposals in a package compromise between the EP and the Council.

Independent Variables

In order to test the five propositions for the use of package deals in the EU, several independent variables were used in the analysis⁶⁴. The first hypothesis that package deals are more likely to occur on distributive proposals is tested with the categorical *Legislative Cost Type* variable. 1 = *Regulatory Proposal* if the text of a legislative proposal involves costs to be covered by private actors (and no direct costs for Member States or the EU budget). 2 = *Distributive (EU budget) Proposal* if the text of a legislative proposal involves the allocation of EU funding and contains a direct reference to the EU financial framework. 3 = *Distributive (Member States budgets) Proposal* if the text of a legislative proposal involves costs to be covered by the Member States' own budgets. 4 = *Administrative Proposal* if the text of a legislative proposal involves no or minor costs (see Table 5.3 for classification).

⁶⁴ see Table 4.7 for full coding, sources and descriptive statistics of all variables used in the analysis; see Table 4.8 for correlations between the variables.

Table 5.3 Legislative Proposals According to Policy Area and Cost Type⁶⁵

Policy Area (Commission DG)	Total	Regulatory Proposals		Distributive Proposals				Administrative Proposals	
		Who pays?		EU budget		Member States		no costs	
Agriculture & Rural Development	80	40	(50.0%)	25	(31.3%)	15	(18.8%)	-	
Budget	35	-		32	(91.4%)	1	(2.9%)	2	(5.7%)
Development	13	3	(23.1%)	10	(76.9%)	-		-	
Economic and Financial Affairs	30	4	(13.3%)	19	(63.3%)	6	(20.0%)	1	(3.3%)
Education and Culture	29	4	(13.8%)	18	(62.1%)	4	(13.8%)	3	(10.3%)
Employment and Social Affairs	38	10	(26.3%)	7	(12.1%)	12	(31.6%)	6	(15.8%)
Energy and Transport	99	57	(57.6%)	9	(9.1%)	24	(24.2%)	9	(9.1%)
Enterprise and Industry	56	45	(80.4%)	9	(16.1%)	1	(1.8%)	1	(1.8%)
Environment	58	34	(58.6%)	7	(12.1%)	11	(19.0%)	6	(10.3%)
Eurostat, Statistical Office	33	10	(30.3%)	6	(18.2%)	14	(42.4%)	3	(9.1%)
External Relations	38	8	(21.1%)	20	(52.6%)	3	(7.9%)	7	(18.4%)
Fisheries	107	59	(55.1%)	11	(10.3%)	31	(29.0%)	6	(5.6%)
General Secretariat	10	1	(10.0%)	2	(20.0%)	1	(10.0%)	6	(60.0%)
Health and Consumer Protection	77	56	(72.7%)	6	(7.8%)	12	(15.6%)	3	(3.9%)
Information Society	22	14	(63.6%)	7	(31.8%)	-		1	(4.5%)
Internal Market and Services	47	35	(74.5%)	7	(14.9%)	1	(2.1%)	4	(8.5%)
Justice, Freedom and Security	147	78	(53.1%)	27	(18.4%)	27	(18.4%)	15	(10.2%)
Research	26	2	(7.7%)	23	(88.5%)	1	(3.8%)	-	
Taxation and Customs Union	28	5	(17.9%)	6	(21.4%)	13	(46.4%)	4	(14.3%)
Total Legislative Proposals	973	465	(47.8%)	256	(26.3%)	175	(18.0%)	77	(7.9%)

The second hypothesis that package deals are more likely to occur on urgent proposals is tested with two variables. The dichotomous *Urgent* variable = 1 if there was a specific deadline for the legislative proposal to come into effect and 0 otherwise. The dichotomous *Council Impatience* variable = 1 if the Council had started discussions and prepared a draft text of the legislative proposal before the EP had done so and it = 0 if the Parliament had started discussions and prepared a draft legislative text earlier than the Council. This variable was measured by comparing the dates of the first draft texts on a legislative proposal held in the EP and the Council's document registers.

The third hypothesis that package deals are more likely to occur when the preference intensities of the EP and the Council differ is tested with two variables. First, the dichotomous *Council - EP Salience Tie* variable = 1 when the EP and the Council attached equal importance to a legislative proposal and = 0 if otherwise. In addition, a variable

⁶⁵ The general idea of this typology is based on the typology developed by Lowi (1964; 1972).

which measures the size of the preference intensity distance between the EP and Council is included. The *Absolute Saliency Distance* variable tests whether the size of the absolute distance between the legislative institutions increases the likelihood of a package deal. The continuous variables EP Saliency (measured by the number of EP committees involved in the drafting of a legislative proposal) and Council Saliency (measured by the number of documents held in the Council document register on a legislative proposal) were linearly rescaled according to a 10 point scale (1 = the lowest and 10 = the highest degree of saliency). This variable measures the size of the preference distance between the EP and the Council, regardless of its direction.

The hypothesis that package deals are more likely to occur if the EP party leaders are involved in the negotiations on a proposal is tested with the dichotomous *Party Leaders* variable. It = 1 if in addition to the committee rapporteur, the political group leaders in the EP participated in the writing of the proposal and the informal negotiations with the representatives of the Council of Ministers and = 0 if the committee rapporteur (shadow rapporteurs and chairmen) were solely responsible for the writing and negotiations over a legislative proposal.

Finally, the hypothesis relating to the policy area issue complexity is tested with the continuous *Policy Area Issue Complexity* variable. Proposals that contain multiple issues are more complex and more time consuming. The variable measures the proportion of multi-issue legislation in a policy area, that is, proposals containing two and more issues. First, the number of issues contested by the EP per legislative proposal was counted. Second, the proportion of legislative proposals in a policy area containing two and more contested issues was calculated. Large values of the variable signify a large proportion of multi-issue complex proposals in a policy area.

Table 5.4 Conditions for the Use of Package Deals in the European Union

Legislative Package Deals in EU Decision-Making, 1999 – 2007

Dependent Variable: Package Deal

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7	Model 8	
	Coef./S.E.	Coef./S.E.	Coef./S.E.	Coef./S.E.	Coef./S.E.	Coef./S.E.	Coef./S.E.	Coef./S.E.	Odds Ratio
<i>Fixed Effects</i>									
Cost Type (base Administrative Proposal)									
Distributive Proposal (EU budget)	-	-	-	1.855 *** (.422)	1.823 *** (.217)	2.025 *** (.485)	2.004 *** (.484)	1.937 *** (.485)	6.939
Distributive Proposal (Member States)	-	-	-	1.012 ** (.446)	.968 ** (.445)	1.030 ** (.503)	1.005 ** (.501)	0.887 * (.504)	2.428
Regulatory Proposal (Private Actors)	-	-	-	.721 * (.411)	.686 * (.409)	.738 (.470)	.714 (.468)	.602 (.470)	1.827
Urgent	-	-	-	.496 *** (.189)	.499 ** (.189)	.400 * (.225)	.412 * (.226)	.358 (.229)	1.431
Council Impatience	-	-	-	-	-	-	-	0.857 *** (.226)	2.356
Absolute Distance Saliency	-	-	-	.104 (.064)	-	.095 (.074)	-	-	-
Saliency Tie	-	-	-	-	-.457 ** (.184)	-	-.541** (.214)	-.526** (.215)	.591
Party Leaders Involved	-	-	-	1.255 *** (.236)	1.303 *** (.233)	1.381 *** (.270)	1.417 *** (.267)	1.417 *** (.267)	4.127
Policy Area Issue Complexity	-	-	-	.039 *** (.008)	.039 *** (.008)	.048 *** (.009)	.048 *** (.009)	.044 *** (.009)	1.045
Intercept	-1.199 *** (.269)	-1.115 *** (.157)	-1.728 *** (.211)	-5.137 *** (.679)	-4.838 *** (.677)	-6.130 *** (.781)	-5.843 *** (.789)	-5.821 *** (.771)	-
<i>Random Effects</i>									
Policy Area Level (std.dev.)	1.082 *** (.219)		1.686 *** (.219)	.535 ** (.157)	.540 ** (.157)	1.323 * (.202)	1.336 * (.203)	1.316 * (.200)	-
Year Level (std.dev.)		.385*** (.128)	< .001 (.543)	-	-	.301 (.275)	.321 (.270)	< .001 (.270)	-
-2 x Log Likelihood	996.323	1081.314	936.867	896.941	893.216	831.123	826.654	812.689	
Model Improvement		-	59.456	99.382	103.107	164.711	169.67	183.634	
N Proposals	973	973	973	973	973	973	973	973	
N Policy Areas	19	19	19	19	19	19	19	19	
N Years	8	8	8	8	8	8	8	8	

*p < .10; ** p < .05; *** p < .01

As the dependent variable is dichotomous (Package Deal/No Package Deal), logistic regressions are used to examine the effect of the independent variables on the probability of logrolling in the EU. The 973 proposals belong to 19 policy areas and are spread over 8 years. Three empty multilevel models are estimated to test whether proposals part of the same policy area and year share a similar probability of being decided through a package deal (Dupont and Martensen, 2007).

The hypothetical effects of the policy area and time levels are tested to examine whether the variance of the probability of a package deal is due to these contextual factors. The relevance of the contextual level and the improvements in the fit of the models are compared after including the different contexts. The results show that the use of package deals in EU decision-making varies across policy areas and the years 1999 – 2007. Accounting for the contextual effects of the policy area and time levels, Modes 4 to 8 test for the effects of the independent variables discussed above. The results are presented in Table 5.4. The coefficients of the variables, their standard errors and the odds ratios are reported.

5.5 Results

The results support Hypothesis 1 and Hypothesis 2 of the theoretical argument. The probability of a legislative package deal agreement between the EP and the Council increases when 1) proposals are distributive; and 2) proposals are urgent. In addition, the probability of package deals increases when 3) the EP-Council preference intensities vary, 4) the party leaders in the EP are involved in the negotiations and 5) the policy area issue complexity increases (see Model 8).

First, package deals are more likely to occur on distributive proposals. When proposals contain a reference to the allocation of the EU budget, package deals are most likely to be used. Expensive proposals increase the likelihood of logrolling as legislators can trade their support in order to obtain their most preferred outcomes. Furthermore,

distributive proposals have direct consequences for Member States and the Council has greater incentives to negotiate compromise package deals with MEPs. As package deals allow each of the chambers to gain the issues it cares about the most, the Council can secure its preferred policy outcomes on budgetary matters and in exchange could offer support for the EP's issues as a side payment.

Second, urgent proposals are more likely to be negotiated through a package deal in order to reduce decision-making time. The coefficient of the *Council Impatience* variable is positive and statistically significant. This indicates that package deals are more likely to take place when the Member States in the Council are impatient about the adoption of legislation. When time is limited, issues and proposals are more likely to be bundled together so that overall compromise could be reached. The *Urgent* variable loses its significance when Council Impatience is included in the model, although it shows some support for the hypothesis in the other models.

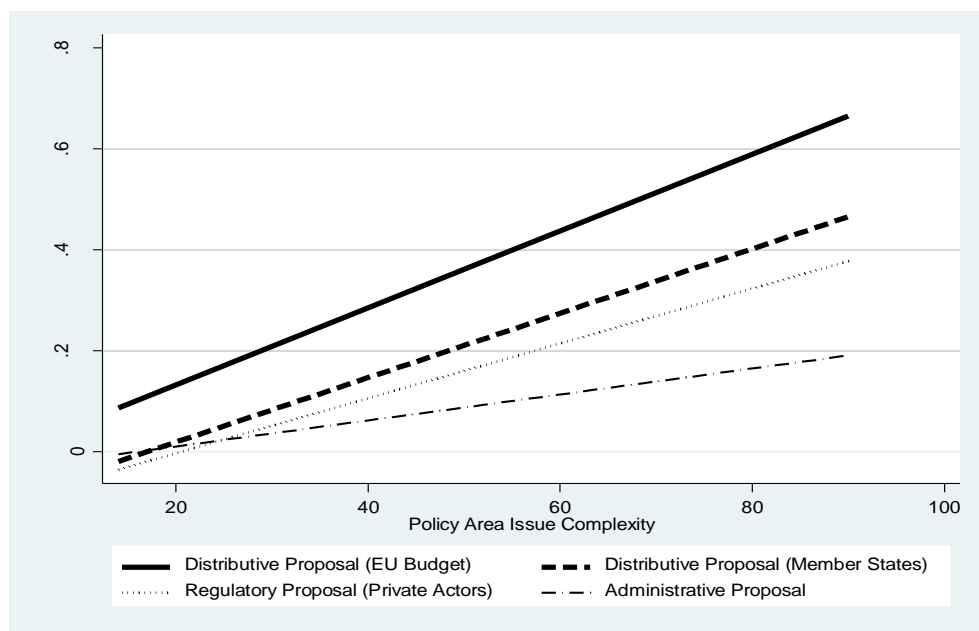
Third, the preference distance between the EP and the Council on a legislative proposal increases the likelihood of a package deal. When there is a tie between the Parliament and the Council's intensity of preferences, package deals are less likely to occur. This is in line with the theoretical prediction that logrolling allows actors to express different intensities of preferences. Logrolls are more likely to occur if the EP and the Council can trade legislative support. When the preference intensities of the institutions are equal no legislative exchange can take place. As a result, the probability of a package deal increases when the preference intensities between the Council and the Parliament differ.

The probability of the use of package deals in the EU legislative process increases with the increase in policy area issue complexity. The greater the proportion of multi-issue legislation in an EU policy area, the greater the likelihood of logrolling. The availability of multiple issues in proposals presents greater opportunities for legislative exchange between the EP and the Council. This is especially the case, when the same constellations of

multiple issues reoccur in different legislative proposals. For example, in 2003 in the area of Agriculture, in the reform of the CAP, identical issues came up in the legislative proposals on Milk, Rice, Dried fodder and Cereals (legislative proposals CNS/2003/0006, CNS/2003/0007, CNS/2003/0008, CNS/2003/0009, CNS/2003/0010, CNS/2003/0011).

In addition, the likelihood of package deals increases with the involvement of party leaders. The political group leaders in the European Parliament serve the essential role of logroll facilitators. In 69% of the package deals the committee rapporteurs were members of either the EPP-ED or the PES, but in 90% of the cases the political group leaders participated in the negotiations with the Council alongside the committee rapporteurs in order to ensure the enforceability of the logroll deals. The informal nature of logrolls between the EP and the Council requires the involvement of the political group leaders in order to ensure that the essential elements of the deal are preserved and supported in the EP plenary.

Figure 5.1 Effect of Distributive Proposals and Policy Area Issue Complexity on the Probability of Logrolling in the EU



Source: Predicted probabilities based on Model 8 (Table 5.4)

Figure 5.1 plots the predicted probability of the use of package deals in the EU decision-making process, according to the distributive nature of legislative proposals and policy area issue complexity (based on Model 8). The plot illustrates the probability of logrolls on legislative proposals according to the costs associated with them. Distributive proposals that allocate EU funding are most likely to go through a logroll. They are followed by distributive proposals that involve costs to be covered by Member States' budgets. These are followed by regulatory proposals that involve costs to be covered by private actors and finally package deals are least likely to take place on administrative proposals. The plot highlights that the probability of logrolling in the EU increases with the increase in the issue complexity of a policy area.

The statistical analysis of more than 1400 legislative proposals illustrated that package deals are an important part of legislative decision-making in the European Union. Informal logrolls allow the European Parliament and the Council of Ministers to exchange support for their preferred policy outcomes and hence avoid gridlock and reach compromise⁶⁶.

The next section presents a case study of a package deal on the 2005 co-decision Data Retention directive. It highlights some of the most important characteristics of a legislative logroll. The case is used as an example of an inter-chamber legislative exchange in the EU as it demonstrates the informal nature of package deal-making. The case underlines the fragile nature of inter-chamber logrolls, but it demonstrates their important role for the EU legislative process.

⁶⁶ Linda McAvan (PSE): “*Labour MEPs welcome today's agreement on nutrition and health labelling of foods. We accept that this is a compromise package and there are some elements, particularly on Amendment 66, where we have reservations. We would have preferred the common position text, which allowed no derogations. However, the new law represents a major step forward in food labelling for consumers and improves the overall regulatory framework. It is on this basis that we supported the compromise package*”, on the discussion of food labelling, Plenary Debates, 16 May 2006.

5.6 Case Study: Data Retention Directive⁶⁷

EU Legislation on Electronic Communications

EU legislation in the telecommunications sector has been oriented towards the completion of the internal market and the liberalization of the provision of services and infrastructure. In 2002, a new telecom regulatory framework was adopted. The purpose of this legislative package was to adapt the existing framework to the convergence between telecommunications, information technology and the media, allowing it to evolve with the rapidly changing market and technology. The regulatory instrument comprised of five harmonization directives: the Framework Directive, the Access and Interconnection Directive, the Authorisation Directive, the Universal Service and Users' Rights Directive and the Directive on Privacy and Electronic Communications ("Information Society" 26 October 2006).

At the same time, judicial and law enforcement authorities increasingly expressed concerns about the use of the technical innovations for the purposes of committing crimes. The continuous development of electronic telecommunications services posed difficulties for the detection of crimes and their investigation. These concerns related not only to communications by fixed phones, mobile phones, short message services (sms), electronic media services (ems) and multimedia services (mms), but also to internet protocols including email, voice over the internet, world wide web, file transfer protocols, network transfer protocols, voice over broadband etc.

EU data retention legislation was needed, in the light of the European Council's Declaration on Combating Terrorism of 25 March 2004, as well as the Council conclusions of 20 September 2001 and 19 December 2003, related to electronic communications

⁶⁷ Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC

systems. The series of terrorist attacks in Madrid and London made the issue of data retention a priority for EU Member States.

Existing legislation in the telecommunications sector did not provide a sound regulatory tool for the tackling of problems of electronic security and combating terrorism. The 2002 Directive on Privacy and Electronic Communications left the issue of data retention underspecified. A directive on the retention of data was needed to amend it and to provide a better piece of legislation in the fight of organized crime.

Background of the Directive

On 25 March 2004, the European Council issued a Declaration on combating terrorism, which instructed the Council to examine ‘proposals for establishing rules on the retention of communications traffic data by service providers’ with a view to their adoption in June 2005. At the Justice and Home Affairs Council of 29 and 30 April 2004, France, the United Kingdom, Ireland and Sweden submitted a joint proposal for a Framework Decision on the retention of communications data (CNS/2004/0813). The Council made use of its sole legislative power⁶⁸, using a third pillar basis under Title VI of the Treaty of the European Union (“Draft Framework Decision” 23 November 2004).

The Council, however, found it difficult to reach an agreement on data retention. The European Parliament unanimously rejected this Council proposal in June and September 2005, on the grounds that the Council had chosen the wrong legal basis. Supported by the Commission, the EP argued that Article 95 of the EC Treaty was the correct basis, which placed the proposal under Internal Market and made it a first pillar instrument.

On 21 September 2005, the Commission filed its proposal for a Directive on Data Retention under the co-decision procedure, thus allowing the EP to participate fully in the

⁶⁸ In accordance with Title VI of the TEU, cited Article 31(1)(c) in conjunction with Article 34(2)(b) TEU

legislative process. The proposed piece of legislation aimed to harmonize Member States' legislation on the retention of data, processed by telecommunications companies. The differences in the regulatory and technical provisions in Member States for the retention of traffic data as presented obstacles to the Internal Market for electronic communications. Without a common regulatory framework, service providers were faced with different requirements regarding the types of data to be retained as well as the conditions of retention ("Initial Commission Proposal" 21 September 2005). Once adopted, the directive would facilitate judicial cooperation in criminal matters and the investigation of serious criminal offences.

Stage I: Intra-Chamber Decision-Making

By September 2005, when it received the Commission proposal, the Council had a very clear position on the issues at stake. Member States had already discussed the data retention issues under the consultation procedure within the Council's own Framework Decision since April 2004. The same bundle of issues had been discussed in the Working Party on Cooperation in Criminal Matters at its meetings between June and October 2004 and by the Article 36 Committee at its meetings in October and November 2004 ("Draft Framework Decision" 23 November 2004).

On 12 October the Justice and Home Affairs Council set out its precise preferences on the proposal and the UK Presidency initiated a series of informal dialogues with the EP with a view to reaching a fast-track decision⁶⁹. The Presidency set to negotiate a package compromise deal with the EP so that a first reading early agreement could be achieved in co-decision. In Parliament the proposal was allocated to the Committee on Civil Liberties, Justice and Home Affairs and Alexander Alvaro (ALDE, DE) was appointed rapporteur with shadow-rapporteurs Herbet Reul (EPP-ED) and Wolfgang Kreissl-Dörfler (PES).

⁶⁹ In accordance with the provisions of Article 251 (2) of the EC Treaty and the joint declaration on practical arrangements of the co-decision procedure, a number of informal contacts took place between the Council, the European Parliament and the Commission.

Table 5.5 Data Retention Directive Decision-Making Timeline

Date	Legislative activity
28-Apr-04	France, Ireland, Sweden and the United Kingdom submit a proposal for a Framework Decision on data retention
04-Jun-04	Working Party on Cooperation in Criminal Matters discussed data retention : First meeting
14-Jun-04	Commission workshop on data retention
25-Jun-04	Council questionnaire on Member States' positions on Data Retention
21-Sep-04	Second Commission workshop on data retention
28-Sep-04	Working Party on Cooperation in Criminal Matters discussed data retention
20-Oct-04	Working Party on Cooperation in Criminal Matters discussed data retention
20-Oct-04	Article 36 Committee discussed data retention
11-Nov-04	Article 36 Committee discussed data retention
03-May-05	Parliament: LIBE Committee Hearing on Data Retention
14-Sep-05	Parliament: LIBE Committee Meeting: Data Retention
21-Sep-05	Commission files proposal
05-Oct-05	Parliament: LIBE Committee: Exchange of Views
12-Oct-05	JHA Council : Presidency presents results of discussions
13-Oct-05	Parliament: LIBE Committee: Debate + Discussion of JHA Conclusions
19-Oct-05	Parliament: LIBE Committee: Alvaro's Report
11-Nov-05	Triologue
14-Nov-05	Parliament: LIBE Committee meeting: Discussion of Amendments
15-Nov-05	Triologue discussions in Strasbourg
24-Nov-05	Parliament: LIBE Committee: Approval of Committee Report
02-Dec-05	JHA Council : Council ready to reach a first reading deal
13-Dec-05	Parliament: First Reading Vote in Plenary: Adopted
14-Dec-05	Parliament: Rapporteur Alvaro Withdraws His Name from Report
17-Feb-06	Council: Approval

Source: [European Parliament](#): OEIL Legislative Observatory; [Council of the EU](#): Document Register

The LIBE Committee met on 5, 13 and 19 October and 14 and 24 November 2005 to discuss the directive and to draft amendments to the Commission proposal. In order to find common grounds on the data retention proposal, rapporteur Alvaro and LIBE chairman Jean-Marie Cavada participated in the informal meetings with the Council Presidency. Informal trialogues took place on the 11 and 15 November 2005. Largely incorporating the views of industry and civil society, rapporteur Alexander Alvaro filed his proposal on 19 November 2005 with 45 substantial amendments. The LIBE committee voted in favour of Alvaro's report with 33 votes, 8 against and 5 abstentions on 24 November 2005 ("File Synopsis" 17 November 2006).

Stage II: Inter-Chamber Bargaining: Package Deal

Because the LIBE rapporteur proved difficult to reach a compromise with, the Council Presidency turned to finding an informal package deal agreement with the leaders of the largest political groups in EP: the EPP-ED and PES. A further informal dialogue took place, just before the first reading of 14 December 2005, between the Council Presidency and the EPP-ED and PES leaders. Consequently, a new package deal compromise on the Data Retention directive was agreed between the Council and the leaders of the PES - EPP-ED groups. This new package deal was very different from what had been agreed in the LIBE committee. This informal arrangement was to be formalized by the EP plenary at first reading. The Justice and Home Affairs Council met on 1-2 December 2005. The text for consideration before the Council was not the LIBE committee's text of 24 November 2005, but the compromise package deal reached informally between the Presidency and the PES and EPP-ED group leaders.

Stage III: Voting

At the first reading vote on the 14 December 2005 the EP adopted the compromise package deal text agreed between the Council Presidency and the leaders of the PES and EPP-ED groups through a 'block vote' with 378 votes in favour, 197 against and 30 abstentions. The PES/EPP-ED coalition, voting in favour, was opposed by the GUE/NGL, Greens EFA and UEN groups and some members of the ALDE group, including the rapporteur. In February 2006, the Council adopted the Directive.

Key Issues

There were three controversial issues, on which the positions of the Council and the EP differed substantially: 1) data retention periods; 2) types of data retained; and 3) reimbursement of costs for industry.

Data Retention Periods

The Commission proposal simply provided for Internet data to be retained for 6 months and Telephony data to be retained for 12 months. The LIBE Committee required all data (from telephony to internet) to be retained for a period of minimum 6 and maximum 12 months. After this period, the EP called for all data to be erased. The Council favoured longer retention periods. Member States required an approximation based on a minimum level of 6 months for Internet data and 12 months for telephony, with a maximum level of 24 months retention. The final legislative text set the data retention period to a minimum of 6 and a maximum of 24 months with the provision that Member States may decide on a longer term if they wish.

Types of data to be retained

The Council favoured a very wide scope of application of the directive. It required the retention of data on *fixed network telephony* (i.e. name/address of person who calls + phone number; name/address of person/s who receive the call + phone number; date and time of the start and end of the conversation) and *mobile telephony* (i.e. name/address of person who calls + phone number; name/address of person/s who receive the call + phone number; date and time of the start and end of the conversation; international mobile subscriber Identity IMSI (sim card); location label at the start of the communication).

In addition, the Council required a wide definition of the *Internet access and Internet communication services*⁷⁰ as well as the inclusion of unsuccessful call attempts ('Data Retention' 10 October 2005). The LIBE Committee favoured a much restricted application of the directive.

⁷⁰ The Council preferred a definition of Internet access and Internet Communication Services that specified ('the user ID or telephone number of the intended recipient(s) of an Internet telephony call; the name(s) and address(es) of the subscriber(s) or registered user(s) and user ID of the intended recipient of the communication; the date and time of the log-in and log-off of the Internet access service, based on a certain time zone, together with the IP address, whether dynamic or static, allocated by the Internet access service provider to a communication, and the user ID of the subscriber or registered user; the date and time of the log-in and log-off of the Internet e-mail service or Internet telephony service, based on a certain time zone').

Table 5.6 Key Issues on Data Retention

Text proposed by Commission 21 September 2005	Text proposed by Rapporteur and Approved by LIBE Committee 28 November 2005	Amendments Agreed by PES-EPP-ED Parties and Council	Text voted on by Parliament 14 December 2005 and Adopted by Council
Article 1 Subject Matter and Scope			
<p>1. This Directive aims to harmonise the provisions of the Member States concerning obligations on the providers of publicly available electronic communications services or of a public communications network with respect to the processing and retention of certain data, in order to ensure that the data is available for the purpose of the prevention, investigation, detection and prosecution of serious criminal offences, such as terrorism and organised crime.</p>	<p>Amendment 19, Article 1, 1. This Directive aims to harmonise the provisions of the Member States concerning obligations on the providers of publicly available electronic communications services or of a communications network with respect to the processing and retention of certain data, and to ensure that the rights to the respect for private life and to the protection of personal data in the access and use of these data are fully respected, in order to ensure that the data is available for the purpose of the investigation, detection and prosecution of serious criminal offences</p>	<p>1. This Directive aims to harmonise the provisions of the Member States concerning obligations on the providers of publicly available electronic communications services or of a public communications network with respect to the retention of certain data which are generated or processed by them, DELETED, in order to ensure that the data are available for the purpose of the investigation, detection and prosecution of serious crime, as defined by each Member State in its national law.</p>	<p>Article 1 Subject matter and scope 1. This Directive aims to harmonise Member States' provisions concerning the obligations of the providers of publicly available electronic communications services or of public communications networks with respect to the retention of certain data which are generated or processed by them, DELETED, in order to ensure that the data are available for the purpose of the investigation, detection and prosecution of serious crime, as defined by each Member State in its national law.</p>
Article 6 Periods of Retention			
<p>Article 7 Member States shall ensure that the categories of data referred to in Article 4 are retained for a period of one year from the date of the communication, with the exception of data related to electronic communications taking place using wholly or mainly the Internet Protocol. The latter shall be retained for a period of six months.</p>	<p>Amendment 34, Article 7 Member States shall ensure that the categories of data referred to in Article 4 are retained for a period of 6-12 months from the date of the communication; thereafter, the data must be erased. Competent law enforcement authorities shall ensure that transferred data are erased by automated means once the investigation for which access to the data was granted is completed.</p>	<p>Member States shall ensure that the categories of data referred to in Article 4 are retained for periods of not less than 6 months and for a maximum of two years from the date of the communication.</p>	<p>Article 6 Periods of retention Member States shall ensure that the categories of data specified in Article 5 are retained for periods of not less than six months and not more than two years from the date of the communication.</p>
Amendment 10 Reimbursement of Costs			
<p>Article 10, Member States shall ensure that providers of publicly available electronic communication services or of a public communication network are reimbursed for demonstrated additional costs they have incurred in order to comply with obligations imposed on them as a consequence of this Directive.</p>	<p>Amendment 41, Article 10, Member States shall ensure that providers of publicly available electronic communication services or of a public communication network are reimbursed for demonstrated additional investment and operating costs they have incurred in order to comply with obligations imposed on them as a consequence of this Directive including the demonstrated additional costs of data protection and any future amendments to it.</p>	Deleted	Deleted
Article 15 Transposition			
No provision	No provision	<p>2a. Each Member State may for a period of up to 18 months from the expiry of the deadline referred to in paragraph 1 defer application of this Directive to the retention of communications data relating to Internet Access, Internet telephony and Internet email. Any Member State which intends to make use of this paragraph shall, by way of a declaration, notify the Commission to that effect upon adoption of this Directive</p>	<p>Article 15 Transposition 3. Until ...*, each Member State may postpone application of this Directive to the retention of communications data relating to Internet Access, Internet telephony and Internet e-mail. Any Member State that intends to make use of this paragraph shall, upon adoption of this Directive, notify the Council and the Commission to that effect by way of a declaration.</p>

The Committee accepted the inclusion of data on *fixed network telephony* and *mobile telephony*; but put forward a limited definition of the *Internet access and Internet communication services*⁷¹. The LIBE Committee opposed the inclusion of retention of unsuccessful calls (“Report by LIBE Committee” 28 November 2005). The final text contained the definitions of data as proposed by the Council.

Reimbursement of Costs

The Commission proposed that Member States reimbursed the demonstrated additional costs, incurred by telecom companies in order to comply with the obligations of the directive. The LIBE Committee required that Member States ensured the reimbursement of all extra costs of retention, storage and transmission of data incurred by industry. The Council generally opposed the provision for the cost reimbursement. It required the discretion for Member States to decide at a national level whether and when to reimburse industry for the additional costs associated with the directive. The final legislative text lacked any provision for the reimbursement of telecom companies.

Package Deals, Repeat Play and Legislative Timing

The Council had already discussed the bundle of data retention issues within its own Framework Decision of April 2004 under the consultation procedure. Data retention had been discussed in the Working Party on Cooperation in Criminal Matters at its meetings on 4 June, 27 and 28 September and 19 and 20 October 2004 and by the Article 36 Committee at its meetings on 19 and 20 October and 11 and 12 November 2004 (‘Draft Framework Decision’ 23 November 2004). Moreover, in 2002, the Presidency had already conducted a questionnaire on the retention of data within the 15 Member States⁷².

⁷¹ The Parliament preferred a definition of Internet access and Internet communications Services that specified (‘IP address of computer; telephone number connecting to the internet; name/address of subscriber; date/time of subscriber; date/time of log-in and log-off; ADSL-calling telephone number for dial-up access and the digital ADSL subscriber’).

⁷² Council document 14107/02.

Following this early consultation, the Council was aware that nine out of 15 Member States would support an EU regulation on Data Retention⁷³ (“Answers to Questionnaire” November 2002). In June 2004, the Irish Presidency conducted a further questionnaire on data retention in order to obtain the updated positions of the old 15 and the new 10 Member States (“Questionnaire on Traffic Data Retention” 25 June 2004).

The proposal was urgent. Although there was no deadline at first reading under co-decision, some Member States in the Council were eager to pursue an early agreement deal with the EP. The Presidency was interested in fast-tracking the legislation. As soon as it knew the Council preferences on data retention, the Presidency initiated a series of informal trialogues with the EP in order to reach a first reading agreement. In its conclusions of the 12 October 2005 Justice and Home Affairs meeting, the Council “...agreed that informal contacts with the European Parliament should continue in order to maximise common ground between the Council and the EP on issues of substance, while respecting the Council’s position...” (“Council Conclusions” 12 October 2005).

On 15 November 2005 the Presidency met with representatives of the EP and the Commission at a trialogue meeting in Strasbourg. It noted the positive tone of the meeting and “*the ongoing political willingness*” of the EP to work for a deal on the data retention directive by the end of 2005 (“Data Retention: Trialogue” 16 November 2005). The Council initially started the negotiations with the LIBE committee and its rapporteur, shadow-rapporteurs and chairman. Whereas the LIBE Committee proved difficult to reach a compromise with, the Council Presidency turned to finding an informal agreement with the leaders of the EPP and PES. The majority party leaders agreed to a new compromise package.

⁷³ The Member States in favour of the regulation on data retention were: DK, ES, GR, FR, IT, LU, PT, SE, and UK, while AT, BE, DE, FI, IR, NL opposed it. Source: “Answers to Questionnaire on Traffic Data Retention”. *Council of the European Union*. 20 November 2002.

Package Deals, the Role of Party Leaders and Enforcement of Informal Commitments

The Council promised the leaders of the EPP-ED and the PES, that if they supported the Data Retention directive, the Council would in exchange work closely together with the EP in deciding future laws in the area of Justice, Freedom and Security. The EP would not have much influence over this Data Retention dossier, but in return for reaching a compromise by the end of 2005, the EP was promised a pay-off on future legislation. The EP would participate on equal footing along with the Council in the negotiations over future legislation in this highly controversial policy area ('MEPs Deeply Unhappy' 20 June 2006).

As part of the logroll, the Council ensured the passage of the fast-track data retention legislation in the fight against terrorism. In exchange for its support for the Council's preferences in the policy substantial issues, the Parliament would be allowed greater institutional competences in deciding future legislation in this policy area. Furthermore, some Member States granted an extended period of grace to ISP and telecom companies before they complied with the directive. Some Member States reserved the right to postpone application of the directive for up to 18 months, pursuant to Article 15 (3)⁷⁴. In exchange for an EP agreement before the end of 2005, the Presidency noted that "...*the Council, the Commission and the EP have a unique opportunity to develop a mature relationship on JHA matters*" ('Letter to Jean-Marie Cavada' 17 October 2005).

The Council promised the EPP and PES party leaders that if they supported this directive, the Parliament would be allowed greater institutional competences in deciding future legislation in this policy area. Due to the accelerated decision-making process, the

⁷⁴ Article 15 (3) reads that: "...each Member State may postpone application of this Directive to the retention of communications data relating to Internet Access, Internet telephony and Internet e-mail. Any Member State that intends to make use of this paragraph shall, upon adoption of this Directive, notify the Council and the Commission to that effect by way of a declaration"

Sixteen out of the 25 EU Member States declared their intention to postpone the implementation of the directive. The Member States which declared a delay in the implementation were AT, BE, CY, CZ, DE, EE, GR, FI, LU, LV, LT, NL, PL, SL, SE, UK while no delay was declared by DK, ES, FR, HU, IR, IT, MT, PT, SK Source: "Declarations by Delegations" *Council of the European Union*. 17 February 2006.

LIBE committee had only two months to produce the report. The Commission forwarded its proposal to Parliament on 21 September and the first reading vote was held on 14 December 2005. The package legislating reduced the ability of individual MEPs to discuss and put forward amendments to the Commission proposal. The fast-track decision-making process also reduced the time available to the LIBE committee for public hearings and consultations with IMCO and ITRE committees⁷⁵.

The package deal between the Council and the EPP-ED and PES party leaders was opposed by members of the smaller parties in the European Parliament⁷⁶. Individual MEPs and members of smaller parties were not happy about the informal package deal, as they could not follow and participate in the inter-chamber decision-making process. The Council notified the EP that the package deal was acceptable to the Council in the format agreed with the EPP-ED and PES groups, subject to no further amendments by the EP plenary. The Presidency concluded that “...*provided that the European Parliament agreed*

⁷⁵ In its report the LIBE committee expresses its disappointment with the fast-track decision-making: *‘This extremely accelerated legislative procedure has meant that there was little time for discussion.... There was also no time for a technology assessment or for a study on the impact on the internal market. Bearing in mind the measures and plans aimed at better regulation at European level, it is to be hoped that the procedure used for debating data retention will not become the rule’* (“Report by LIBE Committee” 28 November 2005).

⁷⁶ Alexander Alvaro expressed his disappointment with the way the procedure had gone and the behaviour of the two big groups. *“I regard as in unbelievably bad taste the manner in which they behaved after we had spent eight weeks discussing these matters in great depth and considering our next steps...[in Committee]”* (“Plenary Debates” 13 December 2005).

Kathalijne Maria Buitenweg (Verts/ALE, NL) said: *‘We in this House are always talking about better lawmaking, and then along comes this sort of nonsense ... you have now done a deal with the British Presidency before Parliament has even adopted a position, we are now faced with a fait accompli. The small groups were not even informed and even the rapporteur for this subject, Mr Alvaro, knew nothing about this...What we now have is a backroom deal on citizens’ rights...’* (“Plenary Debates” 13 December 2005).

Considering the rushed negotiations over this directive, the disregard of fundamental rights and the little substance it carried, the Verts/ALE and GUE/NGL groups proposed an amendment 47, for the data retention proposal to be rejected⁷⁶. Sylvia-Yvonne Kaufmann (GUE/NGL, DE) voiced these groups’ discontent that *“the compromise that the PPE-DE and PSE groups have negotiated with the Council is rotten to the core and stinks to high heaven”* (“Plenary Debates” 13 December 2005).

The rapporteur and the LIBE committee as a whole were sidelined by the Council (Erik Meijer (GUE/NGL) 14 December 2005) and the hard work accomplished by the LIBE, IMCO and ITRE committees *‘was circumvented in the last meters by a deal between the Council, the Commission, and shame to say, by the two biggest groups in this house’* (Kauppi, Piia-Noora, 13 December 2005).

The compromise amendments tabled by the PES and EPP-ED confirmed *“...Parliament’s subordinate position in relation to the Council...”* (Giusto Catania MEP, 13 December 2005).

amendments to the Commission proposal in the exact form as set out in Annex I ... the Council would be in a position to adopt the proposed Directive” (“Item 8 on the Agenda” 6 December 2005). At first reading on 14 December 2005, the EP plenary adopted the compromise package deal text agreed by the Council and the leaders of the PES and EPP-ED groups. The new compromise amendments, agreed between the majority parties and the Council were presented before the plenary in the form of 42 block compromise amendments. As this was a highly sensitive issue, both Clarke from the Presidency and Frattini from the Commission were present for the vote.

European Parliament vote on 14 December 2005 (First Reading)

Subject	Amendment No	Author	Type of vote	Outcome of Vote	RCV/EV- for, against, abstentions
Proposal to reject the proposal for a directive	47	Verts/ALE+GUE/NGL	RCV	Rejected	161,428,13
Block 1 - Compromise	51-68, 70-74, 76-80, 82-84, 86-92	PSE+PPE-DE	RCV	Adopted	402,184,24
Block 1 - Compromise – separate votes	69, 75, 81	PSE+PPE-DE	RCV	Adopted	414,155,44; 407,192,17; 410,194,14
Block 2A – amendments by committee	6,8,10,12-13, 23-25, 27,29-34, 36, 40, 42-43, 46	Committee		Lapsed	
Block 2B – amendments by committee	1-5, 7, 9, 11, 14-22, 26, 28, 35, 37-39, 44-45	Committee		Rejected	
Vote: Legislative Resolution			RCV	Adopted	378,197,30

Source: ‘Results of Votes: Data Retention 14 December 2005’. European Parliament: Minutes

All Block 1 compromise amendments, proposed by the PES + EPP-ED groups and agreed informally between their party leaders and the Council Presidency, passed. All amendments, proposed by the LIBE Committee (Block 2A and Block 2B), were rejected. The proposal passed with 378 in favour, 197 against and 30 abstentions. The EPP-ED and PES groups voted in favour. The ALDE group was split. The main opposition to the proposal came from members of GUE/NGL, Verts/ALE, ALDE, and small fractions from the EPP-ED and PES⁷⁷.

⁷⁷ After the vote, rapporteur Alvaro said: “*It is scarcely to be expected that I should be happy with the outcome of the vote. As I can no longer put my name to this report, I withdraw it.*” (“Plenary Debates” 14 December 2005).

5.5 Conclusion

This chapter analysed the use of package deals and traced their employment in the EU legislative process. The chapter tested **Hypothesis 1** and **Hypothesis 2** of the conditions leading to package deals in the EU legislative process. In line with the theoretical argument presented in Chapter III, package deals in the EU are likely to occur when proposals are distributive and urgent. In addition, logrolling is likely to occur in the presence of party leaders involvement, different preference intensities between the EP and the Council, and policy area issue complexity. The chapter found that package deals are regularly used by EU legislators as they allow the Council and the EP to trade support for their most preferred policy outcomes.

The existing studies of EU legislative politics overlook the importance of the use of package deals on EU legislative outcomes. This chapter studied all completed legislation passed under the co-decision and consultation procedures between 1 May 1999 and 30 April 2007. It highlighted that logrolling is an important process in EU decision-making. The case study of the package deal on the data retention directive provided an example of an inter-chamber exchange in the EU. The case underlined the informal nature of logrolls and their important role for the legislative process.

Having identified the importance of logrolling in the EU legislature, and having tested the conditions leading to the conclusion of inter-chamber package deals, the thesis proceeds with empirical tests of the effect of package deals on EU legislative outcomes. Chapter VI examines the effect of package deals and legislative timing on the legislative influence of the European Parliament in the consultation procedure. Chapter VII examines the effect of package deals and legislative timing on the legislative influence of the European Parliament in the co-decision procedure. Chapter VIII examines the effect of package deals on the legislative influence of the European Parliament across policy areas and across time.

CHAPTER 6 : PACKAGE DEALS AND THE LEGISLATIVE INFLUENCE OF THE EUROPEAN PARLIAMENT IN THE CONSULTATION PROCEDURE

Introduction

This chapter provides an analysis of the European Parliament's legislative influence in the consultation procedure by examining the EP's power of delay. The existing studies of legislative politics in the consultation procedure find the role of the EP insignificant. This chapter tests **Hypothesis 3** that package deals increase the likelihood of European Parliament success in influencing legislative outcomes in the consultation procedure. The chapter also tests **Hypothesis 4** that legislative delay increases the likelihood of European Parliament success in influencing legislative outcomes in the consultation procedure. Whereas many authors recognise that the Parliament has in theory the 'power of delay', there has been no empirical testing of whether the EP in fact uses this power, and if so, to what effect.

This chapter examines the European Parliament's legislative activity on all consultation proposals (925) completed between 1 May 1999 and 30 April 2007. It investigates the conditions under which the EP is successful in influencing the final Council legislative text. The analysis is based on the examination of all pieces of legislation to which the Parliament proposed amendments and the issues it contested. The chapter tests a number of hypotheses offered by the existing literature of whether EP success depends on proposal urgency, the type of issue contested, Commission support, EP cohesion, Council voting threshold, and the salience of the proposal.

The results confirm that the power of the European Parliament in the consultation procedure is extremely limited. The Council ignores the EP's demands in more than 80% of the legislative proposals. Nevertheless, the informal powers of the EP to link consultation proposals to co-decision and to delay are important legislative powers for the

European Parliament. The analysis demonstrates that the EP regularly uses its ‘power to delay’ in order to affect legislative outcomes in the consultation procedure. Through delay, the EP enjoys a much stronger legislative influence than the formal treaty provisions prescribe. In addition to package deals and delay, the results indicate that urgency, Commission support, and issue type are also statistically significant predictors of EP success in the consultation procedure. This chapter adds to the literature on EU legislative bargaining by providing a more detailed account of the EP’s legislative influence in the consultation procedure.

6.1 The Standard Story

Introduced by the Rome Treaties, the consultation procedure remains the simplest EU decision-making procedure as it consists of only one reading. Although it was replaced in many policy areas, since Amsterdam more than half of EU legislation has been decided through consultation⁷⁸. Areas such as agriculture, budgetary matters, justice, freedom and security, and social and employment affairs have all been subject to this procedure. Nevertheless, academic interest in legislative bargaining under the consultation procedure has remained limited.

The main reason is that under consultation the EP has very limited legislative powers in relation to the Council of Ministers. The Member States in the Council are the main decision-making body and the Parliament has only a consultative role. In this legislative procedure, the European Parliament must be consulted of its opinion on the Commission proposal before the Council can proceed with adopting it. However, nothing guarantees whether and to what extent the Member States in the Council will be prepared to take into consideration the opinion of the EP. Months of drafting work, public hearings, debates in committee and discussions in the EP plenary may have no effect on the final

⁷⁸ According to the European Parliament Legislative Observatory there were 540 co-decision and 925 consultation proposals completed between 1 May 1999 and 30 April 2007.

legislation. The Council decides whether to incorporate the EP's proposed amendments in the legislative text and it can completely ignore them.

Hence, the existing studies of EU decision-making in the consultation procedure neglect the role of the European Parliament due to its lack of 'true legislative powers' (Westlake, 1994, p. 135). Crombez (1996) concludes that Parliament's role under consultation can be disregarded and his model takes into consideration only the Commission and the Council. Laruelle (2002, p. 90) also understands the consultation procedure as a game between the Commission and the Council, in which the Parliament 'appears to be powerless'. Jupille (2004, p. 48) also ignores the EP in his model of procedural politics and presents institutional bargaining as a two-stage game in which 'the Commission proposes and the Council disposes...'. Thomson *et al.* (2006) further confirm this negative view of the European Parliament's legislative powers. Most authors recognize that in the consultation procedure the EP enjoys a 'power of delay'. However, the existing literature concludes that the European Parliament's role in consultation is insignificant, with or without delay.

Overall, the standard accounts of EU decision-making recognize that, in theory, the European Parliament has the power to delay legislation in the consultation procedure. Whereas a substantial body of theoretical and empirical literature has examined Council – Parliament legislative bargaining in the co-decision procedure, there has been no consistent empirical study on the role of the European Parliament in consultation. This chapter investigates legislative decision-making in the consultation procedure and studies the conditions that determine the EP's legislative success. Parliamentary success here means the incorporation of EP demands in the final Council legislative act.

6.2 Conditions for Legislative Success of the European Parliament

The principal argument of the chapter is that package deals increase the legislative influence of the European Parliament. Despite its extremely limited legislative powers under the consultation procedure, the European Parliament can be an influential legislative institution if it links its consultation opinions to proposals in co-decision. In co-decision, the Council must collaborate with the Parliament in order for a proposal to become law. The Parliament may refuse to cooperate under co-decision if the Council disregards the EP position under consultation. If the Parliament can trade its support in co-decision for support in consultation, then it is more likely to obtain concessions from the Council.

By linking proposals from the two legislative procedures, the European Parliament can block progress on whole packages of legislation. Faced with several blocked proposals, the Council is likely to reconsider its position and allow concessions in favour of Parliament's preferred outcome. Linking strategies are most likely to be used by a Parliamentary rapporteur, who is involved in negotiations on proposals falling in both co-decision and consultation. Linking can also be used by closely cooperating rapporteurs from different EP committees, who coordinate the blockage of proposals under both legislative procedures. Despite the formal consultation provisions, such linking strategies can confine the options available to the Council and allow the EP greater legislative influence. This leads to the first hypothesis:

H1: Package deals increase the likelihood of European Parliament success in influencing legislative outcomes in the consultation procedure.

In addition, the power to delay under the consultation procedure can also make the European Parliament an influential legislative institution. While acknowledging the procedural limitations, the chapter argues that delay is a legislative power, which allows the

Parliament to enjoy several benefits in the decision-making process. First, delay attracts the attention of Member States and allows the Parliament to obtain concessions from the Council so that EP demands are incorporated in the final legislative text. Second, delay allows MEPs to negotiate informally with the Council and often to get a better deal through informal meetings. Third, delay gives an additional reading to the consultation procedure. The Parliament signals its position to the Council and the Commission, but refrains from issuing an opinion, so that another round of legislative negotiations can take place. Overall, legislative delay increases the EP's chances of influencing proposals under consultation. This leads to the second hypothesis:

H2: The Parliament is more likely to succeed in influencing the legislative text under the consultation procedure when it delays its opinion

In addition, this chapter will test several hypotheses offered by the existing literature on EU legislative politics. Furthermore, the European Parliament is likely to exert significant legislative influence in cases that require urgent decisions. Tsebelis and Money (1997) and Rittberger (2000) assert that when the Council is impatient about the decision on a certain proposal, Parliament's demands are more likely to be taken into account by the Member States. An impatient Council is very likely to grant concessions and allow the EP to move the final policy closer towards its ideal point. Corbett *et al* (2005, p. 200) also suggest that the EP's bargaining position in consultation is strengthened by the urgency of legislative proposals. The inability of the EU legislative system to produce the proposed legislation within a specific timeframe may impose significant costs on EU Member States and the Commission. The failure to pass an urgent legislative act further complicates the planning and execution of important programmes related to the functioning of national and EU policies. Moreover, the inability of EU legislators to find an agreement on a timely basis is

often perceived by the public as institutional inefficiency. This leads to the third hypothesis:

H3: The Parliament is more likely to succeed in influencing the legislative text when the proposal is urgent

The internal cohesion of the European Parliament is also likely to have a positive effect on the EP's legislative influence. Kreppel (2002) finds that the EP is more likely to succeed in obtaining concessions from the Council when it is united. It is easier for the Parliament to force the Member States to accept its amendments if the main political groups in the EP act cohesively. Divisions between the political groups weaken the bargaining position of the EP vis-à-vis the Council and the Commission. Thus, in order to find its demands successfully adopted by the Council, the EP should ensure its cohesive position on legislative proposals. Furthermore, the inability of the European Parliament to find the necessary majority in plenary may deprive the EP of its power to delay. Especially because the EP does not have a co-legislative status in consultation, a considerable majority is needed if the Parliament wishes to signal its position to the Member States and the Commission. Therefore:

H4: The more cohesive the Parliament, the more likely it is to succeed in influencing the legislative text under the consultation procedure.

Moreover, the formal voting rule in the Council is also likely to have an effect on the EP's chance to succeed in the consultation procedure (Tsebelis, 1994; Mattila and Lane, 2001; Hayes-Renshaw and Wallace, 2006). On the one hand, the Parliament may be more successful under the qualified majority rule in the Council, as the EP only needs the

support of some, but not all Member States in order to see its preferred issues in the final text. On the other hand, the EP may be more successful under unanimity. Reaching unanimity among the Member States is a time-consuming task. Having once agreed on a proposal, Member States focus their attention on other urgent legislative proposals. Therefore, when the Council has already established political consensus on an issue, the Parliament has little chance of changing the positions of Member States. When the Council is unanimous and/or there is a sufficient number of Member States (according to the voting rule) in favour of the adoption of a proposal, the EP's opinion is likely to have little effect on the legislative outcome. The difficulty to satisfy the required Council voting threshold can be used by the Parliament as an opportunity to exert influence over legislative outcomes. The following hypothesis tests whether the Council voting rule affects EP success in the consultation procedure:

H5: The Parliament is more likely to succeed in influencing the final legislative text when the Council voting rule is unanimity.

The position of the Commission is also likely to have a significant effect on EP success (Tsebelis and Garrett, 2000). Formally, under the consultation procedure, the Commission has a decisive role. If the Commission supports the amendments introduced by the Parliament and incorporates them in its proposal, the Council can only amend it through unanimity. This makes it easier for the Council to accept a proposal than to amend it. The Commission can also act informally between the Council and the Parliament and it has the ability to persuade the Presidency and the Member States to respect Parliament's demands. Hence, Commission support is likely to work in favour of Parliamentary success. The EP's role in consultation is extremely limited by default. Thus, the Parliament will find it very difficult to influence legislative outcomes when the Commission is against it. Therefore:

H6: The Parliament is more likely to succeed in influencing the final legislative text when it is supported by the Commission.

Finally, the type of issues the EP contests is also likely to have an important effect on EP success (Benedetto and Hix, 2007; Thomson *et al.*, 2006). Legislators' positions can differ substantially on different types of issues, even if they are part of the same proposal. The Parliament is less likely to succeed in demands, which relate to the increase of the EP's legislative powers. Institutional power issues aim to benefit the EP as a legislature, but do not benefit the Member States directly. Hence, the Council has no incentives to incorporate Parliament's institutional demands. Similarly, the EP may be less likely to succeed on budgetary issues, which impose high costs on Member States. In contrast, EP success on issues concerning fundamental rights and freedoms can be expected to enjoy a higher success rate. Therefore:

H7: The Parliament is more likely to succeed when it contests fundamental rights issues, which do not impose costs on the Member States and do not increase its institutional powers.

By including the five hypotheses derived from the existing literature, the results of this chapter will be directly comparable to existing research on EU legislative politics.

6.3 EP Legislative Activity: Descriptive Statistics

In order to analyse the legislative influence of the European Parliament, the chapter proceeds with the examination of all consultation legislative acts, proposed and concluded in the period 1 May 1999 - 30 April 2007. In total 925 proposals were obtained through the European Parliament Legislative Observatory, (676 proposals in the 1999 – 2004 period and 249 proposals in the 2004 – 2007 period). A first glance at the EP's role in all consultation legislation offers the following picture.

Lower Amendment Rate compared to Co-decision

First, the European Parliament amends less legislation under consultation than it does under co-decision. Whereas in the co-decision procedure the EP amends around 87% of the proposals, in consultation the EP proposes amendments in only 54% of the cases. 422 (of the 925) consultation legislative proposals passed non-amended (see Table 6.1). Given its limited legislative powers, the Parliament only attempts to amend half of the consultation legislative acts, and it concentrates on the longer and more substantial proposals⁷⁹.

Moreover, some policy areas stand out with a high number of non-amended proposals. In the period 1999 - 2007 the areas with the largest number of legislative proposals were Justice, Freedom and Security, Agriculture, Fisheries, Budgets, External Relations and Economic and Financial Affairs. The areas with the highest percentage of non-amended legislation were Energy and Transport (81%), Environment (77%), Statistics (75%), General Affairs (74%), Legal Affairs (100%), and Education and Culture (69%). The areas enjoying the highest percentage of EP amendments were Justice, Freedom and Security (69%), Fisheries (81%) and Employment and Social Affairs (82%).

⁷⁹ Proposal salience is measured by the number of recitals in a legislative act. More recitals signify a more salient proposal. 91.8% of the non-amended cases contained between 1 and 10 recitals, while 54% of the cases amended by the EP contained between 11 and 73 recitals.

Table 6.1 Legislative Proposals under the Consultation Procedure: 1999 - 2007

Policy Area (Commission DG)	Total proposals	Non Amended	Amended w/o delay	Amended with delay
Agriculture & Rural Development	129	60	62	7
Budget	72	46	13	13
Development	4	-	4	-
Economic and Financial Affairs	58	30	27	1
Education and Culture	13	9	4	-
Employment and Social Affairs	22	4	17	1
Energy and Transport	33	27	6	-
Enterprise and Industry	4	1	2	1
Environment	35	27	8	-
Eurostat, Statistical Office	4	3	1	-
External Relations	60	34	23	3
Fisheries	131	25	106	-
General Secretariat	31	23	4	4
Health and Consumer Protection	34	13	21	-
Information Society	3	1	2	-
Internal Market and Services	18	12	6	-
Justice, Freedom and Security	178	55	116	7
Legal Service	8	8	-	-
Regional Policy	7	3	4	-
Research	37	18	19	-
Taxation and Customs Union	44	23	20	1
Total Consultation Proposals	925	422	465	38

Source: European Parliament Legislative Observatory; Own calculations

Legislative Delay

Most importantly, the EP uses its power to delay legislation regularly⁸⁰. In the 1999-2007 period, the EP delayed and referred back to committee 38 proposals (7% of all amended proposals). These include 8 delayed cases in the period 1 May 2004 – 30 April 2007 and 30 delayed cases in the period 1 May 1999 – 30 April 2004. 89.5 % of all delayed proposals fall in five policy areas: Budget (13), Agriculture (7) and Justice, Freedom and Security (7), General Affairs (4) and External Relations (3). The rest are four single cases in the areas of Economic and Financial Affairs, Employment and Social Affairs, Enterprise and Industry and Taxation. The time it took the EP to issue a final opinion, following delay, was on average 5 months. This relatively short time indicates that the EP did not aim to block legislation. Rather, it delayed its opinion in order to signal its position to the Council.

⁸⁰ The exercise of legislative delay is not new to the European Parliament. During the 1994-1999 legislature the EP delayed 54 of the 854 consultation proposals passed.

The EP delayed more proposals under the unanimity requirement in the Council than it did under QMV. Overall, only 34% of all amended consultation proposals required unanimity in the Council. However, 73.7% (28) of the delayed cases required unanimity and only 26.3% (10) of the delays occurred under QMV. It seems that the Parliament uses the unanimity requirement in the Council as an opportunity to influence legislative outcomes. Furthermore, the Parliament tends to delay several pieces of legislation together (70% of all dossiers were delayed together with one or more acts). If dossiers are part of a legislative package, the EP may decide to delay its opinion on all legislative proposals in the package in order to put further pressure on the Council and Commission⁸¹.

Low Success Rate of EP Amendments

The fact that the European Parliament introduced amendments to half of the consultation proposals and delayed some of them does not automatically mean that it succeeded in designing the final Council legislative texts. The EP's attempt to influence legislative outcomes in consultation does not guarantee Council acceptance. The number of amendments the Parliament proposed to the 503 amended proposals varied between 1 and 224. However, the majority of the amended cases (70%) included only between 1 to 20 amendments. The EP only heavily amended (with 61+ amendments) 4% of the legislative proposals. The amendment adoption rate methodology employed by Kreppel (1999, 2002) and Tsebelis *et al.* (2001) was used in order to assess the success of the EP's amendments. An EP amendment was counted as failed if: a) it was fully ignored by the Council and not at all present in the final legislative text; or b) it made it to the final legislative text, but it was of a highly technical nature⁸².

⁸¹ For example, the delay of 13 proposals in the area of Budgets by rapporteur Gianfranco Dell'Alba in 1999-2004.

⁸² Amendments were classified as highly technical if they aimed at: a) correcting spelling or wording mistakes in the original proposal; b) suggesting more appropriate words in definitions; or c) changing dates in the proposal.

Overall, the results of the EP amendments success assessment support the existing view in the literature of the European Parliament's extremely limited legislative role in the consultation procedure. In 81% of the cases, the Parliament failed to influence the final legislative text. The amendments proposed by the EP were either fully ignored by the Council (60.4%), or those that were included in the final acts were only technical clarifications of the legislative text (20.6%). These results prove that decision-making power under the consultation procedure lies in the Council of Ministers. Given its limited legislative powers, the Parliament attempts to influence legislation less often than it does in co-decision. Even when it proposes amendments, there is a high probability that the Council will simply ignore the EP's demands.

Nevertheless, 19% of EP amendments were incorporated substantially in the final Council legislative texts. The European Parliament was influential on both delayed and non-delayed proposals. Hence, although in the majority of the proposals the Council fully ignored the EP's amendments, the EP managed to influence substantially the legislative outcomes on some of the most important pieces of legislation. The highest rejection rate of EP amendments was on shorter and less salient proposals (containing between 1 and 10 recitals). The longer and more important proposals enjoyed a higher success rate of EP amendments. Thus, although it is extremely limited in consultation, the European Parliament can act as an influential legislative institution on some of the most important legislative proposals. A major shortcoming of the amendments adoption rate methodology, however, is the fact that it does not take into account the substance and quality of EP amendments.

To overcome this issue the chapter proceeds with a more qualitative examination of the decision-making process on the same 503 amended by the European Parliament proposals (both delayed and non-delayed) in the period 1 May 1999 – 30 April 2007.

6.4 Parliament's Legislative Influence: Assessment

The influence of the EP is analyzed through the examination of the issues the EP contested on each legislative proposal. EP Success is understood as the ability of the Parliament to see its demands incorporated in the final Council legislative text. An EP demand was counted as a failure if: a) it was completely ignored by the Council or b) it made it to the final legislative text, but aimed at highly technical changes (such as correcting spelling or improving wording). If an EP demand was not ignored by the Council and it was to a certain extent incorporated in the final text, the issue was counted as a success (=1).⁸³

Each proposal was broken down to the several issues contested by the EP⁸⁴. The issues were classified in four categories: budgetary, policy substance, fundamental rights and institutional powers issues. 802 issues were identified through the qualitative study of all 503 amended consultation proposals (see Appendix I). The number of issues contested by the Parliament varies between the cases from one to six. The 38 delayed proposals were broken down to 85 issues and the 474 proposals resulted in 717 issues. The distribution of the issues according to issue type was as follows: policy substance (448 issues), budgetary (110 issues), fundamental rights (73 issues), and institutional powers (171 issues).

Overall, the European Parliament failed to make a visible impact on the legislative outcome in 74% of the issues (594 issues). These results confirm again that the EP is very limited in the consultation procedure. Despite the large amount of work MEPs do in order to amend legislative proposals, Member States are often reluctant to take on board the demands of the European Parliament. However, contrary to the conclusions of the existing literature, the European Parliament's legislative influence in this procedure is not

⁸³ EP Success was initially treated as an ordinal variable, including four degrees of success: high success (3), average success (2), low success (1) and failure (0). However, only 9.8% of all issues fell in categories 1 and 2. In the rest of the cases, the EP either failed completely (74.2%) or it managed to fully realize its legislative demands (16%).

⁸⁴ On each piece of legislation, the decision-making process was traced from the initial Commission proposal, the debates in the European Parliament committees and plenary, the decision-making process within the Council, any informal Council-Parliament negotiations, the formal positions of each legislative institution and the final Council legislative act.

‘insignificant’. The EP was successful in around 26% of the issues it contested (208 issues). The results indicate that the EP success rate in delayed cases was 71.8%, whereas it was only 20.5% in non-delayed cases. Thus, it seems that the Parliament has certain legislative powers in the consultation procedure. The following section analyses EP success and tests the seven hypotheses outlined in Section II.

Table 6.2 Success rate of issues contested by the EP according to policy area

Policy Area (Commission DG)	Total Proposals	Total Issues	EP Success Issues	% EP Success
Agriculture & Rural Development	69	142	31	21.8%
Budget	26	43	30	69.8%
Development	4	9	-	-
Economic and Financial Affairs	28	33	4	12.1%
Education and Culture	4	8	-	-
Employment and Social Affairs	18	29	17	58.6%
Energy and Transport	6	12	3	25.0%
Enterprise and Industry	3	8	3	37.5%
Environment	8	11	-	-
Eurostat, Statistical Office	1	2	2	100.0%
External Relations	26	38	5	13.2%
Fisheries	106	128	14	10.9%
General Secretariat	8	22	9	40.9%
Health and Consumer Protection	21	39	13	33.3%
Information Society	2	5	2	40.0%
Internal Market and Services	6	9	2	22.2%
Justice, Freedom and Security	123	198	55	27.8%
Legal Service	-	-	-	-
Regional Policy	4	6	1	16.7%
Research	19	33	12	36.4%
Taxation and Customs Union	21	27	5	18.5%
Total Issues Contested by EP	503	802	208	25.9%

Source: Own calculations

Variables used in the analysis

The dependent variable *EP Success* is a dichotomous variable and it =1 if an EP demand was incorporated in the final text and it = 0 if an EP demand was not. In order to test the argument and the hypotheses outlined above, the following independent variables were used in the analysis⁸⁵.

⁸⁵ see Table 4.9 for full coding, sources and descriptive statistics of all variables used in the analysis; see Table 4.10 for correlations between the variables.

The first hypothesis that the EP is more likely to succeed if it links a consultation decision to a co-decision proposal is tested with the variable *Package Deal*. It = 1 if the Parliament blocks the decision-making process in co-decision or threatens not to cooperate with the Council in other proposals until the EP's opinion in consultation is respected; and it = 0 if no linkage is made by the EP between consultation and co-decision proposals.

The second hypothesis that the EP is more likely to succeed if it delays its opinion is tested with the dichotomous *Delay* variable. A case is counted as delayed (and = 1) when the following is observed: a) a Commission proposal was put to the vote in the EP plenary; b) the MEPs present in plenary voted to refer the proposal back to the drafting committee; and c) the same proposal was discussed again by the EP at a later date, when the European Parliament issued a final opinion.

The third hypothesis that the European Parliament is more likely to succeed when the proposal is urgent is tested with two dichotomous variables: *Urgent* and *Urgent for the Commission*. The *Urgent* variable = 1 if there was a specific deadline according to which the legislative act had to enter into force and it = 0 if there was no deadline. This variable does not take into account whether the deadline was set by the Commission or by the European Council's conclusions. The variable *Urgent for the Commission* = 1 if the deadline was set by the Commission, but no political agreement was reached on the proposal at the European Council level. It = 0 if the call for immediate action originated in the European Council conclusions and the Member States had already discussed a possible legislative draft of the proposal.

The fourth hypothesis that the EP is more likely to succeed as the size of the EP majority supporting the amendments proposed increases is tested with two variables. The continuous *EP Cohesion* variable measures EP cohesion at the EP drafting committee level. It measures the size of the majority in the EP drafting committee in favour of a report, as a

percentage of those voting. In addition, the dichotomous *EP Plenary Support* variable measures EP cohesion at the EP Plenary level. It = 1 if the EP plenary supports the committee report in its entirety and MEPs do not submit replacement amendments and it = 0 if the EP plenary amends or rejects the committee proposal.

The fifth hypothesis that the European Parliament is more likely to succeed when the voting rule in the Council is unanimity is tested with the *Council Unanimity* variable. It = 1 if the legal base of the legislative proposal requires unanimity in the Council and it = 0 if the legal base requires qualified majority voting.

The dichotomous *Commission Support* variable tests the sixth hypothesis that the European Parliament is more likely to succeed if it is supported by the Commission. It = 1 if the Commission expresses its support for an EP demand in front of the EP plenary or after informal meetings with MEPs; and it = 0 if the Commission otherwise.

The seventh hypothesis that the EP is more likely to succeed when it contests fundamental rights issues is tested with the categorical *Issue Type* variable. It = 1 for budgetary issues, = 2 for policy substance issues, = 3 for fundamental rights issues, and it = 4 for institutional powers issues (see Table 6.3 and Chapter IV for classification).

Table 6.3 Success rate of issues contested by the EP according to issue type

	Type of Issues Contested by EP				
	Total	Policy Substance	Budgetary	Fundamental Rights	Institutional Powers
Total proposals	503				
Total Issues	802	448	110	73	171
of which EP successful	208	84	34	51	39
(%)	(25.9)	(18.8)	(30.9)	(69.9)	(22.8)
Delayed proposals	38				
Delayed Issues	85	29	18	7	31
of which EP successful	61	22	13	5	21
(%)	(71.8)	(75.9)	(72.2)	(71.4)	(67.7)
Non - delayed proposals	465				
Non - delayed Issues	717	419	92	66	140
of which EP successful	147	62	21	46	18
(%)	(20.5)	(14.8)	(22.8)	(69.7)	(12.9)

Source: Own calculations.

The dichotomous *Council Impatience* variable controls for the effect of institutional impatience on legislative outcomes in EU decision-making. It = 1 if the Council had started discussions and prepared a draft text of the legislative proposal before the EP had done so and it = 0 if the Parliament had started discussions and prepared a draft legislative text earlier than the Council. This variable was measured by comparing the dates of the first draft texts on a legislative proposal held in the EP and the Council's document registers.

To control for the impact of the relative intensities of preferences of the Council and the Parliament on EP success, two variables are included in the analysis. The dichotomous *Council – EP Saliency Tie* variable controls for the distance between the EP's and the Council's preference intensities. It = 1 if the relative saliency size was different from zero (regardless of the direction). The distance *Relative EP Saliency* variable measures the relative difference between the EP's and the Council's importance attached to a proposal. It captures the size and the direction of the relative institutional preference intensities.

The continuous *Proposal Saliency* variable controls for the importance of the legislative act. It is measured by the number of recitals in a legislative proposal.

Statistical Analysis

As the dependent variable is dichotomous (Success/Failure), logistic regressions are used to examine the effect of the independent variables on the probability of EP success. The European Parliament contested 802 issues, which were part of 503 legislative proposals. However, the individual issues cannot be treated as independent observations as some issues that are part of the same proposal, may share a similar probability of EP success. The analysis of variance test⁸⁶ confirms that the variance in the probability of EP success can be explained by differences between the legislative proposals.

⁸⁶ One-way ANOVA: variance between proposals = .226; variance within proposals = .136; F = 1.66, p value < .001

The seven two and three-level ANOVA tests presented in Table 6.4 explore the variance of EP success according to the hypothetical proposal, policy area and time levels. The models examine to what extent a contextual level is of relevance for the analysis and whether the fit of the model improves after including the different contexts. Even though the policy area level seems to have a conditioning effect on EP success, when the proposal level is also taken into account (in Models 6 and 7), the results show that the variance in the probability of EP success is attributable to differences between legislative proposals.

Table 6.4 Variation in EP Success according to Policy Area, Proposals and Years
European Parliament Success in the Consultation Procedure, 1999 – 2007

Dependent Variable: European Parliament Success							
Empty Models	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7
	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.
<i>Fixed Effects</i>							
Intercept	-1.091 *** (.163)	-1.100 *** (.225)	-1.820 *** (.225)	-1.389 *** (.190)	-1.830 *** (.306)	-1.619 *** (.371)	-1.811 *** (.272)
<i>Random Effects</i>							
Proposal Level (std.dev.)	-	-	1.974 *** (.298)	-	1.896 *** (.301)	1.665 ** (.292)	1.420 *** (.293)
Policy Area Level (std.dev.)	-	.922 * (.235)	-	1.224 * (.205)	-	1.165 (.321)	1.364 (.257)
Year Level (std.dev.)	.290 (.131)	-	-	< .001 (.395)	.566 (.217)	-	< .001 (3.164)
-2 x Log Likelihood	904.001	865.202	867.547	845.604	859.615	835.273	830.083
N Years	8	8	8	8	8	8	8
N Policy Areas	19	19	19	19	19	19	19
N Proposals	503	503	503	503	503	503	503
N Issues	802	802	802	802	802	802	802

*p < .10; ** p < .05; *** p < .01

To account for the clustered nature of the data (802 issues nested in 503 proposals), two types of logit models are estimated. First, the models are estimated as logistic regressions, correcting the standard errors for clustering within legislative proposals. Model 1 is the estimated for EP success in all delayed issues (n = 85 issues). Model 2 is estimated for EP success in all non-delayed issues (n = 717 issues). Models 3 is estimated for EP success in all consultation issues (n = 802) without the *Delay* variable. Model 4 adds *Delay* to the explanatory factors. Model 5 builds on Model 4 by adding the interaction term *Delay*Urgent for the Commission*.

Second, identical two-level logistic models are estimated for EP success with issues at the individual level 1 and proposals at macro-level 2. Table 6.5 presents the results. The results of two types of models are similar. The results of the logit estimation are a set of coefficients that relate changes in the independent variables to changes in the probability of EP success. A positive relationship indicates that higher values of the independent variable make it more likely that the European Parliament will succeed in influencing the legislative outcome. The coefficients of the variables, their standard errors and the odds ratios for the full models are reported.

6.5 Results: What Explains EP Success in the Consultation Procedure

Package Deals: Linking Proposals to Co-decision

The empirical analysis of the all consultation legislative proposals decided between 1999 and 2007 supports the argument that package deals increase the legislative influence of the European Parliament in the consultation procedure. The ability of the Parliament to link the decision-making process under consultation to negotiations in co-decision appears to be a very important and effective legislative strategy. As expected the *Package Deal* variable proved to be a significant predictor of EP success. Even when delay is accounted for (in Model 4 and 5), linking to co-decision remains a strong predictor of EP success. The Council incorporated the EP's position in consultation when the EP rapporteurs used Parliament's co-decision and budgetary powers. The Parliament managed to threaten the Council with non-cooperation on other legislative proposals, which were also urgent and salient for the Council and Commission. By linking proposals from the two legislative procedures, the Parliament managed to block progress on whole packages of legislation. Faced with several blocked proposals, the Council reconsidered its position and granted concessions in favour of the EP's preferred outcome.

Table 6.5 Conditions for European Parliament Success in Consultation: 1999 – 2007

European Parliament Success in the Consultation Procedure, 1999 – 2007							
Dependent Variable: European Parliament Success							
Logit (Clustered S.E. Proposal)	Model 1	Model 2	Model 3	Model 4	Model 5		
	delayed	nondelayed	all issues	all issues	Odds Ratio	Coef/S.E.	Odds Ratio
Fixed Effects	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.			
<i>Individual Level Variables</i>							
Single Package Deal	-	-	-	-	-	-	-
Proposals Package Deal	2.271	.893 **	1.428 ***	.952 ***	2.590	.783 **	2.188
	(1.451)	(.447)	(.354)	(.379)		(.394)	
Delay	-	-	-	2.292 ***	9.897	1.703 ***	5.493
				(.286)		(.490)	
Council Impatience	-1.818	-.158	-.352	-.218	.804	-.111	.895
	(2.329)	(.359)	(.336)	(.321)		(.325)	
Urgent	.159	.162	.260	.101	1.106	.146	1.157
	(1.005)	(.269)	(.248)	(.252)		(.252)	
Urgent for the Commission	6.068 ***	.473	1.124 ***	.847 ***	2.332	.452	1.572
	(1.641)	(.350)	(.294)	(.298)		(.338)	
European Parliament Cohesion	-.062	-.014	-.016	-.017	.983	-.017	.983
	(.047)	(.011)	(.011)	(.011)		(.011)	
EP Committee Supported	-5.681 *	.697	.185	.344	1.411	.419	1.520
	(3.448)	(.495)	(.406)	(.375)		(.385)	
Relative EP Salienc	-.093	-.050	-.161	-.069	.933	-.035	.965
	(.400)	(.155)	(.104)	(.121)		(.134)	
EP - Council Salienc Tie	-.723	-.508	-.680 **	-.533 *	.587	-.495 *	.609
	(1.078)	(.323)	(.265)	(.275)		(.290)	
Commission Support	6.771 **	1.602 ***	1.554 ***	1.699 ***	5.470	1.684***	5.385
	(2.942)	(.284)	(.238)	(.262)		(.264)	
Issues Type (base budgetary)							
Policy Substance Issues	.297	-.611 *	-.682**	-.613 **	.542	-.647 **	.524
	(1.310)	(.350)	(.301)	(.314)		(.320)	
Fundamental Rights Issues	-	1.592 ***	1.232 ***	1.404***	4.073	1.374***	3.951
		(.473)	(.416)	(.453)		(.456)	
Institutional Powers Issues	-2.370	-.342	-.464	-.561	.571	-.694	.536
	(2.478)	(.405)	(.337)	(.378)		(.390)	
Council Unanimity	-6.398 **	-.201	-.068	-.267	.766	-.364	.695
	(1.967)	(.274)	(.247)	(.240)		(.245)	
Proposal Salienc	.049	.026 **	.015	.020 *	1.020	.019 *	1.019
	(.090)	(.013)	(.012)	(.011)		(.011)	
Delay x Urgent for Commission	-	-	-	-	-	2.124 ***	8.385
						(.878)	
Intercept	12.398 **	-1.704	-.629	-.956		-.891	
	(4.842)	(1.182)	(1.071)	(1.050)		(1.041)	
Wald Chi-Squared	78.37 ***	119.10 ***	127.44***	142.87***		151.70***	
Pseudo R Sq (McFadden)	.61	.24	.26	.31		.32	
Log Pseudolikelihood	-19.795	-275.170	-340.212	-315.558		-311.403	
N Proposals	38	465	503	503		503	
N Issues	85	717	802	802		802	

*p < .10; ** p < .05; *** p < .01

Conditions for EP Success in Consultation: 1999 – 2007 (continued)

European Parliament Success in the Consultation Procedure, 1999 – 2007							
Dependent Variable: European Parliament Success							
Two-Level Models	Model 1	Model 2	Model 3	Model 4	Model 5		
	delayed	nondelayed	all issues	all issues	Odds Ratio	all issues	
Fixed Effects	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.		Coef/S.E.	Odds Ratio
<i>Individual Level Variables</i>							
Single Package Deal	-	-	-	-	-	-	-
Proposals Package Deal	2.271 * (1.378)	1.251 *** (.471)	2.107 *** (.449)	1.350 *** (.419)	3.857	1.138 *** (.417)	3.121
Delay	-	-	-	2.957 *** (.530)	19.247	2.156 *** (.571)	8.632
Council Impatience	-1.818 (2.048)	-.191 (.357)	-.448 (.369)	-.280 (.345)	.756	-.157 (.336)	.855
Urgent	.159 (1.576)	.090 (.398)	.233 (.318)	.019 (.307)	1.020	.062 (.299)	1.064
Urgent for the Commission	6.068 *** (2.265)	.569 (.429)	1.426 *** (.424)	1.009 *** (.390)	2.744	.535 (.426)	1.708
European Parliament Cohesion	-.062 (.055)	-.021 (.014)	-.026 * (.014)	-.024 * (.013)	.976	-.023 ** (.012)	.976
EP Committee Supported	-5.681 * (3.505)	.860 (.544)	.236 (.506)	.459 (.484)	1.583	.506 (.474)	1.658
Relative EP Salienc	-.093 (.380)	-.092 (.109)	-.210 ** (.106)	-.112 (.103)	.894	-.076 (.103)	.926
EP - Council Salienc Tie	-.723 (1.206)	-.466 (.331)	-.725 ** (.333)	-.540 * (.319)	.583	-.507 (.312)	.602
Commission Support	6.771 *** (2.577)	1.907 *** (.321)	2.110 *** (.216)	2.085 *** (.317)	8.046	2.047 *** (.313)	7.741
Issues Type (base budgetary)							
Policy Substance Issues	.297 (1.036)	-.752 * (.399)	-.941** (.377)	-.819 ** (.372)	.441	-.829 ** (.368)	.436
Fundamental Rights Issues	-	1.881 *** (.555)	1.529 *** (.543)	1.591*** (.524)	4.908	1.551*** (.514)	4.716
Institutional Powers Issues	-2.370 (1.544)	-.445 (.486)	-.781 * (.456)	-.765 * (.452)	.466	-.729 * (.449)	.453
Council Unanimity	-6.398 ** (3.162)	-.155 (.328)	-.030 (.324)	-.215 (.311)	.806	-.334 (.307)	.716
Proposal Salienc	.049 (.072)	.039 *** (.015)	.026 * (.015)	.030 ** (.014)	1.031	.028 ** (.013)	1.028
Delay x Urgent for Commission	-	-	-	-	-	2.452 *** (1.011)	11.609
Intercept	12.398 ** (7.558)	-1.875 (1.431)	-.450 (1.398)	-.986 (1.346)		-.807 (1.308)	
Random Effects							
Proposal Level (std.dev.)	<.001 (.684)	1.295 *** (.293)	1.543 *** (.291)	1.307 *** (.284)		1.219 *** (.280)	
-2 x Log Likelihood	39.590	541.065	659.927	618.921		612.525	
N Proposals	38	465	503	503		503	
N Issues	85	717	802	802		802	

*p < .10; ** p < .05; *** p < .01

The Power to Delay

In addition, the right to delay is an important power that the European Parliament uses on a regular basis. It significantly increases the EP's probability of success in legislative matters under the consultation procedure. In addition, the urgency of legislative proposals also increases the EP's chances of success. The *Urgent for the Commission* variable is a strong predictor of EP success. When urgency is measured by the presence of a deadline for the Commission (which was not set by the European Council), the variable is a statistically significant factor for predicting EP success. The variable has the greatest value in Model 1 (EP success in delayed issues), but it remains a significant explanatory factor when all consultation issues are included in the analysis. If there is a consensus reached at the European Council level, EP demands are unlikely to be respected by the Council, especially when they conflict with the Council's preferences. When the proposal is urgent for the Commission, but not extremely urgent for the Member States and there is no political agreement on the proposal in advance, the EP is more likely to succeed in influencing the legislative outcome. Therefore, the European Parliament is more likely to be successful in cases where the Commission sets the deadlines and no consensus has been reached by the Member States in advance.

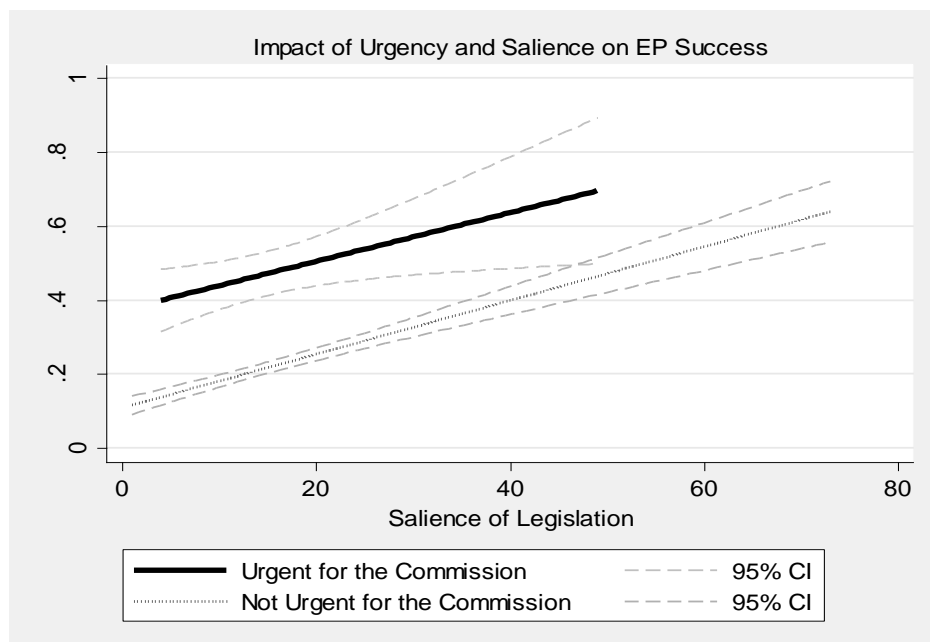
The interaction between *Delay* and *Urgent for the Commission* variables is also statistically significant (see Model 5). When the Parliament delays its opinions and the proposals are urgent for the Commission, but not so for the Member States, the Commission is more likely to support the EP. In order to complete its legislative work in a timely manner, the Commission readily supports Parliament's demands. This then makes it more likely for the Parliament to succeed in having its preferences incorporated in the Council text.

Saliency

The results show that the European Parliament is more likely to succeed in more salient legislative proposals. Whereas the EP's demands were ignored in the majority of the consultation cases, the Parliament tends to be more successful on longer and more substantial pieces of legislation. The *Proposal Saliency* variable is not statistically significant in Model 1. This is due to the fact that the EP delayed several cases through the rejection route. The rejected pieces of legislation were not so highly salient, but by rejecting them, the EP signalled its discontent with the Commission proposals and the intentions of the Council. Overall, as shown in Models 4 and 5, saliency is an important predictor for EP success in consultation. This finding provides further support for the argument that the European Parliament can act as an influential legislative institution even in the consultation procedure.

Figure 6.1 plots the predicted probability of EP success according to the urgency and saliency of the legislative act (based on Model 5). The plot highlights that EP success is much more likely on salient proposals. It also illustrates that the likelihood of EP success increases when the proposals are urgent for the Commission.

Figure 6.1 Effect of Urgency and Saliency on the Probability of EP Success in the Consultation Procedure



European Parliament Cohesion

The EP seems to be highly cohesive and consensual under the consultation procedure. Regardless of the policy area, MEPs were united in their votes. 86.8% of all pieces of legislation were decided by a show of hands and only 13.2% were put to the roll-call vote. The examination of the roll-calls proves that there were no major divisions among the political groups in the European Parliament on consultation proposals. Most cases enjoyed a very cohesive Parliament, both in committee and in the plenary. The drafting committees voted either unanimously or with extremely large majorities - the mean of the *EP Cohesion* variable is 91.7.

As delay cannot occur without an EP majority voting in favour of it, a united Parliament is a crucial condition for the exercise of the power of delay. There was no clear competition among the political groups in the delayed cases. This suggests that delay is not about party politics in the European Parliament. Rather than an intra-parliamentary game, delay appears to be about the institutional politics between the EP and the Council. As expected, the rapporteur was the key figure for the exercise of the EP's 'power of delay'. The rapporteur liaised with the rapporteurs of other parliamentary committees and with the leaders of the political groups in order to ensure majority in plenary in favour of delay.

Overall, EP cohesion does not seem to affect the likelihood of EP success in the consultation procedure. While EP cohesion may be an important factor for EP influence in co-decision, the presence of a large majority in the EP under consultation is not a clear predictor of EP success (with or without delay).

Voting Rule in the Council of Ministers

The hypothesis that the EP is more likely to succeed in cases that require Council unanimity is not supported by the analysis. The Council voting rule is not a statistically significant predictor of EP success in consultation issues. On many occasions the Member

States in the Council could easily meet the voting threshold, despite the unanimity requirement. The only significance the *Council Unanimity* variable enjoys is in Model 1. The negative coefficient of the variable indicates that when the EP delays its opinions, it is more likely to succeed under the QMV requirement in the Council. This is probably the case because in the QMV cases (agricultural proposals) although the voting threshold was lower, many Member States had reservations or objections to certain aspects of the legislative text. This slowed down the Council decision-making process and the EP managed to participate informally in the Council negotiations. In the cases when the Council (or the European Council) had already established an overall political agreement on an issue, the unanimity requirement was not a problem for the Council and the European Parliament had little chance of changing the positions of the Member States.

Commission Support

The results provide sufficient support for the hypothesis that the EP is more likely to succeed when it has the backing of the Commission. The Commission played a vital role in persuading the Member States to respect and incorporate the EP's position. The Commission was actively involved in the Council – Parliament relations and it served as a mediator between the two institutions. This is in line with the conventional understanding in the literature that the Commission has a decisive role in the legislative process under the consultation procedure.

Type of Issues

Finally, the type of issue contested by the Parliament also appears to be a significant explanatory factor of EP success. As expected, the EP is most likely to succeed when it demands *fundamental rights* additions to the legislative text. This success may also be explained by the fact that the Commission usually supports fundamental rights issues. On

the other hand, the EP is least likely to succeed when it demands *policy substance* additions to the legislative text. Although the *institutional powers* variable is not statistically significant, its negative coefficient suggests that the European Parliament is less likely to succeed when it demands an increase of its legislative powers. The several exceptions to this rule were institutional powers issues where the Commission supported the EP and the EP managed to threaten the Council of non-cooperation on other proposals. Most importantly, the EP is successful in bringing more transparency to legislative proposals and greater protection for EU citizens.

6.6 Case Study: Voluntary Modulation of Direct Payments⁸⁷

Legislation in the Area of Common Agricultural Policy

Background of the Legislation

In December 2005, the Brussels European Council introduced the possibility for Member States to “modulate” their market expenditure under the Common Agricultural Policy (CAP). In its agreement on the Financial Framework for 2007-2013, the European Council allowed governments, at their discretion, to reduce their direct payments under the first pillar of the CAP up to a maximum of 20%. This amount was to be transferred to their rural development programmes, under the second pillar of the CAP⁸⁸ (“Commission Proposal” 24 May 2006). The European Council invited the Commission to submit a proposal, laying down the rules for voluntary modulation. As the proposal directly affected the amount of direct payments to the CAP by governments, the Council was in favour of a timely conclusion of the legislative procedure.

⁸⁷ “*Voluntary modulation is but fancy phraseology for a very unpleasant practice, namely government grab of farmers’ money... there is nothing voluntary about it...*” James Hugh Allister (NI), “EP Debate” 13 November 2006

⁸⁸ CAP is divided into two pillars: Pillar I - Market support and direct payments to farmers and Pillar II - Rural development

This proposal aimed to establish the practical rules for allowing Member States to use voluntary modulation. It laid down the procedures for shifting of up to 20% of direct payments from the first pillar to rural development under the CAP. The Council had previously agreed to cut payments to rural development. And the proposal on voluntary modulation aimed partially to compensate for the lack of necessary funds under the 2nd pillar of the CAP. The proposal allowed the funds to be used freely by governments and co-financing was not compulsory. Moreover, modulation was not subject to any conditions (“Report” 5 October 2006).

Stage I: Intra-Chamber Decision-Making

The Commission submitted the proposal on Voluntary Modulation of Direct Payments on 24 May 2006. It was based on Article 37 of the EC Treaty, which provided for the consultation procedure and QMV in the Council. In Parliament, the proposal was allocated to the Committee on Agriculture and Rural Development (AGRI) on 10 July 2006 and Lutz Goepel (EPP-ED) was nominated rapporteur. The AGRI Committee met on 12 July 2006, 11 September 2006 and 3 October 2006 to discuss the proposal. The Committee, led by the rapporteur, opposed the proposal in its entirety and on 3 October 2006 rejected the Commission proposal with 32 in favour and 3 against. The AGRI committee worked closely with the Committee on Budgets, which also unanimously rejected the proposal (“Report” 5 October 2006). The Council Special Committee on Agriculture, held meetings on 14 November 2006, 12 February 2007, and 5 March 2007 to discuss the proposal on Voluntary Modulation (“Proposal” 5 March 2007).

On 14 November 2006, the EP Plenary rejected the proposal by an overwhelming majority of 559 votes to 64 with 16 abstentions. It invited the Commission to withdraw the proposal, but the Commission refused to do so. In that case, the EP decided to refer the matter back to committee, pursuant to Rule 52(3) of the EP Rules of Procedure. There was a high degree of agreement across political groups that voluntary modulation was “not the

right solution” for the existing underfunding of the second pillar of the CAP (“Second Report” 26 January 2007). The Commission did not support the overly critical position of the EP. Some Member States in the Council, led mainly by the UK, were particularly keen to see this proposal adopted.

Stage II: Inter-Chamber Logrolling

In order to make the Commission and Council listen to its position on this proposal, the EP decided to link its opinion on Voluntary Modulation to the funding of rural development programmes in the 2007 budget. In the framework of the budgetary procedure for the adoption of the 2007 budget, the EP blocked and put into reserve 20% of the commitments and payments appropriations for rural development programs. The EP threatened the Council that the 20% reserve would only be lifted if the Council respected the EP consultation opinion on Voluntary Modulation (“Proposal” 5 March 2007).

Despite the EP’s strong position against Voluntary Modulation and the delay of the EP vote, the Council was initially reluctant to negotiate with the EP. The rapporteur Lutz Goepel (EPP-ED), together with members from the AGRI committee called on the Commission once again to withdraw its proposal. The Commission refused to do so, on the grounds it was acting on an invitation by the European Council. That is why, on 14 February 2007, the EP rejected the proposal again with 584 votes to 89 with 19 abstentions. As the EP continued to block 20% of the 2007 budget upon the condition that the Council respects Parliament’s opinion seriously, the Council Presidency became more inclined to hold informal negotiations with MEPs in order to resolve the issue as soon as possible.

Days after the EP’s second rejection of the proposal, the Council Presidency approached the EP’s representatives in the search for a package compromise. On 27 February 2007, the Presidency of the Council met informally with Lutz Goepel (EPP-ED), Jan Mulder (ALDE) from the AGRI Committee and Herbert Bosch (PES, AU) from the Committee on Budgets. Informal negotiations between the Council and the EP continued

on 6 March and 14 March 2007. The Presidency needed to persuade the MEPs to lift the blockage of the rural development budget (“Proposal” 14 March 2007). Finally, a package deal between the EP and the Council was reached on 19 March 2007, under which Parliament’s Budget Committee would lift the 20% blocked resources, but in exchange Voluntary Modulation would only be available to the UK and Portugal and none of the other EU Member States.

Stage III: Voting

The EP lifted the suspension of the EU 2007 budget on 21 March 2007. On 27 March 2007, the Council adopted (with the abstention of the Latvian delegation) a Regulation laying down rules for Voluntary Modulation of Direct Payments under the CAP. The final regulation introduced a legal basis, allowing only Portugal and the United Kingdom to apply the Voluntary Modulation scheme.

Key Issues

The first issue the EP contested in this proposal was of a budgetary character. It was directly related to Member States’ spending for the Common Agricultural Policy. The EP opposed the entire idea of allowing Member States to cut voluntarily, by up to 20%, direct payments to the CAP. The EP had expressed its strong reservations about voluntary modulation in a Declaration on the Inter-institutional agreement on Budgetary Discipline and Sound Financial Management of 17 May 2006. Such a far-reaching decision about the financing of the CAP could not be done with a consultation proposal.

The voluntary modulation proposal allowed Member States unilaterally and without the involvement of the EP to increase expenditure on rural development by several billion Euros. This clearly disregarded the EP as branch of the budgetary authority (Article 272(9) TEC). The voluntary modulation scheme would change significantly the financing of the CAP. MEPs viewed the proposal as implying the “*re-nationalization of agricultural policy through the back door*” (“Second Report” 26 January 2007).

The second issue the European Parliament contested was of a policy substance nature. The proposal was “unbalanced and incoherent”. Above all, voluntary modulation would “jeopardize the survival of many farms”. According to the EP report, it entailed the distortion of competition and discrimination against farmers in individual Member States. It disregarded Community objectives in rural areas. Furthermore, due to the urgency of the matter, the Commission had not performed an impact assessment. Acting upon an invitation by the Council, the Commission had filed a proposal, which did not contain a clear picture of what the effects of the 20% budget transfer from the 1st to the 2nd pillar of the CAP might be. The EP rapporteur noted that the legal act would clearly have a substantial impact on farmers, but no studies were conducted to forecast the effects of such a far-reaching measure (“Report” 5 October 2006).

The EP’s Legislative Influence: Package Deals and Delay

In this case, the EP’s demands were related to budgetary and policy specific issues. The EP contested the plans of the Member States and the Commission to pass legislation, which affects a very sensitive EU policy area: Agriculture. The EP opposed the entire idea of voluntary modulation, as it allowed Member States in the Council to decide unilaterally such important budgetary matters. The Parliament required an impact assessment and monitoring by the Commission. The EP delayed its vote in order to guard the Community agricultural objectives and to prevent the serious effects the legislation would have on European farmers. As expected, the EP’s strong position on the proposal was taken into account by the Council. The budgetary and policy specific issues contested by the EP affected EU citizens and the scope of the CAP as a whole. The EP hence succeeded in influencing the legislative outcome of this proposal, despite the fact it was decided under the consultation procedure. Through delay, the Parliament managed to strike a package deal with the Council and to influence the legislative text.

The Member States in the Council found it difficult to erase divisions on this proposal. Although the Member States were unanimous in their support for the voluntary modulation package, governments could not agree on some of the specifics of the proposal. Some Member States expressed their dissatisfaction with specific terms and definitions⁸⁹. These reservations so were soon overcome, but they slowed down the decision-making process within the Council. The Council and the Commission issued a joint declaration, which took note of the strong vote with which Parliament rejected the Commission's proposal on voluntary modulation. They noted the proposal was not part of the co-decision procedure, but at the same time acknowledging, "...the firm statement of the Parliament on this issue is not to be overseen by both the Council and the Commission" ("Proposal" 5 March 2007). The divisions in the Council made it easier for the EP to succeed in influencing the final legislative outcome.

Package Deal: Linkage of Consultation and Budgetary Proposals

In order to communicate its serious intentions to the Council, the EP decided to link its opinion on Voluntary Modulation to the funding of rural development programmes. In the framework of the budgetary procedure for the 2007 budget, on 26 October 2006, the EP put into reserve 20% of the commitments and payments appropriations for rural development programs (under Heading 2: Preservation and Management of Natural Resources). The 20% blockage would only be lifted if the Council and the Commission collaborated with the EP on the voluntary modulation case. The non-availability of 20% of the 2007 budget for rural development programming created important problems and risks. It delayed the approval and implementation of rural development programs (RDPs) for the new

⁸⁹ These mainly related to article 1 paragraph 4 laying down the concept of "automatism" that any increase of the compulsory modulation would lead to a decrease of the rate of voluntary modulation (FR, DK, EL, IE, AT, IT, LU, ES, SI, FI, BE, CY); others held reservations (DK, EL, LU, NL and CZ) and one delegation (LV) entirely opposed the proposal. Overall, the Member States agreed on the broad package over voluntary modulation, but divisions occurred regarding the exact content and wording of the legal act ("Proposal" 5 March 2007).

programming period. The Commission and the Council had already made plans about their 2007 rural development programs without taking into account a possible block of 20% of the total amount.

The EP's decision to put the 20% in reserve created financial uncertainties for Member States, which made it difficult for governments to design and implement their multiannual programmes. Lutz Goepel (PPE-DE) explained; *"Until the Council and the Commission make us a firm offer, therefore, we should be united in rejecting this proposal. This is the only way to achieve results, and I believe that, if we do so, this issue will help to strengthen the role of the EP and, in particular, to support European farmers"* (EP Debate 13 February 2007). By linking its opinion on voluntary modulation to the 2007 budget, the EP presented a serious threat to the Council and Commission. The EP's decision to block the budget directly affected the ability of Member States and the Commission to operate sound rural development programmes⁹⁰ ("Proposal" 21 February 2007).

Final Outcome: The EP Successful in Consultation Through Packaging and Delay

After several rounds of informal negotiations between the two legislative chambers, the German Presidency managed to strike a package deal with the rapporteurs from the AGRI and BUDG Committees. Voluntary modulation would be limited and only be available to two EU States: Portugal and the UK. In exchange, the EP released 20% bound appropriations from the reserve and allowed the approval and implementation of rural development programmes for the new programming period. By linking its opinion to the EU budget and by rejecting the proposal twice, the EP managed to influence the legislative outcome on this consultation proposal⁹¹.

⁹⁰ Commissioners Grybauskaite and Fischer Boel urged the EP not to delay the matter further, as delay would have serious consequences for the 2007 rural development programming ("Proposal" 21 Feb.07)

⁹¹ MEP Jan Mulder, Budgets Committee: *"It is the first time in history that the European Parliament moves the Council to make this kind of concession in an agriculture dossier. Normally, the European Parliament has*

6.7 Case Study: EU Agency for Fundamental Rights Regulation ⁹²

Legislation in the Area of Justice, Freedom and Security

Background of the Legislation

The Treaty of Rome contained no reference to the protection of fundamental rights. Gradually, the EU developed competences in this area and provisions aimed at the protection of human rights have been incorporated in the Treaties. The most important of these are Articles 6 and 7 of the Treaty on European Union⁹³, which were introduced by the Amsterdam Treaty. The importance of fundamental rights in the EU was highlighted by the proclamation of the Charter of Fundamental Rights of the EU in 2000 (“Impact Assessment” February 2005). In 2005, the Commission launched a Framework Programme on Fundamental Rights and Justice: 2007-2013. The Commission proposed the establishment of a European Institute for Gender Equality and proposed the year 2007 to be proclaimed European Year of Equal Opportunities for All. The proposal for the establishment of an EU Agency for Fundamental Rights was an important step in the development in the EU human rights policy.

In order to ensure respect and promotion of fundamental rights in the EU, the Community needed an independent body, which would collect and disseminate comparative data and information on fundamental rights in the Member States. The Commission proposed the establishment of the Fundamental Rights Agency with the objective to provide assistance and expertise to the EU institutions and the Member States in relation to fundamental rights when they are defining policies or implementing legislation. The Agency’s main responsibilities were the formulation of opinions and

only an advisory role to play. I regard this deal as a big victory for democracy in Europe.” (“Voluntary Modulation of CAP” 21 March 2007).

⁹² Council Regulation (EC) No 168/2007 Establishing a European Union Agency for Fundamental Rights

⁹³ Article 6(1) declares that: “The Union is founded on the principles of liberty, democracy, respect for fundamental rights and freedoms, and the rule of law, principles which are common to the Member States”.

issuing of annual reports on the respect and visibility of fundamental rights in the EU (“Initial Legislative Document” 30 June 2005).

In December 2003 the European Council agreed to extend the mandate of the European Monitoring Centre on Racism and Xenophobia and to transform it into a Fundamental Rights Agency. On 5 July 2005, the Commission submitted a proposal for a Council Regulation establishing a European Union Agency for Fundamental Rights and a proposal for a Council Decision empowering the EU Agency for Fundamental Rights to pursue its activities in areas referred to in Title VI of the Treaty on the EU. These proposals fell under the consultation procedure (Article 308 TEC and Articles 30, 31, and 34 TEU).

Stage I: Intra-Chamber Decision-Making

Right after receiving the Commission’s draft proposal, the Council started work on revising the text. The Ad hoc Working Party on Fundamental Rights was the central Council body, responsible for this piece of legislation. Between 7 July 2005 and 4 September 2006, the Working Party met more than fifteen times to discuss the regulation and find a common Council position. The British, Austrian and Finnish Presidencies, Coreper, the Working Party and the Justice and Home Affairs Councils worked closely together to achieve a Council consensus on the proposal. The regulation touched upon sensitive issues and some Member States were reluctant to act quickly on the dossier. In April 2006, the Presidency initiated trilogue meetings with representatives of the EP.

In the EP the proposal was allocated to the Committee on Civil Liberties, Justice and Home Affairs (LIBE) on 29 September 2005 and Kinga Gal (EPP-ED, HU) was appointed rapporteur. In addition to LIBE, four other parliamentary committees were required to give an opinion: AFCO, AFET, BUDG and FEMM (“Committee Report” 13 September 2006). The rapporteur presented her draft report on 7 February 2006, which was discussed and amended in nine committee meetings between February and September

2006. The LIBE committee report was finally adopted on 13 September 2006 with 31 votes in favour and 6 against.

Stage II: Inter-Chamber Bargaining

Several informal dialogues between the Council, Commission and the EP took place with the aim of solving the outstanding issues on the dossier. Such inter-institutional meetings took place on 4 and 25 April 2006, 17 May, 9 June, 3 October and 15 November 2006. The EP was represented by LIBE's chairman Jean-Marie Cavada (ALDE) and rapporteurs Kinga Gal and Magda Kósáné Kovács (PES, HU) ("Outcome of Proceedings" 1 June 2006). Despite the informal dialogues, the regulation was highly controversial for some Member States and they were not prepared to incorporate the EP's preferences as they stood.

The EP was supposed to vote on the Fundamental Rights Agency proposal on 12 October 2006. Unable to influence the legislative text at this stage, the EP used its power of delay. With the advice of Commissioner Franco Frattini, the LIBE rapporteur chose to postpone the final vote⁹⁴ until an acceptable compromise with the Council was achieved. In October and November 2006, the Council and Commission held additional informal meetings, in which the Council's text was agreed without major changes. In return, the Council agreed to issue political declarations in addition to the regulation, which envisaged future actions in the area of fundamental rights. Another dialogue meeting took place on 15 November 2006.

Stage III: Voting

The EP voted on 30 November 2006 in favour of the proposal by a roll-call vote with 431 in favour, 94 against and 16 abstentions. The regulation was opposed by members of IND/DEM and GUE/NGL and a large fraction of the EPP-ED groups. The JHA Council adopted the regulation at its 2781st meeting in Brussels on 15 Feb 2007.

⁹⁴ Under Rule 53(2) of the EP's Rules of Procedure the proposal was referred back to the LIBE Committee for further consideration.

Table 6.6 Agency for Fundamental Rights Regulation Decision-Making Timeline

Date	Legislative activity
05-Jul-05	Commission files proposal
07-Jul-05	Council: Ad hoc Working Party on Fundamental Rights: Presentation by Commission
29-Sep-05	Parliament: LIBE Committee: Allocation of dossier
04-Oct-05	Parliament: LIBE Committee: First Exchange of Views
11-Oct-05	Council: Ad hoc Working Party on Fundamental Rights meeting
07-Nov-05	Council: Ad hoc Working Party on Fundamental Rights meeting
24-Nov-05	Council: Ad hoc Working Party on Fundamental Rights meeting
24-Nov-05	Parliament: LIBE Committee: Evaluation of Inter-institutional dialogue
06-Dec-05	Council: Ad hoc Working Party on Fundamental Rights meeting
24-Jan-06	Parliament: LIBE Committee: Joint debate
27-Jan-06	Council: Ad hoc Working Party on Fundamental Rights meeting
07-Feb-06	Parliament: LIBE Committee: Gal's Report
17-Feb-06	Council: Ad hoc Working Party on Fundamental Rights meeting
22-Feb-06	Parliament: LIBE Committee: Joint discussion of Gal's Report of 7.02.06
17-Mar-06	Council: Ad hoc Working Party on Fundamental Rights meeting
23-Mar-06	Parliament: LIBE Committee: Consideration of report and further amendments
31-Mar-06	Council: Ad hoc Working Party on Fundamental Rights meeting
04-Apr-06	Triologue
10-Apr-06	Council: Ad hoc Working Party on Fundamental Rights: Preparation of trialogue
24-Apr-06	Council: Presidency Compromise Text
25-Apr-06	Triologue
27-Apr-06	Council: Presidency meeting with NGOs
28-Apr-06	Council: Ad hoc Working Party on Fundamental Rights meeting
04-May-06	Parliament: LIBE Committee: outcome of trialogue of 25 April:
12-May-06	Council: Ad hoc Working Party on Fundamental Rights meeting
17-May-06	Triologue
23-May-06	Council: COREPER (2) meeting
24-May-06	Council: Ad hoc Working Party on Fundamental Rights meeting
01-Jun-06	Parliament: LIBE Committee: Discussion with AFET, BUDG, AFCO and FEMM
06-Jun-06	Council: Ad hoc Working Party on Fundamental Rights meeting
08-Jun-06	Council: COREPER (2) meeting
09-Jun-06	Triologue
12-Jun-06	Parliament: LIBE Committee: Meeting
15-Jun-06	Brussels European Council
23-Jun-06	Council: Ad hoc Working Party on Fundamental Rights meeting
10-Jul-06	Council: Ad hoc Working Party on Fundamental Rights meeting
13-Sep-06	Parliament: LIBE Committee: Adoption of Report
04-Sep-06	Council: Ad hoc Working Party on Fundamental Rights meeting
27-Sep-06	Council: COREPER meeting
03-Oct-06	Triologue
06-Oct-06	JHA Council : Presidency presents results of consultations
12-Oct-06	Parliament: First Reading Vote in Plenary: Partial vote (Delayed)
24-Oct-06	Council - Commission Informal Meeting
05-Nov-06	Council - Commission Informal Meeting
15-Nov-06	Triologue
22-Nov-06	Parliament: LIBE Committee meeting
30-Nov-06	Council: COREPER: Examination of outstanding questions
30-Nov-06	Parliament: First Reading Vote in Plenary: Adopted
14-Feb-07	Council: Approval by COREPER (part 2) at 2172nd Meeting, Brussels
15-Feb-07	Council: Approval of Regulation at 2781st Meeting of the Council (JHA)

Key Issues

There were three key controversial issues, on which the positions of the Council and the EP differed. These were: 1) the geographical scope of the Agency; 2) the competence of the Agency regarding issues governed by the Title VI TEU; and 3) the role of the EP in the structure of the Agency.

Geographical scope of the Agency

The Commission's original proposal confined the geographical scope of the Agency solely to the EU Member States. The EP's LIBE committee required the extension of the Agency's scope to candidate countries and to potential candidate countries (the Western Balkans) ("Committee Report" 25 September 2006). In contrast, some Member States in the Council rejected such an extended geographical scope of the Agency. The Council favoured an Agency for the EU Member States, in which candidate countries could participate as observers, but it rejected the inclusion of the Western Balkan countries. The final text defined the Agency's geographical scope only to the EU Member States, but allowed candidate countries to participate as observers. The option of inviting potential candidate countries to participate in the Agency was left open in the future, depending on a unanimous decision of the Council and the relevant Association Council ("Proposal for a Regulation" 7 June 2006).

Competence of the Agency regarding issues governed by the Title VI TEU

The Commission proposal included the extension of the Agency's remit to third pillar issues – police and judicial cooperation in criminal matters. The Commission advocated that an Agency with responsibility for promoting and protecting fundamental rights should not exclude the aspects of police cooperation and judicial activities (Franco Frattini, 12 October 2006). The LIBE Committee pushed strongly for the extension of the Agency's competence to the third pillar ("Committee Report" 25 September 2006). The EU needed a

full scale support for the protection and promotion of fundamental rights in all areas of Community activity. Limiting the Agency's remit outside police and judicial cooperation would impede the access to information the Agency needed for the proper execution of its tasks. The Council was divided on this issue. Some Member States found the Agency's competence in the third pillar unacceptable and thus the Council could not support this option ("Proposal for a Council Regulation" 29 November 2006). In the final text, the regulation did not extend the Agency's remit to police and judicial cooperation issues. The Council adopted a declaration whereby it agreed to reconsider before 31 December 2009 the possibilities to empower the Agency to pursue its activities in the areas covered by Title VI⁹⁵.

Role of the EP in the structure of the Agency

In order to enhance the legitimacy of the Agency, the EP argued for a greater role in the design of the Agency's mandate and structure. The LIBE Committee required a stronger role for the EP in the appointment of the Director of the Agency. It was important for the Agency to be led by a strong and independent figure and the EP required much greater involvement in the appointment process than what the Commission proposal had prescribed. This pledge for a stronger role of the EP in the work of the Fundamental Rights Agency was reflected in the EP's own initiative report⁹⁶ of 25 May 2005. In the Council, however, fears were expressed that a stronger involvement of the EP would set up a precedent and will deviate from the horizontal line taken as regards the other EU Agencies. Finally, due to the exceptional nature of the Agency, as part of the package deal the EP was allowed a more prominent role in the appointment of the FRA director⁹⁷.

⁹⁵ With regard to police and judicial cooperation, the Council declared that it "...agrees to re-examine, before 31 December 2009, the remit of the Agency for Fundamental Rights, with a view to the possibility of extending it to cover the areas of police and judicial cooperation in criminal matters".

⁹⁶ European Parliament Resolution on Promotion and Protection of Fundamental Rights: the Role of National and European institutions, including the Fundamental Rights Agency (2005/2007(INI)).

⁹⁷ In its declaration, the Council explicitly stated that this cannot "in any way be regarded as constituting a precedent which could be referred to when nominating the director of any other agency..." ("Proposal for a Council Regulation" 12 February 2007).

Table 6.7 Key Issues on Fundamental Rights Agency

Text proposed by Commission	Text proposed by LIBE Committee 27.09.2006 and adopted by EP	Text Adopted by Council: Final text
Recital 9		
(9) The Agency should refer in its work to fundamental rights as defined in Article 6(2) of the Treaty on European Union and as set out in particular in the Charter of Fundamental Rights. The close connection to the Charter should be reflected in the name of the Agency.	Amendment 3, Recital (9) The Agency should refer in its work to fundamental rights as defined in Article 6(2) of the Treaty on European Union, including those set out in the European Convention on Human Rights and Fundamental Freedoms, and as reflected in particular in the Charter of Fundamental Rights. The close connection to the Charter should be reflected in the name of the Agency.	(9) The Agency should refer in its work to fundamental rights within the meaning of Article 6(2) of the Treaty on European Union, including the European Convention on Human Rights and Fundamental Freedoms, and as reflected in particular in the Charter of Fundamental Rights, bearing in mind its status and the accompanying explanations. The close connection to the Charter should be reflected in the name of the Agency.
Article 3 Scope		
3. When pursuing its activities, the Agency shall concern itself with the situation of fundamental rights in the European Union and in its Member States when implementing Community law, without prejudice to paragraph 4 and to Articles 4(1)(e), 27 and 28.	3. The Agency shall deal with fundamental rights issues in the European Union and in its Member States when implementing Community law. In addition, it may deal with fundamental rights issues within the scope of paragraph 1 in those countries referred to in Article 27(1) to the extent necessary for the gradual alignment to Community law of the country concerned and in accordance with Article 27(2).	Article 3 Scope 1. The Agency shall carry out its tasks for the purpose of meeting the objective set in Article 2 within the competencies of the Community as laid down in the Treaty establishing the European Community. 2. The Agency shall refer in carrying out its tasks to fundamental rights as defined in Article 6(2) of the Treaty on European Union. 3. The Agency shall deal with fundamental-rights issues in the European Union and in its Member States when implementing Community law.
Article 5 Areas of Activity		
Article 5 1. The Commission shall adopt a Multiannual Framework for the Agency in accordance with the regulatory procedure referred to in Article 29(2).	Amendment 23, Article 5 1. The Management Board of the Agency, taking due account of the guidelines arising from European Parliament resolutions and Council conclusions in the field of fundamental rights, shall, on the basis of a proposal by the Commission, adopt a multiannual framework.	Article 5 1. The Council shall, acting on a proposal from the Commission and after consulting the European Parliament, adopt a Multi-annual Framework for the Agency. When preparing its proposal, the Commission shall consult the Management Board.
Article 28 Participation and scope in respect of candidate countries		
Article 27 1. The Agency shall be open to the participation of those countries which have concluded an association agreement with the Community and have been identified by the European Council as candidate countries or potential candidate countries for accession to the Union where the relevant Association Council decides on such participation.	Amendment 39, Article 27 1. The Agency shall be open to the participation of candidate countries and countries with which a Stabilisation and Association Agreement has been concluded by the European Community.	Article 28 Participation and scope in respect of candidate countries and countries with which a Stabilisation and Association Agreement has been concluded 1. The Agency shall be open to the participation of candidate countries as observers.
No provision	No provision	3. The Council, acting unanimously on a proposal by the Commission, may decide to invite a country with which a Stabilisation and Association Agreement has been concluded by the European Community to participate in the Agency as an observer. In that case, paragraph 2 shall apply accordingly.

The Council reached clarity on its position early, due to its internal coordination mechanism of collecting written statements of Member States' favoured positions. A number of discussions on the proposal were held in the Ad hoc Working Party on Fundamental Rights and Citizenship⁹⁸. The Working party held discussions on the Agency on 11 October, 7 and 24 November, 6 December 2005, 27 January, 17 and 31 March, 10, 24 and 28 April, 24 May, 6 and 23 June, 10 July, 4 September 2006⁹⁹. In order to move the negotiations forward, on 17 February 2006, the Austrian Presidency requested Member States' written contributions on the EU Agency for Fundamental Rights. By the beginning of April 2006, it was clear that the Council would favour an Agency with a very limited scope of competence. Member States had very different institutional arrangements for national human rights institutions. The scope of competence, degree of independence and level of resources of these institutions differed substantially across the EU¹⁰⁰.

The trilogue discussions started on the 4 April 2006, when the Austrian Presidency had a clear view of where Member States stood on the key issues of the regulation¹⁰¹. The Council Presidency was unwilling to change any of the Council positions on the proposal and it was reluctant to incorporate the EP's request for the extension of the Agency's remit to police and judicial cooperation in criminal matters. The EP used its power of delay on 12 October 2006. On 24 October and 05 November 2006 the Council organized "*an informal group, consisting of the Presidency, the previous and incoming Presidencies,*

⁹⁸ This Ad hoc Working Party was initially set up by COREPER with a view to examining the proposal for a Council Decision establishing for the period 2007-2013 the specific programme "Fundamental Rights and Citizenship" as part of the General Programme "Fundamental rights and Justice" ("Modification of the Terms" 18 January 2007).

⁹⁹ Source: Council Document Register.

¹⁰⁰ A National Body Charged with Monitoring Compliance with Human Rights existed in the following Member States: CY, CZ, DK, DE, EE, GR, FR, IR, LU, LV, SK, but not in AT, BE, ES, FI, HU, IT, LT, MT, NL, PL, PT, SK, SL, SE, and UK (Source: "Commission Staff Working Chapter" 5 July 2005).

¹⁰¹ A minority of Member States supported the extension of the Agency's scope to Title VI of TEU (Policy and Judicial Cooperation in Criminal Matters). CY, DE, IR, LV, MT, SK, UK in favour and AT, BE, EE, ES, FI, GR, FR, IT, HU, LU, PL, SE, SL against. Source: "Proposal for a Regulation" Council of the European Union. 7 June 2006.

representatives of the Commission and the Council Secretariat, and the legal services of the Council and the Commission” (“Proposal for a Council Regulation” 20 November 2006). During these informal discussions, all Council proposals were accepted. As the proposal was highly controversial, even a regulation in this form was an achievement for the Commission. In exchange, in order to appease the LIBE committee, the Member States in the Council agreed to issue political declarations to complement the regulation. The Council invited the EP to another trilogue meeting on 15 November 2006 during which *“Parliament indicated it would proceed to vote in the plenary on 29 or 30 November 2006”* (“Proposal for a Council Regulation” 20 November 2006).

The EP found it more difficult to ensure a unified position on this piece of legislation, due to the longer committee work and the intra-parliamentary political differences. The EP started the discussions on the Agency almost as early as the Council in September 2005 and it was very active in debating a compromise solution to the proposed regulation in parallel to the Council. However, the EP was slowed down due to the many committees involved in the process. The AFCO, AFET, BUDG and FEMM Committees also had to file opinions on the proposal.

The LIBE committee met for a first exchange of views on 04 October 2005. Joint debates followed on 24 November 2005 and 24 January 2006. Rapporteur Gal presented her draft report of 7 February 2006. The LIBE Committee met, together with representatives from AFCO, AFET, FEMM and BUDG on 22 February 2006 and 23 March 2006 to discuss Gal’s report and file further amendments. The LIBE, AFCO, AFET, BUDG and FEMM committees met again on 4 May and 1 June 2006. Close cooperation took place between LIBE rapporteur Kinga Gal (EPP-ED) and Cel Ozdemir (Verts/ALE) from AFET. Representatives from the European Monitoring Centre on Racism and Xenophobia, the Dutch Senate, the UK House of Lords and the Parliamentary Assembly of the Council of Europe were also present for the joint debates (“Meetings of LIBE” 2006).

Moreover, the LIBE committee position was contested during the EP plenary debate on 12 October 2006¹⁰². Such divisions among the MEPs made it very difficult for the EP as an institution to present a united front on fundamental rights before the Council. This division in the EP undermined the role of the LIBE Committee rapporteur as an effective negotiator with the Council. Kinga Gál requested that the vote be postponed under Rule 53(2). This automatically brought her report to the LIBE Committee¹⁰³.

After the EP delayed the vote, another trialogue was organized on 15 November 2005, under the direction of the Commission and the Council. Commissioner Franco Frattini underlined the need for the EP to show support for the proposal and to vote in favour of the initiative with a large majority: *“We have worked together to give Parliament a strong and authoritative voice, even in the absence of the formal codecision procedure. Let us avoid a division in this Parliament that would give the Council the impression that, all things considered, it might even take decisions alone. This is a political necessity...”* (“Parliamentary Debates” 12 October 2006).

The EP delayed the vote on 12 October, but within a month it was clear that the political declarations were the maximum it could achieve¹⁰⁴. Rapporteur Gal requested that

¹⁰²After some members of the EPP-ED group voiced their concerns about the future Agency and opposed its establishment, French Socialist MEP Martine Roure indicated that: *“... in the [LIBE] Committee we seemed to be in agreement; at least that is what our votes indicate. I must admit that we are somewhat flummoxed by the position of the [EPP-ED] today, which does not match up in any way at all with the debate we conducted in the [LIBE] Committee. What purpose, then, is served by debates in committee?”* (“Plenary Debates” 12 October 2006).

The creation of yet another Agency was seen as a purely bureaucratic and costly act (Hubert Pirker, PPE-DE, DE, 12 October 2006).

Moreover, introducing references to the Charter of Fundamental Rights in the regulation was seen as *“trying to sneak large parts of the Constitution in through the back door”* (Roger Knapman, IND/DEM, 12 October 2006).

¹⁰³ *“We are looking forward to an acceptable compromise with the Council. It is for this reason that we are postponing the final vote and referring the report back to the Committee, in the hope that the Council will take seriously its own decision regarding the 1 January 2007 date.”* (“Plenary Debates” 12 October 2006).

¹⁰⁴ This was reflected in Commissioner Frattini’s speech on 12 October 2006 at the EP: *“The trialogue method, which has enabled us to come to an agreement on many occasions, is, in fact, a political solution: even though, from an institutional and legal point of view, we are sadly not in the presence of a formal codecision procedure, this political solution has enabled us thus far to develop an excellent working*

EP supported this arrangement on 30 November 2006: “...*the Council and the Commission have decided to add political declarations to complement the legal document. This was accepted by Parliament in a round of trialogue discussions. I would therefore ask the House to vote in favour in the final vote on these issues and not block the process any more*” (“Plenary Debates” 30 November 2006).

Conclusion

This chapter analysed the legislative influence of the European Parliament in the consultation procedure. It studied Parliament’s role in legislative decision-making on all consultation proposals (925) completed between 1 May 1999 and 30 April 2007. In line with the existing literature, the chapter confirmed that the power of the European Parliament is very limited in consultation. Nevertheless, the results suggest that the European Parliament can act as an influential legislative institution in the consultation procedure. Package deals increase the legislative influence of the European Parliament in consultation. While the EP’s ability to delay is largely conditional on Commission support and proposal urgency, the European Parliament has a much greater say in legislative matters than the established understanding of the consultation procedure implies.

Without exaggerating Parliament’s influence, the chapter found that delay is an important legislative power for the European Parliament. The power to delay allows the EP to enjoy important benefits in the legislative system. First, through delay the Parliament manages to force concessions from the Council and the Commission. Delay allows the EP to see many of its preferences incorporated in the final legislative texts. Second, delay opens the door for informal negotiations between the Council and Parliament. While informal negotiations have become a typical element of Council - EP legislative work

relationship... what we are discussing here might also serve as a good example for many other sectors to which the codecision procedure has unfortunately not yet been applied” (“Plenary Debate” 12 October 2006).

under co-decision, there are few incentives for Member States to seek informal contacts in consultation. However, when the EP delays its opinion and Member States need an urgent decision, the Council has an incentive to speed-up the procedure through informal contacts. Third, delay gives the consultation procedure two readings. Formally, the consultation procedure consists of only one reading. However, by delaying its final vote, the EP gains an additional reading. The EP makes its position on the Commission proposal known, but the plenary refrains from issuing an opinion. Once aware of the EP's preferences, the Member States negotiate informally with MEPs in order to speed-up the decision-making process. Thus, through delay, the EP transforms the simple consultation procedure into a decision-making procedure with two readings.

The case studies demonstrated that informal negotiations also take place under the consultation procedure. Despite its very limited legislative role in consultation, through informal negotiations, package deals and delay, the EP actively participates in the legislative process. In addition to package deals and delay, the issue type contested and Commission support appeared to be significant predictors of EP success. Overall, the empirical analysis demonstrated that the European Parliament's role in the consultation procedure is far from insignificant. Contrary to the conventional understanding of legislative politics in consultation, the results indicate that the EP can act as an important legislative institution alongside the Council and the Commission. Most importantly, the EP has the ability to obtain gains over some of the EU's most substantial legislative proposals. The next chapter examines the legislative influence of the European Parliament in the co-decision procedure.

CHAPTER 7 : PACKAGE DEALS AND THE LEGISLATIVE INFLUENCE OF THE EUROPEAN PARLIAMENT IN THE CO-DECISION PROCEDURE

Introduction

This chapter analyzes the European Parliament's legislative influence in the co-decision procedure by paying special attention to the informal triilogue negotiations, typical for co-decision bargaining. The chapter tests **Hypothesis 5** that package deals increase the likelihood of European Parliament success in influencing legislative outcomes in the co-decision procedure. It tests **Hypothesis 6**, which states that trialogues do not increase the likelihood of EP success in influencing legislative outcomes. It also tests **Hypothesis 7** that Council impatience increases the likelihood of European Parliament success in influencing legislative outcomes in the co-decision procedure. The chapter is a response to the limited research on the development of triilogue negotiations in EU legislative politics and the scarce empirical testing of their effect on the legislative role of the European Parliament.

Informal trialogues do not automatically increase the legislative influence of the European Parliament. Trialogues are institutionalized at the inter-cameral level in order to capture the gains from trade. Trialogues provide the institutional structure for legislative exchange between the Parliament and the Council. Their informal nature allows EU legislators to exchange favours during the decision-making process and to negotiate acceptable to both sides deals, thus avoiding gridlock. Triilogue procedures provide the framework for legislative exchange where Member States realize their budgetary preferences while the European Parliament secures additional institutional powers.

The chapter studies the European Parliament's legislative behaviour on all co-decision proposals (540) completed between 1 May 1999 and 30 April 2007. The analysis is based on a detailed examination of all 1567 issues the European Parliament contested in 470 amended pieces of legislation. The analysis tests whether and to what extent EP

legislative influence depends on the availability of package deals, Council impatience, the presence of trialogues, the salience of the proposal, the type of issues, EP cohesion and Commission support. The results confirm that trialogues do not automatically increase the legislative role of the European Parliament. EP influence in the co-decision procedure is conditional on the availability of package deals, Council impatience, salience, EP cohesion and Commission support.

Section I of the chapter presents an overview of the development of triologue procedures in the EU legislative process between 1 May 1999 and 30 April 2007 and reviews the existing literature on the effect of trialogues on EP legislative influence. Section II develops the hypotheses to be tested. Section III presents the analysis of the European Parliament's legislative success in co-decision through a detailed examination of the issues the Parliament contested in all proposals during the period. Section IV illustrates the findings with two case studies.

7.1 Development of the Triologue Procedure

The development of the co-decision procedure has led to an increased collaboration between the Council of Ministers, the European Parliament and the Commission. Since 1999 a growing number of legislative proposals have been accepted at first reading and this has led to a significant decrease in decision-making time. While only 25% of the co-decision proposals were decided at first reading in 2000, more than 70% of the proposals were first reading agreements in 2006. Accordingly, while the average decision-making time in 2000 was 630 days, legislative decision-making only took on average 350 days in 2006¹⁰⁵.

In the framework of the co-decision procedure, the members of the Council and the EP have established a new institutional mechanism with the view to resolving inter-

¹⁰⁵ European Parliament Legislative Observatory <http://www.europarl.eu/oeil>; Own calculations

institutional conflict and reaching consensus earlier in the legislative process – the trialogue¹⁰⁶. Trialogues are informal legislative meetings which consist of a limited number of participants from the Council, the EP and the Commission. They facilitate intense negotiations between the EU legislative institutions prior to formal voting¹⁰⁷. While initially associated with the preparation of the conciliation committees, trialogue procedures have spread throughout the co-decision process and they have also been used in the consultation procedure.

More than 74% of co-decision legislation went through at least one informal inter-institutional meeting in the period between 1 May 1999 and 30 April 2007. All third readings, 79% of the first readings and 61% of the second reading legislative proposals were discussed by the Council and the EP in informal meetings¹⁰⁸. In 2000 only around 40% of the co-decisions (including the third readings) involved trialogue contacts. In 2006, more than 90% of the proposals were negotiated through informal meetings. Table 7.1 presents the distribution of the 540 co-decision proposals completed in the period according to reading, policy area, and use of trialogue procedures in the decision-making process. The policy areas with the highest percentage of legislative proposals decided at trialogues were Environment (86%), Employment and Social Affairs and Information Society (85%), Justice, Freedom and Security (92%), Energy and Transport and Enterprise and Industry (80%), and Internal Market (78%).

Because of their frequent use in the EU legislative process, trialogues have been gradually institutionalised in the EU legislative process. The guidelines on the preparation,

¹⁰⁶ Trialogues were first introduced in 1995 (Shackleton, 2000). Inter-institutional trialogue procedures require careful preparation and the intentional establishment of informal contacts by the Council and the EP.

¹⁰⁷ Commissioner Michael Schreyer (DE, Budget): ‘...we will begin the *trilogue*, that is to say, the *actual negotiations*.’ (European Parliament, 2003b).

¹⁰⁸ Own calculations. The employment of trialogue meetings in the co-decision procedure was traced through the Council’s document register and the European Parliament’s plenary debates and summaries of sittings. A proposal was counted as a trialogue proposal if at least one informal trialogue between the Council, the EP and the Commission had taken place in the course of the negotiations. Evidence for the informal inter-institutional legislative contacts had to be found in the Council’s working documents; in the EP’s plenary summaries of sittings and debates; or in both.

participation and reporting of triologue meetings were set out in the 2004 EP Guidelines for First and Second Reading Agreements. The 2007 Joint Declaration on Practical Arrangements for the Co-decision Procedure explicitly includes a reference to the practice of triologue negotiations¹⁰⁹. Despite their informal nature, trialogues are documented consistently by the Council and the EP. Both institutions report on the dates, the participants and the outcome of triologue meetings¹¹⁰. Moreover, the negotiations in around 5% of the consultation procedures involved a triologue.

Therefore, the initially informal practice of triologue negotiations has become formalised in the EU legislative process. In 75% of the cases, triologue negotiations involved the rapporteur of the EP drafting committee (and occasionally the chairperson/shadow rapporteurs), a representative from the Council Presidency and a representative from the Commission. However, in 25% of the cases the EP was represented by two negotiating agents: the rapporteur and the political group leaders. In some of the most controversial legislative proposals, the political group leaders were the effective negotiators on behalf of the EP, largely undermining the work of the rapporteur and overriding the position reached in the EP drafting committees.

In contrast to the EP, the Council only mandates one actor with the right to negotiate an informal inter-institutional compromise, the Presidency. The Presidency initiates and leads the negotiations with the EP, but the established reporting practice in the Council allows it little agenda-setting freedom and ensures that Member States retain

¹⁰⁹ ‘... cooperation between the institutions in the context of codecision often takes the form of tripartite meetings (trialogues) which have demonstrated their vitality and flexibility in increasing significantly the possibilities for agreement at first and second reading stages, as well as contributing to the preparation of the work of the Conciliation Committee’ (European Parliament, 2007: 7-9).

¹¹⁰ The Council document register contains evidence of 96% of the proposals that were negotiated at a triologue in the period 1 May 1999 – 30 April 2007. The Council’s working documents contain more detailed information on the participants, timing and agenda of informal meetings. The EP Plenary debates and summaries of sittings account for around 45% of the trialogues. However, 135 (of 442) EP plenary debates involved a discussion of the outcome of triologue negotiations.

control over informal triologue negotiations¹¹¹. What explains the use of triologue procedures in the EU legislative process?

Table 7.1 Legislative Proposals under the Co-decision Procedure: 1999 – 2007

Policy Area (Commission DG)	Total proposals	Non Amended	Amended w/o dialogues	Amended with dialogues
Agriculture & Rural Development	9	1	6	2 (25%)
Budget	12	3	7	2 (22%)
Development	9	1	2	6 (75%)
Economic and Financial Affairs	2	-	-	2 (100%)
Education and Culture	26	1	9	16 (64%)
Employment and Social Affairs	22	2	3	17 (85%)
Energy and Transport	102	7	19	76 (80%)
Enterprise and Industry	64	10	11	43 (80%)
Environment	53	4	7	42 (86%)
Eurostat, Statistical Office	38	6	19	13 (41%)
External Relations	12	-	5	7 (58%)
General Secretariat	3	1	-	2 (100%)
Health and Consumer Protection	57	1	15	41 (73%)
Information Society	24	4	3	17 (85%)
Internal Market and Services	48	7	9	32 (78%)
Justice, Freedom and Security	26	2	2	22 (92%)
Legal Service	17	17	-	-
Regional Policy	1	1	-	-
Research	7	-	-	7 (100%)
Taxation and Customs Union	8	-	6	2 (25%)
Total Co-decision Proposals	540	70	121	349 (74%)
of which First Readings	248	58	39	151 (79%)
of which Second Readings	222	12	82	128 (61%)
of which Third Readings	70	-	-	70 (100%)

Source: European Parliament Legislative Observatory; the 540 proposals comprise of 231 directives, 211 regulations, 89 decisions and 9 recommendations.

7.2 Statistical Analysis of the Use of Dialogues in the EU Legislative Process

As the dependent variable is dichotomous (Dialogue/No Dialogue), logistic regressions are used to examine the effect of the independent variables on the probability of dialogues in the EU. The 973 proposals belong to 19 policy areas and are spread over 8 years. Three empty multilevel models are estimated to test whether proposals part of the same policy area and year share a similar probability of being discussed through an informal inter-institutional dialogue meeting.

¹¹¹ To start informal contacts with the EP, the Presidency requires a mandate from Coreper and it is obliged to report back the results of the informal meetings. Coreper reviews the results and requires the responsible Council working party to draft a compromise text. The revised text is then referred to the Presidency for further negotiations with the EP.

The hypothetical effects of the policy area and time levels are tested to examine whether the variance of the probability of a trialogue procedure is due to these contextual factors. The relevance of the contextual level and the improvements in the fit of the models are compared after including the different contexts. The results show that the use of inter-chamber dialogues in EU decision-making varies across policy areas and the years 1999 – 2007. Accounting for the contextual effects of the policy area and time levels, Modes 4 to 9 test for the effects of several independent variables. The models test the effect of the presence of package deal negotiations, proposal salience and urgency, Council impatience, codecision, the concentration of multi-issue legislation in a policy area and the involvement of party leaders in the EP in the writing of a proposal. Models 4-6 are applied to all EU legislation, whereas Models 7-9 are applied to the co-decision procedure. The results are presented in Table 7.2. The coefficients of the variables, their standard errors, and the odds ratios are reported.

First, the use of trialogue meetings is positively correlated with the development of the co-decision procedure. Legislative drafts proposed in recent years are more likely to be negotiated through a trialogue. Co-decision creates legislative interdependence between the EP and the Council and dialogues serve as the institutional mechanisms for the resolution of conflict and inter-chamber compromise. Second, dialogues are positively correlated with package deals. Logrolls and informal bargains are fragile agreements and they require an enforcement mechanism. The trialogue procedure serves as such an institutional enforcement mechanism.

Third, the probability of trialogue use increases with Council impatience. When Member States are pressed by time, they are more likely to look for informal mechanisms for achieving compromise. This is further confirmed with the statistically significant and positively correlated *Urgent* variable.

Table 7.2 Use of Trialogue Procedures in the EU Legislative Process, 1999 - 2007
Triilogue Procedures in the European Union, 1999 – 2007
 Dependent Variable: Trialogue

							Co-decision Procedure			
	Model 1 Coef./S.E.	Model 2 Coef./S.E.	Model 3 Coef./S.E.	Model 4 Coef./S.E.	Model 5 Coef./S.E.	Model 6 Coef./S.E.	Model 7 Coef./S.E.	Model 8 Coef./S.E.	Model 9 Coef./S.E.	Odds Ratio
<i>Fixed Effects</i>										
Package Deal	-	-	-	1.970 *** (.265)	1.849*** (.306)	2.044 *** (.391)	-	1.690 *** (.393)	2.182 *** (.508)	8.866
Proposal Salience	-	-	-	.039 *** (.009)	.040 *** (.011)	.055 *** (.015)	-	.070 *** (.017)	.084 *** (.022)	1.088
Council Impatience	-	-	-	1.366 *** (.212)	1.541 *** (.263)	.867 *** (.352)	-	.852 *** (.380)	.787 * (.450)	2.197
Urgent	-	-	-	.476 ** (.235)	.556 ** (.285)	.179 (.344)	-	.334 (.378)	-.417 (.458)	.659
Urgent for the Commission	-	-	-	-.375 (.277)	-.682 ** (.337)	-.885 ** (.435)	-	-.377 (.462)	-.550 (.566)	.577
Codecision	-	-	-	-	4.273 *** (.336)	6.010 *** (.661)	-	-	-	-
Policy Area Issue Complexity	-	-	-	.041 *** (.015)	-	.018 (.012)	-	.018 * (.010)	.024 (.015)	1.024
Party Leaders Involved	-	-	-	2.563 *** (.441)	1.880 *** (.479)	1.881*** (.535)	-	1.729 *** (.523)	1.990 *** (.607)	7.315
Intercept	-.529 (.334)	-.414 ** (.193)	-.648 * (.354)	-4.975 *** (.941)	-5.074 *** (.418)	-7.124 *** (1.073)	2.155 ** (.845)	-1.115 (.997)	-1.365 (1.360)	-
<i>Random Effects</i>										
Policy Area Level (std.dev.)	1.390 *** (.254)		2.077 *** (.233)	1.219 *** (.250)	.436 ** (.189)	1.288 * (.271)	1.212 * (.274)	-	1.262 * (.363)	-
Year Level (std.dev.)		.507*** (.151)	.791 (.328)	-	-	1.757 * (.539)	2.313 ** (.784)	2.085 ** (.757)	2.610 ** (.977)	-
-2 x Log Likelihood	1026.206	1274.476	990.869	739.316	524.604	453.288	428.265	323.802	313.752	
Model Improvement		-	35.337	286,89	501,602	572.920		104.463	114.513	
N Proposals	973	973	973	973	973	973	470	470	470	
N Policy Areas	19	19	19	19	19	19	19	19	19	
N Years	8	8	8	8	8	8	8	8	8	

*p < .10; ** p < .05; *** p < .01

When proposals are urgent and there is an approaching deadline, trialogues are more likely to take place. The *Urgent for the Commission* variable is negatively correlated with the use of trialogues. This signifies that triologue procedures are not about coping with administrative urgency. Rather, trialogues are likely to be used when proposals are urgent for the Member States (when the proposal adoption was discussed at a previous European Council meeting).

Moreover, the probability of trialogues increases with the salience of the legislative proposal. Longer and more important legislative dossiers require frequent informal contacts between the Council and the EP prior to the formal vote¹¹². In addition, trialogues are more likely to take place in issue-complex policy areas as the need for inter-institutional compromise leads to the use of triologue procedures. The greater the issue complexity in a policy area, the greater is the interaction between the Parliament and the Council. Due to these repeated interactions, the legislative chambers resort to informal means of inter-institutional lawmaking.

The agreements made at triologue meetings are regarded as binding enforceable commitments by both the European Parliament¹¹³ and the Member States¹¹⁴. The involvement of political group leaders in the writing of a legislative proposal is also positively correlated with trialogues. This is an expected outcome, as political group leaders have the institutional tools to enforce the informal commitments agreed at

¹¹² Salience is measured by the number of recitals in a proposal. For example, the Services directive (COD/2004/0001) contains 118, the Money Laundering directive (COD/2004/0137) and the SIS II (COD/2005/0106) regulation contain 48 and 36 recitals respectively, while the regulation on Forest protection (COD/2001/0268) contains only 6 recitals.

¹¹³ Sylvia-Yvonne Kaufmann (GUE/NGL, DE), MEP: *'It is not acceptable that new demands should be made after the conclusion of the triologue, thereby putting a pistol to Parliament's head'* (European Parliament, 2006a).

¹¹⁴ *'In accordance with the provisions of Article 251(2) of the EC Treaty and the joint declaration on practical arrangements for the codecision procedure, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for a second reading and conciliation...The amendments adopted correspond to what was agreed between the three institutions and ought therefore to be acceptable to the Council.'* (Council of the EU, 2006a).

trialogues. In 96% of the cases the compromises achieved at trialogue meetings were voted in favour without amendment by the European Parliament and were accepted by the Council as they stood. Hence, trialogue meetings are not only frequently used in the EU legislative process, but they are also regarded by the EU legislators as procedures leading to enforceable inter-chamber deals. What is the effect of the use of trialogue procedures on EU legislative outcomes?

Several authors have recognized the development of trialogue arrangements in the co-decision procedure (Garman and Hilditch, 1998; Shackleton, 2000; 2005; Shackleton and Raunio, 2003; Rasmussen, 2003; Rasmussen and Shackleton, 2005; Stacey, 2003; Stacey and Rittberger, 2003; Farrell and Heritier, 2003; 2004; Steunenberg and Selck, 2006; Haeghe and Kaeding, 2007; Reh, 2008; Settembri and Neuhold, 2009). Farrell and Heritier (2003, 2004) argue that the increasing use of informal negotiations in the co-decision process leads to a greater legislative influence of the European Parliament. Through its involvement in informal legislative meetings, the Parliament is understood to gain legislative powers vis-à-vis the Council.

Steunenberg and Selck (2006: 81) also argue that informal trialogues allow the Parliament to shape the legislative proposal in co-decision and to influence the discussions in the subsequent stages of the legislative process. By making the initial proposal to the Council, the Parliament is viewed as having a first mover advantage, which forms the starting point for further negotiations. Haeghe and Kaeding (2007: 357) also find that ‘...the Parliament can extract more concessions in terms of policy from its counterparts in informal negotiations’.

Contrary to these arguments, this chapter argues that trialogues do not increase the European Parliament’s influence on policy outcomes in the EU. It argues that package deals and Council impatience increase the EP’s probability of affecting legislative outcomes.

7.3 Parliament's Legislative Influence

Package Deals

In order to reach compromise in co-decision, Member States find it profitable to trade support for some issues in return for the EP's cooperation on other issues. EU legislators choose to trade policy packages in order to speed up their daily legislative work. Through the linkage of proposals and issues in package deals both the EP and the Council can obtain their most preferred items on the legislative agenda and compromise some of the other issues. Therefore, some legislative deals reached in dialogues can be highly profitable for the Parliament. At the same time, every exchange involves certain losses. While gaining in some issues the EP will simultaneously lose in others.

Package deals ensure the enforceability of legislative bargains as they involve the binding of several legislative proposals and their discussion and decision at the same time. Thus, the general non-enforceability of Council-Parliament informal deals is overcome through the conclusion of package deals. As package deals allow each chamber to extract its most favoured outcomes, the linkage of proposals in a package increases the likelihood of European Parliament success in legislative outcomes.

The EP will be more successful in co-decision when it negotiates several issues and/or acts in a package and treats them as one during the legislative process. The Parliament may refuse to cooperate with the Council on a proposal until the Member States respect the EP position on another co-decision proposal. Faced with several blocked proposals in a package, the Council is likely to reconsider its position and allow concessions closer to Parliament's preferred outcome. Therefore, if the EP can trade its support on one proposal for support on another co-decision proposal, then it is more likely to get concessions from the Council. This leads to the first hypothesis:

Hypothesis 1: Package deals increase the likelihood of EP success in influencing the legislative text under the co-decision procedure.

The chapter argues that trialogues do not automatically lead to greater legislative influence for the European Parliament in the co-decision procedure. Trialogues structure the framework of inter-institutional exchange in the EU, but package deals are the results of successful legislative trade between the EP and the Council. In exchange for supporting the Member States' financial preferences, the European Parliament receives further institutional and administrative powers as a side payment. Therefore, through its participation in trialogues the European Parliament loses in budgetary issues, while in return it gains additional institutional capabilities.

Trialogues provide the institutional structure for legislative exchange between the Parliament and the Council. Their informal nature allows EU legislators to exchange favours during the decision-making process and to negotiate acceptable to both sides deals, thus avoiding gridlock. Trialogues do not directly lead to increased EP legislative influence as they only provide the institutional framework for legislative bargaining between the EP and the Council. Triologue procedures have become institutionalized as a practical reaction to three structural features of the EU legislative system: co-decision interdependence, inter-institutional conflict, and legislative transaction costs. First, the co-decision procedure creates an environment of repeated interactions between the Parliament and the Council. Agreement on co-decision proposals depends on the consent of both legislative institutions. This interdependence creates the necessity to coordinate inter-institutional decision-making in order to sustain an efficient EU legislative process.

Second, trialogues serve the common purpose of conflict resolution. They provide the institutional setting in which governments and MEPs overcome the distinct clashes of their ideological, political and policy preferences in the creation of EU legislation.

Triilogue procedures allow the EP and the Council to communicate their intentions informally and to exchange information on their positions early in the legislative process. Consensus in co-decision is therefore sustained through increased communication between the EP and the Council and through the establishment of a stable cooperative relationship between the two legislative branches.

Third, as decision-making is a costly activity, it is in the interest of both legislative institutions to reach agreement early in the decision-making process. The failure of the Parliament and the Council to find consensus leads to the non-adoption of legislation. The time constraints of the legislative process require the close cooperation between the EP and the Council in order to accommodate the preferences of both sides. Therefore, trialogue procedures allow EU legislators to cut the costs of co-decision making. They provide the informal setting in which binding enforceable agreements are reached between representatives of the Council, the European Parliament and the Commission. The mere participation at a trialogue, however, does not imply that the European Parliament will succeed in striking a successful legislative deal with the Council. This argument is tested with the second hypothesis:

Hypothesis 2: Trialogues do not increase the likelihood of EP success in influencing legislative outcomes under the co-decision procedure.

The urgency of legislative proposals is expected to induce a larger number of concessions granted to the European Parliament by Member States. In co-decision, it is important whether the Council or the Parliament are more impatient about the passage of legislation. If the Council is impatient about the conclusion of the legislative process on a certain proposal, it is more likely to cooperate with the Parliament and to grant it concessions in return for an early conclusion. In cases when the Council is relatively more impatient than

the EP, the Parliament has a greater chance of influencing legislation. On the other hand, when the Parliament is impatient about the conclusion of a legislative deal, it will be in a weaker bargaining position and it will be less successful in influencing the legislative text.

Early discussions in the Council and the preparation of a Presidency draft text imply the Member States' strong interest in ending the legislative process quickly. When the Member States are interested in a legislative compromise they are more likely to grant concessions to the EP. If Member States in the Council initiate the drafting of a proposal, they are more impatient about its conclusion and are more likely to cooperate with the EP in order to reach a deal earlier. Under this condition, legislative negotiations are likely to work in favour of the EP. A more impatient and hence a more cooperative Council is more likely to take on board the EP's demands. This leads to the third hypothesis:

Hypothesis 3: The relative impatience of the Council increases the likelihood of EP success in influencing the legislative text under the co-decision procedure.

Several hypotheses derived from the existing literature are included in the analysis. This way, the findings of this chapter can be directly linked to existing knowledge about the co-decision procedure. First, the different preference intensities of actors may have an effect on EP success in the co-decision procedure. The institution of the triad is sustained because it allows the legislative institutions to express different intensities of preferences on legislative proposals (Stratmann 1995). Due to their flexible nature triad dialogues expand the horizon for legislative exchange of both institutions by allowing the EP and the Council to benefit from informal decision-making. The EP can lend its support for the Council's favourite issues in exchange for the Council's support for the EP's most salient matters. Legislators' positions can vary substantially on different types of issues, even if they are part of the same proposal.

In very salient for the Council cases, the Council is more likely to cooperate with the Parliament. These incentives to cooperate will allow the Parliament to realize its preferences in the legislative text. For legislative exchange to take place, the EP and the Council need to attach different intensities of preferences to a proposal. If a proposal is equally important to the EP and the Council, no opportunities for legislative trade exist. The Parliament can benefit from legislative exchange only if there is a difference in the levels of institutional preferences of the Council and the EP. If the relative intensity of preferences between the Parliament and the Council differs, then the legislative institutions can trade their support. This implies that the EP is more likely to succeed in influencing legislative proposals under co-decision if it attaches relatively higher salience to an issue than the Council. Therefore:

Hypothesis 4: The greater the relative salience of the proposal for the Parliament, the more likely the EP is to succeed in influencing the legislative text under the co-decision procedure.

Moreover, the Parliament may be more likely to succeed in obtaining concessions from the Council when it is cohesive (Kreppel, 2002). Divisions between the political groups weaken the bargaining position of the EP vis-à-vis the Council. The Council is unlikely to enter negotiations with the EP if there is a pronounced division in the Parliament. Any compromises achieved between the Council and the representatives of a divided Parliament may easily be rejected and overturned by the plenary vote. Divisions in the EP also undermine the negotiating position of the EP's bargaining agents due to the uncertainty of the direction and size of the EP's preferences. Thus, in order to find its demands successfully adopted in the legislative text, the Parliament should ensure it secures a large majority in favour of the proposed committee position.

In addition, the EP is more likely to be successful if it speaks with one voice at inter-institutional meetings. The EP is more likely to succeed in negotiations if a single EP representative enters legislative trade relations with the Council. The EP will be more successful in cases where the Council and the EP rapporteur conclude a legislative deal and the plenary supports it. The availability of more than a single negotiating agent on behalf of the EP suggests internal divisions in the EP. The Council gains the opportunity to choose with whom to strike a legislative deal. As the political group leaders control ‘those with the numbers’, the Council is likely to choose them in the bargaining process. This can undermine and often exclude the rapporteur and the committee’s position. Hence, inter-institutional deals between the Council and MEPs, other than the rapporteur, are likely to decrease the EP’s legislative influence. If the EP plenary supports the committee report as it stands, the EP is more likely to be influential on the legislative text. Therefore:

Hypothesis 5: The more cohesive the Parliament in its support for the committee proposal, the more likely it is to succeed in influencing the legislative text.

The institutionalization of triilogue procedures in co-decision may also be a profitable institutional arrangement for the Commission (Rasmussen, 2003; Rasmussen and Shackleton, 2005; König et al. 2007). Trialogues allow the formally weak Commission to regain its seat at the legislative table alongside the EP and the Council. Through the informal arrangements, the Commission gains presence in the inter-institutional negotiations on some of the EU’s most controversial legislative proposals. Although in the co-decision procedure the EP and the Council have the formal power to change entirely the legislative text regardless of the Commission’s position, the Commission still seems to be an important legislative player.

As the Commission ensures its participation in co-decision making, its position and support are likely to affect the legislative balance between the EP and the Council. The Commission acts informally between the Council and the Parliament and it has the ability to persuade the Presidency and the Member States to incorporate Parliament's demands. Even in informal dialogues when the Council and the Parliament can reach compromise without the active participation of the Commission, the opinion of the Commission is still highly respected. Hence, the support of the Commission is likely to work in favour of Parliamentary success. Thus,

Hypothesis 6: Commission support increases the likelihood of EP success in influencing the legislative text under the co-decision procedure.

7.4 Empirical Analysis of the EP's Legislative Influence in Co-decision

Whereas in the consultation procedure the EP amends only 55% of the legislative proposals, in the co-decision procedure it amends around 87% of the proposals. The number of amendments the EP proposed to the 470 amended proposals in the period 1999 – 2007 varied between 1 and 322. However, as the use of informal dialogues has increased in recent years, many of the amendments the EP submits are the result of compromise deals with the Council. The large number of proposed EP amendments is very often the combination of the EP's and the Council's amendments. With a view to concluding the legislative process early, the two chambers agree that all compromise amendments are included in the EP proposal. As a result, many of the amendments submitted to the EP plenary already contain the Council preferences¹¹⁵.

¹¹⁵ For example, in the case of the regulation on Spirit Drinks 2005/0028 (COD) the 'rapporteur, Mr Horst Schnellhardt (EPP/ED-DE), presented a report on behalf of the Committee on the Environment, Public Health and Food Safety containing 123 amendments... a number of informal contacts took place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading... Various political groups and individual MEPs tabled a further 26 amendments ... six amendments (amendments 126-7 and 142-5) were compromise amendments which correspond to the

Furthermore, instead of voting on a series of amendments, the European Parliament increasingly considers compromise texts that are submitted as a single amendment, containing the complete legislative text¹¹⁶. Therefore, what may seem as a single EP amendment to the Commission proposal, is in fact a revised version of the whole legislative proposal. In cases when the EP resolution is submitted as a compromise text and not in the form of amendments, it is impossible to distinguish the changes introduced by the European Parliament. Therefore, the examination of the number of amendments submitted by the European Parliament and their adoption rate no longer offers an accurate way of measuring the European Parliament's legislative influence in the co-decision procedure.

Breaking the proposals to the contested issues offers an alternative for the analysis of the legislative influence of the European Parliament. Both the EP and the Council provide summaries of the main issues discussed during the course of the negotiations. Therefore, it is possible to identify the issues the European Parliament contests in each proposal and to trace whether the EP's demands on these issues have been included in the final legislative text¹¹⁷.

compromise package that was agreed during the informal contacts referred to above...the plenary adopted six amendments... The amendments adopted correspond to what was agreed between the three institutions' (Council of the EU, 2007).

¹¹⁶ For example, in the decision of the External Borders Fund 2005/0047 (COD) '*...the rapporteur, Ms. Kudrycka (EPP/ED-PL) presented on behalf of the Committee on Civil Liberties, Justice and Home Affairs the three draft reports, which contained the entire text of the Commission proposals thus amended, that correspond to the agreement reached during the informal contacts ... Contrary to previous general practice, the reports were not composed of individually numbered amendments' (Council of the EU, 2006b).*

¹¹⁷ The issues contested by the EP were identified through the examination of the Council internal documents, Presidency notes and Working Party/Coreper minutes, the EP committee reports and the EP Plenary debates. On each piece of legislation, the decision-making process was traced from the initial Commission proposal, the debates in the EP committees and plenary, the decision-making process within the Council, the reports from the informal Council-Parliament negotiations, the formal positions of each legislative institution and the final legislative acts.

Measurement and Distribution of EP Success in Co-decision Legislation

In this section, the influence of the European Parliament is analyzed through the examination of the issues the EP contested in all amended legislative proposals in the period 1999 – 2007. The *dependent variable* is whether the European Parliament succeeded on a particular issue (EP Success). EP Success is understood as the ability of the Parliament to see its demands incorporated in the final legislative text. EP Success was coded as a binary variable where 1 = success and 0 = failure. An EP demand was counted as failed if it was rejected completely or it made it to the final legislative text, but aimed at correcting spelling or technical improvements. If an EP demand was incorporated in the final text, the issue was counted as successful¹¹⁸.

1567 issues were identified in the study of the 470 amended co-decision proposals (349 triilogue and 121 non-trilogue proposals). As triilogue negotiations generally take place on more salient pieces of legislation, the number of issues identified in the triilogue cases was much higher (1314 issues) than in non-trilogue legislation (253 issues). The issues were classified in four categories: 1) budgetary: 146 issues (9.3%), 2) policy substance: 1081 issues (69%), 3) fundamental rights: 197 issues (12.6%) and 4) institutional powers: 140 issues (8.9%).

Overall, the European Parliament succeeded in 65.2% (1022 issues) and it failed to make a visible impact on the legislative outcome in 34.8% (545) of the issues. The 1567 individual issues are part of 470 proposals, which belong to 19 policy areas and are spread over 8 years. It is important to find out whether there are significant differences in EP Success according to these different contexts. It is interesting to establish whether individual issues part of the same proposal, policy area and year share a similar probability of EP success.

¹¹⁸ EP Success was initially treated as an ordinal variable, including four degrees of success: high success (3), average success (2), low success (1) and failure (0). However, only 10.1% of all issues fell in categories 1 and 2. In the rest of the cases, the EP either failed completely or it managed to fully realize its legislative demands.

Table 7.3 Variation in EP Success according to Policy Area, Proposals and Years

European Parliament Success in the Codecision Procedure, 1999 – 2007							
Dependent Variable: European Parliament Success							
Empty Models	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7
	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.
<i>Fixed Effects</i>							
Intercept	.629 *** (.056)	.681 *** (.080)	.629 *** (.013)	.670 *** (.069)	.629 *** (.056)	.681 *** (.080)	.670 *** (.069)
<i>Random Effects</i>							
Proposal Level (std.dev.)	-	-	< .001 (.126)	-	< .001 (.125)	< .001 (.121)	< .001 (.114)
Policy Area Level (std.dev.)	-	.174 ** (.086)	-	.281 *** (.100)	-	.174 ** (.086)	.281 *** (.100)
Year Level (std.dev.)	.048 (.124)	-	-	< .001 (.113)	.048 (.125)	-	< .001 (.113)
-2 x Log Likelihood	2024.750	2022.089	2024.793	2020.820	2024.750	2022.089	2020.820
N Years	8	8	8	8	8	8	8
N Policy Areas	19	19	19	19	19	19	19
N Proposals	470	470	470	470	470	470	470
N Issues	1567	1567	1567	1567	1567	1567	1567

*p < .10; ** p < .05; *** p < .01

In order to examine the variance of EP success according to the hypothetical proposal, policy area and time levels, several empty multi-level models are estimated in Table 7.3. The models examine to what extent a contextual level is of relevance for the analysis and whether the fit of the model improves after including the different contexts. The results show that the probability of EP success in the co-decision procedure does not vary across proposals or across the years 1999 - 2007. The policy area is the only contextual level at which the probability of EP success varies. Therefore, variance in the probability of EP success is attributable to differences between policy areas, but not to differences between legislative proposals or across time. The number of issues per policy area ranged from 9 (General Affairs) to 350 (Energy and Transport).

Table 7.4 presents the average EP success rate in each of the 19 EU policy areas. EP success ranges from 46.7% in Agriculture to 60.6% in Energy and Transport to 88.9% in General Affairs.

Table 7.4 Success rate of issues contested by the EP according to policy area

Policy Area (Commission DG)	Total Proposals	Total Issues	% EP Success
Agriculture & Rural Development	8	15	46.7%
Budget	9	28	75.0%
Development	9	20	80.0%
Economic and Financial Affairs	2	14	57.1%
Education and Culture	25	74	75.7%
Employment and Social Affairs	20	68	67.6%
Energy and Transport	93	350	60.6%
Enterprise and Industry	53	146	69.2%
Environment	50	205	62.4%
Eurostat, Statistical Office	32	48	64.6%
External Relations	12	28	78.6%
General Secretariat	2	9	88.9%
Health and Consumer Protection	56	206	67.0%
Information Society	20	57	66.7%
Internal Market and Services	41	151	57.0%
Justice, Freedom and Security	24	94	73.4%
Legal Service	-	-	-
Regional Policy	-	-	-
Research	7	32	71.9%
Taxation and Customs Union	7	22	54.5%
Total Issues Contested by EP	470	1567	65.2%

Own calculations

*Independent Variables**Package Deal*

In order to test the argument and the propositions outlined in Section II several independent variables were used in the analysis¹¹⁹. The *Package Deal* variable tests the first hypothesis that the Parliament is more likely to influence co-decision legislation if it negotiates legislation as a package. The *Package Deal* variable here is coded as a categorical variable. It = 2 if there was a package deal between the Council and the European Parliament on a single proposal, which involved multiple issues; it = 1 if there was a package deal between the Council and the European Parliament on a multi-proposal package; and it = 0 if there was no package deal on a legislative proposal. The inclusion of the different types of package deals in the analysis of EP success provides a better account of the types of logrolling in the EU and the possibilities for EP influence.

¹¹⁹ see Table 4.11 for full coding, sources and descriptive statistics of all variables used in the analysis; see Table 4.12 for correlations between the variables.

The second hypothesis that trialogues do not increase the likelihood of EP success in influencing legislative outcomes is tested with the dichotomous *Triologue* variable. It = 1 if there is evidence in the Council's internal documents and/or in the EP plenary statements and summaries that an informal triologue meeting between the Council, the EP and the Commission has taken place during the course of the negotiations on a particular proposal and it = 0 if there is no evidence.

The third hypothesis that the EP is more likely to succeed if the Council is impatient about the agreement on a legislative dossier is tested with the *Council Impatience* variable. It = 1 if the Council had started discussions and prepared a draft text of the legislative proposal before the EP had done so and it = 0 if the Parliament had started discussions and prepared a draft legislative text earlier than the Council. This variable was measured by comparing the dates of the first draft texts on a legislative proposal held in the EP and the Council's document registers.

To test the fourth hypothesis about the impact of the relative intensities of preferences of the Council and the Parliament on EP success, two variables are included in the analysis. The *Relative EP Saliency* variable measures the relative distance (capturing the size and the direction) between the EP's and the Council's importance attached to a proposal. The continuous *EP Saliency* (measured by the number of EP committees involved in the drafting of a proposal) and *Council Saliency* (measured by the number of documents held in the Council document register on a proposal) were linearly rescaled according to a 10 point scale (1 = the lowest and 10 = the highest degree of saliency). The *Relative EP Saliency* variable was calculated by subtracting the Council's saliency from the EP's saliency. In addition, the dichotomous *Council – EP Saliency Tie* was included in the analysis. It = 1 if the EP and the Council attached equal importance to a legislative proposal and it = 0 if the distance between the EP' and the Council's preference intensities was different from zero (regardless of the direction).

The fifth hypothesis that the EP is more likely to succeed if it is more cohesive is tested with two variables. To measure EP cohesion at the EP drafting committee level, the continuous *EP Cohesion* variable is used. It measures the size of the majority in the EP drafting committee in favour of a report, as a percentage of those voting. However, as was discussed earlier, there are occasions when despite a cohesive EP committee, other MEPs can propose completely different amendments to those proposed by the committee and obtain support in plenary. To measure EP cohesion at the EP Plenary level the dichotomous *EP Plenary Support* variable is used. It = 1 if the EP plenary supports the committee report in its entirety and MEPs do not submit replacement amendments and it = 0 if the EP plenary amends or rejects the committee proposal.

The sixth hypothesis that the Parliament is more likely to succeed if it is supported by the Commission is tested with the *Commission Support* variable. It = 1 if the Commission expresses its support for an EP demand in front of the EP plenary, after informal meetings with MEPs or in its opinion on the EP position; and it = 0 if the Commission does not support the EP on a given issue.

To capture the effect of the different issues the EP contests and their probability of success the categorical *Issue Type*¹²⁰ is included in the analysis where 1 = budgetary issues, 2 = policy substance issues, 3 = fundamental rights issues, and 4 = institutional powers. To test the principal argument of the chapter that through the triilogue the EP gains in institutional matters the analysis includes the interaction terms *Triologue x Institutional Issues*, *Triologue x Fundamental Rights* and *Triologue x Policy Substance*.

The categorical *Reading* variable controls for the timing of adoption of codecision proposals. It 1 = if a proposal was adopted at first reading; 2 = if a proposal was adopted at second reading; and 3 = if a proposal was adopted after conciliation.

¹²⁰ See Chapter IV for classification of issues according to issue type.

Table 7.5 Success rate of issues contested by the EP according to issue type

	Type of Issues Contested by the EP				
	Total	Policy Substance	Budgetary	Fundamental Rights	Institutional Powers
Total proposals	470				
Total Issues	1567	1080	146	196	145
of which EP successful (%)	1022 (65.2)	670 (62.0)	75 (51.4)	163 (83.2)	114 (78.6)
Proposals with trialogues	349				
Triologue Issues	1314	890	127	173	124
of which EP successful (%)	857 (65.2)	549 (61.7)	65 (51.2)	141 (81.5)	102 (82.3)
Proposals without trialogues	121				
Non - triologue Issues	253	190	19	23	21
of which EP successful (%)	165 (65.2)	121 (63.7)	10 (52.6)	22 (95.7)	12 (57.1)

Statistical Analysis

As the dependent variable is dichotomous (Success/Failure), Models 1-6 are estimated as logistic regressions to examine the effect of the independent variables on EP influence. To account for the two-level hierarchical structure of issues nested in policy areas, two logit models are estimated (Dupont and Martensen, 2007). First, a two-level logistic model is estimated with issues at level 1 and policy areas at level 2. Second, a logistic regression model is specified where the standard errors are clustered according to the 19 policy areas. Models 1- 3 are estimated for EP success in first, second and third readings. Model 4 and 5 are estimated for EP success in all co-decision issues with and without the *Reading* control.

Models 6 is estimated for all co-decision issues and it also includes the interaction effects between trialogues and issue types. The results of the logit estimation are a set of coefficients that relate changes in the independent variables to changes in the probability of EP success (Agresti, 1990). A positive relationship indicates that higher values of the independent variable make it more likely that the EP will succeed in influencing the final legislative outcome. The results are presented in Table 7.6. The coefficients of the variables, their standard errors, and the odds ratios in the full models are reported.

Table 7.6 Conditions for EP Success in the Co-decision Procedure: 1999 –2007

European Parliament Success in the Codecision Procedure, 1999 – 2007							
Dependent Variable: European Parliament Success							
	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	
	1 reading	2 reading	3 reading	all issues	all issues	all issues	Odds Ratio
Fixed Effects	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	
<i>Individual Level Variables</i>							
Single Package Deal	-.094 (.305)	-.149 (.240)	.666 (.661)	-.123 (.156)	-.075 (.163)	-.071 (.163)	.931
Proposals Package Deal	.870 * (.477)	.496 ** (.223)	.263 (.278)	.310 ** (.143)	.326 ** (.145)	.321 ** (.146)	1.378
Triologue	-.020 (.453)	-.174 (.220)	-	.067 (.170)	-.082 (.179)	-.086 (.510)	.918
Council Impatience	.760 ** (.361)	.250 ** (.181)	.210 (.307)	.351 *** (.121)	.364 *** (.135)	.363 *** (.136)	1.438
Urgent	-.370 (.314)	-.147 (.211)	.278 (.320)	-.165 (.144)	-.165 (.146)	-.177 (.167)	.838
Urgent for the Commission	.210 (.356)	.385 (.255)	-.428 (.400)	.230 (.184)	.247 (.186)	.252 (.186)	1.286
European Parliament Cohesion	.025 ** (.013)	.012 * (.006)	.008 (.008)	.013 *** (.004)	.011 *** (.004)	.011 *** (.004)	1.011
EP Committee Supported	.377 (.316)	.281 (.203)	.583 ** (.290)	.340 *** (.130)	.410 *** (.136)	.425 *** (.136)	1.530
Relative EP Salienc	-.023 (.090)	-.040 (.040)	.026 (.065)	-.012 (.028)	-.007 (.029)	-.008 (.029)	.992
EP - Council Salienc Tie	-.068 (.278)	-.321 * (.185)	-.239 (.338)	-.258 ** (.127)	-.263 ** (.129)	-.270 ** (.129)	.763
Commission Support	-.025 (.254)	.794 *** (.176)	.724 *** (.235)	.538 *** (.116)	.580 *** (.118)	.592 *** (.118)	1.807
Issues Type (base budgetary)							
Policy Substance Issues	.791 ** (.411)	.792 *** (.282)	-.420 (.483)	.529 *** (.196)	.502 *** (.197)	.558 (.500)	1.747
Fundamental Rights Issues	2.514 *** (.591)	1.560 *** (.374)	.566 (.634)	1.528 *** (.266)	1.496 *** (.267)	2.775 *** (1.134)	16.036
Institutional Powers Issues	3.032 *** (.760)	1.302 *** (.304)	.694 (.650)	1.446 *** (.172)	1.450 *** (.273)	.252 (.653)	1.287
Reading (base 3 reading)							
First Reading	-	-	-	-	-.076 (.270)	-.075 (.535)	.918
Second Reading	-	-	-	-	-.405 ** (.170)	-.412 ** (.171)	.663
Triologue x Policy Substance	-	-	-	-	-	-.075 (.535)	.928
Triologue x Fundamental Rights	-	-	-	-	-	-1.370 (1.165)	.254
Triologue x Institutional Issues	-	-	-	-	-	1.462 ** (.719)	4.317
Intercept	-2.835 ** (1.325)	-2.105 *** (.677)	-.599 (.862)	-1.868 *** (.460)	-1.396 *** (.491)	-1.379 ** (.632)	
Random Effects							
Policy Area Level (std.dev.)	1.006 *** (.330)	.109 (.145)	<.001 (.186)	.125 (.093)	.138 (.096)	.136 (.100)	
-2 x Log Likelihood	457.108	934.180	452.756	1903.259	1894.163	1883.757	
N Policy Areas	18	17	9	19	19	19	
N Issues	439	754	374	1567	1567	1567	

*p < .10; ** p < .05; *** p < .01

Conditions for EP Success in the Co-decision Procedure: 1999 –2007 (continued)

European Parliament Success in the Codecision Procedure, 1999 – 2007							
Dependent Variable: European Parliament Success							
Logit (Clustered S.E.PolicyArea)	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	
	1 reading	2 reading	3 reading	all issues	all issues	all issues	Odds Ratio
Fixed Effects	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	
<i>Individual Level Variables</i>							
Single Package Deal	-.119 (.200)	-.153 (.236)	.666 ** (.317)	-.132 (.170)	-.093 (.182)	-.089 (.178)	.915
Proposals Package Deal	.316 (.485)	.514 *** (.183)	.263 (.228)	.306 ** (.136)	.331 *** (.116)	.325 *** (.126)	1.383
Triologue	.331 (.497)	-.182 (.237)	- (.196)	.077 (.196)	-.066 (.195)	-.081 (.744)	.923
Council Impatience	.231 (.265)	.352 ** (.153)	.210 * (.122)	.335 *** (.107)	.337 *** (.117)	.338 *** (.117)	1.402
Urgent	-.636 ** (.302)	-.166 (.179)	.278 (.210)	-.198 (.134)	-.205 (.135)	-.216 (.139)	.805
Urgent for the Commission	.495 ** (.246)	.413 * (.244)	-.422 (.282)	.275 * (.157)	.294 * (.171)	.296 * (.167)	1.344
European Parliament Cohesion	.018 (.012)	.011 *** (.003)	.008 * (.005)	.013 *** (.003)	.011 *** (.003)	.011 *** (.003)	1.011
EP Committee Supported	.531 * (.318)	.287 ** (.148)	.583 *** (.108)	.339 *** (.107)	.397 *** (.107)	.412 *** (.108)	1.510
Relative EP Salienc	.057 (.117)	-.038 (.038)	.026 (.026)	-.007 (.036)	-.002 (.033)	-.003 (.033)	.997
EP - Council Salienc Tie	-.204 (.187)	-.317 *** (.116)	-.239 (.210)	-.246 *** (.072)	-.251 *** (.074)	-.259 *** (.073)	.772
Commission Support	.122 (.277)	.783 *** (.152)	.724 *** (.288)	.533 *** (.110)	.575 *** (.109)	.586 *** (.113)	1.796
Issues Type (base budgetary)							
Policy Substance Issues	.448 (.356)	.793 *** (.170)	-.420 (.681)	.533 *** (.133)	.505 *** (.146)	.550 (.633)	1.796
Fundamental Rights Issues	1.907 *** (.407)	1.557 *** (.213)	.566 (.874)	1.522 *** (.151)	1.490 *** (.349)	2.770 *** (.661)	15.950
Institutional Powers Issues	2.476 *** (.672)	1.297 *** (.451)	.694 (.917)	1.445 *** (.339)	1.447 *** (.349)	.239 (.817)	1.270
Reading (base 3 reading)							
First Reading	- (.206)	- (.204)	- (.196)	- (.196)	-.040 (.206)	-.050 (.204)	.951
Second Reading	- (.115)	- (.112)	- (.112)	- (.112)	-.377 *** (.115)	-.384 *** (.112)	.681
Triologue x Policy Substance	- (.763)	- (.763)	- (.763)	- (.763)	- (.763)	-.061 (.763)	.941
Triologue x Fundamental Rights	- (.659)	- (.659)	- (.659)	- (.659)	- (.659)	-1.372 ** (.659)	.254
Triologue x Institutional Issues	- (.840)	- (.840)	- (.840)	- (.840)	- (.840)	1.474 * (.840)	4.365
Intercept	-2.109 (1.298)	-2.062 *** (.491)	-.599 (.592)	-1.881 *** (.401)	-1.455 *** (.428)	-1.426 ** (.724)	
Wald Chi-Squared	178.19***	939.49***	-	2660.74***	2463.36***	-	
Pseudo R Sq (McFadden)	.10	.07	.07	.06	.06	.09	
Log Pseudolikelihood	-237.532	-467.191	-226.373	-925.061	-947.568	-924.325	
N Policy Areas	18	17	9	19	19	19	
N Issues	439	754	374	1567	1567	1567	

*p < .10; ** p < .05; *** p < .01

7.5 Results

The empirical analysis of all co-decision legislative proposals completed between 1 May 1999 and 30 April 2007 supports the principal argument that package deals increase the likelihood of EP success in influencing legislative outcomes in the co-decision procedure. While trialogues show no effects on the probability of EP success, Council impatience conditions the likelihood of EP success in the co-decision.

Package Deals

Compared to non-package legislation, package deals are likely to lead to EP success when packages involve multiple proposals. The *Package Proposal* variable is positively correlated with EP success and it is statistically significant. This means that the European Parliament is more likely to influence legislation when it bargains on several proposals bundled in a package simultaneously. The results do not support this claim when package deals are concluded in single omnibus proposals that involve multiple issues. The *Single Package* variable is not statistically significant. This is most probably because package deals on single proposals involve less issues and there are less possibilities for a logroll. In contrast, when many proposals are bundled together, the possibilities for a logroll increase due to the larger number of issues. Faced with several blocked proposals in a package, the Council often reconsiders its position and allows concessions closer to Parliament's preferred outcome. The availability of multiple issues in package deals allows the Council and the Parliament to trade their support for their most salient issues. Therefore, through packaging multiple proposals together the EP succeeds in obtaining its preferred legislative outcomes.

In addition, the *Triologue* variable is not significant. This is exactly the expected effect. Trialogues serve as enforcement mechanisms for legislative exchange between the

EP and the Council. Trialogues are institutional arrangements and they do not directly affect the influence of an actor.

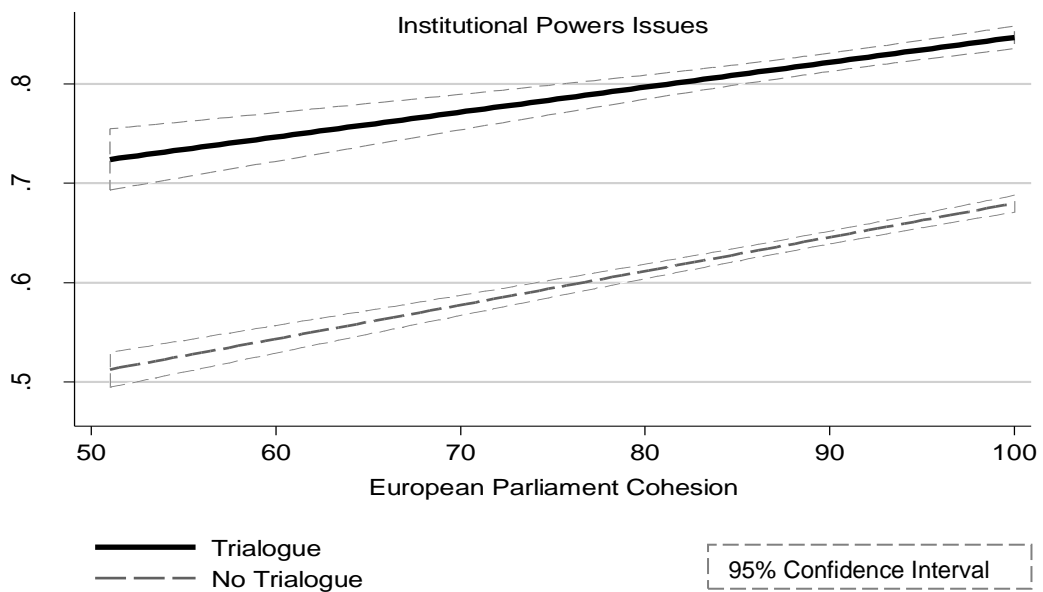
The *Council Impatience* variable is significant and positively correlated with EP success. The Council is likely to start discussions and to prepare a draft text early if the proposal is urgent for the Member States. An impatient Council is more likely to cooperate with the EP and therefore more likely to grant concessions to the EP in return for a fast-track decision. When the Council amends the legislative text earlier than the European Parliament, the proposal is very important for the Member States and they are ready to grant concessions to the EP's representatives. The European Parliament manages to realize many of its legislative demands in return for not using its power to delay an opinion. In contrast, when the EP is relatively more impatient about the conclusion of a legislative deal, it is in a weaker bargaining position¹²¹. The findings here are in line with the arguments of Tsebelis and Money (1997) and Rittberger (2000) that the EP is likely to enjoy significant legislative influence in urgent cases.

The outcome of co-decision bargaining varies according to the timing of the adoption of proposals. In contrast to conciliations, second readings significantly decrease the likelihood of EP success in co-decision. While first readings set no time limits and the EP can delay its legislative opinion, second reading negotiations follow a strict deadline. In addition, second reading amendments, unlike those at first reading, require an absolute majority of MEPs in favour in order to pass. Although the European Parliament has the ability to use its veto in third reading, going all the way to conciliation involves high costs for the EP in terms of time and institutional resources. Thus, in order to avoid the uncertainty and costs of the conciliation process, the European Parliament seems to accept less favourable proposals at second reading.

¹²¹ 'To ensure that agreement on a joint text can nevertheless be reached at the earliest possible date, your rapporteur is consequently proposing that the Council amendments be taken over exactly as they stand, thereby enabling the Council to adopt the amended act in accordance with the first indent of Article 251(2) of the EC Treaty (adoption at first reading).' (European Parliament, 2003a).

Figure 7.1 plots the predicted probability of EP success according to the use of trialogues and EP cohesion (based on Model 1). The plot highlights that through the trialogue the EP it gains in terms of institutional powers. Assuming the other variables are at their mean, the probability of EP success in institutional matters is expected to be only 60% without a trialogue and 80% with a trialogue. The possibility of gaining further institutional powers is a strong incentive for the EP to participate in informal trialogues with the Council. In return for its cooperative behaviour, the Parliament receives the Council's support for increased institutional competences.

Figure 7.1 Effect of Trialogues and EP Cohesion on the Probability of EP Success in the Codecision Procedure



European Parliament Cohesion

The size of the EP majority voting together on a proposal is an important predictor of EP success in co-decision negotiations. The European Parliament is likely to succeed when a larger majority votes in favour of the amendments to the Commission proposal. Divisions among the MEPs weaken the bargaining position of the EP vis-à-vis the Council and Commission. This result is in line with the argument of Kreppel (2002) who finds that the

EP is more likely to succeed in getting concessions from the Council when it is united. As expected, the *EP Plenary Support* variable is also a significant predictor of EP success. The Parliament is more likely to succeed when the plenary supports the committee report in its entirety and other MEPs do not table different additional amendments to the committee report. Therefore, the EP can be more successful in dialogues where the Parliament is represented by a single agent - the committee rapporteur. The availability of different negotiators on behalf of the EP (committee rapporteur and political group leaders) makes it easier for the Council to undermine the priorities of the Parliament and to push through its own agenda¹²². Hence, last minute amendments voted by the EP Plenary in addition to committee reports undermine the legislative role of the European Parliament.

Relative EP Preference Intensity

The *Relative EP Salience* variable is not statistically significant. Its negative coefficient suggests that the European Parliament not only succeeds in cases to which it attaches relatively higher degrees of salience, but it also influences proposals that are more salient to the Council. In contrast, the *Council - EP Salience Tie* variable is significant and negatively correlated with EP success. The EP is more likely to fail to affect legislative outcomes when both institutions share similar intensities of preferences over proposals.

This supports the argument that the EP will be more successful if it can trade its support on a salient for the Council proposal for the Council's support on a more salient for the EP proposal. This is because in cases of high Council salience, the Council has greater incentives to cooperate with MEPs. When the preference intensities of both institutions are

¹²² For example, in the negotiations of the REACH directive the availability of several negotiators on behalf of the EP undermined its bargaining position: *'In spite of the fact that the Committee on the Environment, Public Health and Food Safety demanded substantial improvements in REACH, the last dialogue only made things worse. It was the Group of the European People's Party (Christian Democrats) and European Democrats that played the chemical industry's game, but why did the others join in?'* (European Parliament, 2006b).

equal no legislative exchange can take place. As a result, the probability of EP success increases when the preference intensities between the Council and the Parliament differ.

Commission Support for EP

Finally, the probability of EP success in the co-decision procedure increases with the availability of *Commission Support*. This finding is in contrast with the generally accepted argument (Crombez, 2000a) that the European Commission is ‘irrelevant’ under the co-decision procedure. The Commission still enjoys strong institutional presence in the legislative process. This is in line with the findings of Rasmussen (2003) and Konig et al. (2007). Informal meetings usually involve a representative of the Commission, who serves as a mediator between the two institutions. The Commission has the sole right to initiate legislation and it has important implementing powers. Therefore, Commission support is decisive for EP success even under the co-decision procedure.

In summary, the results of the chapter support the argument that the Parliament’s legislative influence in the co-decision procedure is conditional on the availability of package deals and Council impatience. Trialogues do not automatically increase the legislative influence of the European Parliament. Trialogues provide a flexible institutional structure for legislative bargaining in the EU, which allows legislative exchange between the EP and the Council and the negotiation of enforceable agreements. Due to its cooperative behaviour in trialogues, the EP receives increased institutional capabilities. The results also demonstrate that the EP’s legislative influence in the co-decision procedure is conditional on the difference of preference intensities between the EP and the Council, EP cohesion, reading and Commission support.

7.6 Case Study: Reinsurance Directive ¹²³

Legislation in the Area of Financial Services: The Insurance Sector

Background of the Directive

The financial services sector includes three major areas for which similar EU policies apply: banking, insurance and investment, and securities. Europe is the world's largest insurance market with 36.9% share¹²⁴ and therefore a clearly defined EU insurance policy is central to the success of the financial services sector. The European Commission's Financial Services Action Plan (1999-2005) laid the foundations for a single EU financial market. To achieve the promotion of economic efficiency and market integration in insurance, the EU needed a common framework, which allowed insurers to establish, operate and provide services freely throughout the EU. This EU framework is founded on a series of life and non-life insurance directives, which harmonize essential rules for the existence of a single market in insurance services.

Reinsurance is insurance for insurers. Reinsurance is a highly international industry with a limited number of large companies. Reinsurance allows direct insurers to 'free themselves from the part of a risk that exceeds their underwriting capacity, which they cannot bear alone. It plays an important part in risk management and long term stability of financial systems' ("Committee Report" 12 May 2005). By 2004, the existing EU insurance legislation only provided for regulation of reinsurance activities carried out by direct insurers, but it did not provide a regulatory framework for the regulation of specialized reinsurers – those companies, whose sole activity is reinsurance. By proposing a draft reinsurance directive, the European Commission aimed to fill this gap in EU law.

¹²³ Directive 2005/68/EC of the European Parliament and of the Council of 16 November 2005 on reinsurance and amending Council Directives 73/239/EEC, 92/49/EEC as well as Directives 98/78/EC and 2002/83/EC

¹²⁴ Europe is followed by North America, which accounts for 36%. Behind these two leaders, Asia accounts for 22.7% of world premium income and other continents (Africa, Latin America and Oceania) represent only 4.4% ("Place of Europe in Worldwide Insurance" June 2006).

The Commission launched a thorough consultation campaign with reinsurance experts as early as February 2000 in order to design a sound legislative tool for the regulation of the reinsurance sector. The Commission argued that the lack of an EU regulatory framework for reinsurance resulted in significant differences in the level of supervision of reinsurance activities in the EU. The different national rules created uncertainty for direct insurance companies, barriers to trade within the internal market, administrative burden and costs as well as the weakening of the EU position in international trade negotiations. On 21 April 2004 the Commission filed a co-decision proposal for a directive on reinsurance, based on Articles 47 (2) and 55 of the TEC.

Stage I: Intra-Chamber Decision-Making

In the Council, much of the drafting work was done by the Working Party on Financial Services, which since June 2004 met on numerous occasions in order to achieve a Council position on the directive. The Council managed to ensure a firm position on the dossier long before the European Parliament started serious debates on it. By November 2004 the Council had already managed to come up with a revised text of the directive, which it forwarded to the responsible EP committee. The Working Party on Financial Services met for the first time on 7 June 2004 to begin the examination of the Commission's proposal for the Reinsurance Directive. It met on 2 July 2004, 17 September 2004, 5 October 2004 and 18 October 2004. On 5 November 2004, only a few months after the launch of the proposal by the Commission, the Presidency (Irish) was ready with a compromise Council text ("Presidency Compromise" 5 November 2004). After two more revisions of the Financial Services Working Party (on 15 February 2005 and 15 March 2005), the Council came up with a second refined version of the directive on 8 March 2005, and then a third version on 17 March 2005.

The EP ECON committee only started substantial discussions on the Reinsurance proposals, after mid-March, i.e. after receiving the final Presidency Compromise Text by the Council (“Committee on Economic and Monetary Affairs”, 2004-2009 documents). In the Parliament, the proposal was allocated to the Committee on Economic and Monetary Affairs ECON on 15 September 2004 and Peter Skinner (PES, UK) was appointed rapporteur on 21 September 2004 (“Committee Report” 12 May 2005). However, the ECON committee only started serious discussions in mid-March 2005, after the Committee’s rapporteur submitted his draft report, comprising of 55 amendments to Commission proposal text.

Table 7.7 Reinsurance Directive Decision-Making Timeline

Date	Legislative activity
21-Apr-04	Commission files proposal
07-Jun-04	Council: Working Party on Financial Services First meeting
02-Jul-04	Council: Working Party on Financial Services Second meeting
03-Sep-04	Council: Presidency draft compromise text
17-Sep-04	Council: Working Party on Financial Services further meeting
28-Sep-04	Council: Presidency draft compromise text (revised)
05-Oct-04	Council: Working Party on Financial Services further meeting
05-Oct-04	Parliament: ECON Committee: First exchange of views
18-Oct-04	Council: Working Party on Financial Services further meeting
05-Nov-04	Council: Irish Presidency Compromise text
30-Nov-04	Parliament: Public hearing: ECON Committee with industry experts
15-Feb-05	Council: Working Party on Financial Services further meeting
20-Feb-05	Triologue
03-Mar-05	Council: Luxembourg Presidency: Further version of Compromise text
14-Mar-05	Parliament: ECON rapporteur Skinner: Draft report
15-Mar-05	Council: Working Party on Financial Services further meeting
17-Mar-05	Council: Luxembourg Presidency: Final version of Compromise text
29-Mar-05	Parliament: ECON Committee: Discussion of Draft report
26-Apr-05	Parliament: ECON committee: Discussion of amendments and vote
09-May-05	Parliament: ECON Committee: adoption of amendments and preparation of final report
07-Jun-05	Parliament: First Reading Vote in Plenary: Adopted
17-Oct-05	Council: Approval of Directive

Source: European Parliament OEIL Legislative Observatory, Council of the EU Document Register

Inter-Chamber Bargaining

The Presidency initiated a series of informal meetings “*due to the urgency of this proposal and the relatively small number of substantial political contentious issues*” (‘Proposal for a Directive’ 9 March 2005). Member States agreed it would be desirable to reach an agreement with the EP in the first reading. The Presidency had informal contacts with representatives of the European Parliament who by March 2005 “*indicated their willingness to explore the possibilities for a first reading agreement*”. Since November 2004, however, rapporteur Skinner and the committee chairwoman Pervenche BERÈS (PES, FR) were involved in several informal meetings with the Council and the Commission to discuss the adoption of a compromise package deal text (‘Outcome of EP’s first reading’ 6 June 2005). Influenced by the Council through the trialogues, Skinner filed a report on 14 March 2005, which copied the form and substance of the text, proposed by the Council Presidency on 8 March 2005.

The rapporteur and the committee chair managed to reconcile any outstanding differences within the ECON committee and achieved an almost unanimous support for the proposal. Parliament’s ECON committee voted on its report on 27 April 2005 with 40 votes in favour, and 1 abstention. Right after the vote of the ECON committee, the chairman of COREPER sent a letter to the ECON’s chairwoman Beres, to rapporteur Skinner and to Internal Market and Services Commissioner Charlie McCreevy. The letter notified them that the proposal was acceptable to the Council in the format agreed, subject to no further amendments by the Plenary. The letter read: “*I am therefore in a position to confirm that, should the European Parliament adopt the amendments to the Commission proposal in the exact form as set out in the Annex to this letter, the Council would... adopt the proposed directive*” (Council Communication’ 2 May 2005). The Council stated that it would not accept any further amendments to the compromise package.

Stage III: Voting

This left little room for discussion, debate or inclusion of further amendments by other MEPs, outside the ECON committee. Eventually, on 7 June 2005 the EP voted by simple majority in favour of Skinner's report, passing the package compromise text and thus approving the proposal under the 1st reading of the co-decision procedure. The outcome of the European Parliament's vote reflected the compromise agreement reached by the two chambers beforehand at the informal trialogue meetings. As the text adopted by the plenary was in no way different from the text, proposed by the Council Presidency, the proposal was acceptable to the Council and it adopted it on 17 October 2005.

Key issues

This proposal was largely technical, but touched upon several controversial issues for Member States. These were: 1) the solvency margin rules¹²⁵ for life and non-life reinsurance; 2) the issue of collateralization¹²⁶; and 3) the inclusion of provisions for substitutes for traditional reinsurance such as 'Special Purpose Vehicles'¹²⁷ or 'finite reinsurance'¹²⁸.

Solvency margin rules for life and non-life reinsurance

In order to achieve a regulated reinsurance market in the EU, the Commission's proposal required an increase of the solvency requirements for life reinsurance compared to those for non-life reinsurance and a transition period of 24 months. The Council, supported

¹²⁵ The **solvency margin** is the extra capital that insurance undertakings are required to hold as a buffer against unforeseen events such as higher than expected claims levels or unfavourable investment results.

¹²⁶ **Collateralisation** is a method of regulation used by States to protect the reinsurance process from failure.

¹²⁷ **Special purpose vehicle** (SPV) means 'any undertaking, whether incorporated or not, other than an existing insurance or reinsurance undertaking, which assumes risks from insurance or reinsurance undertakings and which fully funds its exposure to such risks through the proceeds of a debt issuance or some other financing mechanism where the repayment rights of the providers of such debt or other financing mechanism are subordinated to the reinsurance obligations of such vehicle' (Article 2, Par1, Point (na)).

¹²⁸ **Finite reinsurance** means 'reinsurance under which the explicit maximum loss potential, expressed as the maximum economic risk transferred, arising both from a significant underwriting risk and timing risk transfer, exceeds the premium over the lifetime of the contract, by a limited but significant amount, together with at least one of the following two features: (i) explicit and material consideration of the time value of money; (ii) contractual provisions to moderate the balance of economic experience between the parties over time to achieve the target risk transfer' (Article 2, Paragraph 1, Point (nb)).

by the reinsurance industry, opposed a far-reaching regulation on reinsurance. Most of the Member States did not have special national regulations for the reinsurance sector, and still the reinsurance industry was performing efficiently. The Council's amended proposal opposed the separation of solvency margin requirements to life and non-life reinsurance and proposed identical rules on both. Non-life reinsurance dominated the industry, comprising more than 80% of the overall premiums. Life reinsurance consisted mostly of savings and therefore had a small risk component and did not require higher solvency margins ("ECON Committee Report" 12 May 2005). The Council also required an extended period of 12 months in addition to the 24 months in order to allow longer for the transposition of the directive in national legislation. The ECON Committee agreed with the Council and required identical solvency margin rules for both life and non-life reinsurance. The Committee report also provided for an extension of the transition period with 12 months. The Committee voted unanimously in favour of this version and the report was approved by the plenary at first reading.

Use of collateralization

The Commission proposal required the abolition of collateralization. The use of collateral to secure reinsurance contracts, although still practiced in some Member States, was no longer an effective regulatory tool. It represented an inefficient use of capital, which could otherwise be released into the wider economy and thus potentially contribute to the goals of the Lisbon Strategy. The Council supported the abolition of collateral to secure reinsurance contracts. It agreed with the Commission that collateralization was an outdated and inefficient practice, but required that the method and the time to abolish it should be left to the discretion of Member States. In line with the Council position, the Parliament opposed the use of collateral to secure reinsurance contracts, but left it to the discretion of Member States to decide on the methods and time-frame for the abolition of this practice.

Table 7.8 Key Issues on the Reinsurance Directive

Text proposed by Commission	Text proposed by the Council: Presidency compromise text of 17 March 2005	Text proposed by ECON Committee 12 May 2005 and adopted by the European Parliament on 7 June 2005
Article 38: Solvency Margin Requirements for Life and Non-life reinsurance		
Different solvency margin requirements for life and non-life reinsurance	Recital (21a) In the light of the similarities between life reinsurance covering mortality risk and non-life reinsurance, in particular the cover of insurance risks and the duration of the life reinsurance contracts, the required solvency margin for life reinsurance should be determined in accordance with the provisions laid down in this Directive for the calculation of the required solvency margin for non-life reinsurance ; the home Member State should however be allowed to apply the rules provided for in Directive 2002/83/EC for the establishment of the required solvency margin in respect of life reinsurance activities which are linked to investment funds or participating contracts.	Amendment 8 Recital (21a) New In the light of the similarities between life reinsurance covering mortality risk and non-life reinsurance, in particular the cover of insurance risks and the duration of the life reinsurance contracts, the required solvency margin for life reinsurance should be determined in accordance with the provisions laid down in this Directive for the calculation of the required solvency margin for non-life reinsurance ; the home Member State should however be allowed to apply the rules provided for in Directive 2002/83/EC for the establishment of the required solvency margin in respect of life reinsurance activities which are linked to investment funds or participating contracts.
Article 38, 1. Subject to Article 40 , the required solvency margin for life reinsurance activities shall be determined as laid down in paragraphs 2 to 7 according to the classes of reinsurance underwritten .	Article 38, 1. The required solvency margin for life reinsurance activities shall be determined according to Article 37 of this Directive [required solvency margin for non-life reinsurance] .	Amendment 28, Article 38, 1. The required solvency margin for life reinsurance activities shall be determined according to Article 37 of this Directive [required solvency margin for non-life reinsurance] .
Recital 25a: Inclusion of Finite Reinsurance and Special Purpose Vehicles		
No provision	Recital (25a) This Directive should be applicable to finite reinsurance activities ; therefore a definition of finite reinsurance for the purposes of the application of this Directive should be necessary; due to the special nature of this line of reinsurance activity, the home Member State should be given the option to lay down specific provisions for the pursuit of finite reinsurance activities . These provisions could differ from the general regime laid down in this Directive on a number of specific points.	Amendment 9, Recital (25a) New This Directive should be applicable to finite reinsurance activities ; therefore a definition of finite reinsurance for the purposes of the application of this Directive should be necessary; due to the special nature of this line of reinsurance activity, the home Member State should be given the option to lay down specific provisions for the pursuit of finite reinsurance activities . These provisions could differ from the general regime laid down in this Directive on a number of specific points.
No provision	Recital (25b) This Directive should provide rules concerning those special purpose vehicles that assume risks from insurance and reinsurance undertakings . The special nature of such special purpose vehicles, which are not insurance or reinsurance undertakings, calls for the establishment of specific provisions in Member States. Furthermore, this Directive should provide that the home Member State should lay down more detailed rules in order to set the conditions under which outstanding amounts from a special purpose vehicle can be used as assets covering technical provisions by an insurance or a reinsurance undertaking . This Directive should also provide that recoverable amounts from a special purpose vehicle may be considered as amounts deductible under reinsurance or retrocession contracts within the limits set out in this Directive, subject to an application by the insurance undertaking to the competent authority and after agreement of that authority.	Amendment 10, Recital (25b) New This Directive should provide rules concerning those special purpose vehicles that assume risks from insurance and reinsurance undertakings . The special nature of such special purpose vehicles, which are not insurance or reinsurance undertakings, calls for the establishment of specific provisions in Member States. Furthermore, this Directive should provide that the home Member State should lay down more detailed rules in order to set the conditions under which outstanding amounts from a special purpose vehicle can be used as assets covering technical provisions by an insurance or a reinsurance undertaking . This Directive should also provide that recoverable amounts from a special purpose vehicle may be considered as amounts deductible under reinsurance or retrocession contracts within the limits set out in this Directive, subject to an application by the insurance undertaking to the competent authority and after agreement of that authority.

References to 'Special Purpose Vehicles' and 'Finite Reinsurance'

The original Commission proposal did not contain any provisions for finite reinsurance activities or the use of Special Purpose Vehicles. It was the Council, which in its compromise texts of November 2004 and March 2005, introduced references to these special types of reinsurance activity. This was an innovative step in defining and regulating these types of reinsurance in the EU. However, such a fast track initiative of the Council left the wording of the conditions and provisions for these reinsurance activities very broad. The Council specified that, due to the special nature of these lines of reinsurance activity, Member States should have the option to lay down specific provisions, which can differ from the general provisions of the Reinsurance Directive. Therefore, although it contained references to these activities, the Council's text failed to provide specific conditions for their regulation. Accordingly, the Parliamentary committee introduced references to finite reinsurance and SPVs and gave Member States the option to lay down specific provisions in these activities, which can differ from the general provisions of the directive. Faced with a take-it-or-leave-it offer and pressed to fast-track the legislation, the Parliament did not have the option to consider improvements or further specifications of these provisions.

Package Deal and Urgency

The Council was interested in getting a first reading agreement. The Council had already worked on three compromise drafts before sending them to the ECON committee. The Commission proposal was largely modified by the Council and then its suggestions were sent to the Parliament. It was the Council, which took the initiative to draft the proposal and then offer it informally to the EP's ECON Committee. Overall, most Member States did not have special regulations in national legislation on the subject of reinsurance. As of January 2002, in Belgium, Ireland and Greece domestic professional reinsurers were not subject to any reinsurance supervision. Germany, France and the Netherlands applied

elements of their direct insurance supervisory regime to reinsurers. A reduced licensing regime existed in Austria, Italy, Spain and Sweden, where only Spain and Sweden imposed solvency margin requirements. Only in the UK, Denmark, Finland and Portugal were reinsurers subject to the comprehensive regulation and supervision applied to direct insurers, including licensing and thorough, continuous financial supervision (“Study into the Methodologies for Supervision”, p. 42). With such a diverse, but minimal type of reinsurance regulation across the EU, it was easy for the Council to support unanimously a very basic type of EU reinsurance regulation, which gave Member States the flexibility and freedom to decide on the appropriate measures in this sector. Such a position was supported by the reinsurance companies¹²⁹.

Due to more urgent legislative business, discussions on this directive in the EP did not start until mid-March. Most of the work by the Committee was done between 14 March 2005, when the rapporteur presented his draft report and 27 April 2005, when the committee voted on its report. The Committee met to discuss the reinsurance dossier and consider additional amendments on 29 March, 18 April, 27 April and 9 May 2005 (ECON committee meetings, 2004-2009). Rapporteur Peter Skinner (PES) was the leading figure in the EP-Council negotiations, from the very beginning until the adoption of the resolution at first reading. In this case, the rapporteur, together with the committee chairwoman, led the informal talks with the Council and concluded the inter-chamber package deal¹³⁰.

¹²⁹ The biggest European reinsurance companies - Munich Re (Germany), Swiss Re (Switzerland), Hannover Re (Germany), Lloyd's (UK), Allianz AG (Germany), SCOR (France), Conventium (Switzerland) – were heavily affected by the directive. Although they would benefit from the regulation, they favoured largely the position of the Council for an equal treatment of life and non-life reinsurance and more flexible transition options for Member States. By using the support of the industry, the Council managed to insert the issues of finite reinsurance and Special Purpose Vehicles in its revised text. Source: “Study into the Methodologies” 31 January 2002. KPMG for European Commission; page 29.

¹³⁰ For Peter Skinner “*constructive cooperation between the co-legislators and the stakeholders, including the industry, can have a very positive impact and lead to legislation that meets the needs and expectations of all parties involved. Following several debates, hearings and discussions with my colleagues of the Finance Committee we have now reached an acceptable compromise...*” (Peter Skinner MEP, October 2005).

Agenda for Meetings: Council Working Party on Financial Services Reinsurance

17-Sep-04	05-Oct-04	18-Oct-04
Agenda: 1) Article 1 (scope), 2) Article 2 (definitions), 3) Article 6 (conditions), 4) Article 32 (establishment of technical provisions), 5) Article 33 (equalisation reserves), 6) Article 34 (assets covering technical provisions), 7) Article 37 (solvency requirements non-life), 8) Article 38 (solvency requirements life), 9) Article 47 (principle and conditions for conducting reinsurance business), 10) Article 57 (amendments to Directive 73/239/EEC/Article 59)	Agenda: 1) Article 47 (Principle and conditions for conducting reinsurance business, 2) Article 57 and 59 (Amendments to Directives 73/239 and 2002/83), 3) Article 2 and 40 (Captives), 4) Finite Risk Reinsurers and Special Purpose Vehicles (as requested by the Irish Delegation), 5) Article 18: Transfer of portfolio (as requested by the Austrian delegation), 6) 2nd Draft compromise text (package deal), 7) any other business.	Agenda: 1) Feedback on the discussion with the European Parliament, 2) Article 2 (Definitions): Changes in Article 2 (1) a and feedback on the informal meetings with several Member States, 3) New provisions on arbitrage regarding mixed undertakings (with respect to assets covering technical provisions), 4) New provisions on Special Purpose Vehicles and Finite Risk Reinsurance, 5) Package deal (with special attention to revised article 34), 6) Comments from Member States on other changes, 7) Comments from Member States on remaining issues

Sources: Notices of Meetings, Council of the EU: 6 September 2004; 23 September 2004; 12 October 2004.

Enforcement of Informal Deals

The package compromise had to be voted without amendments (as a block vote) in plenary at first reading. At the first reading on 7 June 2005, the European Parliament voted yes for the ‘block vote’ of 54 amendments, proposed by the ECON committee. The EP managed to achieve such a fast-track agreement due to the *“close cooperation with the Council, the competent authorities of the Member States and reinsurance industry representatives”* Karsten Friedrich Hoppenstedt (PPE-DE, DE) (“Parliamentary Debate” 6 June 2005). The accelerated procedure and the early triologue agreement did not leave much room for debates or amendments by other MEPs¹³¹.

¹³¹ This fact was recognized by Members of the ECON Committee such as Herald Ettl, (PSE, DE): *“In order to reach a consensus with the Council as quickly as possible, the Committee on Economic and Monetary Affairs, which was the lead committee, accepted only one subparagraph amending the resolutions in the competent Council working party. All the proposed amendments were sacrificed to the accelerated procedure. That alone explains why the version laid before plenary does not include my amendment clarifying what government bonds can count towards the cover for a reinsurance undertaking’s technical reserves... A little more would have achieved a great deal”* (“Parliamentary Debate” 6 June 2005).

7.7 Illustrative Case Study: Energy End-Use Efficiency and Energy Services¹³²

Legislation in the Area of the Energy Sector

Background of the Directive

Energy has been one of the most controversial issues in the EU and the development of a common energy policy has been a reoccurring issue on the agenda since the 1960s. Despite its prominence, between the early 1970s through the 1980s energy remained largely in the hands of national governments. The period since the late 1980s, however, has been marked by increased attempts to introduce a Common Energy Policy (Andersen, 2000). In its 1988 White Paper on Energy the Commission took a close look at the energy sectors in Europe within the framework of the Internal Market programme. With the rise of oil and gas prices and the increasing energy dependency of the EU on third countries, the European Commission set a goal to propose a series of legislative acts, which would serve as a basis for an effective EU energy policy.

The Commission's efforts to develop the internal energy market were formulated in its first 1996/1998 energy package. The Commission proposed the first set of directives – the 1996 Electricity Directive (96/92/EC) and the 1998 Gas Directive (98/30/EC). These pieces of legislation aimed at liberalising the internal market in electricity and gas. The EU's energy policy had to address the significant increase in costs affecting the Union's economy and to reduce the environmental impact and greenhouse gas emissions with the aim of meeting the Kyoto targets¹³³. In June 2003 the Commission proposed its second energy package. This included a revised EU Electricity Directive (2003/54/EC) as well as a revised EU Gas Directive (2003/55/EC). The Directive on Energy Efficiency and Energy

¹³² Directive 2006/32/EC of the European Parliament and of the Council of 5 April 2006 on energy end-use efficiency and energy services and repealing Council Directive 93/76/EEC (Text with EEA relevance)

¹³³ Since the year 2000, the European Commission has brought forward more ambitious pieces of legislation in the energy sector. These include a Directive on Energy Performance of Buildings (2002/91/EC), a Directive on Cogeneration (2004/8/EC), and a Directive on Eco-design (2005/32/EC).

Services was part of this second series of legislative measures, which promoted the development of a sustainable EU energy policy.

On 10 December 2003 the Commission presented a co-decision proposal for a Directive on Energy End-use Efficiency and Energy Services based on Article 175(1) of the EC Treaty. The Commission's proposal aimed to stimulate energy efficiency by introducing mandatory savings targets for Member States and taking measures that would assist the development of the market in energy services. It aimed to contribute to the achievement of the EU's Kyoto emissions-reduction target and covered the great majority of forms of energy sold to end-users: electricity, gas, district heating, heating oil, and transport fuels.

Stage I: Intra-Chamber Decision-Making

In the European Parliament, the proposal was assigned to the Committee on Industry, Research and Energy (ITRE) committee, with rapporteur Mechtild Rothe (PES, DE) and chair Giles Chichester (EPP-ED, UK). Shadow rapporteurs were Alejo Vidal-Quadras Roca (EPP-ED, ED), Fiona Hall (ALDE, GB), Claude Turmes (Verts/ALE, LU) and Umberto Guidoni (GUE/NGL, IT). The ITRE committee met for the first time on Monday, 30 August 2004 in Brussels in order to exchange views on the Energy-Efficiency directive. The rapporteur presented her first draft proposal, consisting of 51 amendments, to ITRE on 20 December 2004, which was discussed and amended in the subsequent committee meetings between January and May 2005. The ITRE Committee adopted its proposal on 25 May 2005, which was then put forward to the plenary for a first reading. On 7 June 2005 the European Parliament adopted its legislative resolution with a total of 99 amendments. The EP passed the committee's proposal with 458 votes in favour, 148 against, and 27 abstentions.

As early as November 2004 the Council's Working Party on Energy started preparatory work. By February 2005, the Council Presidency came up with a compromise text and conducted a policy debate with the other Member States on the dossier. The directive touched upon sensitive for Member States issues and the Council was generally opposed to such a binding piece of legislation. The Council was reluctant to act quickly for an agreement with the EP and thus did not initiate any trialogue meetings and made no contacts with the EP before the first reading on 7 June 2005. As the EP's first reading resolution was unacceptable to Member States, the Council unanimously adopted its common position on 19 September 2005. Whereas it reflected some of the EP's amendments, the common position did not address and diverged in some respects very sharply from the EP's proposal and that of the Commission.

Table 7.9 Energy Efficiency Directive Decision-Making Timeline

Date	Legislative activity
10-Dec-03	Commission files proposal
30-Aug-04	Parliament: ITRE Committee First exchange of views
01-Oct-04	Council: Working Party on Energy: Discussions
04-Nov-04	Council Presidency: Draft Compromise Text
04-Nov-04	Council Presidency conducts a written questionnaire on MS positions
20-Dec-04	Parliament: ITRE committee rapporteur - first draft proposal
07-Jan-05	Parliament: ITRE committee meeting
16-Feb-05	Parliament: ITRE committee meeting: further amendments to proposal
20-Apr-05	Parliament: ITRE committee
25-May-05	Parliament: ITRE Committee Votes on Proposal
07-Jun-05	Parliament: First reading: Proposal Adopted
15-Jun-05	Council: Political Agreement among Member States
19-Sep-05	Council: Common Position
19-Sep-05	Council: Working Party on Energy: Preparation of Informal dialogues
04-Oct-05	Parliament: ITRE committee discussion of Common Position
12-Oct-05	Council: Working Party on Energy: Preparation of Informal dialogues
14-Oct-05	Parliament: ITRE committee extra meeting
18-Oct-05	Triologue: First trialogue
19-Oct-05	Parliament: ITRE Committee rapporteur: New Report
14-Nov-05	Triologue
23-Nov-05	Parliament: ITRE Committee discussion and Vote
25-Nov-05	Council: Coreper meeting: Discussion on Package deal offer
30-Nov-05	Triologue
30-Nov-05	Parliament: ITRE Committee votes on Proposal
06-Dec-05	Triologue: Council and Parliament reach an Informal Compromise
13-Dec-05	Parliament: Second reading Vote in Plenary: Adopted

Source: European Parliament OEIL Legislative Observatory, Council of the EU Document Register

Stage II: Inter-Chamber Bargaining

Several informal procedures involving the Parliament, the Council and the Commission took place before compromise was reached. Triilogue meetings took place 14 November 2005, 30 November 2005 and 6 December 2005 with the aim of reaching agreement before the December 2005 second reading in the EP. These were accompanied by a series of technical meetings. The ITRE committee and rapporteur Rothe seemed determined to press for an elaborate, binding energy efficiency directive. The ITRE committee reinstated many of the EP's first reading amendments in its proposal for second reading, which was in major respects different from the Council's preferences. However, the Council managed to reach a compromise package deal with an EP delegation, made up of representatives from the main political groups. Again informally, just before the formal second reading EP vote, on 6 December 2005 the Council and the party group leaders negotiated a package deal, very different from what the ITRE committee had proposed earlier. This deal was to be formalized by the plenary at second reading.

Stage III: Voting

On the 13 December 2005 the EP adopted a resolution with 582 votes in favour, 13 against with 18 abstentions, which passed the compromise amendments proposed by the party groups and rejected all amendments, proposed by the responsible committee. As the text adopted by the plenary was in no way different from the compromise text, agreed at triilogue, the proposal was acceptable to the Council and it adopted it.

Key Issues

There were several key controversial issues, on which the positions of the Council and the EP differed considerably. These were: 1) mandatory vs. indicative savings targets for the public and private sectors and 2) period of application of the Directive; 3) the development of national reports on energy efficiency; 4) The measurement of energy savings.

Mandatory vs. Indicative savings targets and Period of Application

In order to achieve the EU goal of renewable energy contributing 20% of the overall energy consumption by 2020, the Commission proposal put forward a binding 1% annual general energy savings target and a 1.5% target for the public sector over a period of 6 years. At first reading, the ITRE committee proposed more flexible but higher binding targets of energy savings of 11.5 % over 9 years (3% in the first three years, followed by 4% and 4.5% in the final three), and a target of 16% for the public sector (4.5% in the first three years, 5.5% and 6.5% in the final three). The higher binding energy saving targets to both the public and private sector were supported by the Commission. Lobby groups from the European petrol and oil associations favoured low non-binding targets, whereas domestic appliance manufacturers and environmentalists supported high targets and greater commitments by Member States. The Council was opposed to binding targets on energy efficiency, basing its position on the grounds that Member States' legislation in this sector was very different.

The Council's common position changed the mandatory target to an 'indicative' target of 6 % over 6 years, and removed any reference to a separate target for the public sector. In its preparation for second reading, the ITRE committee removed the requirements for mandatory targets, but pushed for an overall indicative energy savings target of 11.5% (now removing the three year thresholds) over 9 years. It also reintroduced its amendment for higher energy savings targets for the public sector. In the end, as part of the deal the majority parties in the EP accepted an indicative energy savings target of 9% over 9 years and no separate requirement for the public sector.

Development of National Reports on Energy Efficiency

The requirement for the production of annual Energy Efficiency reports did not figure in the Commission proposal, nor did it appear in the EP's first reading report. At second reading the EP rapporteur proposed the development of National Energy Efficiency

Action plans. The ITRE committee introduced an amendment in the text, which required Member States to write annual reports in the form of action plans on their progress in achieving the indicative targets set by the directive. The EP, supported by the Commission, put particular emphasis on reporting and monitoring in order to press the Member States into undertaking long-term comprehensive plans for energy efficiency and energy savings. In the final text, *“Not later than 30 June 2007, Member States shall submit to the Commission a first Energy Efficiency Action Plan (EEAP). Not later than 30 June 2011, Member States shall submit to the Commission a second EEAP. Not later than 30 June 2014, Member States shall submit to the Commission a third EEAP”* (Mechtild Rothe, EP Debate, 12 December 2005).

Measurement of Energy Savings

Measurability was a central requirement for the effective implementation of the directive. A bottom-up model for measuring energy savings was proposed by the Commission. This meant that technical measurement had essentially to be applied to each energy-saving measure. The Council favoured an evaluation using a combination of top-down and bottom-up approaches. However, it did not specify what the relationship between the two was and how a uniform calculation model was to be guaranteed for all the Member States. The ITRE Committee felt that a mixture of bottom-up and top-down systems would create inaccuracies and different measuring methods. That is why the EP at first reading supported a harmonized bottom-up system in the EU. However, realizing its inability to persuade the Council, the EP accepted at second reading a combination of bottom-up and top-down calculation methods for energy efficiency. The final text allowed Member States the freedom to choose their own strategies to achieve sound evaluation of energy-saving methods. In addition, no sanctions existed if governments were unable to achieve the ‘indicative’ targets set.

Table 7.10 Key Issues on Energy Efficiency

Text proposed by Commission	Text proposed by ITRE Committee and accepted by EP at first reading	Commission Opinion	Amendments adopted by Council Common Position	Text Proposed by EP Committee for Second reading	Text Adopted by EP and Accepted by Council: Final text
Article 4					
Article 4, paragraph 1. Member States shall adopt and meet a mandatory target for cumulative annual energy savings attributable to energy services, energy efficiency programmes and other energy efficiency measures.	Amendment 28, Article 4, paragraph 1 Member States shall adopt and meet mandatory targets for cumulative energy savings attributable to energy services, energy efficiency programmes and other energy efficiency measures.	Accepted	Rejected Article 4, paragraph 1 Member States shall adopt and aim to achieve an overall national indicative energy savings target of 6% for the sixth year of application of this Directive, to be reached by way of energy services and other energy efficiency improvement measures. Member States shall take cost-effective, practicable and reasonable measures designed to contribute towards achieving this target.	Amendment 16 Article 4, paragraph 1. Member States shall adopt and aim to achieve an overall national indicative energy savings target of 11.5% for the ninth year of application of this Directive, to be reached by way of energy services and other energy efficiency improvement measures. Member States shall take cost effective, practicable and reasonable measures designed to contribute towards achieving this target.	Article 4 General target 1. Member States shall adopt and aim to achieve an overall national indicative energy savings target of 9% for the ninth year of application of this Directive, to be reached by way of energy services and other energy efficiency improvement measures. Member States shall take cost-effective, practicable and reasonable measures designed to contribute towards achieving this target.
Article 4, paragraph 2 The target shall consist of an annual amount of energy to be saved that is equal to 1% of the amount of energy distributed and/or sold to final customers, as calculated for the base year according to Annex I. The costs of the measures adopted to achieve this target should not exceed their benefits.	Amendment 29, Article 4, paragraph 2 The targets shall consist of an amount of energy to be saved that in the first three years following the transposition of the Directive is equal overall to at least 3%, in the next three years at least 4%, and in the three years after that at least 4.5% , of the amount of energy distributed and/or sold to final customers, as calculated according to Annex I. The costs of the measures adopted to achieve these targets should not exceed their benefits.	Accepted			
Article 5					
Article 5, paragraph 2 2. The public sector target shall consist of an annual savings of at least 1.5% of energy distributed and/or sold to this sector, allocated and calculated in accordance with Article 4.3 and the methodology in Annex I. For purposes of comparison and for conversion to primary energy, the conversion factors set out in Annex II shall be applied.	Amendment 39, Article 5, paragraph 2 2. The public sector targets shall consist of savings in the first three years following the entry into force of the Directive of at least 4.5% overall, in the next three years of at least 5.5% overall, and in the three years after that at least 6% overall of energy distributed and/or sold to this sector, allocated and calculated in accordance with Article 4(3) and the methodology in Annex I.	Accepted	Rejected Article 5, paragraph 1. Member States shall ensure that the public sector fulfils an exemplary role in the context of this Directive. To that end, they shall ensure that one or more energy efficiency improvement measures are taken by the public sector, focussing on cost-effective measures which generate the largest energy savings in the shortest span of time.	Amendment 20, Article 5, paragraph 1. Member States shall ensure that the public sector fulfils an exemplary role in the context of this Directive. To that end, Member States shall ensure that higher indicative energy savings targets are set for the public sector, which are appropriate to that exemplary role. Energy efficiency and energy savings measures achieved thus far at regional and local levels should be taken into account.	Article 5 Energy end-use efficiency in the public sector 1. Member States shall ensure that the public sector fulfils an exemplary role in the context of this Directive. To this end, they shall communicate effectively the exemplary role and actions of the public sector to citizens and/or companies, as appropriate.

In this case, Member States' preferences were very different towards this far-reaching proposal on energy efficiency. Because the Council needed more time for a consideration of the directive, it did not initiate or engage in trialogues or any other informal activity with the EP before the first reading. Only after achieving a common stance on the piece of legislation was the Council willing to initiate and enter trialogues with the EP and the Commission. The Council Presidency presented its version of the text and used the intra-parliamentary struggles between the political parties in order to influence the outcome of the negotiations. The EP had to formalize an already negotiated compromise at its second reading, so any public debate on the directive seemed meaningless.

Right after receiving the Commission proposal, the Working Party on Energy started examinations of and discussions on the draft text. In November 2004 the Irish Presidency submitted a revised version of the proposal. The Presidency informed Member States that the opinion of the European Parliament on this particular dossier was not expected until February 2005. In order to reach a Council compromise, the Presidency offered a revised text. It aimed to increase Member States' flexibility regarding the definition of targets, the choice of implementing measures and reporting requirements and to clarify measurement issues ("Policy Debate", 4 November 2004).

On 4 November 2004, The Presidency, in cooperation with the General Secretariat conducted a written questionnaire on the positions of Member States on the substance of the directive¹³⁴. In general, nearly all delegations indicated their readiness to support the principle of setting a target for energy efficiency and energy savings, on the condition that targets were indicative, and not binding. Bearing in mind the condition of an indicative

¹³⁴ A total of 23 Member States (AT, BE, CY, CZ, DK, DE, EE, ES, GR, FI, FR, HU, IT, LV, LT, MT, NL, PL, PT, SL, SK, SE, UK) returned the questionnaire. The responses of each Member State were extracted from the individual returned questionnaires, obtained from the Council's Document register. They are publicly available and can be accessed online. ('Summary of the Written Replies to the Questionnaire', 17 January 2005).

character of the targets, a majority of delegations preferred indicative national targets based on a uniform reference value. With respect to setting a specific target for the public sector, Belgium, Italy and Slovenia agreed to a higher target for the public sector, but the majority of delegations considered that such a measure would not be useful. Such delegations had difficulties with a separate target for the public sector because according to them - separate statistics do not exist and a higher target would lead to distortion of competition with the private sector¹³⁵.

At the Energy Council press conference on 5 December 2004, the Presidency acknowledged the fact that an agreement in the Council on such a controversial proposal in the energy sector was very difficult to achieve. Although the Commission preferred mandatory targets, the Presidency admitted that a common Council position on this dossier was impossible to reach before the first reading of the EP.

Because the Council was not interested in passing the law, as proposed by the Commission, it did not make any effort to establish informal triologue meetings with the EP or to reach a compromise before the first reading. After the first informal triologue the Council had already paved the way for a compromise deal, which favoured its preferences. In its internal communication to Coreper, the Presidency wrote: “... *an informal triologue took place (18 October) as well as several technical meetings with Parliament representatives. Substantial convergence has been provisionally achieved during these negotiations... the Parliament has shown flexibility and a willingness to compromise on a number of issues. In particular a readiness to give up the mandatory nature of the targets; greater flexibility regarding demands for the public sector*” (“Preparation for the Next Informal Triologue”, 23 November 2005).

¹³⁵ Overall, most supportive of the Commission draft, favouring strict measures in the field of energy efficiency was Slovenia, together with Slovakia. The Member States, most strongly opposed to the provisions of the Commission proposal, were the Czech Republic, Hungary, Finland, Malta, Poland and Portugal. They considered that setting binding EU energy targets at this stage was premature and required national flexibility in the energy sector.

The Council initially started the negotiations with the ITRE committee and its rapporteur, shadow-rapporteurs and chairman. However, the ITRE Committee proved difficult to reach a compromise with. It reinstated its amendments for mandatory targets and had incorporated the views of the manufacturing companies and environmental lobbyists for strong commitments by governments in the area of energy efficiency. After the ITRE committee vote and before the second reading in the EP, the Council turned to finding an informal package deal with the leaders of the EPP and PES and reached a much more favourable compromise deal with an EP ‘delegation, made up of representatives from the main political groups’ (‘EP Press Statement’, 6 December 2005). The informal compromise package deal between the Parliament and Council, undermined the authority of the ITRE committee and the rapporteur. The ITRE committee was useful for the drafting of the proposal, but it was easily sidelined during the political inter-institutional bargaining.

Despite doing most of the hard work in drafting the proposals, just before the second reading, the committee and its rapporteur were outplayed by the Council-Party group compromise. MEPs from the smaller parties and committee members were unhappy about this political logroll¹³⁶. MEPs expressed their concerns about the informal nature of Council-EP package deal and the inability of the individual MEPs to influence substantially the outcome of this legislative act¹³⁷.

¹³⁶ Fiona Hall (ALDE, UK): “*Today there is an informal triologue meeting on the Energy End Use Efficiency and Energy Services Directive, involving the Council (represented by a civil servant from UKREP, the UK’s permanent representation in Brussels), the Commission and the European Parliament (represented by each political group’s lead person on this piece of legislation...Progress is difficult. The UK rep claims that “other member states” will never agree to binding targets for energy savings. A friend of mine in the know thinks it is only two countries that are being completely stubborn on this – but Council discussions are shrouded in such secrecy that it is impossible to know what exactly is going on*” (Fiona Hall MEP, 14 November 2005).

Rapporteur Mechtild Rothe said: “*... And what we achieved at the end of the day is not what we had hoped at the outset. I have to say that very clearly. And during the process there was a further amount of annoyance in Parliament about the very hesitant approach of Council...But Parliament like the Commission, was in favour of binding targets. We haven’t managed to achieve that. In the Council we didn’t find many backers for binding targets*” (‘Press Conference on Agreement with Council’, 6 December 2005).

¹³⁷ Claude Turmes (Verts/ALE, LU) “*The political reality is that Parliament was elected in 2004 and has a big number of conservative members who are opposed to mandatory targets. These people will be there until 2009, so if the conservative group threatens not to vote a strong position in second reading, then of course the bargaining position of Parliament is weaker than it should be... Members like Mr [Herbert]Roil [EPP-*

Package Deals and their Enforcement

The compromise deal between the Council and the political groups was different from what the ITRE committee's proposal put forward. The compromise required Member States to achieve energy saving targets of 9% over 9 years, but these targets were to be only indicative and in no way binding on Member States. While the Commission and the EP had argued for higher targets for the public sector, the compromise deal only mentioned an exemplary role for the public sector ('Unity between EP and Council' 6 December 2005). In exchange for its support for non-binding targets, the Council agreed to adopt Parliament's proposal for multi-annual energy efficiency action plans, to be submitted to the Commission. Shadow rapporteur Claude Turmes, (Verts/ALE, LU) said: "*National governments have to write National Energy Efficiency Action Plans by 1 June 2006. They are not happy about them, but ... we won that bit*" (Interview: Claude Turmes, June 2006).

In the second reading of the Energy Services directive on 13 December 2005, the new compromise amendments, agreed between the parties and the Council were presented before the plenary in the form of block compromise amendments. Only block 1 compromise amendments (proposed by the party groups) were voted for, whereas all amendments, proposed by the ITRE committee in the original committee report, fell.

European Parliament vote 13 December 2005 (Second Reading)

Subject	Amendment No	Author	Type of vote	Outcome of Vote	RCV/EV
Block 1 – compromise	53-101	PES, EPP-ED, ALDE+ Verts/ALE + GUE/NGL	RCV	Adopted	For: 582 Against: 13 Abstentions:18
Block 2 - amendments by the committee responsible	1—52	Committee		Lapsed	

Source: "Results of Votes" European Parliament, 13 December 2005.

ED, DE] or Mr [Werner] Langen [EPP-ED, DE] from the German conservatives, who are copy-paste of the German VDW, which are the four big German companies, have lobbied until the very last end, very powerfully. The German government was opposing even the agreement, which we have now. That is the political reality". ('Press Conference', 6 December 2005).

Conclusion

This chapter analysed the legislative influence of the European Parliament in the co-decision procedure. It examined the effect of package deals and Council impatience on the probability of EP success. It paid special attention to the EP's involvement in triologue negotiations with the Council. The chapter studied the EP's legislative behaviour on all 540 co-decision proposals completed between 1 May 1999 and 30 April 2007. It highlighted that the study of EU decision-making cannot ignore the proliferation of these informal procedures. Instead of dividing the analysis into formal vs. informal procedures, the chapter showed that the politics of co-decision involves frequent formal and informal negotiations between the EU legislative institutions.

The results of the chapter support the hypotheses that the EP's legislative influence in the co-decision procedure is conditional on the availability of package deals and the impatience of legislative chambers. The EP is more likely to succeed when it negotiates several proposals simultaneously. When packages are negotiated on single proposals, the results are not statistically significant. This indicates that perhaps the availability of multiple proposals involves a greater number of issues. The availability of a larger number of issues on the other hand, creates more opportunities for gains from trade. In addition, when the Member States in the Council are impatient about the conclusion of the legislative process on particular proposals, the EP enjoys increased powers in co-decision.

While dialogues do not automatically increase the legislative influence of the European Parliament, the EP can gain in institutional powers through informal negotiations. In addition, EP success in co-decision is conditional on proposal salience, reading, EP cohesion and Commission support. Chapters VI and VII studied legislative decision-making under the consultation and co-decision procedures separately. The following Chapter VIII puts together the two procedures and it studies legislative decision-making across policy areas and time.

CHAPTER 8 : PACKAGE DEALS AND THE LEGISLATIVE INFLUENCE OF THE EUROPEAN PARLIAMENT ACROSS POLICY AREAS AND TIME

This chapter studies the effect of package deals on EU legislative outcomes across all policy areas and over time. Existing studies of legislative politics in the EU overlook the importance of the effect of package deals on EU legislative outcomes. The possibility of logrolling between the European Parliament and the Council has attracted little theoretical attention and no empirical testing. The chapter tests **Hypothesis 8** that package deals increase the likelihood of European Parliament success in influencing distributive policy outcomes in the EU. The chapter also tests **Hypothesis 9** that package deals increase the likelihood of European Parliament success in gaining institutional powers. It explores the effect of package deals in the EU through the examination of 1465 legislative proposals completed between 1 May 1999 and 30 April 2007 under the co-decision and consultation procedures.

The previous chapters found that: 1) package deals are regularly used in the EU legislative process and 2) package deals increase the probability of EP legislative influence under the consultation and co-decision procedures. What is the overall effect, ‘the value added’, of the use of package deals in the EU decision-making process? This chapter argues that package deals allow the European Parliament to influence legislation in the EU’s distributive policy areas. Package deals are regularly used by EU legislators as they allow the Council and the EP to achieve their most preferred policy outcomes. While package deals reduce the ability of ordinary MEPs to participate in the decision-making process, they allow the European Parliament to influence distributive legislative proposals and to gain greater institutional influence in some of the EU’s most expensive policy areas. The analysis is based on the examination of 2369 issues the EP contested in 973 amended pieces of legislation falling in 19 EU policy areas and negotiated in a period of 9 years.

8.1 Explaining the European Parliament's Gains from Legislative Package Deals

What is the overall effect, 'the value added', of the use of package deals in the bicameral decision-making process? What are the European Parliament's gains from its participation in logrolling? The principal argument of the chapter is that package deals increase the likelihood of European Parliament legislative influence in EU decision-making. Through the increasing use of package deals, the European Parliament successfully influences more important and more costly legislative proposals.

Contrary to the conventional understanding that the EP's legislative influence is confined within regulatory policy areas (Judge *et al*, 1994; Burns, 2005), logrolling allows the European Parliament to gain legislative power in the EU's distributive policy areas. While logrolling might undermine the direct participation of regular MEPs in the informal inter-chamber bargaining process, overall, package deals benefit the European Parliament as a legislative institution.

Package deals reduce the ability of individual MEPs to participate fully in legislative bargaining with the Council. Logrolls are typically fast-tracked and do not allow a large number of MEPs to participate, deliberate and include amendments to package compromise texts. Package deals also make the legislative process less transparent as they are usually agreed informally between a select number of representatives from the EP and the Council. However, through package deals the EP gains legislative presence in some of the EU's most expensive policy areas. Therefore, the main hypothesis here is:

Hypothesis 1: Package deals increase the likelihood of EP success in influencing distributive policy outcomes in the EU.

This argument is tested across 2369 issues contested by the European Parliament in 973 co-decision and consultation proposals, falling in 19 EU policy areas and completed in the

period 1999 – 2007. The *dependent variable* is whether the European Parliament succeeded on a particular issue (EP Success). EP Success is understood as the ability of the Parliament to see its demands incorporated in the final legislative text. EP Success was coded as a binary variable where 1 = success and 0 = failure. Overall, the EP succeeded in 51.9 % of all issues it contested in the period. The average EP success rate in the consultation procedure was 25.9%, whereas it was 65.2% in co-decision (see Table 8.1).

Table 8.1 Success rate of issues contested by EP according to issue type¹³⁸

	Type of Issues Contested by the EP				
	Total	Policy Substance	Budgetary	Fundamental Rights	Institutional Powers
Total proposals	973				
Total Issues	2369	1528	256	269	316
of which EP successful (%)	1230 (51.9)	754 (49.3)	109 (42.6)	214 (79.6)	153 (48.4)
Co-decision Proposals	470				
Co-decision Issues	1567	1080	146	196	145
of which EP successful (%)	1022 (65.2)	670 (62.0)	75 (51.4)	163 (83.2)	114 (78.6)
Consultation Proposals	503				
Consultation Issues	802	448	110	73	171
of which EP successful (%)	208 (25.9)	84 (18.8)	34 (30.9)	51 (69.9)	39 (22.8)

The Relevance of the Policy Area Context for the EP's Legislative Influence

Several studies have suggested that the legislative influence of the European Parliament varies in different areas of EU policy (Judge *et al*, 1994; Shackleton, 2000; Burns, 2005; Thomson and Hosli, 2006). Judge *et al* (1994) argued that policy type is one of many important variables shaping the EP's influence and suggested that it is in the field of regulatory policy that the EP has the greatest scope for exercising influence. Through case studies, Burns (2005: 488) also studies the EP's influence across several EU policy areas, where she finds that the Parliament has more scope to comment on and to influence regulatory policies than distributive policies. Overall, the few empirical studies of EP

¹³⁸ See Chapter IV for classification of issue types

influence largely agree that the regulatory field allows the European Parliament greater scope to shape policy outcomes. This is a very realistic conclusion, given that co-decision largely applies to the regulatory field. By studying legislative decision-making across all EU policy areas, this chapter finds significant variation of EP influence across policies.

Table 8.2 EP Legislative Influence: Policy Areas, Proposals, Issues: 1999 – 2007

Policy Area (Commission DG)	Co-decision		Consultation		Total		% EP Success
	Proposals	Issues	Proposals	Issues	Proposals	Issues	
Agriculture & Rural Development	7	14	73	148	80	162	23.5 %
Budget	9	28	26	43	35	71	71.8 %
Development	9	20	4	9	13	29	55.2 %
Economic and Financial Affairs	2	14	28	33	30	47	25.5 %
Education and Culture	25	74	4	8	29	82	68.3 %
Employment and Social Affairs	20	68	18	29	38	97	64.9 %
Energy and Transport	93	350	6	12	99	362	59.4 %
Enterprise and Industry	53	146	3	8	56	154	67.5 %
Environment	50	205	8	11	58	216	59.3 %
Eurostat, Statistical Office	32	48	1	2	33	50	66.0 %
External Relations	12	28	26	38	38	66	40.9 %
Fisheries	1	1	106	128	107	129	11.6 %
General Secretariat	2	9	8	22	10	31	54.8 %
Health and Consumer Protection	56	206	21	39	77	245	61.6 %
Information Society	20	57	2	5	22	62	64.5 %
Internal Market and Services	41	151	6	9	47	160	55.0 %
Justice, Freedom and Security	24	94	123	198	147	292	42.5 %
Research	7	32	19	33	26	65	53.8 %
Taxation and Customs Union	7	22	21	27	28	49	34.7 %
Total Proposals/Total Issues	470	1567	503	802	973	2369	51.90%

Own calculations.

Table 8.2 presents the average European Parliament success rate in each of the 19 EU policy areas. The European Parliament was least successful in the policy areas of Fisheries (11.6%), Agriculture (23.5%), Economic and Financial Affairs (25.5%), Taxation and Customs (34.7%), External Relations (40.9%) and Justice, Freedom and Security (42.5%). These results are not surprising given that legislative proposals in these areas fall mainly under the consultation procedure. In contrast, the European Parliament was most successful in the policy areas of Budgets (71.8%), Education and Culture (68.3%),

Enterprise and Industry (67.5%), Employment and Social Affairs (64.9%), Information Society (64.5%) and Health and Consumer Protection (61.6%).

In order to test the central argument of the chapter that the European Parliament can be influential in distributive policy areas through the use of package deals, an important methodological issue needs to be considered. What is a distributive policy area and how to define it? Is the distributive/regulatory divide a binary variable? Are some policies more distributive than others?

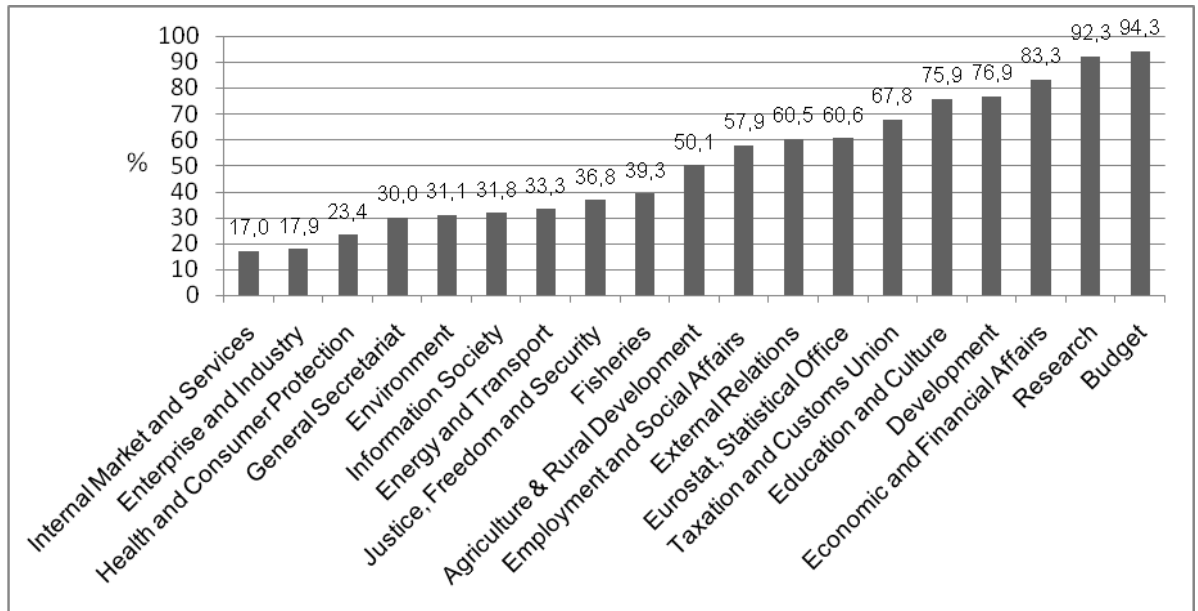
Defining the Distributive Character of EU Policy Areas

There is a clear distinction in the EU literature between the general characteristics of regulatory and distributive policies (Hix, 2005). Some authors have classified EU policy areas according to a binary divide: regulatory and distributive (Broscheid and Coen, 2007). However, as could be seen from Table 5.3 (in Chapter V), each EU policy area consists of both regulatory and distributive proposals. Moreover, European Parliament influence is here analysed through the examination of legislative proposals and the issues contested within them. Therefore, dichotomizing the distributive/regulatory divide in EU policy areas may lead to inaccurate results.

To overcome this issue, the chapter adopts the following methodology for defining the distributive character of an EU policy area. First, as indicated in Table 5.3, each EU policy area includes administrative, regulatory and distributive proposals. In the case of distributive proposals the costs are covered by either the EU budget or Member States' budgets. Such proposals are highly salient for Member States and governments are reluctant to incorporate the EP's demands. These proposals were grouped into one category = *Distributive*. In the case of regulatory and administrative proposals the costs are covered by either private actors or there are no significant costs. Such proposals should be relatively less salient for Member States and governments may be more willing to incorporate the EP's preferences. These proposals were grouped into the second category = *Regulatory*.

Second, in each EU policy area the percentage of *Distributive* proposals and the percentage of *Regulatory* proposals were calculated. The continuous *Distributive Policy Area* variable was constructed to indicate the percentage of distributive proposals in a policy area. Therefore, EU policy areas with a relatively higher percentage of regulatory proposals are located on the left of the axis, whereas policy areas with a relatively higher percentage of distributive proposals are located to the right of the axis (see Figure 8.1 below).

Figure 8.1 Concentration of Distributive Proposals (%) per EU Policy Area



Note: Distributive proposals here include distributive (EU budget) and distributive (Member States' budgets) proposals. Regulatory proposals include regulatory (private actors) and administrative (insignificant cost) proposals as defined in Table 5.3.

The EU policy areas with a relatively higher percentage of distributive proposals were Budget (94.3%), Research (92.3%), Economic and Financial Affairs (83.3%), Education and Culture (75.9%), Development (76.9%), External Relations and Employment Affairs (60.5%). On the opposite side of the axis, the policy areas with a relatively lower percentage of distributive proposals were Internal Market (17%), Enterprise and Industry (17.9%), Health and Consumer Protection, and Environment (23.4%).

8.2 Statistical Analysis

In order to test the main argument of the chapter that package deals increase the European Parliament's influence in distributive policy areas, two independent variables and their interaction term are of central importance for the analysis¹³⁹.

First, the individual-level dichotomous *Package Deal* variable is included in the models. It = 1 if there is evidence in the Council's internal documents and/or in the EP plenary statements and summaries that a package deal on a proposal between the Council and the EP has been concluded and it = 0 if otherwise. To capture the effect of the policy area type on EP success, the macro-level continuous *Distributive Policy Area* variable is included. It measures the difference between the percentage of distributive proposals and the percentage of regulatory proposals in a policy area (as described above). The analysis includes the cross-level interaction term *Package Deal x Distributive Policy Area*.

Several control variables are also included in the model. First, the dichotomous *Co-decision* variable is included to account for the effect of the legislative procedure. It = 1 for co-decision proposals and it = 0 for consultation proposals. Second, the categorical *Issue Type* variable captures the effect of the different issues the EP contests and their probability of success. It = 1 for budgetary issues, = 2 for policy substance issues, = 3 for fundamental rights issues, and it = 4 for institutional powers issues.

Third, the dichotomous *Council Impatience* variable controls for the effect of institutional impatience on legislative outcomes in EU decision-making. It = 1 if the Council had started discussions and prepared a draft text of the legislative proposal before the EP had done so and it = 0 if the Parliament had started discussions and prepared a draft legislative text earlier than the Council. This variable was measured by comparing the dates of the first draft texts on a legislative proposal held in the EP and the Council's document registers.

¹³⁹ see Table 4.13 for full coding, sources and descriptive statistics of all variables used in the analysis; see Table 4.14 for correlations between the variables.

In addition, two variables control for the internal cohesion of the European Parliament on its legislative influence. The continuous *EP Cohesion* variable measures EP cohesion at the EP drafting committee level. It measures the size of the majority in the EP drafting committee in favour of a report, as a percentage of those voting. In addition, the dichotomous *EP Plenary Support* variable measures EP cohesion at the EP Plenary level. It = 1 if the EP plenary supports the committee report in its entirety and MEPs do not submit replacement amendments and it = 0 if the EP plenary amends or rejects the committee proposal.

Furthermore, to account for the impact of the relative intensities of preferences of the Council and the Parliament on EP success, two variables are included in the analysis. The dichotomous *Council – EP Saliency Tie* variable controls for the distance between the EP' and the Council's preference intensities. It = 1 if the relative saliency size was different from zero (regardless of the direction). The distance *Relative EP Saliency* variable measures the relative difference between the EP's and the Council's importance attached to a proposal. It captures the size and the direction of the relative institutional preference intensities.

Finally, the *Commission Support* variable controls for the impact of the Commission on the EP's legislative influence. It = 1 if the Commission expresses its support for an EP demand in front of the EP plenary, after informal meetings with MEPs or in its opinion on the EP position; and it = 0 if the Commission does not support the EP on a given issue¹⁴⁰.

Several empty multi-level models are estimated (in Table 8.3) to explore the hierarchical nature of the data and to determine whether to include an analytical level in the statistical analysis. The 2639 issues are nested in 973 legislative proposals, which are nested in 19 policy areas, which are nested in 8 years. The effects of each of these levels on

¹⁴⁰ Dummy variables were initially included, testing the effect of the *Proposal type* (directive, regulation, decision, regulation) and *Political Group* affiliation of the rapporteur. However, they proved insignificant and were removed from the models.

the probability of EP success are examined above. It seems that the year does not have an effect on the probability of European Parliament success in EU legislative outcomes. In contrast, the policy area level seems to have an important contextual effect on EP success. The models confirm that the probability of EP success depends on the policy areas context.

In addition, the proposal level seems to have an effect on EP success. The significance of the proposal level seems to be stronger when both the policy context and the proposal context are taken into account simultaneously (as in Model 6). Therefore, the statistical tests of EP success (in Table 8.4) will include these two contextual levels (separately and combined) in addition to the independent variables.

Table 8.3 Variation of EP Success across Proposals, Policy Areas, and Time

European Parliament Success in EU Decision-Making, 1999 – 2007

Dependent Variable: European Parliament Success							
Empty Models	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7
	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.
<i>Fixed Effects</i>							
Intercept	.077 * (.044)	.045 (.176)	-.006 (.056)	.005 (.009)	-.006 (.056)	.015 (.193)	< .001 (.101)
<i>Random Effects</i>							
Proposal Level (std.dev.)	-	-	.816 * (.109)	-	.816 * (.109)	.583 *** (.116)	.206 (.269)
Policy Area Level (std.dev.)	-	.727 * (.132)	-	.928 * (.103)	-	.794 * (.147)	.933 * (.105)
Year Level (std.dev.)	.041 (.096)	-	-	< .001 (.107)	< .001 (.104)	-	< .001 (.108)
-2 x Log Likelihood	3280.580	3091.223	3251.164	3109.822	3251.164	3081.3104	3109.656
N Years	8	8	8	8	8	8	8
N Policy Areas	19	19	19	19	19	19	19
N Proposals	973	973	973	973	973	973	973
N Issues	2369	2369	2369	2369	2369	2369	2369

*p < .10; ** p < .05; *** p < .01

Several two and three - level logit models are estimated in order to take account of the hierarchical structure of data (2369 issues nested in 973 proposals nested in 19 policy areas). Models 1-3 are estimated with the individual level *Package Deal* and the macro-level *Distributive Policy Area* variables. Models 4-6 include their cross-level interaction *Package Deal x Distributive Policy Area*, while accounting for the proposal and policy area contexts. Models 7 - 11 add the control variables outlined earlier.

Table 8.4 Conditions for EP Success in EU Decision-Making: 1999 – 2007**European Parliament Success in EU Decision-Making, 1999 – 2007**

Dependent Variable: European Parliament Success

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Fixed Effects	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.
<i>Individual Level Variables</i>						
Package Deal	.968 ***	.662 ***	.719 ***	.357	.029	.061
	(.119)	(.095)	(.119)	(.240)	(.206)	(.228)
Co-decision	-	-	-	-	-	-
Council Impatience	-	-	-	-	-	-
Urgent	-	-	-	-	-	-
Urgent for the Commission	-	-	-	-	-	-
European Parliament Cohesion	-	-	-	-	-	-
EP Plenary Support	-	-	-	-	-	-
Relative EP Salience	-	-	-	-	-	-
Parliament - Council Salience Tie	-	-	-	-	-	-
Commission Support	-	-	-	-	-	-
Issues Type (base budgetary)						
Policy Substance Issues	-	-	-	-	-	-
Fundamental Rights Issues	-	-	-	-	-	-
Institutional Powers Issues	-	-	-	-	-	-
Package Deal x Policy Substance	-	-	-	-	-	-
Package Deal x Fundamental Rights	-	-	-	-	-	-
Package Deal x Institutional Issues	-	-	-	-	-	-
<i>Macro - Level Variable</i>						
Distributive Policy Area	-.473 *	-.203	-.238	-1.108 ***	-.973	-.995
	(.251)	(.681)	(.730)	(.338)	(.728)	(.768)
<i>Cross-Level Interaction</i>						
Package Deal x Distributive Policy	-	-	-	1.433 ***	1.642 ***	1.657 ***
				(.507)	(.478)	(.520)
Intercept	-.119	-.077	.097	.152	.235	.219
	(.124)	(.384)	(.384)	(.154)	(.300)	(.422)
Random Effects						
Proposal Level (std.dev.)	.731 **	-	.494 ***	.705 **	-	.446 ***
	(.109)		(.383)	(.110)		(.136)
Policy Area Level (std.dev.)	-	.681 **	.726 *	-	.691 *	.725 *
		(.126)	(.136)		(.127)	(.136)
Year Level (std.dev.)	-	-	-	-	-	-
-2 x Log Likelihood	3171.894	3041.960	3036.533	3163.894	3029.841	3026.275
N Years	8	8	8	8	8	8
N Policy Areas	19	19	19	19	19	19
N Proposals	973	973	973	973	973	973
N Issues	2369	2369	2369	2369	2369	2369

*p < .10; ** p < .05; *** p < .01

European Parliament Success in EU Decision-Making, 1999 – 2007

Dependent Variable: European Parliament Success

	Model 7	Model 8	Model 9	Model 10	Model 11	Odds Ratio
Fixed Effects	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	
<i>Individual Level Variables</i>						
Package Deal	.568 *** (.104)	.375 *** (.107)	-.163 (.220)	-.459 (.398)	-.459 (.398)	.632
Codecision	-	1.563 *** (.139)	1.571 *** (.140)	1.592 *** (.138)	1.592 *** (.138)	4.193
Council Impatience	.397 *** (.100)	.299 *** (.102)	.298 *** (.102)	.305 *** (.103)	.305 *** (.103)	1.356
Urgent	.066 (.113)	.026 (.115)	.028 (.115)	.023 (.116)	.023 (.116)	1.023
Urgent for the Commission	.440 *** (.146)	.346 ** (.150)	.308 ** (.150)	.298 ** (.151)	.298 ** (.151)	1.347
European Parliament Cohesion	.008 ** (.004)	.007 ** (.004)	.008 ** (.004)	.008 ** (.004)	.008 ** (.004)	1.008
EP Committee Plenary Supported	.142 (.117)	.345 *** (.120)	.336 *** (.120)	.341 *** (.120)	.341 *** (.120)	1.407
Relative EP Salience	-.071 *** (.026)	-.058 ** (.026)	-.059 ** (.026)	-.056 ** (.026)	-.056 ** (.026)	.945
Parliament - Council Salience Tie	-.417 *** (.106)	-.317 *** (.106)	-.293 *** (.106)	-.292 *** (.106)	-.292 *** (.106)	.746
Commission Support	.805 *** (.099)	.756 *** (.099)	.753 *** (.099)	.750 *** (.099)	.750 *** (.099)	2.117
Issues Type (base budgetary)						
Policy Substance Issues	.117 (.160)	.142 (.164)	.149 (.165)	-.005 (.209)	-.005 (.209)	.995
Fundamental Rights Issues	1.544 *** (.226)	1.590 *** (.233)	1.615 *** (.233)	1.813 *** (.294)	1.813 *** (.294)	6.128
Institutional Powers Issues	.573 *** (.195)	.698 *** (.200)	.692 *** (.201)	.329 (.355)	.329 (.355)	1.389
Package Deal x Policy Substance	-	-	-	.343 (.327)	.343 (.327)	1.409
Package Deal x Fundamental Rights	-	-	-	-.644 (.449)	-.644 (.449)	.520
Package Deal x Institutional Issues	-	-	-	1.026 ** (.424)	1.026 ** (.424)	2.791
<i>Macro - Level Variable</i>						
Distributive Policy Area	-.383 (.635)	.345 (.404)	-.289 (.453)	-.333 (.435)	-.333 (.435)	.717
<i>Cross-Level Interaction</i>						
Package Deal x Distributive Policy	-	-	1.371 *** (.490)	1.371 *** (.511)	1.371 *** (.511)	3.940
Intercept	-1.673 *** (.507)	-3.021 *** (.448)	-2.757 *** (.448)	-2.656 *** (.456)	-2.656 *** (.456)	-
Random Effects						
Proposal Level (std.dev.)	-	-	<.001 (.186)	-	-	-
Policy Area Level (std.dev.)	.613 ** (.117)	.310 *** (.090)	.289 *** (.090)	.248 *** (.088)	.248 *** (.088)	-
Year Level (std.dev.)	-	-	-	-	-	-
-2 x Log Likelihood	2815.010	2693.189	2685.311	2670.399	2670.399	
N Years	8	8	8	8	8	
N Policy Areas	19	19	19	19	19	
N Proposals	973	973	973	973	973	
N Issues	2369	2369	2369	2369	2369	

*p < .10; ** p < .05; *** p < .01

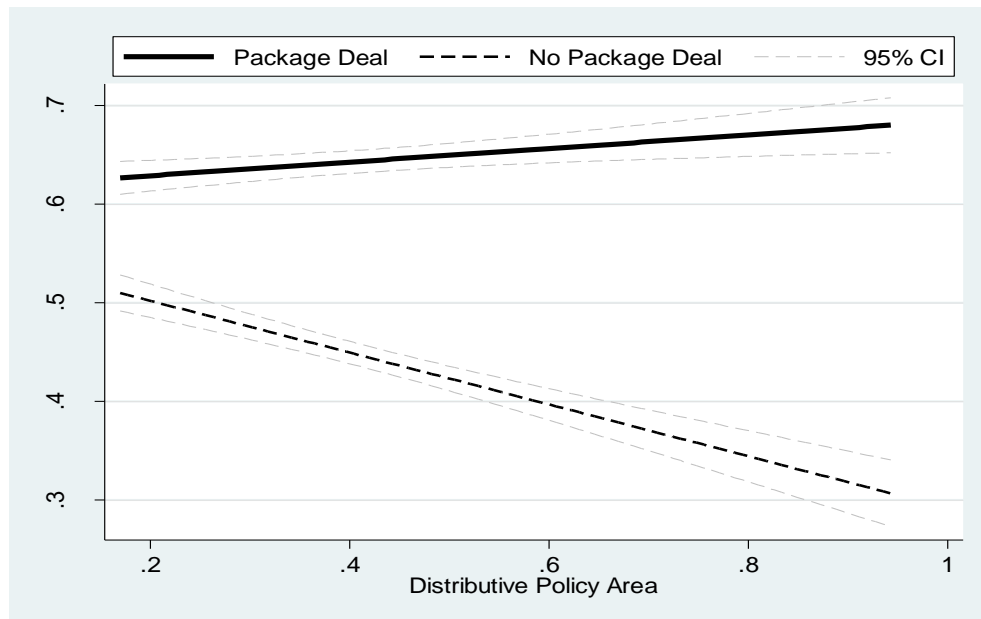
8.3 Package Deals and EP Success: Results from the Binary Logistic Regressions

The empirical analysis of the 973 legislative proposals (2369 issues) completed between 1 May 1999 and 30 April 2007 supports the principal argument that package deals lead to increased EP legislative influence in distributive policy areas. The results confirm the general understanding in the literature on EU policy-making that the European Parliament enjoys stronger legislative influence in regulatory policy areas. Although the EP is relatively weaker in distributive policy areas, the results support the argument that through package deals the European Parliament manages to influence important and costly legislative proposals.

The *Package Deal x Distributive Policy Area* interaction term is significant and positively correlated with EP success. Even when the control variables are added to the model (Models 7 - 11), the coefficient of the cross-level interaction remains significant (Norton et al., 2004). Therefore, contrary to the traditional view of the European Parliament as a relatively weak legislative institution in distributive policies, through logrolling, the EP manages to influence legislation that is expensive for the Member States.

Figure 8.2 plots the predicted probability of EP success on EU legislative outcomes according to the use of package deals and the concentration of distributive proposals in policy areas. The plot confirms that the legislative influence of the EP is much greater in regulatory policy areas. The probability of EP success significantly decreases with the increase in distributive proposals per policy area. EP success in the absence of a package deal is most likely in the policy areas of Internal Market and Services, Enterprise and Industry, Health and Consumer Protection, and Environment. In the absence of a package deal, the EP is least likely to succeed in the areas of Budget, Research, Economic and Financial Affairs, Development and Education and Culture.

Figure 8.2 Effect of Package Deals and Distributive Policies on EP Legislative Influence

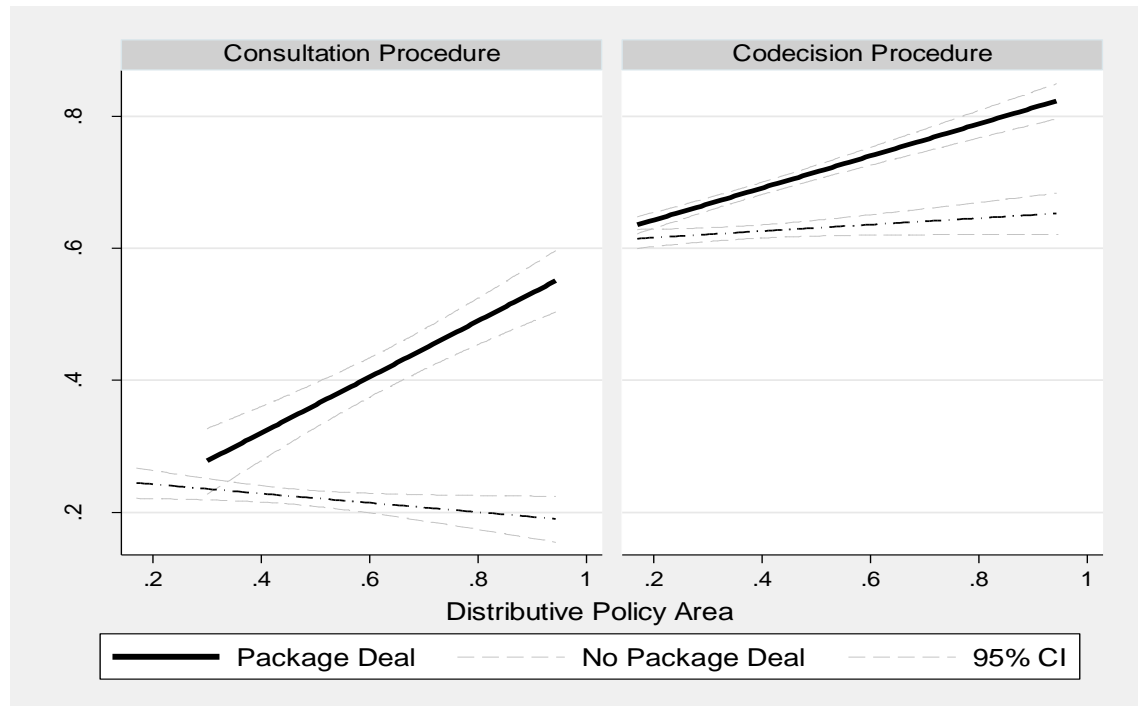


Note: Probabilities predicted based on Model 11 in Table 8.4.

However, although the EP enjoys very little legislative influence in distributive policy areas, when package deals are negotiated this is not the case. Package deals ensure a greater than 60% probability of EP success in all EU policy areas. Hence, although package deals are usually fast-tracked and deprive some MEPs of full participation in the decision-making process, the European Parliament benefits as an institution from legislative exchange with the Council.

Not surprisingly, the legislative procedure is a defining factor in the probability of EP influence on legislative outcomes. Co-decision allows the European Parliament an equal legislative status with the Council and this translates in the EP significantly influencing co-decision proposals. Nevertheless, as Figure 8.3 illustrates, package deals increase the likelihood of EP success in both the co-decision and consultation procedure. Informal logrolls allow the EP to negotiate consultation proposals on ‘co-decision like’ terms with the Council.

Figure 8.3 Effect of Package Deals and Legislative Procedures on EP Legislative Influence



Assuming the other variables are at their mean, in the co-decision procedure, the probability of EP success through a package deal increases from 60% to 82 % as the concentration of distributive proposals per policy area increases. In the consultation procedure, package deals increase the likelihood of EP success from 25% to 55 % as the concentration of distributive proposals increases. These findings confirm that the use of package deals in the EU legislative process increases the likelihood of the EP’s legislative influence on policy outcomes in both the consultation and co-decision procedures.

The results support the argument that package deals increase the legislative influence of the European Parliament in distributive policy areas. Package deals are concluded regularly in EU decision-making as they allow the EP and the Council to exchange favours and negotiate enforceable agreements. Logrolls are usually fast-tracked and deprive some MEPs from their full involvement in the legislative process. Nevertheless, through package deals the European Parliament gains the ability to influence some of the EU’s most expensive policies. Thus, the European Parliament manages to translate its budgetary powers into legislative influence.

8.4 What Exactly Does the European Parliament Gain in Package Legislation

The previous section found support for the argument that package deals increase the legislative influence of the European Parliament in distributive policy areas. Package deals are concluded regularly in EU decision-making as they allow the EP and the Council to exchange favours and negotiate enforceable agreements. What is exchanged in legislative package deals? What is the European Parliament gaining through logrolls? Package deals allow both the Council and the European Parliament to get what they want from engaging in trade. What are the specific profits for the European Parliament from its repeated engagement in package deals with the Council?

The argument presented in Chapter III holds that through logrolling, the EP gains institutional powers. As package deals usually take place on distributive proposals, the stakes are very high and Member States are particularly interested in the budgetary terms agreed in the legislation. When it comes to funding and budgetary matters, Member States are less open to negotiations. In exchange for allowing Member States to realize their budgetary and policy preferences, the European Parliament gains additional institutional powers. This section tests the following hypothesis:

Hypothesis 2: Package deals increase the likelihood of EP success in gaining institutional powers.

Table 8.5 below presents the distribution of EP success according to issue type in package and non-package legislation. First, package deal proposals contain more issues than non-package legislation. This is in line with the theoretical argument that package deals take place when multiple issues are negotiated at the same time. A package deal proposal contains on average 3.56 issues (868 issues in 244 package proposals) whereas a non-package deal proposal contains on average 2.06 issues (1501 issues in 729 proposals).

Table 8.5 Success Rate of Issues according to Issue Type: Package Deals ¹⁴¹

	Type of Issues Contested by the EP				
	Total	Policy Substance	Budgetary	Fundamental Rights	Institutional Powers
Total proposals	973				
Total Issues	2369	1528	256	269	316
of which EP successful (%)	1230 (51.9)	754 (49.3)	109 (42.6)	214 (79.6)	153 (48.4)
Package Deal Proposals	244				
Package Deal Issues	868	560	100	106	102
of which EP successful (%)	557 (64.2)	343 (61.3)	51 (51.0)	84 (79.2)	79 (77.5)
No Package Deal Proposals	729				
No Package Deal Issues	1501	968	156	163	214
of which EP successful (%)	673 (44.8)	411 (42.5)	58 (37.2)	130 (79.8)	74 (34.6)

Own calculations

Overall, the total EP success row shows that the EP was most successful when it contested fundamental rights issues (79.6%), followed by policy substance issues (49.3%), institutional powers issues (48.4%) and budgetary issues (42.6%). This result is intuitive. The Parliament as the ‘voice of the people’ is likely to succeed in its demands for human rights, transparency, privacy, data protection, and children’s rights. On the other hand, when it comes to funding and budgetary matters, Member States are less open to negotiations. That explains the EP’s low success rate in budgetary issues.

When the types of issues are considered it becomes clearer what in practice the European Parliament gains in package deals as compared to non-logrolled legislation. In package legislation the EP was most successful in fundamental rights issues (79.2%), followed by institutional powers issues (77.5%), policy substance issues (61.3%) and budgetary issues (51.0%). In non-package legislation, the EP was most successful in fundamental rights issues (79.8%), followed by policy substance issues (42.5%), budgetary issues (37.2%) and institutional powers issues (34.6%). The biggest increase in EP success between package and non-package legislation is in institutional powers issues. EP success increases with 42.9 per cent. This is followed by an increase of 18.8 per cent in EP success

¹⁴¹ See Chapter IV for classification of issue types

in policy substantial issues and of 13.8 per cent in budgetary issues. Fundamental rights issues do not seem to be affected by package legislation, there is less than 1% difference between the two categories.

This is confirmed by the statistical results (Table 8.4). The full binary logit models of EP success across all policy areas (Models 10 - 11) include interaction terms for *Package Deals* and *Issue Types*. The *Package Deal x Institutional Powers Issue* interaction is statistically significant and positively correlated with EP success, whereas the *Institutional Powers Issue* coefficient is non-significant. Therefore, the European Parliament is more likely to gain institutional powers issues when package deals are negotiated.

Budgetary issues are much more salient to Member States than the institutional powers they are giving in exchange to the European Parliament. Member States' preferences are much more intense about issues such as spending, co-financing, funding for programs and Community actions than they are about institutional issues such as the EP's ability to monitor and control the establishment of new bodies, parliamentary scrutiny, the writing of reports to the EP periodically. On the other hand, MEPs value highly an increase in the institutional and legislative powers of their chamber. When the two chambers attach different preference intensities to issues, trade is possible and logrolls are profitable for both the Council and the European Parliament.

In addition to the significant effect of package deals on EP legislative influence, several significant results were identified in this chapter. First, the impatience of the Council matters across EU policy areas. The *Council Impatience* variable is positively correlated with EP success. An impatient Council is more likely to cooperate with the EP and therefore more likely to grant concessions to the Parliament in return for a fast-track decision. In contrast, when the EP is relatively more impatient about the conclusion of a legislative deal, it is in a weaker bargaining position.

Second, *EP Cohesion* is a significant predictor of EP success across all EU policy areas. EP cohesion at the committee level seems to be slightly less important than EP cohesion at the plenary level. Nevertheless, both the *EP Cohesion* and *EP Plenary Support* variables are significant and positively correlated with EP success. Regardless of the policy area, the legislative influence of the EP depends on its ability to secure a cohesive institutional position on legislative proposals.

Third, support from the *European Commission* significantly increases the chances of EP success. The Commission's position on EU legislation is important and the European Parliament benefits from the Commission's endorsement of EP proposals. The Commission's agenda-setting and implementation powers give it a strong voice in legislative decision-making and the EP benefits from having the Commission on its side. Member States are more likely to reconsider their positions when both the European Parliament and the Commission oppose them.

Moreover, the *Council - EP Salience Tie* variable is significant and negatively correlated with EP success. The EP is more likely to fail to affect legislative outcomes when both institutions share similar intensities of preferences over proposals. Therefore, the European Parliament will be more successful if it can trade its support for a Council proposal in exchange for the Council's support on a salient EP proposal.

8.5 A Closer Look at the Degree of the EP's Legislative Influence

In the previous chapters the variable EP Success was coded as a dichotomous variable with 1 = success and 0 = failure. As indicated in Chapter IV, initially the EP success variable was coded as an ordinal variable with 4 degrees of success where 0 = failure, 1 = low success, 2 = medium success, and 3 = high success. Due to the limited number of observations in categories 1 and 2, this variable was re-coded as a binary where 0 = failure and 1 = the three degrees of success (1 + 2 + 3).

Table 8.6 Ordinal Distribution of European Parliament Success

EP Success Ordinal	Issues Contested by the EP		
	Consultation	Codecision	Total
Category 3 = High Success	128	862	990
	(%) (15.9)	(55.0)	(41.8)
Category 2 = Medium Success	49	117	166
	(%) (6.1)	(7.5)	(7.0)
Category 1 = Low Success	30	41	71
	(%) (3.7)	(2.6)	(3.0)
Category 0 = Failure	595	547	1142
	(%) (74.2)	34.9	(48.2)
Total	802	1567	2369

Own calculations

In the consultation procedure, the distribution of EP success was as follows. 74.2% (595 issues) fell in category 0 = failure. Only 3.7 % (30 issues) of the observations fell in category 1 (low success) and 6.1 % (49 issues) fell in category 2 (medium success). 16 % (128 issues) of the observations fell in category 3 (high success). In the co-decision procedure, the distribution of EP success was as follows. 34.9% (547 issues) fell in category 0 = failure. Only 2.6% (41 issues) of the observations fell in category 1 (low success) and 7.5% (117 issues) fell in category 2 (medium success). 55 % (862 issues) of the observations fell in category 3 (high). In total, 48.2% (1142 issues) fell in category 0 = failure. 3.0% (71 issues) fell in category 1 (low success) and 7.0% (990 issues) fell in category 2 (medium success). 41.8% (990 issues) of the observations fell in category 3 (high success).

It is important to explore the variation of EP success within policy areas (see Table 8.7). The consideration of the different degrees of EP success will provide a more detailed account of the legislative influence of the European Parliament in EU policy areas. In some policy areas, the legislative influence of the EP fell predominantly in the two extreme categories (0 = failure or 3 = high success). For example, in the policy areas of Development, Information Society and External Relations, the EP either fully achieved its legislative demands or it failed to influence the legislative text (less than 5% of EP success falls in categories 1 and 2). On the other hand, in the policy areas of Budget, Internal

Market and Services, and Research EP success varies considerably across categories 1, 2, and 3 (more than 18% of EP success falls in categories 1 and 2).

Table 8.7 Degrees of EP Legislative Influence: Variation across Policy Areas

Policy Area (Commission DG)	EP Legislative Influence: Degrees							
	Failure =0		Success =1		Success =2		Success = 3	
	N	%	N	%	N	%	N	%
Agriculture & Rural Development	124	(76.5%)	4	(2.5%)	11	(6.8%)	23	(14.2%)
Budget	20	(28.2%)	12	(16.9%)	2	(2.8%)	37	(52.1%)
Development	13	(44.8%)	0	-	1	(3.4%)	15	(51.7%)
Economic and Financial Affairs	35	(74.5%)	2	(4.3%)	1	(2.1%)	9	(19.1%)
Education and Culture	25	(30.5%)	3	(3.7%)	7	(8.5%)	47	(57.3%)
Employment and Social Affairs	34	(35.1%)	1	(1.0%)	5	(5.2%)	57	(58.8%)
Energy and Transport	150	(41.4%)	17	(4.7%)	34	(9.4%)	161	(44.5%)
Enterprise and Industry	50	(32.5%)	0	-	15	(9.7%)	89	(57.8%)
Environment	88	(40.7%)	4	(1.9%)	8	(3.7%)	116	(53.7%)
Eurostat, Statistical Office	18	(36.0%)	0	-	3	(6.0%)	29	(58.0%)
External Relations	39	(59.1%)	2	(3.0%)	1	(1.5%)	24	(36.4%)
Fisheries	114	(88.4%)	1	(0.8%)	7	(5.4%)	7	(5.4%)
General Secretariat	14	(45.2%)	1	(3.2%)	2	(6.5%)	14	(45.2%)
Health and Consumer Protection	94	(38.4%)	6	(2.4%)	19	(7.8%)	126	(51.4%)
Information Society	22	(35.5%)	0	-	0	-	40	(64.5%)
Internal Market and Services	72	(45.0%)	7	(4.4%)	23	(14.4%)	58	(36.3%)
Justice, Freedom and Security	168	(57.5%)	8	(2.7%)	18	(6.2%)	98	(33.6%)
Research	30	(46.2%)	2	(3.1%)	7	(10.8%)	26	(40.0%)
Taxation and Customs Union	32	(65.3%)	1	(2.0%)	2	(4.1%)	14	(28.6%)
Total Issues	1142	(48.2%)	71	(3.0%)	166	(7.0%)	990	(41.8%)

Own calculations

8.6 Package Deals and EP Success: Results from the Ordinal and Multinomial

Regressions

While the different success categories were grouped into one up to now, the following section will explore the conditions for EP legislative influence when the EP Success variable is treated as an ordinal/categorical variable. By including the degree of EP success in the analysis, the results of the statistical tests will provide a clearer picture of the extent to which the European Parliament influences legislative outcomes across policy areas in the EU. When the issues from the co-decision and consultation procedures are pooled together, none of the categories is empty or extremely small. Therefore, it is possible to run an ordinal logistic test.

In order to explore the variation of the degrees of EP legislative influence, the following models as estimated using ordinal and multinomial logistic regressions¹⁴². The standard errors are clustered around the 19 policy areas, in order to take account of the conditioning effect of the policy area on the probability of EP success. Exactly the same independent variables and interaction terms were used in the binary logit, the ordinal logit and the multinomial logit. The estimation of models for EP success with identical independent factors allows for an easy comparison of the effects of the independent variables and interaction terms when EP success is treated as a dichotomous, ordinal and categorical outcome. The ordinal logits in Table 8.8 (Models 1 to 5) were estimated with EP success as an ordinal variable where 0 = failure, 1 = low success, 2 = medium success and 3 = high success. The multinomial logits in Table 8.9 (Models 1 to 5) were estimated with EP success as a categorical variable where 0 = failure, 1 = low success, 2 = medium success and 3 = high success.

The results of the **ordered logit regressions** (Table 8.8) confirm the findings of the previous section. Package deals increase the likelihood of EP success. The results confirm that the presence of package deals increases the probability of EP success in distributive policy areas. However, when the degree of EP success is taken into account the cross-level interaction term *Package Deal x Distributive Policy* has a weaker effect¹⁴³. This finding suggests two things.

¹⁴² One of the assumptions underlying ordinal logistic regression is that the relationship between each pair of outcome groups is the same. Ordinal logistic regression assumes that the coefficients that describe the relationship between the lowest versus all higher categories of the dependent variable are the same as those that describe the relationship between the next lowest category and all higher categories. This is called the proportional odds assumption (Rabe-Hesketh and Skrondal, 2005, 154). If there is a difference between the different categories, then a multinomial logit regression is more appropriate. Multinomial logit regression works like an ordinary binary logistic regression, except that all the different outcomes in the dependent variable are compared against each other. In a model with four alternative categories, outcome 0 (failure) is compared to outcome 1 (little success), outcome 1 (little success) is compared to outcome 2 (medium success), outcome 2 (medium success) is compared to outcome 3 (high success) and outcome 3 (high success) is compared to outcome 0 (failure).

¹⁴³ The coefficient of the interaction term and its significance are reduced when the degree of EP success is considered. If the full binary and ordered logit models are compared, the power of the cross-level interaction decreases from a predictor with a coefficient of 1.317 (se .511), significant at the 1% level with a corresponding odds ratio of 3.940 (in the binary model) to a coefficient of .988 (se .587), significant at the 10% level and a corresponding odds ratio of 2.660 (in the ordered model).

Table 8.8 Ordinal Logistic Regressions: European Parliament Success

European Parliament Success in EU Decision-Making, 1999 – 2007						
Dependent Variable: European Parliament Success						
	Ordered Logit (Clustered S.E)					
	Model 1	Model 2	Model 3	Model 4	Model 5	Odds Ratio
Fixed Effects	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	
<i>Individual Level Variables</i>						
Package Deal	.731 *** (.216)	.649 *** (.174)	.375 *** (.144)	-.046 (.217)	-.243 (.513)	.632
Codecision	-	-	1.771 *** (.129)	1.782 *** (.133)	1.781 *** (.133)	5.935
Council Impatience	-	.331 ** (.136)	.250 ** (.126)	.251** (.120)	.263 ** (.121)	1.301
Urgent	-	-.140 (.136)	.074 (.112)	-.069 (.119)	-.069 (.120)	.937
Urgent for the Commission	-	.619 *** (.226)	.396 ** (.197)	.355 * (.098)	.346 * (.249)	1.413
European Parliament Cohesion	-	.011 ** (.005)	.011 *** (.004)	.011 *** (.003)	.011 *** (.003)	1.012
EP Committee Plenary Supported	-	.002 (.116)	.328 *** (.104)	.321 *** (.106)	.326 *** (.107)	1.386
Relative EP Saliency	-	-.045 (.036)	-.026 (.027)	-.026 (.037)	-.026 (.037)	.974
Parliament - Council Saliency Tie	-	-.432 *** (.079)	-.251 *** (.082)	-.233 *** (.082)	-.232 *** (.084)	.973
Commission Support	-	.818 *** (.136)	.686 *** (.128)	.685 *** (.128)	.677 *** (.124)	1.967
Issues Type (base budgetary)						
Policy Substance Issues	-	.140 (.104)	.122 (.219)	.117 (.217)	-.001 (.236)	.999
Fundamental Rights Issues	-	1.440 *** (.139)	1.527*** (.286)	1.539 *** (.283)	1.809 *** (.369)	6.104
Institutional Powers Issues	-	.513 * (.289)	.785 ** (.348)	.774 ** (.339)	.440 (.373)	1.553
Package Deal x Policy Substance	-	-	-	-	.226 (.512)	1.305
Package Deal x Fundamental Rights	-	-	-	-	-.760 (.635)	.467
Package Deal x Institutional Issues	-	-	-	-	.909 (.809)	2.483
<i>Macro - Level Variable</i>						
Distributive Policy Area	-.434 (.502)	-.689 (.556)	.374 (.509)	-.113 (.229)	-.156 (.522)	.856
<i>Cross-Level Interaction</i>						
Package Deal x Distributive Policy	-	-	-	1.037 * (.625)	.978 * (.587)	2.660
Cut 1	.157	1.644	3.384	3.192	3.100	
Cut 2	.140	1.783	3.538	3.346	3.256	
Cut 3	.431	2.109	3.903	3.711	3.624	
Log Pseudolikelihood	-2345.973	-2202.982	-2065.833	-2062.794	-2053.491	
N Policy Areas	19	19	19	19	19	19
N Issues	2369	2369	2369	2369	2369	2369

*p < .10; ** p < .05; *** p < .01

Table 8.9 Multinomial Logistic Regressions: European Parliament Success

European Parliament Success in EU Decision-Making, 1999 – 2007						
Dependent Variable: European Parliament Success						
	Multinomial Logit (Clustered S.E)					
	Success 1	Model 1 Success 2	Success 3	Success 1	Model 2 Success 2	Success 3
Baseline (Failure = 0)	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.
Fixed Effects						
<i>Individual Level Variables</i>						
Package Deal	1.078 ***	.428 **	.811 ***	.958 **	.371 *	.717 ***
	(.396)	(.220)	(.236)	(.429)	(.211)	(.189)
Codecision	-	-	-	-	-	-
Council Impatience	-	-	-	-.060	.232	.367 **
				(.330)	(.180)	(.153)
Urgent	-	-	-	.389	-.110	-.158
				(.293)	(.321)	(.150)
Urgent for the Commission	-	-	-	.396	.513	.725 ***
				(.428)	(.359)	(.252)
European Parliament Cohesion	-	-	-	-.011	-.007	.014 **
				(.011)	(.005)	(.007)
EP Committee Plenary Supported	-	-	-	.202	.258 **	-.006
				(.302)	(.124)	(.134)
Relative EP Saliency	-	-	-	-.166 ***	-.118 *	-.056
				(.055)	(.067)	(.043)
Parliament - Council Saliency Tie	-	-	-	-.604 ***	-.174	-.499 ***
				(.237)	(.134)	(.099)
Commission Support	-	-	-	.238	.998 ***	.885 ***
				(.255)	(.217)	(.145)
Issues Type (base budgetary)						
Policy Substance Issues	-	-	-	.276	.196	.162
				(.636)	(.357)	(.118)
Fundamental Rights Issues	-	-	-	.292	.939 ***	1.646 ***
				(.695)	(.280)	(.152)
Institutional Powers Issues	-	-	-	-.360	-.001	.609 **
				(.547)	(.660)	(.278)
Package Deal x Policy Substance	-	-	-	-	-	-
Package Deal x Fundamental Rights	-	-	-	-	-	-
Package Deal x Institutional Issues	-	-	-	-	-	-
<i>Macro - Level Variable</i>						
Distributive Policy Area	1.164	-1.200 *	-.424	1.460	-.769	-.788
	(1.014)	(.720)	(.571)	(.904)	(.744)	(.629)
<i>Cross-Level Interaction</i>						
Package Deal x Distributive Policy	-	-	-	-	-	-
Intercept	-3.735 ***	-1.588 ***	-.263	-3.321 ***	-2.134 ***	-2.165 ***
	(.607)	(.345)	(.303)	(1.142)	(.783)	(.695)
Log Pseudolikelihood		-2334.940			-2169.648	
N Policy Areas	19	19	19	19	19	19
N Issues	2369	2369	2369	2369	2369	2369

*p < .10; ** p < .05; *** p < .01

Multinomial Logistic Regressions: European Parliament Success (continued)

European Parliament Success in EU Decision-Making, 1999 – 2007

Dependent Variable: European Parliament Success

	Multinomial Logit (Clustered S.E)					
	Success 1	Model 3 Success 2	Success 3	Success 1	Model 4 Success 2	Success 3
	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.	Coef/S.E.
Baseline (Failure = 0)						
Fixed Effects						
<i>Individual Level Variables</i>						
Package Deal	.902 * (.479)	.218 (.215)	.388 *** (.149)	-.834 (1.770)	-.454 (.410)	-.022 (.246)
Codecision	.100 (.495)	.702 *** (.237)	2.065 *** (.167)	.166 (.661)	.714 *** (.236)	2.070 *** (.172)
Council Impatience	-.087 (.308)	.191 (.193)	.265 ** (.137)	-.100 (.284)	.184 (.186)	.265 ** (.131)
Urgent	.407 (.286)	-.088 (.312)	-.090 (.124)	.443 (.301)	-.082 (.312)	-.085 (.129)
Urgent for the Commission	.308 (.450)	.366 (.342)	.444 ** (.212)	.088 (.423)	.297 (.324)	.400 * (.217)
European Parliament Cohesion	-.011 (.012)	-.006 (.005)	.014 *** (.004)	-.011 (.011)	-.006 (.005)	.014 *** (.004)
EP Committee Plenary Supported	.211 (.282)	.419 *** (.126)	.343 *** (.112)	.173 (.282)	.402 *** (.137)	.333 *** (.113)
Relative EP Saliency	-.154 *** (.057)	-.099 (.067)	-.031 (.042)	-.157 *** (.058)	-.100 (.064)	-.030 (.042)
Parliament - Council Saliency Tie	-.611 ** (.256)	-.087 (.163)	-.307 *** (.091)	-.520 ** (.250)	-.056 (.167)	-.289*** (.091)
Commission Support	.220 (.230)	.929 *** (.221)	.777 *** (.146)	.213 (.235)	.924 *** (.221)	.773 *** (.144)
Issues Type (base budgetary)						
Policy Substance Issues	.233 (.577)	.177 (.388)	.117 (.243)	.216 (.560)	.182 (.381)	.119 (.241)
Fundamental Rights Issues	.272 (.570)	.964 *** (.338)	1.769 *** (.332)	.308 (.559)	.988 *** (.338)	1.781 *** (.327)
Institutional Powers Issues	-.656 (.559)	.102 (.609)	.932 *** (.367)	-.715 (.622)	-.091 (.612)	.920 *** (.357)
Package Deal x Policy Substance	-	-	-	-	-	-
Package Deal x Fundamental Rights	-	-	-	-	-	-
Package Deal x Institutional Issues	-	-	-	-	-	-
<i>Macro - Level Variable</i>						
Distributive Policy Area	1.551 ** (.686)	-.296 (.700)	-.311 (.546)	-.759 (1.362)	-1.008 (.945)	-.109 (.581)
<i>Cross-Level Interaction</i>						
Package Deal x Distributive Policy	-	-	-	3.850 ** (1.770)	1.708 * (1.106)	1.002 (.692)
Intercept	-3.293 *** (.861)	-2.808 *** (.886)	-4.177 *** (.534)	-2.349 ** (1.065)	-2.526 *** (.960)	-3.997 *** (.525)
Log Pseudolikelihood		-2028.344			-2021.225	
N Policy Areas	19	19	19	19	19	19
N Issues	2369	2369	2369	2369	2369	2369

*p < .10; ** p < .05; *** p < .01

Multinomial Logistic Regressions: European Parliament Success (continued)

European Parliament Success in EU Decision-Making, 1999 – 2007

Dependent Variable: European Parliament Success

	Multinomial Logit (Clustered S.E)					
	Model 5					
	Success 1		Success 2		Success 3	
	Coef/S.E.	Risk Ratio	Coef/S.E.	Risk Ratio	Coef/S.E.	Risk Ratio
Baseline (Failure = 0)						
Fixed Effects						
<i>Individual Level Variables</i>						
Package Deal	-1.487 (1.196)	.226	-1.154 * (.637)	.315	-.143 (.637)	.867
Codecision	.137 (.416)	1.147	.713 *** (.235)	2.039	2.088 *** (.179)	8.070
Council Impatience	-.094 (.284)	.910	.199 (.185)	1.220	.280 ** (.132)	1.323
Urgent	.472 (.314)	1.605	-.199 (.083)	.921	-.084 (.132)	.920
Urgent for the Commission	-.008 (.391)	1.008	.260 (.365)	1.297	.389 * (.209)	1.475
European Parliament Cohesion	-.011 (.012)	.988	-.007 (.005)	.994	.014 *** (.005)	1.014
EP Committee Plenary Supported	.211 (.283)	1.235	.425 *** (.142)	1.530	.339 *** (.112)	1.403
Relative EP Saliency	-.149 *** (.057)	.862	-.096 (.063)	.908	-.029 (.042)	.971
Parliament - Council Saliency Tie	-.521** (.246)	.594	-.053 (.168)	.948	-.291 *** (.095)	.748
Commission Support	.182 (.245)	1.200	.913*** (.218)	2.492	.766 ** (.140)	2.150
<i>Issues Type (base budgetary)</i>						
Policy Substance Issues	-.105 (.322)	.900	-.079 (.432)	.924	.034 (.260)	1.034
Fundamental Rights Issues	-.651 (1.143)	.522	.917 ** (.441)	2.502	2.144 *** (.414)	8.530
Institutional Powers Issues	-21.174 *** (.822)		-.483 (.663)	.617	.653 * (.348)	1.921
Package Deal x Policy Substance	.584 (1.060)	1.793	.718 (.500)	2.051	.196 (.586)	1.216
Package Deal x Fundamental Rights	1.292 (1.071)	3.641	.108 (.578)	1.114	-1.013 (.712)	.363
Package Deal x Institutional Issues	21.756 ***		1.766 ** (.923)	5.849	.891 (.920)	2.437
<i>Macro - Level Variable</i>						
Distributive Policy Area	-.774 (1.338)	.461	-1.030 (.942)	.357	-.150 (.582)	.860
<i>Cross-Level Interaction</i>						
Package Deal x Distributive Policy	3.739 *** (1.893)	42.052	1.660 (1.095)	5.259	.940 (.670)	2.560
Intercept	-1.836 (1.174)		-2.266 ** (.950)		-3.970 *** (.444)	
Log Pseudolikelihood	-2007.037					
N Policy Areas	19	19	19	19	19	19
N Issues	2369	2369	2369	2369	2369	2369

First, even when the degree of EP influence is taken into account, package deals increase the probability of EP success and furthermore, they increase the probability of EP success in distributive policy outcomes. Second, when the degree of EP influence is taken into account, package deals are not such a strong predictor of EP success and the *Package Deal x Distributive Policy* interaction effect is much weaker. This implies that package deals allow the EP to influence legislation much more than it would in the absence of a logroll. However, while package deals allow the EP to insert its preferred policy outcomes in EU legislation, they do not guarantee that these preferences will be accommodated in full (i.e. 3 = high success). Therefore, informal logrolls are important as they allow the EP to increase its legislative influence and impact legislative texts (to achieve outcomes different from 0 = failure). However, informal logrolls do not guarantee that the EP will realize its legislative demands to the fullest (to achieve outcomes in category 3 = high success). While Member States are interested to engage in trade with the European Parliament in distributive policy areas, the extent of the legislative influence gained from such trade for the EP is limited.

The results of the **multinomial logit regressions** (in Table 8.9) confirm that package deals increase the likelihood of EP success. The presence of package deals increases the probability of EP success in distributive policy areas. However, the effect of package deals differs between the success categories. As is evident in Model 4, the effect of the cross-level interaction term *Package Deal x Distributive Policy* is strongest in the Success 1 category, followed by Success 2 and Success 3¹⁴⁴. Package deals allow the EP to gain legislative influence on some issues, but the extent of these gains is limited. The EP is most likely to gain institutional issues in logrolls in distributive policy areas and these gains are most likely to be within the Success 1 category. Hence, the EP enjoys a greater legislative role through package deals, but it does not realize its preferences in full.

¹⁴⁴ In Model 4 the coefficient of the interaction term is 3.850 (se 1.770), significant at the 5% level for category Success 1 and it decreases to 1.708 (se 1/106), significant at the 10% level for category Success 2. It is non-significant in category Success 3. When the full Model 5 is estimated, the interaction term remains statistically significant only in category Success 1.

Conclusion

This chapter analysed the effect of package deals on the legislative influence of the European Parliament across policy areas and time. This chapter studied all completed legislation passed under the co-decision and consultation procedures between 1 May 1999 and 30 April 2007. The chapter argued that through the package deal the EP gains legislative influence in the EU's distributive policy areas. The results of the empirical analysis of more than 2350 issues discussed between the EP and the Council supported this hypothesis. Package deals are employed regularly as they allow the Council and the Parliament to achieve their most preferred policy outcomes. While logrolls may reduce the ability of ordinary MEPs to participate in the decision-making process, they allow the EP as an institution to influence distributive policy outcomes.

The chapter demonstrated that the legislative influence of the European Parliament varies across policy areas and the policy context conditions the outcomes of EU legislative bargaining. Overall, the European Parliament is more likely to influence legislation in regulatory policy areas. Nevertheless, package deals allow the EP to gain greater influence in some of the EU's most expensive policy areas. Without exaggerating the effect of package legislating on bicameral decision-making in the EU, the chapter identified the specific issue gains the EP obtains through package deals. In exchange for supporting the Member States' budgetary policy preferences, the European Parliament secures increased institutional and legislative powers.

The chapter analysed the legislative influence of the European Parliament by measuring EP success as a dichotomous, ordinal and categorical outcome. The estimated models confirmed that package deals increase the probability of EP success in EU legislative outcomes. In addition to package deals, EP success is conditional on institutional impatience, different preference intensities of the EP and the Council, EP cohesion and Commission support.

CONCLUSION: THE EFFECT OF LEGISLATIVE PACKAGE DEALS ON EU DECISION-MAKING

A. Summary of Arguments and Empirical Findings

The main objective of the thesis was to explore why EU legislators increasingly engage in informal inter-chamber package deals and what the effects of these practices are for EU policy outcomes. Chapter I reviewed the existing literature on EU legislative politics. Chapter II reviewed the theoretical explanations of the use of informal institutional arrangements as offered by rational choice and organizational theorists. Chapter III presented a theory of inter-chamber logrolling in the European Union. Chapter IV outlined the empirical data and methodology employed throughout the thesis. Chapter V examined the conditions for the use of package deals in EU decision-making. Chapters VI and VII analyzed the effect of package deals and legislative timing on the EP's legislative influence in the consultation and co-decision procedures. Chapter VIII studied the effect of package deals on the EP's legislative influence across issues, proposals, policy areas and time.

a) Package Deals in the European Union Legislature

The main argument of the thesis is that package deals increase the legislative influence of the European Parliament in EU decision-making across legislative procedures and policy areas. Chapter V found that the likelihood of using legislative package deals increases when proposals are distributive and urgent, when the preference intensities of the EP and the Council differ, when the EP party leaders are involved in the inter-chamber negotiations and when the policy area is marked by multi-issue legislation. Chapter VI found that package deals increase the EP's legislative influence in the consultation procedure. Chapter VII found that package deals increase the EP's legislative influence in the co-decision procedure. Chapter VIII found that package deals increase the EP's legislative influence in the EU's distributive policy areas.

The thesis found that the bundling of issues and proposals in packages is a regularly employed legislative practice in the European Union. Around 25% of all EU legislative proposals, completed in the period 1999 - 2007, were decided through inter-chamber package logrolls. On average 37% of co-decision proposals and 14% of consultation proposals were passed through as packages. Moreover, legislative package deals are relatively easy to trace empirically. The internal documents of the Council of Ministers specifically state whether proposals were decided in a bundle, which issues were part of the package deal, and why decisions on single issues would not have been possible. In addition, the transcripts of the EP's plenary sittings provide further details on whether proposals were part of inter-chamber logrolls and how proposals and issues were linked.

Three types of legislative package deals were identified in the European Union through the examination of all completed legislation passed between 1 May 1999 and 30 April 2007. These are package deals on a) single 'omnibus' proposals that involve multiple issues; b) several proposals that are decided simultaneously within the same legislative procedure; and c) several proposals that are decided simultaneously across the co-decision and consultation procedures. Due to the lack of credible commitments over time and across policy areas, empirical support for logrolling was limited to simultaneous decision-making on bundled legislation within the same policy areas. Evidence of inter-chamber logrolling could not be found across policy areas or across time.

In line with the argument proposed in Chapter III, the empirical evidence showed that through logrolling the European Parliament gains legislative influence in co-decision and consultation and that it gains institutional presence in the EU's distributive policy areas. Package deals allow the legislative chambers to trade support for their most preferred policy outcomes. While ordinary MEPs are unable to participate in the informal negotiations, package deals allow the European Parliament as an institution to gain greater influence in some of the EU's most expensive policies.

Some readers may question the methodology of empirically identifying and quantifying informal deals and arrangements. One of the most important features of legislative package deals is that despite their informal character, they have to be officially approved through voting by each of the EU legislative chambers. These informal bargains need to be enforced by the European Parliament and the Council of Ministers. Any agreements made between the representatives of the chambers, have to go through the formal legislative process in order to become law. Informal bargains made between the Council and the EP are therefore binding and their representatives commit to pass and enforce them without further amendments.

This feature of package lawmaking requires that package deals are clearly identified within the legislative process, so that they can be passed as block votes without amendments. Each of the legislative institutions keeps records of informal inter-chamber negotiations and the progress on them. The Council of Ministers' Document Register is a particularly good source on legislative package deals and informal trialogues. The working documents of the Council clearly indicate the frequency and scope of informal inter-chamber negotiations with the EP. Contentious issues are identified, as well as terms of package compromises. Both the Council's Register and the European Parliament's Legislative Observatory provide enough data for systematic research on package deals.

In addition, readers may be concerned about the originality of the argument presented in the thesis. While not all legislative proposals in the EU are decided in the form of package deals, some of the EU's most important legislation has been decided through package deals. The thesis found that package deals are not only increasingly used, but they are also important tools for legislative influence. Through logrolling, EU legislators trade support for their most preferred policy outcomes. Therefore, package deals have a clear effect on legislative outcomes. This is a significant contribution to the understanding of European Union legislative politics.

a) Informal Trialogue Procedures

In addition to the effect of package deals on the legislative influence of the European Parliament, the thesis analysed the institution of the ‘informal trialogue’. It highlighted that the analysis of EU decision-making cannot ignore the proliferation of trialogue procedures and their effect on EU lawmaking. Instead of dividing the analysis into formal vs. informal procedures, the thesis showed that EU legislative politics involves frequent formal and informal negotiations between the European Parliament and the Council of Ministers. Trialogue procedures have spread throughout the co-decision procedure and are increasingly employed in consultation.

The thesis found that more than 74% of co-decision proposals and 5% of consultation proposals are discussed at informal inter-institutional meetings. Trialogues serve as institutional tools for information exchange between the Council and the EP. They allow members of the Parliament, the Council and the Commission to reach enforceable agreements through informal means. Trialogue procedures are increasingly enforced in the EU as Member States largely achieve their budgetary preferences, the EP secures additional institutional powers and the Commission regains its presence in the legislative process.

Trialogue meetings do not automatically increase the European Parliament’s chances of success. The thesis found that informal trialogues restrain the ability of individual MEPs to participate in the writing of committee reports, to deliberate and to propose amendments. However, to capture the gains from exchange, the legislative chambers commit to the institution of trialogue decision-making. Trialogue procedures help EU legislators to sustain the practice of package law-making. These informal inter-institutional arrangements facilitate the exchange of information and the enforcement of informal commitments.

b) Legislative Timing

The timing of EU decision-making has been an increasingly important factor in the study of EU legislative politics (Golub, 1999, 2002, 2007, 2008; Schulz and König, 2000; König, 2007; Golub and Steunenberg, 2007; Goetz and Meyer-Sahling, 2009). Timing has also been considered a crucial factor in bicameral decision-making (Tsebelis and Money, 1997; Binder, 1999, 2003). Delay and impatience have been prominent factors in legislative bargaining (Cox and Kernell, 1991; Alesina and Drazen, 1991; Hiroi, 2008). The thesis found that urgency and the relative impatience of legislative chambers have an effect on their influence over policy outcomes.

Delay

In addition to the effect of package deals on the legislative influence of the European Parliament in the consultation procedure, Chapter VI examined the EP's 'power of delay'. It studied the EP's role in legislative decision-making on all consultation proposals (925) completed in the period 1999 - 2007. In line with the existing literature, the chapter confirmed that the power of the European Parliament is very limited in consultation. Nevertheless, the results suggest that the EP can act as an influential legislative institution through delay.

The power to delay allows the EP to enjoy important benefits in the legislative system. First, through delay the EP manages to obtain concessions from the Council. Delay allows the Parliament to see many of its preferences incorporated in the final legislative texts. Second, delay opens the door for informal negotiations between the Council and EP. When the EP delays its opinion and Member States need an urgent decision, the Council has an incentive to speed-up the legislative process through informal contacts. Third, delay gives the consultation procedure two readings. Once aware of the EP's preferences, the Council and Commission adjust their positions in order to avoid delay.

Impatience of Legislative Chambers

In addition to the effect of package deals on the legislative influence of the European Parliament in the co-decision procedure, Chapter VII found that legislative impatience has an important in co-decision. Council impatience increases the probability of EP success in co-decision outcomes. The chapter analyzed the EP's legislative influence on all co-decision proposals (54) completed in the period 1999 - 2007. It found that the European Parliament succeeds in 65% of its legislative demands under co-decision. In addition to Council impatience, EP success in co-decision is conditional on the salience of the proposal, EP cohesion and Commission support.

An impatient Council is more likely to cooperate with the EP and therefore more likely to grant concessions to the EP in return for a fast-track decision. The results support the argument that the impatience of legislators undermines their bargaining power. The *Council Impatience* variable is positively correlated with EP success and statistically significant across procedures and policy areas. The Parliament manages to realize many of its legislative demands in return for not using its power to delay an opinion. In contrast, when the EP is relatively more impatient about the conclusion of a legislative deal, it is in a weaker bargaining position. Thus, the EP is likely to enjoy significant legislative influence in cases that require urgent decisions.

How does the picture of EU lawmaking presented by the thesis compare to the 'textbook diagram of EU lawmaking' outlined in Figure 1.2 in the Chapter I? Clearly, there is a lot more going on than the simple procedural legislative process outlined by the diagram. Informal meetings, distributive gains, preference intensities, sensitivity to time pressure and package deals do not feature on these diagrams. The thesis found that inter-chamber logrolling blurs the formal procedural rules in the EU legislative system. Package bargains are negotiated in advance and the terms of the deals are simply approved through voting. The legislative activity timelines included in the case studies presented this fact.

Table 8.10 Comparison of Predictions and Findings

Legislative Package Deals in the European Union, 1999 – 2007

	Chapter V	Ex	Obs	Chapter VI	Ex	Obs	Chapter VII	Ex	Obs	Chapter VIII	Ex	Obs
	All legislation			Consultation			Codecision			All legislation		
Dependent Variable	Package Deal			EP Success			EP Success			EP Success		
Independent Variables												
(Argument)												
	Distributive Proposal	+	+	Package Deal	+	+	Package Deal	+	+	Package Deal	+	+
	Council Impatience	+	-	Delay	+	+	Dialogue	-	-	Distributive Policy	-	-
	Urgent	+	+	Council Impatience	+	-	Council Impatience	+	+	Council Impatience	+	+
				Urgent	+	-	Urgent	+	-	Urgent	+	-
				Urgent for the Commission	+	+	Urgent for the Commission	+	+	Urgent for the Commission	+	+
Interaction effects	-			Delay * Urgent for the Commission	+	+	Dialogue * Institutional Powers Issues	+	+	Package Deal * Distributive Policy	+	+
										Package Deal * Institutional Powers	+	+
(Existing Literature)	Absolute Saliency	+	+	EP Cohesion	+	-	EP Cohesion	+	+	EP Cohesion	+	+
	Party Leaders Involved	+	+	EP Committee Supported	+	-	EP Committee Supported	+	+	EP Committee Supported	+	+
	Policy Issue Complexity	+	+	Relative EP Saliency	+	-	Relative EP Saliency	+	-	Relative EP Saliency	+	-
	EP - Council Saliency	-	-	EP - Council Saliency	-	-	EP - Council Saliency	-	-	EP - Council Saliency	-	-
	Tie			Commission Support	+	+	Commission Support	-	+	Commission Support	-	+
				Issues Type	+	+	Issues Type	+	+	Issues Type	+	+
				Council Unanimity	+	-	Reading	+	+	Codecision	+	+
	Proposal Saliency	+	+	Proposal Saliency	+	+						

B. Contribution to the Literature on EU Legislative Politics

Many scholars have written about legislative politics in the European Union. Their research has advanced our understanding about the ways in which institutional features affect EU legislative outcomes. This thesis adds to the existing knowledge about EU legislative politics in several ways.

First, when compared with previous studies of EU legislative politics, one of the main contributions of the thesis is the focus on package deals and their effect on legislative outcomes. Previously, EU legislative research either ignored informal rules and procedures or simply described their existence without explaining why they are used and whether and how they affect legislative outcomes. By focusing on inter-chamber package deals, the thesis determined the extent to which legislators employ such informal tools in daily decision-making. Decisions on legislative packages have been increasingly occurring in the EU legislature. However, most of the well-known models of EU lawmaking viewed decision-making as a case-by-case, issue-by-issue process. The thesis filled this gap in the literature by studying the concept of package decision-making in the European Union.

Second, the thesis developed a testable theory about legislative package deals in the EU. The argument holds that the legislative chambers often exchange support in some issues for loss in other issues, thus achieving mutual overall gain. The argument takes into account the effects of informal inter-chamber negotiations as well as formal procedural rules. The idea of inter-chamber logrolling in the EU departs theoretically from the traditional procedural literature, which has dominated EU legislative research. The contribution of this logrolling approach to lawmaking is the introduction of preference intensities. Once actors are allowed to attach different salencies to issues, exchange of favours becomes an option. While the concept of 'gains from exchange' had received little attention in EU legislative studies, the thesis demonstrated that the issue of package deals occupies a central place in EU lawmaking.

Third, the argument of the thesis was subjected to a series of empirical tests. EU decision-making was analysed across all 1465 legislative proposals completed in the period 1 May 1999 – 30 April 2007. The results of the four empirical chapters supported the main argument. Legislative package deals are more likely to be used in distributive and urgent proposals. In turn, package deals and urgency have an effect on the European Parliament's legislative influence across procedures and policy areas. Alongside the empirical tests of the logrolling argument, the thesis also tested existing hypotheses from the literature on EU legislative politics.

a) Legislative Influence in the European Union

Who has more power over legislative outcomes in the European Union? This question motivated most of the earlier studies in EU legislative research. When compared with previous studies of legislative influence in the European Union, the thesis contributes to answering this question in two ways. First, it identified variation in the degree of legislative influence exercised by the European Parliament across proposals and issue types. Second, it identified variation in the EP's legislative influence across policy areas and it confirmed that the policy context conditions legislative outcomes in the EU. The following reviews the measurement of legislative influence adopted in the thesis, and the findings relating to the variation of EP influence in different contexts.

In this thesis, European Parliament legislative influence meant the EP's success rate in getting its policy preferences in the final legislative text. Firstly, every legislative proposal was broken into the controversial issues, contested by the EP. Legislative success was measured on each issue by comparing the EP committee reports, draft proposals and opinions with the final legislative texts. Of course, the EP did not influence legislative outcomes equally. EP success was divided into four categories with 3 = high success, 2 = medium success, 1 = low success and 0 = failure (see Chapter IV).

EP Legislative Influence Varies In Degree

The measurement of different degrees of EP success provided a more nuanced account of EU decision-making. In total, 48.2% (1142 issues) fell in category 0 = failure; 3.0% (71 issues) fell in category 1 (low success); 7.0% (990 issues) fell in category 2 (medium success); and 41.8% (990 issues) of the observations fell in category 3 (high success). In some policy areas, the EP's legislative influence was found predominantly in the two extreme categories (either 0 = failure, or 3 = high success). For example, in the policy areas of Development, Information Society and External Relations, the EP either succeeded in full, or it completely failed to influence legislative texts. Less than 5% of EP success fell in categories 1 and 2 in these policy areas. On the other hand, in the policy areas of the Budget, Internal Market and Services and Research, EP success varied considerably across categories. In these policy areas more than 18% of EP success fell in categories 1 and 2.

While chapter VI and VII treated the EP success as a dichotomous variable, Chapter VIII treated EP success as dichotomous, ordinal and categorical. Most importantly, the results support the key argument of the thesis. First, package deals increase the probability of EP success in legislative outcomes. Second, package deals increase the EP's chances of influencing legislative outcomes in the EU's distributive policy areas. When EP success groups all three categories 1, 2, and 3 into one single Success category, package deals clearly predict the probability of EP influence. The effect of package deals on EP success is weaker if the degree of EP influence is taken into account.

This confirms that the EP is more likely to influence legislation in the presence of a package deal. However, while package deals allow the EP to realize its preferred policy outcomes, they do not guarantee that these preferences will be accommodated in full. Thus, informal logrolls are important as they allow the EP to increase its influence over legislative texts (i.e. to achieve outcomes different from 0 = failure). However, package deals do not guarantee that the EP will fully realize its legislative demands.

While Member States are interested to engage in trade with the European Parliament in distributive legislation, the extent of the EP's legislative influence gained from such trade is limited. Nevertheless, given that in distributive policy areas the stakes are very high for Member States, an outcome in category 1 (low success) is still a significant achievement for the European Parliament. Therefore, package deals allow the European Parliament increased legislative presence in policy areas where its role has traditionally been consultative and limited.

EP Legislative Influence Varies Across Policy Areas

Chapter VIII found significant variation in European Parliament success across the 19 EU policy areas. The chapter studied the outcomes of more than 2350 issues discussed between the European Parliament and the Council of Ministers. The European Parliament was least successful in the policy areas of Fisheries (11.6%), Agriculture (23.5%), Economic and Financial Affairs (25.5%), Taxation and Customs (34.7%), External Relations (40.9%) and Justice, Freedom and Security (42.5%). These results are not surprising given that legislative proposals in these areas fall mainly under the consultation procedure. In contrast, the European Parliament was most successful in the policy areas of Budgets (71.8%), Education and Culture (68.3%), Enterprise and Industry (67.5%), Employment and Social Affairs (64.9%), Information Society (64.5%) and Health and Consumer Protection (61.6%).

Overall, these findings confirm that the EP is more likely to influence legislation in regulatory policy areas. This is largely due to the presence of co-decision and the fact that the costs of legislation in these areas are usually borne by private actors and not the Member States. In distributive policy areas¹⁴⁵, where the costs of legislation are usually covered by Member States or the EU budget, the European Parliament finds it difficult to

¹⁴⁵ The thesis defined distributive policy areas as the proportion of legislative proposals in a policy area that require EU funding or funding by the Member States' budgets (see Chapter IV).

realize its policy preferences. The key finding of the thesis, however, is that this rule does not apply when package deals are negotiated. In the absence of legislative package deals, European Parliament influence decreases as the distributive nature of EU policy areas increases. When inter-chamber package deals are negotiated, the EP's chances of influencing legislation in distributive policy areas are much higher.

EP Legislative Influence Varies Across Issue Types

In addition, the thesis found variation in EP success across different issue types. The issues contested by the European Parliament were divided in four categories: budgetary issues, policy substance issues, fundamental rights issues and institutional powers issues. The results indicated that the type of issues conditions the probability of EP influence. Overall, the European Parliament was least successful when it demanded changes on funding and budgetary matters. The EP enjoyed around 43% success in budgetary issues, 48% in institutional issues, 49% in policy substantial issues, and 80% in fundamental rights issues. The Parliament was most successful in its demands for human rights, transparency, privacy, data protection, and children's rights. While EP success in fundamental rights issues did not seem to be affected by package legislation, through package deals the European Parliament gained institutional powers.

b) The European Commission

One of the most interesting findings of the thesis relates to the role of the European Commission in legislative decision-making. The empirical tests find that support from the Commission significantly increases the chances of EP success in both consultation and co-decision. The Commission's position on EU legislation is important and the EP benefits from the Commission's endorsement of parliamentary proposals. The Commission's

agenda-setting and implementation powers give it a strong voice in the legislative process and the EP benefits from having the Commission on its side.

While this result could have been expected under the consultation procedure, it is in contrast with the generally accepted argument proposed by Crombez (2000a) that the Commission is 'irrelevant' under the co-decision procedure. The findings here suggest that in the co-decision procedure, the Commission still enjoys strong legislative presence. This is in line with the findings of Rasmussen (2003), Rasmussen and Shackleton (2005) and Konig et al. (2007). There are two reasons why the Commission's role is decisive for legislative outcomes in the EU.

First, the institutionalization of informal trialogue procedures in co-decision allows the formally weak Commission to regain its seat at the legislative table alongside the EP and the Council. Formally, in the co-decision procedure the EP and the Council have the power to change legislative texts entirely regardless of the Commission's position. However, through trialogue procedures, the Commission gains presence in inter-institutional negotiations. As the Commission ensures its participation in co-decision making, its position and support affect the legislative balance between the Council of Ministers and the European Parliament.

Second, the Commission can influence legislative outcomes by proposing packages of legislative proposals. If the Commission proposes several pieces of legislation simultaneously and treats them as a package, it structures the negotiations between the EP and the Council in a logrolling framework. When the Commission proposes legislative packages, the EP and the Council have to engage in trade in order to secure their preferred policy outcomes as part of the compromise deal. Hence, the Commission enjoys significant agenda-setting power as it binds the legislative chambers to consider multiple issues in package legislation.

c) The European Parliament

Cohesion

The cohesion of the European Parliament is a significant predictor of EP success across all EU policy areas. This result is in line with the argument of Kreppel (2002) who finds that the EP is more likely to succeed in getting concessions from the Council when it is united. Divisions among the MEPs weaken the bargaining position of the EP vis-à-vis the Council. Overall, EP cohesion at the committee level seems to be slightly less important than EP cohesion at the plenary level. However, both *EP Cohesion* and *EP Plenary Support* are significant predictors of EP success.

Nevertheless, EP cohesion in consultation does not seem to affect the likelihood of EP success. Most consultation cases enjoyed a very cohesive Parliament, both in committee and in the plenary - the mean of the *EP Cohesion* variable in consultation is 91.7%. While EP cohesion may be an important factor for EP influence in co-decision, the presence of a large majority in the EP under consultation is not a clear predictor of EP success. Therefore, the results support Kreppel's hypothesis in the analysis of the co-decision procedure, but they contradict her predictions in the context of the consultation procedure.

Role of Rapporteurs

Benedetto (2005) and Kaeding (2004) identify the important role EP rapporteurs play in legislative bargaining. On the one hand, this view is supported by the results. Rapporteurs seem to be key figures in both legislative procedures. In the consultation procedure, rapporteurs have a key role to play in the exercise of the EP's power to delay. In the co-decision procedure, rapporteurs usually represent the EP at informal dialogues and negotiate informal agreements with the Council. The rapporteur usually works with rapporteurs of other parliamentary committees and with political group leaders to ensure majority in plenary in favour of the negotiated text.

On the other hand, however, the role of rapporteurs is often undermined in package deals. When package deals are negotiated, political group leaders have the possibility to negotiate an informal bargain with the Council, without considering the position of the rapporteur. As package deals are informal agreements, their enforcement depends on ‘those with the numbers’. Political group leaders can ensure the support of such informal deals in plenary through party discipline. The enforcement of logrolls is more difficult for rapporteurs and committee members, especially if the terms of the package deal are controversial for political group leaders. Therefore, in package deals party leaders can bypass the authority of rapporteurs and committees in general. This argument is supported by the results of the analysis of more than 1400 legislative proposals, which suggests that in 12 % of the cases party leaders were involved in proposal drafting in addition to committee rapporteurs.

d) The Council of Ministers

Voting Rule

Several authors (Tsebelis, 1994; Mattila and Lane, 2001; and Hayes-Renshaw and Wallace, 2006) argue that the formal voting rule requirement in the Council of Ministers is likely to have an effect on the EP’s legislative influence. The results of this research do not support this hypothesis. The Council voting rule is not a statistically significant predictor of EP success. This is the case in codecision as well as in the consultation procedure. Qualified majority voting is used almost all the time in the codecision procedure. That is why the Council voting rule does not show any significant conditioning effects on the probability of European Parliament success. In addition, on many occasions in the consultation procedure, Member States could easily agree on proposals despite the unanimity requirement.

Role of the Council Presidency

Several authors (Tallberg, 2003; Warntjen, 2008; and Thomson, 2008) have identified the important role of the Council Presidency in legislative bargaining. The findings of the thesis support this view. The Council Presidency has a central role in inter-cameral negotiations. The Presidency (together with past and incoming Presidencies) is the main negotiator in informal dialogues with the Parliament and it bargains over the terms of package deals with EP representatives. The Presidency is given a mandate by the Council to initiate informal negotiations with MEPs. The Council's gains from informal deals depend on the ability of the Presidency to negotiate with MEPs and at the same time, to reconcile differences within the Council. The access of the Presidency to package deal negotiations with EP representatives gives it an institutional advantage in the Council vis-a-vis the other Member States. The terms of pre-negotiated package deals can rarely be changed in the Council, so the Presidency gains even further agenda-setting powers from its involvement in package deals.

e) Formal Legislative Procedures

Chapter I discussed that some of the best models of EU decision-making are about the effect of formal procedural rules on legislative outcomes. The thesis did not neglect the importance of procedural factors. The analysis followed existing research by including several procedural variables in the empirical tests. Although the thesis' focus was on package deals and informal bargaining, the results indicate that formal procedures matter significantly.

Consultation Procedure

Many of the existing studies of the consultation procedure had overlooked the role of the European Parliament due to its weak formal powers (Westlake, 1994; Crombez, 1996; Laruelle, 2002; Jupille, 2004). The thesis found, however, that the EP is not irrelevant

under the consultation procedure. Although its legislative capabilities are much weaker under consultation than they are under co-decision, the EP still manages to achieve a 25.9 percent success in its legislative demands. This average success rate is not uniform across policy areas. Interestingly, under the consultation procedure, the variation of EP success across policies is much larger than it is in co-decision. The EP was highly successful in consultation legislation in the policy areas of the Budget (69.8%) and Employment and Social Affairs (58.6%), whereas it was much weaker in the policy areas of Agriculture (21.8%), Economic and Social and Affairs (12.1%) and Fisheries (10.9%). These findings provide a more nuanced account of legislative politics under the consultation procedure.

Codecision Procedure

The revised by the Amsterdam treaty co-decision procedure is now generally regarded as making the European Parliament an equal co-legislator with the Council (Tsebelis and Garrett, 2000; Maurer, 2003; Crombez, 2000a). Although some authors were sceptical about the innovative nature of co-decision II (Kasack, 2004; Napel and Widgren, 2004), the results here confirmed that the chances of EP success over legislative outcomes are much higher in co-decision than they are in consultation. On average the EP succeeded in 65.2 percent of the issues it contested in the codecision procedure. Of course, this average success rate is not uniform across policy areas.

The EP was more successful in the policy areas of Enterprise and Industry (69.2%) and Health and Consumer Protection (67%) than it was in the areas of Energy and Transport (60.6%) and Internal Market (57%). In the full models of EP legislative influence in all 2369 issues across 19 policy areas (presented in Chapter VIII), the codecision variable is statistically significant and positively correlated with EP success. Even when controlling for many other factors, its large coefficient and corresponding odds ratio indicate that formal procedural rules matter considerably for policy outcomes in the EU.

C. Contributions to the Literature on Legislative Studies

The argument and findings of the thesis also have implications for the general literature on legislative studies and bicameral systems. Legislative outcomes in bicameral systems depend on the common actions of both chambers. Legislative chambers are interdependent and the way both chambers organize the legislative process has direct effects on the effectiveness and stability of the legislative system. According to Tsebelis and Money (1997: 1) approximately one third of the states in the world have bicameral legislatures. The role of legislative package deals in the European Union as institutional solutions to inter-chamber conflict, therefore, have important implications for any bicameral system.

a) The Nature of Logrolling as Compared to Research on the US Congress

Inter-Chamber Logrolling vs. Single Chamber Logrolling

As Chapter II discussed, the concept of logrolling has been a dominant topic in US legislative research (Buchanan and Tullock, 1962, 2004; Coleman, 1966, 1990; Ferejohn, 1986; Weingast and Marshall, 1988; Mueller, 1989; Shepsle and Weingast, 1994; Stratmann, 1992; 1995; 1997; Gilligan and Krehbiel, 1998). Many of the existing theories of logrolling are about logrolling inside the US Congress. Legislative exchange is studied in the context of a single chamber (see Shepsle and Weingast, 1987, 1994; Marshall and Weingast, 1988). The argument of the thesis largely rests on these theories, but it borrows from organization theory the understanding that organizations can establish informal agreements with other organizations (see Chisholm, 1989; Doreian and Fujimoto, 2004; Sanders et al, 1998; Lawrence et al, 2002). Therefore, while borrowing its assumptions from rational choice theories of logrolling, the theory presented in this thesis extends the standard idea of legislative exchange from a single chamber context to a bicameral context.

The concept of inter-chamber cooperation through exchange has also recently started to develop in the US literature. Haggard and McCubbins (2001) suggest that logrolling can take place across chambers and underline the importance of bicameralism in the US legislature. In a recent study, Gailmard and Hammond (2006: 1) link inter-chamber bargaining with intra-chamber organization. The authors note that single chamber models *'neglect a key institutional arrangement in the American policy process, and one of the few actually spelled out in the U.S. Constitution: Congress is bicameral, and each chamber of Congress has veto power over proposed legislation'*. Gilligan and Krehbiel (1987, 1990), Diermeier and Myerson (1999) and Ansolabehere, Snyder and Ting (2003) also develop their analyses within the broader context of multi-chamber legislative politics.

The thesis analysed logrolling in the European Union between two legislative chambers: the European Parliament and the Council of Ministers. These two institutions are the actors that organize logrolls through inter-institutional package deals. Given their interdependence, different preference intensities, repeated interactions in lawmaking, and their ability to conclude and enforce informal commitments, EU legislators find it profitable to cooperate through package deals. Is this macro-level logrolling between the two EU legislative chambers much different from the micro-level logrolling found in the US Congress? The argument of inter-chamber logrolling presented here differs from existing theories of intra-chamber logrolling in several ways.

First, the standard logrolling hypothesis usually concerns decision-making within a committee (often described as exchange between three legislators)¹⁴⁶ (see Buchanan and Tullock, 1962; Weingast and Marshall, 1988; Stratmann, 1992). The argument presented here concerns only two actors – the European Parliament and the Council of Ministers. The availability of only two actors partially overcomes the problem of 'cycling' found in logrolling analyses within the US Congress (Bernholz, 1973; Tullock, 1981).

¹⁴⁶ A standard logrolling situation is usually described as one where two issues with two alternatives turn up again and again with certainty in a group of three members (for example see Mueller, 2003).

Second, the committee system in the US Congress was found to provide the institutional mechanisms for gains from trade (Weingast and Marshall, 1988). Instead of the committee system, in the European Union, trialogues are institutionalized at the inter-cameral level in order to capture the gains from trade. Trialogues provide the institutional structure for legislative exchange between the Parliament and the Council. Their informal nature allows EU legislators to exchange information and to negotiate acceptable to both sides deals, thus avoiding gridlock.

Third, the specific structure of package lawmaking through representatives of each parent chamber makes exchange in the EU much more stable and predictable. The bargaining agents of the Parliament and the Council have the authority to negotiate package deals at the inter-cameral level and then have the ability to enforce these compromises at the intra-chamber level. Through informal negotiations, the organization of legislative exchange in the EU therefore seems well structured and simple.

Moreover, the enforcement of package deals in the EU resembles Baron and Ferejohn's (1989) closed rules where package texts are voted for or against, without further amendments. As the case studies illustrated, package deals in the EU are increasingly voted as block votes and are not open to amendments. Compromise packages are often presented as a single amendment, which incorporates the complete legislative act. In plenary, MEPs cannot change the content of such package compromises, as a single amendment can be either voted up or down. Similarly, the Council Presidency offers package texts to Member States emphasizing the impossibility of amending pre-agreed inter-chamber agreements.

In addition to the ability of the EP and the Council to propose package deals at the inter-institutional stage, in the EU the Commission can also propose package legislation before sending it for consideration to the legislative chambers. The Commission includes issues that would otherwise be unable to pass by proposing packages in the first place. This way the Commission structures inter-chamber negotiations in a logrolling framework.

b) Empirical Evidence of Package Deals

The majority of the existing theories of logrolling in the US concern package deals on distributive legislation (Weingast, 1979; Shepsle and Weingast, 1984). Distributive politics, spending and the budget are found to be marked by logrolling and package deals (Enelow, 1986; Haggard and McCubbins, 2001; Heller, 2001). However, Evans (2004) establishes empirically that logrolling occurs on several types of policies, not just on distributive legislation. Stratmann (1995: 453) also finds that informal agreements are widespread in diverse policy areas across the lawmaking process.

The thesis found that package deals in the European Union occur in many policy areas (see Table 5.2). Similarly to US empirical studies of logrolling, the thesis found a high percentage of package deals in distributive policies such as the Budget and Research. In addition, the thesis found evidence of package deals in the policy areas of Energy and Transport, Information Society, the Environment, and Health and Consumer Protection. Therefore, inter-chamber logrolling in the EU occurs across different types of policy areas.

Furthermore, when compared with existing US studies of logrolling, the thesis identified several types of legislative packages: a) several issues packaged in a single proposal (known as ‘omnibus’ proposals), and b) several proposals bundled in multi-proposal packages. Empirical studies of logrolling agreements in the US Congress identify two forms of packaging. First, two issues can be joined in a single proposal and be voted on as a package. Sinclair (1995; 2000) and Krutz (2001) find evidence of ‘omnibus’ legislating in the US Congress in different policy areas. Second, the issue pairs can be voted upon separately, with the first issue’s supporters voting for the second and the second issue’s supporters voting for the first one (see Stratmann, 1992).

It seems that in the European Union single ‘omnibus’ proposals are less popular than simultaneously agreed multi-proposal packages. ‘Omnibus’ packaging on single proposals occurred only under the co-decision procedure (78 package proposals). The

largest number of omnibus single proposals was in the policy areas of Energy and Transport (16), Environment (14), Health and Consumer Protection (13) and Enterprise and Industry (8). In contrast, evidence of multiple proposal bundles was found under the co-decision and consultation procedures (166 package proposals). The largest number of multi-proposal package legislation was in the policy areas of Energy and Transport (26), Agriculture (17), Research (16), and Budget (16). Cross-procedure packaging took place in the policy areas of Justice, Freedom and Security, Research, Budget, Agriculture, Education and Culture, and Taxation. Altogether, there were 78 proposals decided as omnibus packages in the co-decision procedure, 98 proposals decided as part of a multi-package deal in the co-decision procedure, and 68 multi-package proposals in the consultation procedure.

c) Legislative Package Deals Decided Simultaneously

The thesis found evidence of logrolling when package deals were agreed simultaneously. This is in line with the general consensus in the US literature that successful logrolls are likely to take place when agreed at the same time (Shepsle and Weingast, 1994; Weingast and Marshall, 1988; Mueller, 1989). It is difficult to trace successful package deals between the Parliament and the Council over time and across policy areas. The general non-enforceability of informal political bargains limits the deals that can be struck among MEPs and Council representatives. Thus, in the EU context evidence of legislative exchange was found when proposals were negotiated simultaneously, but no evidence was found of package deals enforced over time or policy area. These results confirm the established understanding in the literature that informal promises are likely to break if agreed sequentially.

D. Further Research

Inter-Chamber Package Deals and the Legislative Influence of the Council of Ministers

The thesis aimed to explain variations in the influence of the European Parliament in EU legislative politics. The European Parliament and the Council of Ministers, the two arms of the bicameral EU legislature were treated as unitary actors. The thesis paid some attention to intra-cameral behaviour within the European Parliament, but it paid little attention to intra-cameral behaviour within the Council of Ministers. While the analysis here concentrated on the European Parliament, further research can develop further analysis of the Council and its internal decision-making.

To reinforce the relative influence of the European Parliament, research on the Council will be particularly useful. The thesis examined the effects of package deals and timing on EU legislative outcomes by paying attention to the role of the EP. The argument was presented from the viewpoint of the European Parliament. The hypotheses that followed were about the EP's legislative influence. EU legislative research may benefit from a replication of the study, by developing the argument from the viewpoint of the Council of Ministers. More specifically, the analysis should focus on the role of Coreper I which negotiates co-decision with the EP (Hayes – Renshaw and Wallace, 2006). Future research should explore the relationship between the Council and the EP especially as regards whether or not differences within the Council provide opportunities for MEPs to exploit in achieving their proposals and preferred amendments.

Intra-Chamber Package Deals

This research identified and analysed the effect of package deals in the bicameral legislative process of the European Union. The package deals analysed were the informal arrangements struck between the European Parliament and the Council of Ministers in the making of EU laws. However, exchanges of favours within the EU institutions may also occur in the search of intra-institutional compromise (Crombez, 2000b, 709). Further research may investigate logrolling and package deals that take place inside the European Parliament and the Council of Ministers. Several studies have attempted to trace logrolling in the Council of Ministers (Tavares, 2007). Furthermore, package compromises and logrolls are most certainly taking place inside the Commission and between the Commission and interest groups (Konig, 1999). This type of logrolling is particularly interesting and it deserves systematic research.

Lobbying the EU Institutions and Legislative Outcomes

The thesis focused the analysis on the institutional deals between the European Parliament and the Council of Ministers. It examined the informal institutional arrangements and package deals between representatives of the legislative chambers in the EU. Nevertheless, decision-making in the EU is also largely affected by lobbyists (Broscheid and Coen 2003; 2007, Bouwen 2007; Beyers and Kerremans 2007, Eising 2007; Mazey and Richardson 1999). Lobbying strategies should be taken into account in the analysis of legislative outcomes. There have been several recent studies investigating the involvement of lobby groups in the EU legislative process (Kohler-Koch 1998, Wessels 1999, Earnshaw and Judge 2003; Neunreither, 2003, Bouwen 2004, Lehmann 2007). Combining interest group variables with institutional variables in the explanation of legislative outcomes will provide a richer understanding of legislative politics in the European Union.

Implications of Logrolling in the EU Legislative Process

This thesis underlined the importance of package deals for legislative outcomes and it studied the development of logrolling practices in the EU. The research found that the leaders of the European Parliament and the Council of Ministers increasingly employ such informal mechanisms when deciding some of the EU's most important and most expensive legislation. What are the implications associated with informal negotiations and package deals in the EU legislative process?

The enforcement of informal political deals may be regarded by some as being detrimental to the functioning of a democratic legislature (Ferejohn, 1986, 444). On the other hand, case-by-case decision-making makes the legislative process sluggish and expensive to operate. The increasing use of informal deals between the two chambers is a practical way of doing legislative business. Package deals are sustained in the EU as they minimize the transaction costs of collective decision-making. The existence of enforcement mechanisms of informal inter-chamber commitments promotes stability in the EU legislative process. Both the EP and the Council gain utility when cooperating.

So long as legislative package deals facilitate the ability of the EU legislature to make decisions without sacrificing deliberation or restricting significantly access to the decision-making process, they perform a very important function. Legislative institutions, like any other organization, are faced with the challenge of adapting to their external environment. The EU institutions need to carry out their legislative functions effectively within set deadlines. Informal negotiations make the legislative process highly flexible. As a result, negotiations over legislative packages are not easy to follow, especially when multiple issues are involved. The move to lawmaking through package deals in the European Union is the result of the natural and successful adaptation of the EU bicameral legislature to its changing political and institutional environments.

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Appendix: Legislative Proposals Analysed: 1 May 1999 – 30 April 2007

Legend: P = Package Deal; T = Trialogue; N = Number of Contested Issues

Ref Number	Dossier	P	T	N	Policy Area
CNS/1999/0128	Hops: common organisation of the market CMO (amend. regul. 1696/71/EEC)	0	0	1	Agriculture and Rural Development
CNS/1999/0161	Processed fruit and vegetable products: common organisation of the markets CMO (amend. regul. 2201/96/EC)	0	0	1	Agriculture and Rural Development
CNS/1999/0182	Grain legumes for human and animal consumption: specific measure (amend. regul. 1577/96/EC)	0	0	1	Agriculture and Rural Development
CNS/1999/0202	Cotton: production aid	0	0	5	Agriculture and Rural Development
CNS/1999/0207	Agriculture, Community aid: integrated administration and control system IACS (amend. regul. 3508/92/EEC)	0	0	1	Agriculture and Rural Development
CNS/1999/0209	Common agricultural policy CAP: information measures (regul. 1258/99/EC)	0	0	1	Agriculture and Rural Development
CNS/1999/0235	Bananas: common organisation of the market CMO, import system (amend. regul. 404/93/EEC)	0	0	3	Agriculture and Rural Development
CNS/1999/0236	Support system for producers of arable crops: including flax and hemp (amend. regul. 1251/99/EC)	0	0	2	Agriculture and Rural Development
CNS/1999/0237	Flax and hemp: common organisation of the markets CMO (amend. regul. 1308/70/EEC)	0	0	1	Agriculture and Rural Development
CNS/1999/0246	Milk, milk products: common organisation of the markets CMO (amend. regul. 1255/1999/EC)	0	0	2	Agriculture and Rural Development
CNS/2000/0181	Products of animal origin intended for human consumption: animal-health rules	0	0	1	Agriculture and Rural Development
CNS/2000/0191	Fruit and vegetables: common organisation of the market CMO (amend. Regulations (EC) Nos 2200/96, 2201/96 and 2202/96)	0	0	4	Agriculture and Rural Development
CNS/2000/0226	Agricultural products: information provision and promotion on the internal market	0	0	2	Agriculture and Rural Development
CNS/2000/0250	Sugar: common organisation of the markets CMO (Regulation (EC) No 2038/1999)	0	0	4	Agriculture and Rural Development
CNS/2000/0252	Nut sector : quality and marketing improvement, extension of plans for one year (regul. 1035/72/EEC)	0	0	3	Agriculture and Rural Development
CNS/2000/0308	Agricultural products: measures for the benefit of Azores and Madeira (amend. regul. 1600/92/EEC)	0	0	1	Agriculture and Rural Development
CNS/2000/0309	Agricultural products: measures for the benefit of Canary Islands (amend. regul. 1601/92/EEC)	0	0	1	Agriculture and Rural Development
CNS/2000/0314	Agricultural products: measures for the benefit of Azores and Madeira for milk and milk products	1	0	3	Agriculture and Rural Development
CNS/2000/0316	Agricultural products: measures for the benefit of Canary Islands	1	0	3	Agriculture and Rural Development
CNS/2000/0317	Beef and veal: common organisation of the market CMO, outermost regions (amend. Regulation (EC) No 1254/99)	1	0	1	Agriculture and Rural Development
CNS/2000/0335	Common agricultural policy CAP: direct support schemes (amend. regul. 1259/1999/EC)	0	0	1	Agriculture and Rural Development
CNS/2000/0358	Olive oil: extension of the period of validity of aid scheme and quality (amend. regul. 136/66/EEC, 1638/98/EC)	0	0	3	Agriculture and Rural Development
CNS/2001/0042	Beef and veal: common organisation of the market CMO (amend. Regulation (EC) No 1254/99)	0	0	2	Agriculture and Rural Development
CNS/2001/0043	Arable crops: support system for producers (amend. regul. 1251/99/EC)	0	0	1	Agriculture and Rural Development
CNS/2001/0099	Seeds: common organisation of the market CMO, aid granted for 2002-2003 and 2003-2004 (amend. Regulation (EEC) No 2358/71)	0	0	2	Agriculture and Rural Development
CNS/2001/0103	Sheepmeat and goatmeat: common organisation of the market CMO, reform	0	0	3	Agriculture and Rural Development
CNS/2001/0159	Milk, cheese : common organisation of the market CMO (amend. Regulation (EEC) No 2204/90)	0	0	1	Agriculture and Rural Development
CNS/2001/0187	Bananas: common organisation of the market CMO (amend. Regulation (EEC) No 404/93)	0	0	1	Agriculture and Rural Development
CNS/2001/0264	EAGGF Guarantee section: scrutiny by the member States of financing transactions (amend. regul. 4045/89/EEC)	0	0	1	Agriculture and Rural Development
CNS/2001/0273	Potato starch: quota system for production (amend. regul. 1868/94/EC)	0	0	1	Agriculture and Rural Development
CNS/2001/0275	Nut sector : quality and marketing improvement plans (regul. 1035/72/EEC), specific aid for hazelnuts	0	0	2	Agriculture and Rural Development
CNS/2001/0276	Leaf tobacco: premiums and guarantee thresholds for the 2002, 2003 and 2004 harvests (amend. regul. 2075/92/EEC)	0	0	3	Agriculture and Rural Development
CNS/2002/0066	Agricultural products and foodstuffs: designation of origin, geographical indication (amend. regul. 2081/92/EEC)	0	0	1	Agriculture and Rural Development
CNS/2002/0227	2004 enlargement: applicant countries CEECs, support for agriculture SAPARD (amend. regul. 1268/1999/EC)	0	0	1	Agriculture and Rural Development
CNS/2002/0292	Cereals: calculation of import duties (amend. regul. 1766/92/EEC)	0	0	1	Agriculture and Rural Development
CNS/2003/0002	Organic production: traceability, indications on agricultural products and foodstuffs (amend. regul. 2092/91/EEC)	0	0	3	Agriculture and Rural Development
CNS/2003/0006	Common agricultural policy CAP, reform: horizontal regulation, support schemes for producers (durum wheat, rice...)	1	0	7	Agriculture and Rural Development
CNS/2003/0007	Common agricultural policy CAP, reform: EAGGF, rural développement (amend. regul. 1257/1999/EC, repeal. 2826/2000/EC)	1	0	3	Agriculture and Rural Development
CNS/2003/0008	Common agricultural policy CAP, reform: cereals, common organisation of the market COM	1	0	4	Agriculture and Rural Development
CNS/2003/0009	Common agricultural policy CAP, reform: rice, common organisation of the market COM	1	0	5	Agriculture and Rural Development
CNS/2003/0010	Common agricultural policy CAP, reform: dried fodder, common organisation of the market COM, 2004-2005 to 2007-2008	1	0	3	Agriculture and Rural Development

CNS/2003/0011	Common agricultural policy CAP, reform: milk and products, common organisation of the market COM (amend. regul. 1255/1999/EC)	1	0	3	Agriculture and Rural Development
CNS/2003/0012	Common agricultural policy CAP, reform: milk and milk products, introduction of a levy	0	0	1	Agriculture and Rural Development
CNS/2003/0231	Food and Agriculture : plant genetic resources, ratification of the FAO International Treaty, November 2001	0	0	1	Agriculture and Rural Development
CNS/2003/0275	Flax and hemp sector: common organisation of the market COM (amend. regul. 1673/2000/EC)	0	0	1	Agriculture and Rural Development
CNS/2003/0278	Common agricultural policy CAP: horizontal regulation, support schemes for farmers (modif. regul. 1782/2003/EC)	0	0	5	Agriculture and Rural Development
CNS/2003/0279	Olive oil and table olives: common organisation of the market COM (amend. regul. 827/68/EEC, repeal. 14 regul.)	0	0	4	Agriculture and Rural Development
CNS/2004/0003	Apiculture programme: application of measures to improve the production and marketing of honey (repeal. regul. 1221/97)	0	0	3	Agriculture and Rural Development
CNS/2004/0052	Human consumption: fruit jams, jellies, marmalades and chestnut purée (amend. direct. 2001/113/CE)	0	0	1	Agriculture and Rural Development
CNS/2004/0161	Rural development: support by the European Agricultural Fund for Rural Development EAFRD	1	0	3	Agriculture and Rural Development
CNS/2004/0164	Common agricultural policy CAP: financing by the European agricultural guarantee Fund EAGF and the European agricultural Fund for rural development EAFRD (repeal. regul. 1258/1999/EC and 723/97/EC)	1	0	2	Agriculture and Rural Development
CNS/2004/0247	Outermost regions: specific supply arrangements for agricultural products which are essential for human consumption, for the manufacture of other products or as agricultural inputs.	0	0	1	Agriculture and Rural Development
CNS/2004/0254	Animal products, common organisation of the market COM: financing the support measures in case of outbreaks of diseases (amend. regul. 2759/75/EEC, 2771/75/EEC, 2777/75/EEC, 1254/1999/EC, 1255/1999/EC, 2529/2001/EC)	0	1	3	Agriculture and Rural Development
CNS/2004/0269	Potatoe starch: quota system for the production, 2005/2006 and 2006/2007 marketing years (amend regul. 1868/94/EC)	0	0	1	Agriculture and Rural Development
CNS/2005/0118	Sugar: common organisation of the markets COM (repeal. regul. 1260/2001/EC)	1	0	3	Agriculture and Rural Development
CNS/2005/0119	Common agricultural policy CAP, reform: horizontal regulation, support schemes for producers, sugar beet and chicory payments (amend. regul. 1782/2003/EC)	1	0	2	Agriculture and Rural Development
CNS/2005/0120	Sugar industry: restructuring aid, temporary restructuring fund (amend. regul. 1290/2005/EC)	0	0	2	Agriculture and Rural Development
CNS/2005/0129	Rural Development: Community strategic guidelines, support by the EAFRD, programming period 2007–2013	0	1	2	Agriculture and Rural Development
CNS/2005/0270	Agricultural products and foodstuffs: traditional specialities guaranteed (repeal. regul. 2082/92/EEC)	0	0	2	Agriculture and Rural Development
CNS/2005/0275	Agricultural products and foodstuffs: designations of origin, geographical indications (repeal. regul. 2081/92/EEC)	0	0	1	Agriculture and Rural Development
CNS/2005/0278	Organic farming: organic production and labelling of the products (repeal. regul. 2092/91/EEC on 1 January 2009)	0	0	3	Agriculture and Rural Development
CNS/2006/0055	Market in eggs and poultrymeat: exceptional support measures where restrictions are placed on free circulation in case of animal diseases and a drop in consumption (amend. regul. 2771/75/EEC, 2777/75/EEC)	0	0	1	Agriculture and Rural Development
CNS/2006/0083	Common agricultural policy CAP: support schemes for farmers, voluntary modulation of direct payments (regul. 1782/2003/EC, amend. regul. 1290/2005/EC)	1	1	2	Agriculture and Rural Development
CNS/2006/0162	Beef and veal: marketing of the meat of animals aged twelve months or less	0	0	1	Agriculture and Rural Development
CNS/2006/0173	Bananas: Common Market Organisation CMO (amend. regul. 404/93/EEC, 1782/2003/EC, 247/2006/EC)	0	0	1	Agriculture and Rural Development
CNS/2006/0256	Cereals: common organisation of the market CMO (amend. regul. 1784/2003/EC)	1	0	1	Agriculture and Rural Development
CNS/2006/0261	Accession of Romania and Bulgaria: common organisation of the markets COM in sugar, marketing years 2006/2007, 2007/2008 and 2008/2009 (regul. 318/2006/EC, regul. 950/2006/EC)	0	0	1	Agriculture and Rural Development
CNS/2006/0268	Potato starch: quotas for the marketing years 2007/08 and 2008/09 (amend. regul. 1868/94/EC)	0	0	1	Agriculture and Rural Development
COD/1999/0137	Community agricultural statistics: improvement and information (amend. dec. 96/411/EC)	0	0	1	Agriculture and Rural Development
COD/1999/0159	Forests: protection against atmospheric pollution (amend. regul. 3528/86/EEC)	1	0	1	Agriculture and Rural Development
COD/1999/0160	Forests: protection against fire (amend. regul. 2158/92/EEC)	1	0	1	Agriculture and Rural Development
COD/1999/0204	Beef: identification and registration of animals and labelling of beef (repeal. regul. 820/97/EC)	0	0	4	Agriculture and Rural Development
COD/1999/0217	Health problems: intra-Community trade in bovine animals and swine (amend. direct. 64/432/EEC)	0	0	1	Agriculture and Rural Development
COD/2001/0267	Forests: protection against atmospheric pollution, extension to 2002 (amend. regul. 3528/86/EEC)	0	0	1	Agriculture and Rural Development
COD/2005/0028	Spirit drinks: definition, description, presentation and labelling	1	1	5	Agriculture and Rural Development
CNS/2000/0038	Excise duty beer imports into Finland: temporary quantitative restrictions (amend. direct. 69/169/EEC, 92/12/EEC)	0	0	1	Budget
CNS/2000/0039	Reliefs from duty: beer imports into Finland, temporary derogation (amend. regul. 918/83/EEC)	0	0	1	Budget
CNS/2000/0042	Peace process: financial support for interim civilian administration and for the implementation of peace agreements	1	1	1	Budget
CNS/2000/0118	Excise duties: temporary quantitative restrictions for products brought into Sweden (amend. direct. 92/12/EEC)	0	0	1	Budget
CNS/2000/0135	Amendment to the Financial Regulation: separation of the internal audit from the ex ante control	1	1	1	Budget
CNS/2000/0203	General budget of the European Communities: recasting of the financial regulation	1	1	4	Budget
CNS/2000/0901	Financial Regulation: implementation procedure (amend. regul. 3418/93 Commission)	0	0	1	Budget

CNS/2002/0167	Translation Centre for the bodies of the Union: budget and finances, access to documents (amend. regul. 2965/94/EC)	1	0	2	Budget
CNS/2002/0168	European Agency for reconstruction: budget and finances, access to documents (amend. regul. 2667/2000/EC)	1	0	2	Budget
CNS/2002/0170	Agency for the evaluation of medicinal products : budget and finances, access to documents (amend. regul. 2309/93/EEC)	1	0	2	Budget
CNS/2002/0171	European Training Foundation: budget and finances, access to documents (amend. regul. 1360/90/EEC)	1	0	2	Budget
CNS/2002/0172	Foundation for the improvement of living and working conditions: budget, document access (amend. regul. 1365/75/EEC)	1	0	2	Budget
CNS/2002/0173	Eurojust: budget and financial rules (amend. dec. 2002/187JHA)	1	0	2	Budget
CNS/2002/0174	Plant Variety Office : internal audit and control, access to documents (amend. regul. 2100/94/EC)	1	0	2	Budget
CNS/2002/0175	European Monitoring Centre for drugs and drug addiction: budget, access to documents (amend. regul. 302/93/EEC)	1	0	2	Budget
CNS/2002/0176	European Monitoring Centre on racism and xenophobia : budget, finances, access to documents (amend. regul. 1035/97/EEC)	1	0	2	Budget
CNS/2002/0177	Office for harmonisation in the internal market : budget and finances, access to documents (amend. regul. 40/94/EC)	1	0	2	Budget
CNS/2002/0178	European Agency for safety and health at work: budget and finances, access to documents (amend. regul. 2062/94/EC)	1	0	2	Budget
CNS/2002/0180	European Centre for the development of vocational training : budget, access to documents (amend. regul. 337/75/EEC)	1	0	2	Budget
CNS/2002/0901	Financial regulation applicable to the general budget: rules for the implementation of regulation 1605/2002/EC, Euratom	1	0	1	Budget
CNS/2002/0902	Framework financial regulation: Community bodies (art. 185 regul. 1605/2002/EC, Euratom)	0	0	1	Budget
CNS/2003/0131	Own resources: updating financial rules (amend. regul. 1150/2000/EC, Euratom implem. dec. 2000/597/EC, Euratom)	0	0	1	Budget
CNS/2006/0039	Union's budget: system of the European Communities' own resources, adjustment of the United Kingdom correction, financial framework 2007-2013	0	0	1	Budget
CNS/2006/0102	Nuclear safety: 1st instalment of the 3rd Community contribution to the European Bank for Reconstruction and Development EBRD for the Chernobyl Shelter Fund	0	0	1	Budget
CNS/2006/0107	EIB loans: renewal of the Community guarantee for the period 2007-2013	0	0	2	Budget
COD/1998/0101	Agenda 2000: trans-European networks, rules for granting Community financial aid (amend. regul. 2236/95/EC)	0	1	4	Budget
COD/1999/0275	Audiovisual industry : training programme for professionals, MEDIA-Training 2001-2005	1	0	7	Budget
COD/2002/0169	European Environment Agency : budget and finances, access to documents (amend. regul. 1210/90/EEC)	1	1	3	Budget
COD/2002/0179	European Food Safety Agency : budget and finances, access to documents (amend. regul. 178/2002/EC)	1	1	3	Budget
COD/2002/0181	European Aviation Safety Agency: budget and finances, access to documents (amend. regul. 1592/2002/EC)	1	1	3	Budget
COD/2002/0182	European Maritime Safety Agency: budget and finances, access to documents (amend. regul. 1406/2002/EC)	1	1	3	Budget
COD/2003/0076	Culture 2000: framework programme 2000-2004, extension to 2006 (amend. dec. 508/2000/EC)	0	0	1	Budget
CNS/2000/0243	Competition: implementing articles 81 and 82 of the Treaty (amend. regul. 1017/68, 2988/74, 4056/86, 3975/87/EEC)	0	0	2	Competition
CNS/2001/0153	Shipbuilding: temporary defensive mechanism TDM, unfair Korean competition	0	0	1	Competition
CNS/2002/0296	Concentrations between undertakings: control, EC Merger regulation (amend. regul. 4064/89/EEC)	0	0	1	Competition
CNS/2003/0038	Air transport European Community-third countries: competition (repeal. regul. 3975/87, amend. regul. 3976/87, 1/2003)	0	0	1	Competition
CNS/2005/0264	Maritime transport: cabotage and international tramp services (repeal. regul. 4056/86/EEC, applic. of art. 85 and 86, amend. regul. 1/2003/EC)	0	0	2	Competition
CNS/1999/0214	MEDA programme, Euro-Mediterranean partnership: economic and social structures (amend. regul. 1488/96/EC)	0	0	4	Development
CNS/2003/0093	Public health: cancer screening	0	0	2	Development
CNS/2005/0101	External policy: arms embargo, freezing of funds and of economic resources of Congo	0	0	2	Development
CNS/2005/0806	Community external assistance: rules for the access to external assistance instruments, for the eligibility and the origin	0	0	1	Development
COD/2001/0243	Development cooperation: decentralised cooperation, extension until 31.12.2003 (amend. regul. 1659/98/EC)	0	1	1	Development
COD/2002/0051	Developing countries, poverty diseases : combating HIV/AIDS, malaria and tuberculosis	1	0	1	Development
COD/2002/0052	Health in developing countries: aid for policies and actions on reproductive and sexual health and rights (repeal. regul. 1484/97/EC)	1	0	2	Development
COD/2003/0156	Development cooperation: decentralized cooperation, 2004-2006 (exten. and amend. regul. 1659/98/EC)	0	1	2	Development
COD/2003/0176	Development cooperation: promoting gender equality	0	1	3	Development
COD/2003/0245	EC/South Africa relations: development cooperation (amend. regul. 1726/2000/EC)	0	1	1	Development
COD/2004/0099	Community aid: conditions for access to the instruments financing the Community external assistance	0	1	2	Development
COD/2004/0220	External assistance: a financing instrument for development cooperation and economic cooperation	1	1	7	Development
COD/2005/0117	External aid: financial and technical assistance to ACP countries that are signatories to the Sugar Protocol following the reform of the common organisation of the market in sugar COM	0	1	1	Development
CNS/1998/0206	EAGGF, agricultural levies, custom duties, VAT, excise duties: recovery of claims (amend. direct. 76/308/EEC)	0	0	1	Economic and Financial Affairs

CNS/1999/0080	EIB loans to PECOs, Western Balkans, Mediterranean countries, Latin America, Asia and South Africa: EC guarantee	0	0	1	Economic and Financial Affairs
CNS/1999/0165	Bulgaria: Community supplementary macrofinancial assistance	0	0	1	Economic and Financial Affairs
CNS/1999/0166	Former Yugoslav Republic of Macedonia FYROM: Community supplementary macrofinancial assistance	0	0	1	Economic and Financial Affairs
CNS/1999/0167	Romania: Community supplementary macrofinancial assistance	0	0	1	Economic and Financial Affairs
CNS/1999/0172	Financial aid: extension to Tajikistan of the exceptional assistance for Armenia and Georgia (amend. dec. 97/787/EC)	0	0	1	Economic and Financial Affairs
CNS/1999/0213	Moldova: supplementary Community macro-financial assistance	0	0	2	Economic and Financial Affairs
CNS/1999/0240	Kosovo: exceptional Community financial assistance	0	0	1	Economic and Financial Affairs
CNS/2000/0114	Montenegro: providing exceptional financial assistance	0	0	1	Economic and Financial Affairs
CNS/2000/0208	Euro: protection against counterfeiting for countries that have adopted or not adopted the euro	0	0	1	Economic and Financial Affairs
CNS/2000/0801	Environmental protection: combating serious crime. Framework decision. Initiative Denmark	0	0	2	Economic and Financial Affairs
CNS/2001/0045	Kosovo: further exceptional financial assistance for 2001	0	0	2	Economic and Financial Affairs
CNS/2001/0062	Economic Union : medium-term financial assistance for Member states' balances of payment (repeal. regul. 1969/88/EEC)	0	0	1	Economic and Financial Affairs
CNS/2001/0112	Yugoslavia FRY: long-term macrofinancial assistance from the Community	0	0	1	Economic and Financial Affairs
CNS/2001/0213	Former Yugoslav Republic of Macedonia FYROM: supplementary macro-financial assistance (amend. dec. 1999/733/EC)	0	0	1	Economic and Financial Affairs
CNS/2001/0258	Yugoslavia FRY : Community macrofinancial assistance (amend. dec. 2001/549/EC)	0	0	1	Economic and Financial Affairs
CNS/2002/0192	Yugoslavia FRY: provision of further macro-financial assistance	0	0	1	Economic and Financial Affairs
CNS/2002/0193	Bosnia and Herzegovina: providing further macro-financial assistance	0	0	1	Economic and Financial Affairs
CNS/2003/0190	Serbia and Montenegro: further macro-financial assistance (amend. dec. 2002/882/EC)	0	0	1	Economic and Financial Affairs
CNS/2003/0232	Loans guaranteed by the Union : EIB mandate for loans to new neighbour third countries (amend. dec. 2000/24/EC)	0	0	2	Economic and Financial Affairs
CNS/2003/0233	Community loans to third countries: Guarantee Fund and new Member States, transfer from the Fund to the budget (amend. regul. 2728/94/EC)	0	0	1	Economic and Financial Affairs
CNS/2003/0295	Government debt: compilation and transmission of data on a quarterly basis, ESA 95 categories	0	0	1	Economic and Financial Affairs
CNS/2004/0121	EIB loans to Russia and the Western New Independent States WNIS: EC guarantee (prolong. dec. 2001/777/EC)	0	0	1	Economic and Financial Affairs
CNS/2005/0025	Community loans to third countries: provisioning mechanism of the Guarantee Fund for external actions (amend. regul. 2728/94/EC)	0	0	1	Economic and Financial Affairs
CNS/2005/0061	Economic policy: implementation of the excessive deficit procedure (amend. regul. 1467/97/EC)	0	0	1	Economic and Financial Affairs
CNS/2005/0145	Euro: introduction and use, legal framework for the enlargement of the euro area (amend. regul. 974/98/EC)	0	0	1	Economic and Financial Affairs
CNS/2006/0068	Development cooperation: exceptional Community financial assistance to Kosovo for developing economic and fiscal framework	0	0	2	Economic and Financial Affairs
CNS/2006/0184	Moldova: exceptional macro-financial assistance	0	0	1	Economic and Financial Affairs
COD/2004/0155	Credit institutions: taking up and pursuit of the business (recast direct. 2000/12/EC)	1	1	7	Economic and Financial Affairs
COD/2004/0159	Financial institutions: capital adequacy of investment firms and credit institutions (recast direct. 93/6/EEC)	1	1	7	Economic and Financial Affairs
CNS/1999/0276	Audiovisual industry: development, distribution and promotion of works, MEDIA-Plus 2001-2005	1	0	2	Education and Culture
CNS/2002/0037	Tempus III: higher education, 3rd phase of the trans-European scheme, Mediterranean countries (amend. dec. 1999/311/EC)	0	0	3	Education and Culture
CNS/2003/0116	Active European citizenship: grants to civic participation actions, 2004-2008 action programme	0	0	2	Education and Culture
CNS/2003/0334	European Centre for the Development of Vocational Training ECDVT (amend. regul. 337/75/EEC)	0	0	1	Education and Culture
COD/1999/0208	European year of languages 2001	0	0	2	Education and Culture
COD/2000/0021	Free movement of persons: mobility for students, persons undergoing training, young volunteers, teachers, trainers	0	0	4	Education and Culture
COD/2000/0022	School education: European cooperation in quality evaluation. Recommendation	0	0	3	Education and Culture
COD/2001/0244	European Year of Education through Sport EYES 2004	0	0	4	Education and Culture
COD/2002/0165	Higher education: co-operation with third countries, programme Erasmus Mundus 2004-2008	1	0	5	Education and Culture
COD/2002/0303	Education and training systems: eLearning programme 2004-2006 for integration of information technologies	1	1	3	Education and Culture
COD/2003/0064	Audiovisual industry : training programme for professionals, MEDIA-Training 2001-2005 (amend. dec. 163/2001/EC)	0	0	1	Education and Culture
COD/2003/0067	Audiovisual industry: development, distribution, promotion of works, MEDIA Plus for 2006 (amend. dec. 2000/821/EC)	0	0	2	Education and Culture
COD/2003/0113	European youth: grants to bodies active at European level, 2004-2006 action programme	1	1	3	Education and Culture
COD/2003/0114	Education and training : grants to bodies active at European level, 2004-2006 action programme	1	1	2	Education and Culture
COD/2003/0115	Culture: grants to bodies active at European level, 2004-2006 action programme	1	1	4	Education and Culture
COD/2003/0274	European capital of culture: criteria for submitting nomination of cities, 2009-2019 (amend. direct. 1419/1999/EC)	0	0	2	Education and Culture
COD/2003/0293	European audiovisual Observatory: Community participation till 31.12.2006 (amend. dec. 1999/784/EC)	0	0	2	Education and Culture
COD/2003/0307	Education and training: transparency of qualifications and competences, single framework Europass	0	1	1	Education and Culture

COD/2004/0066	Cinematographic heritage: collection and preservation, competitiveness of related industrial activities	0	1	1	Education and Culture
COD/2004/0150	Action in the field of culture: Culture 2007 programme (2007-2013)	0	1	4	Education and Culture
COD/2004/0151	Audiovisual sector: implementation of a programme of support for this European sector, MEDIA 2007	0	1	4	Education and Culture
COD/2004/0152	Youth policy: Youth in action programme for 2007-2013	0	1	6	Education and Culture
COD/2004/0153	Life long learning: integrated action programme comprising Comenius, Erasmus, Leonardo da Vinci and Grundtvig programmes and the Jean Monnet programme	0	1	5	Education and Culture
COD/2004/0239	Higher education: European Register of Quality Assurance and Accreditation Agencies	0	1	1	Education and Culture
COD/2005/0041	Active European citizenship: Citizens for Europe, 2007-2013 programme	1	1	5	Education and Culture
COD/2005/0102	Culture: Community action for the European Capital of Culture event for the years 2007 to 2019	0	1	2	Education and Culture
COD/2005/0179	Free movement of persons: European Quality Charter for Mobility in education and training	0	1	2	Education and Culture
COD/2005/0203	European year of intercultural dialogue 2008: respect and promote cultural diversity in Europe and develop an active European citizenship	0	1	4	Education and Culture
COD/2005/0221	Lifelong learning: key competences and access for all citizens	0	1	2	Education and Culture
CNS/1999/0192	Creation of the employment Committee (repeal. dec. 97/16/EC)	0	0	1	Employment and Social Affairs
CNS/1999/0225	Employment and work conditions: fight against discrimination, equal treatment between persons	0	0	1	Employment and Social Affairs
CNS/1999/0251	Combating discrimination: Community action programme 2001-2006	0	0	3	Employment and Social Affairs
CNS/1999/0253	Employment and social sector: equal treatment between persons without racial and ethnic discrimination	0	0	1	Employment and Social Affairs
CNS/2000/0143	Gender equality: Community framework strategy, programme 2001-2005	0	0	3	Employment and Social Affairs
CNS/2000/0225	Employment: guidelines for Member states' policies for the year 2001	0	0	1	Employment and Social Affairs
CNS/2001/0116	People with disabilities: 2003 European Year	0	0	4	Employment and Social Affairs
CNS/2002/0039	Social protection : nationals of third countries not covered due to their nationality (ext. regul. 1408/71, 574/72/EEC)	0	0	1	Employment and Social Affairs
CNS/2003/0068	Employment : guidelines for Member States' policies, review. Employment package	0	0	3	Employment and Social Affairs
CNS/2003/0133	Social protection: establishing a committee with advisory status (repeal. dec. 2000/436/EC)	0	0	1	Employment and Social Affairs
CNS/2003/0265	Equal treatment between women and men: access to and supply of goods and services	0	0	2	Employment and Social Affairs
CNS/2004/0014	European Agency for safety and health at work (amend. regul. 2062/94/EC)	0	0	2	Employment and Social Affairs
CNS/2004/0026	European Foundation for the improvement of living and working conditions, Dublin (amend. regul. 1365/75/EEC)	0	0	1	Employment and Social Affairs
CNS/2004/0082	Employment policy: guidelines for strengthening the implementation of the European strategy	0	0	1	Employment and Social Affairs
CNS/2005/0057	Employment policy: guidelines for 2005-2008	0	0	1	Employment and Social Affairs
CNS/2006/0010	Employment policy: maintain the guidelines for 2005-2008 in 2006 (dec. 2005/600/EC)	0	0	1	Employment and Social Affairs
CNS/2006/0103	Maritime industry and seafarers: ratification by Member States of the 2006 Consolidated Maritime Labour Convention of the International Labour Organisation ILO, 23 february 2006	0	1	1	Employment and Social Affairs
CNS/2006/0271	Employment policy: guidelines for 2007 (dec. 2005/600/EC)	0	0	1	Employment and Social Affairs
COD/2000/0070	Social security: employed persons, self-employed persons and their families (amend. regul. 1408/71/EEC, 574/72/EEC)	0	0	2	Employment and Social Affairs
COD/2000/0142	Equal opportunities between women and men: employment, vocational training, working conditions	0	1	5	Employment and Social Affairs
COD/2000/0157	Social exclusion: Community action programme 2001-2005 to encourage cooperation between Member States	0	1	5	Employment and Social Affairs
COD/2000/0195	Employment: Community incentive measures	0	1	4	Employment and Social Affairs
COD/2001/0006	Protection of employees: insolvency of employer, transnational situations (amend. direct. 80/987/EEC)	0	1	4	Employment and Social Affairs
COD/2001/0165	Safety and security at work: protection from the risks related to exposure to asbestos (amend. direct. 83/477/EEC)	0	1	3	Employment and Social Affairs
COD/2003/0109	Equality women and men: grants to organisations active at European level, 2004-2005 action programme	0	1	4	Employment and Social Affairs
COD/2003/0138	Social security: employed persons, self-employed persons, and their families (amend. regul. 1408/71/EEC, 574/72/EEC)	1	1	1	Employment and Social Affairs
COD/2003/0184	Social security: employed, self employed persons and families (amend. regul. 1408/71/EEC, 574/72/EEC)	1	0	1	Employment and Social Affairs
COD/2004/0084	Equal opportunities and treatment of men and women: employment and occupation. Recast version	0	1	4	Employment and Social Affairs
COD/2004/0158	Employment and social cohesion: programme Progress for employment and social solidarity, 2007-2013	0	0	5	Employment and Social Affairs
COD/2004/0165	Economic and social cohesion: European Social Fund ESF for employment, social insertion, training and education, 2007-2013 (repeal. regul. 1784/1999/EC)	1	1	5	Employment and Social Affairs
COD/2004/0167	Regional policy: European Regional Development Fund ERDF (repeal. regul. 1783/1999/EC)	1	1	6	Employment and Social Affairs
COD/2004/0168	Cross-border cooperation, economic and social cohesion: European grouping of territorial cooperation EGTC	1	1	2	Employment and Social Affairs

COD/2004/0284	Social security: employed and self-employed persons, members of their families moving within the Community (amend. regul. 1408/71/EEC, regul. 574/72/EEC), changes in national legislations since the end of accession negotiations	0	1	1	Employment and Social Affairs
COD/2005/0017	Gender equality: establishment of a European Institute for Gender Equality	1	1	5	Employment and Social Affairs
COD/2005/0107	Non discrimination and gender equality: European year of equal opportunities for all 2007	0	1	5	Employment and Social Affairs
COD/2005/0258	Social security: employed, self employed persons and families (amend. regul. 1408/71/EEC, 574/72/EEC)	0	1	1	Employment and Social Affairs
COD/2006/0033	Employment and social solidarity: establishing the European Globalisation adjustment Fund EGF in order to facilitate re-integration into employment of workers affected by trade-related redundancies	1	1	4	Employment and Social Affairs
COD/2006/0127	Health and safety of workers at work: simplify and rationalise the reports on practical implementation (amend. Dir. 89/391/EEC, 83/477/EEC, 91/383/EEC, 92/29/EEC, 94/33/EC)	0	1	1	Employment and Social Affairs
CNS/2001/0136	GALILEO, satellite radionavigation programme: development phase, joint undertaking	0	0	5	Energy and Transport
CNS/2002/0220	Energy: natural gas, security of supply	0	1	1	Energy and Transport
CNS/2003/0177	GALILEO, satellite radionavigation programme: management, GNSS Supervisory Authority and Center for security and safety	0	0	1	Energy and Transport
CNS/2004/0221	Nuclear energy: Bohunice V1 nuclear power plant in Slovakia, implementation of the Protocol n° 9 annexed to the accession Act 2004	0	0	2	Energy and Transport
CNS/2005/0235	Air transport: Joint Undertaking to develop the new generation European air traffic management system SESAR	0	0	2	Energy and Transport
CNS/2005/0272	Environment and health: supervision and control of shipments of radioactive waste and spent fuel (repeal. direct. 92/3/Euratom)	0	0	1	Energy and Transport
COD/1998/0097	Road safety and environment: roadside inspection of commercial vehicles	0	0	4	Energy and Transport
COD/1998/0266	Railway transport: licensing of railway undertakings (amend. direct. 95/18/EC). 1st package	1	1	2	Energy and Transport
COD/1998/0267	Railway transport: infrastructure capacity and levying for their use, safety certification. 1st package	1	1	6	Energy and Transport
COD/1999/0083	Transport of dangerous goods by road: standards, European agreement ADR annexes (amend. direct. 94/55/EC)	0	0	1	Energy and Transport
COD/1999/0127	Energy efficiency: requirements for ballasts for fluorescent lighting	0	0	2	Energy and Transport
COD/1999/0252	Rail transport: interoperability of the trans-European conventional rail system	0	1	3	Energy and Transport
COD/1999/0264	Agreements EC/Bulgaria, EC/Hungary: road and combined transport, repartition of authorizations	0	0	1	Energy and Transport
COD/2000/0033	Energy efficiency products: office and communication technology equipment, labelling programme Energy Star	0	0	3	Energy and Transport
COD/2000/0060	Road transport, national and international traffic : maximum dimensions and weights (amend. dir. 96/53/EC)	0	0	1	Energy and Transport
COD/2000/0065	Maritime safety: standards in respect of shipping using Community ports, package Erika I (amend. direct. 95/21/EC)	1	1	5	Energy and Transport
COD/2000/0066	Maritime safety: ship inspections and survey organisations, package Erika I (amend. direct. 94/57/EC)	1	1	8	Energy and Transport
COD/2000/0067	Maritime safety: double hull or equivalent design for single hull oil tankers, package Erika I	0	0	4	Energy and Transport
COD/2000/0069	Air transport, civil aviation: technical requirements and administrative procedures, EU-OPS regulation (amend. regul. 3922/91/EEC)	0	1	4	Energy and Transport
COD/2000/0116	Electricity, internal market: production from renewable energy sources, RES-E	0	0	4	Energy and Transport
COD/2000/0121	Safe seas: safe loading and unloading of bulk carriers	0	0	2	Energy and Transport
COD/2000/0140	Summer-time arrangements: consequences and timetable for 2002 to 2006 (8th direct. 97/44/EC)	0	0	1	Energy and Transport
COD/2000/0145	Air carriage: liability in the event of accidents (amend. regul. 2027/97/EC)	0	0	2	Energy and Transport
COD/2000/0212	Passenger transport by rail, road, inland waterway: competition, public service exigences and contracts (repl. regul. 1191/69/EEC, 1893/91/EEC)	1	1	7	Energy and Transport
COD/2000/0236	Maritime safety and prevention of pollution from ships (amend. regul. 613/91/EEC, 2978/94/EC, 3051/95/EC)	0	0	2	Energy and Transport
COD/2000/0237	Maritime safety, prevention of pollution from ships (amend. direct. 93/75/EEC, dec. 1999/468/EC)	0	0	2	Energy and Transport
COD/2000/0246	Civil aviation: common rules, European Aviation Safety Agency	1	1	6	Energy and Transport
COD/2000/0297	Access to the market in the carriage of goods by road: uniform driver attestation (amend. regul. 811/92/EEC)	0	0	1	Energy and Transport
COD/2000/0315	Road safety: compulsory use of belts for children under 12 years of age (amend. direct. 91/671/EEC)	1	1	1	Energy and Transport
COD/2000/0325	Maritime safety: monitoring, control and information for traffic, package Erika II (repeal. direct. 93/75/EEC)	1	1	4	Energy and Transport
COD/2000/0327	Maritime safety: creation of a European Agency, package Erika II	1	1	6	Energy and Transport
COD/2000/0343	Air transport safety, civil aviation: prevention of accidents, collect and dissemination of information	0	1	2	Energy and Transport
COD/2001/0026	Maritime transport: formalities for ships arriving in and departing from Member States ports, IMO FAL convention	0	1	1	Energy and Transport
COD/2001/0033	Road transport: training of professional drivers for the carriage of goods or passengers (regul. 3820/85/EEC)	0	0	2	Energy and Transport
COD/2001/0060	Air transport: framework for the creation of a single European sky and action programme, package single European sky	1	1	7	Energy and Transport
COD/2001/0077	Energy: rules for the internal market in electricity (repeal. direct. 96/92/EC)	1	1	5	Energy and Transport
COD/2001/0077A	Energy: rules for the internal market in natural gas (repeal. direct. 98/30/EC)	1	1	3	Energy and Transport

COD/2001/0078	Energy: internal market in electricity, cross-border exchanges, access to network	1	1	3	Energy and Transport
COD/2001/0098	Energy policy: energy performance of the buildings of the Union, energy saves and efficiency	1	1	6	Energy and Transport
COD/2001/0135	Road safety: speed limitation devices for commercial motor vehicles (amend. direct. 92/6/EEC)	1	1	2	Energy and Transport
COD/2001/0140	Air transport: slots at Community airports and competition (amend. regul. 95/93/EEC)	0	0	5	Energy and Transport
COD/2001/0140A	Air transport: slots at Community airports and competition (amend. regul. 95/93/EEC, art. 10b)	0	0	1	Energy and Transport
COD/2001/0226	Trans-European networks: rules for granting financial aid (amend. regul. 2236/95/EC)	0	0	3	Energy and Transport
COD/2001/0229	Trans-European network of transport : Community guidelines of development (amend. dec. 1692/96/EC)	0	1	4	Energy and Transport
COD/2001/0234	Air transport: common rules for civil aviation security	1	1	7	Energy and Transport
COD/2001/0235	Air transport: provision of navigation services, single European sky package	1	1	9	Energy and Transport
COD/2001/0236	Air transport: organisation and use of the airspace, single European sky package	1	1	6	Energy and Transport
COD/2001/0237	Air transport: interoperability of the traffic management network, single European sky package	1	1	4	Energy and Transport
COD/2001/0241	Road transport: harmonisation of social legislation, driving times, breaks and rest periods for drivers (amend. regul. 3821/85/EEC, 2135/98/EC, repeal. regul. 3820/85/EEC)	0	1	6	Energy and Transport
COD/2001/0265	Energy: use of biofuels for road transport	0	1	2	Energy and Transport
COD/2001/0282	Acoustic pollution : noise-related operating restrictions at Community airports	1	1	2	Energy and Transport
COD/2001/0305	Air transport: compensation and assistance to air passengers for a denied boarding (repeal. regul. 295/91/EEC)	0	1	8	Energy and Transport
COD/2001/0310	Road transport: ecopoints for heavy vehicles transiting through Austria for 2004	0	1	4	Energy and Transport
COD/2001/0311	Trans-European energy networks: guidelines (repeal. dec. 1254/96/EC)	0	1	3	Energy and Transport
COD/2002/0013	Air transport: allocation of slots at Community airports (amend. regul. 95/93/EEC)	0	0	1	Energy and Transport
COD/2002/0014	Air safety: third countries aircraft using Community airports	0	1	5	Energy and Transport
COD/2002/0022	Community's railways: safety, licensing, levying of charges, certification (direct. 95/18/EC, 2001/14/EC). 2nd package	1	1	6	Energy and Transport
COD/2002/0023	Trans-European railway transport: interoperability (amend. direct. 96/48/EC, 2001/16/EC). 2nd package	1	1	4	Energy and Transport
COD/2002/0024	European railway area: European Railway Agency for interoperability and safety. 2nd package	1	1	8	Energy and Transport
COD/2002/0025	Railway transport: development of the Community's railways (amend. direct. 91/440/EEC). 2nd package	1	1	4	Energy and Transport
COD/2002/0038	Freight transport system: improving the environmental performance, programme Marco Polo PACT	0	1	5	Energy and Transport
COD/2002/0067	Air transport: protection against unfair pricing practices from countries not members of the Community	0	1	7	Energy and Transport
COD/2002/0074	Safe seas: ro-ro passenger ships, specific stability requirements	1	1	1	Energy and Transport
COD/2002/0075	Safe seas: passenger ships, safety rules and standards (amend. direct. 98/18/EC)	1	1	2	Energy and Transport
COD/2002/0082	Energy and sustainable development: multiannual programme "Intelligent Energy for Europe", 2003-2006	1	1	6	Energy and Transport
COD/2002/0185	Energy: security of supply, providing heat and electricity by cogeneration (amend. direct. 92/42/EEC)	1	1	4	Energy and Transport
COD/2002/0234	Air transport: insurance for air carriers and aircraft operators	0	1	5	Energy and Transport
COD/2002/0309	Trans-European road network : minimum safety requirements for tunnels	0	1	4	Energy and Transport
COD/2002/0310	Safety at sea: double hull or equivalent design requirements for oil tankers (regul. 417/2002, 2978/94/EC)	0	1	1	Energy and Transport
COD/2003/0001	Shipping: seafarers, minimum level of training (amend. direct. 2001/25/EC)	0	1	1	Energy and Transport
COD/2003/0037	Maritime safety, prevention of pollution caused by ships: penalties for infringements	1	1	6	Energy and Transport
COD/2003/0044	Air transport between the Community and third countries: negotiation and implementation of air service agreements	0	1	5	Energy and Transport
COD/2003/0081	Trans-European transport network: electronic road toll systems, widespread introduction and interoperability	0	1	2	Energy and Transport
COD/2003/0089	Maritime transport: ship and port facility security	0	1	3	Energy and Transport
COD/2003/0159	Marine pollution: European Maritime safety Agency (amend. regul. 1406/2002/EC)	0	1	1	Energy and Transport
COD/2003/0175	Road transport: charging of heavy goods vehicles and infrastructures fees (amend. direct. 1999/62/CE Eurovignette)	0	1	6	Energy and Transport
COD/2003/0180	Maritime transport and safety: transfer of cargo and passenger ships between registers within the Community	0	1	2	Energy and Transport
COD/2003/0252	Driving licences: issue, validity, renewal. Recasting (repeal direct. 91/439/EEC)	0	1	7	Energy and Transport
COD/2003/0255	Road transport, working time: enforcing social legislation (implem. regul. 3820/85/EEC and 3821/85/EEC, repeal. direct. 88/599/EEC)	0	1	5	Energy and Transport
COD/2003/0297	Trans-European energy networks: guidelines for the 2004 enlargement (repeal. dec. 96/391/EC, 1229/2003/EC)	0	1	5	Energy and Transport
COD/2003/0300	Energy policy: energy efficiency for end-users and energy saves (repeal. direct. 93/76/EEC)	1	1	6	Energy and Transport
COD/2003/0301	Internal market for electricity: safeguard security of supplies, infrastructure investment	0	1	5	Energy and Transport
COD/2003/0302	Energy: internal market in natural gas, cross-border exchanges, access to the transmission networks	1	1	5	Energy and Transport
COD/2004/0031	Maritime transport: enhancing port security	0	1	4	Energy and Transport

COD/2004/0047	Railway transport of passengers: opening to international competition, Rail Market Access proposal (amend. Dir. 91/440/EEC, Dir. 2001/14/EC). 3rd package	1	1	4	Energy and Transport
COD/2004/0048	Railway transport: certification of train crews and drivers. 3rd package	1	1	7	Energy and Transport
COD/2004/0049	Railway transport: international rail passengers' rights and obligations. 3rd package	1	1	10	Energy and Transport
COD/2004/0098	Shipping: simplified procedure for the recognition of certificates of seafarers (amend. direct. 2001/25/EC)	1	1	2	Energy and Transport
COD/2004/0123	Inland waterway transport: River Traffic Information Services RIS for safety, security and efficiency of inland navigation	1	1	2	Energy and Transport
COD/2004/0146	Air transport: Community air traffic controller licence, single European sky package	1	1	2	Energy and Transport
COD/2004/0154	Energy and transport: rules for the granting of financial aid for the trans-European networks (amend. regul. 2236/95/EC)	0	1	3	Energy and Transport
COD/2004/0157	Intermodal transport: programme Marco Polo II (2007-2013), financial assistance to improve the environmental performance of freight transport	1	1	2	Energy and Transport
COD/2005/0007	Air transport: rights of persons with reduced mobility	1	1	4	Energy and Transport
COD/2005/0008	Air transport: information of passengers on the identity of the operating carrier and communication of safety information by Member states	1	1	3	Energy and Transport
COD/2005/0098	European Maritime Safety Agency: response to pollution caused by ships, multiannual funding (amend. Regul. 1406/2002/EC)	1	1	2	Energy and Transport
COD/2006/0046	Maritime safety: accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers (amend. regul. 417/2002/EC, repeal. regul. 2978/94/EC)	0	1	1	Energy and Transport
COD/2006/0183	Road safety: retrofitting of mirrors to existing fleet of heavy goods vehicles	1	1	3	Energy and Transport
COD/2006/0209	Civil aviation: technical requirements and administrative procedures, reference to the new regulatory procedure with scrutiny in the implementing powers conferred on the Commission (déc. 2006/512/EC, amend. regul. 3922/2006/EC)	0	1	1	Energy and Transport
COD/2006/0210	Inland waterway vessels: technical requirements, reference to the new regulatory procedure with scrutiny in the implementing powers conferred on the Commission (déc. 2006/512/EC, amend. direct. xxxx/2006/EC)	0	1	1	Energy and Transport
CNS/1999/0199	Cyprus and Malta: pre-accession strategy, implementation of operations	0	0	2	Enlargement
CNS/2000/0205	Turkey: assistance in the pre-accession strategy , accession partnership	0	0	2	Enlargement
CNS/2001/0097	EC/Turkey relations: pre-accession financial assistance	0	0	1	Enlargement
COD/1998/0300	EC/Turkey relations: implementation of measures to promote economic and social development	0	0	2	Enlargement
CNS/2004/0145	Relations EU/Cyprus, Turkish community: instrument of financial support for economic development	0	1	2	Enlargement
CNS/2004/0222	Community's external aid: unified Instrument for Pre-Accession Assistance (IPA) for the potential candidate countries to accession, financial perspective from 2007 to 2013	0	1	2	Enlargement
CNS/1999/0284	Processed agricultural products as goods: trade arrangements, Uruguay round follow-up (amend. regul. 3448/93/EEC)	0	0	2	Enterprise and Industry
CNS/2000/0107	Enterprise policy: multiannual programme MAP 2001-2005	0	0	5	Enterprise and Industry
CNS/2005/0023	European Medicines Agency: system of fees payable to the Agency (amend. regul. 297/95/EC)	0	0	1	Enterprise and Industry
COD/1985/0046	Credit institutions: reorganisation and winding up	0	0	1	Enterprise and Industry
COD/1998/0253	Credit institutions: taking up and pursuit of the business (amend. direct. 77/780/EEC)	0	0	1	Enterprise and Industry
COD/1999/0269	Dangerous substances and preparations: azocolourants in textiles and leather (19th amend. direct. 76/769/EEC)	0	0	1	Enterprise and Industry
COD/2000/0077	Cosmetic products: animal experiments (7th amend. direct. 76/768/EEC)	0	1	5	Enterprise and Industry
COD/2000/0104	Dangerous substances and preparations: short chain chlorinated paraffins SCCP (20th amend. direct. 76/769/EEC)	0	1	2	Enterprise and Industry
COD/2000/0136	Air quality: emissions from two or three-wheeled motor vehicles, motorcycles (amend. direct. 97/24/EC)	0	1	5	Enterprise and Industry
COD/2000/0233	Measuring instruments: trading transactions and use of legally controlled instruments	0	1	4	Enterprise and Industry
COD/2000/0262	Recreational craft industry: exhaust and noise emissions from boat engines (amend. direct. 94/25/EC)	0	1	6	Enterprise and Industry
COD/2001/0004	Machinery, lifts: marketing, safety, health and consumers protection (recast direct. 98/37/EC, amend. 95/16/EC)	0	1	2	Enterprise and Industry
COD/2001/0018	Dangerous substances: marketing and use of pentaBDE in polyurethane foam (24th amend. direct. 76/769/CEE)	0	1	3	Enterprise and Industry
COD/2001/0110	Dangerous substances: carcinogens, mutagens or toxic to reproduction, c/m/r (23rd amend. direct. 76/769/EEC)	0	1	2	Enterprise and Industry
COD/2001/0210	Electronic interchange of data between administrations IDA II: guidelines (amend. dec. 1719/1999/EC)	1	1	2	Enterprise and Industry
COD/2001/0211	Electronic interchange of data between administrations IDA II: networks interoperability (amend. dec. 1720/1999/EC)	1	1	3	Enterprise and Industry
COD/2001/0211	Electronic interchange of data between administrations IDA II: networks interoperability (amend. dec. 1720/1999/EC)	1	1	1	Enterprise and Industry
COD/2001/0212	Fertilizers (recast direct. 76/116/EEC, 80/876/EEC, 87/94/EEC, 77/535/EEC)	0	0	1	Enterprise and Industry
COD/2001/0252	Medicinal products for human and veterinary use: authorisation and supervision, European Agency for evaluation	1	1	6	Enterprise and Industry
COD/2001/0253	Medicinal products for human use: Community code (amend. direct. 2001/83/EC)	1	1	5	Enterprise and Industry

COD/2001/0254	Veterinary medicinal products: Community code (amend. direct. 2001/82/EC)	1	1	4	Enterprise and Industry
COD/2001/0255	Air pollution: CO2 emissions, fuel consumption of N1 light commercial vehicles (amend. direct. 70/156/EEC, 80/1268/EEC)	0	0	1	Enterprise and Industry
COD/2001/0317	Road safety: mirrors, systems for indirect vision on vehicles (amend. direct. 70/156/EEC, repeal. direct. 71/127/EEC)	0	0	1	Enterprise and Industry
COD/2002/0008	Public health: traditional herbal medicinal products (amend. direct. 2001/83/EC)	0	1	3	Enterprise and Industry
COD/2002/0040	Dangerous substances: carcinogens, mutagens, toxic to reproduction c/m/r (25th amend. direct. 76/769/EEC)	0	0	2	Enterprise and Industry
COD/2002/0206	Health and environment: use of nonylphenol, nonylphenol ethoxylate and cement (26th amend. direct. 76/769/EEC)	1	1	2	Enterprise and Industry
COD/2002/0216	Environmental protection: free movement of detergents, biodegradability and labelling	1	1	3	Enterprise and Industry
COD/2002/0217	Narcotic drugs and psychotropic substances: trade in drug precursors, monitoring and surveillance	0	0	1	Enterprise and Industry
COD/2002/0306	Electrical and electronic equipment: electromagnetic compatibility (repeal. direct. 89/336/EEC)	0	1	2	Enterprise and Industry
COD/2003/0033	Road safety: protection of pedestrians, changes to the front of vehicles (amend. direct. 70/156/EEC)	0	0	1	Enterprise and Industry
COD/2003/0128	Road safety: seats, anchorages, head restraints and safety belts (amend. direct. 74/408/EEC, 96/37/EC)	1	1	2	Enterprise and Industry
COD/2003/0130	Road safety: safety belts and restraint systems (amend. direct. 77/541/EEC, 2000/3/EC)	1	1	2	Enterprise and Industry
COD/2003/0136	Road safety: anchorages of safety belts (amend. direct. 76/115/EEC, 96/38/EC)	1	1	2	Enterprise and Industry
COD/2003/0153	Car industry: harmonised approval of vehicles, trailers, systems (repeal., repl. direct. 70/156/EEC)	0	1	5	Enterprise and Industry
COD/2003/0172	Environment: setting of ecodesign requirements for energy-using products (amend. direct. 92/42/EEC, 96/57/EC and 2000/55/EC)	0	1	4	Enterprise and Industry
COD/2003/0205	Air pollution: compression-ignition or positive-ignition engines, natural or liquefied petroleum gas. Recast version	0	1	1	Enterprise and Industry
COD/2003/0226	Road safety: frontal protection systems on motor vehicles (amend. direct. 70/156/EEC)	1	1	3	Enterprise and Industry
COD/2003/0256	Chemicals: REACH system and European Agency (amend. Dir. 1999/45/EC and Reg. on persistent organic pollutants)	1	1	13	Enterprise and Industry
COD/2003/0257	Chemicals: classification, labelling, packaging, adaptation to the REACH regulation (amend. Dir. 67/548/EEC)	1	1	3	Enterprise and Industry
COD/2003/0292	Small and medium-sized enterprises SMEs: multiannual programme 2001-2005 (amend. dec. 2000/819/EC)	0	1	1	Enterprise and Industry
COD/2004/0036	Environment and health : polycyclic aromatic hydrocarbons in extender oils and tyres (27th amend. direct. 76/769/EEC)	0	1	1	Enterprise and Industry
COD/2004/0053	Motor vehicles : re-usability, recyclability and recovery of components (amend. direct. 70/156/CEE)	0	1	1	Enterprise and Industry
COD/2004/0111	Environment and public health: restrictions on the use of toluene and TCB (amend. direct. 76/769/EEC)	0	1	1	Enterprise and Industry
COD/2004/0217	Medicinal products for paediatric use: implementation of good clinical practice in the conduct of clinical trials (amend. regul. 1768/92/EEC, direct. 2001/83/EC, regul. 726/2004/EC)	0	1	6	Enterprise and Industry
COD/2004/0248	Free movement of goods: rules on nominal quantities for pre-packed products (repeal. direct. 75/106/EEC, 80/232/EEC, amend. direct. 76/211/EEC)	0	1	2	Enterprise and Industry
COD/2004/0272	Enterprise policy, SMEs: prolongation of the multiannual programme MAP until 31 December 2006 (amend dec. 2000/819/EC)	0	0	1	Enterprise and Industry
COD/2005/0050	Competitiveness of industry and enterprises: Competitiveness and Innovation Framework Programme CIP, 2007-2013	0	1	5	Enterprise and Industry
COD/2005/0157	European standardisation: Community financing	1	1	2	Enterprise and Industry
COD/2005/0194	Protection of consumers: placing on the market and use of pyrotechnic articles, in particular fireworks	0	1	4	Enterprise and Industry
COD/2005/0227	Medicinal products for human use: advanced therapy medicinal products (amend. direct. 2001/83/EC, regul. 726/2004/EC)	1	1	4	Enterprise and Industry
COD/2005/0244	Combating pollution: protection of human health and the environment, restrictions on the marketing and use of perfluorooctane sulfonates PFOS (amend. Direct. 76/769/EEC)	0	1	1	Enterprise and Industry
COD/2005/0263	Medical devices and active implantable medical devices (amend. direct. 93/42/EEC and 90/385/EEC)	1	1	3	Enterprise and Industry
COD/2005/0282	Motor vehicles: type approval with respect to emissions and on access to repair information (amend. direct. 72/306/EEC, repeal. direct. 70/220, 80/1268, 89/458, 91/441, 93/59/EEC, 94/12/EC, 96/69, 98/69 and 2004/3/EC)	1	1	5	Enterprise and Industry
COD/2006/0018	Environment and health: restrictions on the marketing of certain non-electrical measuring devices containing mercury (amend. Dir. 76/769/EEC)	0	1	1	Enterprise and Industry
COD/2006/0187	Energy efficiency products: office and communication technology equipment, labelling programme Energy Star (recast Reg. 2422/2001/EC)	0	1	1	Enterprise and Industry
COD/2007/0035	Reduction of the administrative burdens on businesses: mergers of public limited liability companies (amend. Dir. 78/855/EEC) and division of public limited companies (amend. Dir. 82/891/EEC) as regards the requirement for an independent expert's report o	0	1	1	Enterprise and Industry
CNS/2000/0248	Civil protection: mechanism for the coordination of intervention in the event of emergencies	0	0	3	Environment
CNS/2002/0030	Hazardous chemicals and pesticides, international trade: Rotterdam Convention, prior informed consent procedure	0	0	1	Environment
CNS/2003/0005	Public health: high activity sealed radioactive sources, management and control	0	0	1	Environment
CNS/2003/0117	Persistent organic pollutants : long range transboundary air pollution Convention, 1998 Arhus Protocol	0	0	1	Environment
CNS/2003/0118	Environment: persistent organic pollutants, conclusion of the Stockholm convention 2001	0	0	1	Environment

CNS/2003/0249	Environment: access to information and justice, public participation, conclusion of the Aarhus Convention	0	0	1	Environment
CNS/2004/0181	Protection of wild fauna: conclusion of the 1995 Agreement on the conservation of African-Eurasian migratory waterbirds	0	0	1	Environment
CNS/2005/0052	Civil protection: rapid response and preparedness instrument for major emergencies, Community financial support	0	0	2	Environment
COD/1998/0072	Genetically modified organisms GMOs: deliberate release into the environment (repeal. Direct. 90/220/EEC)	0	1	5	Environment
COD/1998/0249	Maritime pollution from ships: port reception facilities for ship-generated waste and cargo residues	0	1	4	Environment
COD/1998/0289	Air pollution: incineration of waste (replacing direct. 89/369/EEC, 89/429/EEC, 94/67/EC)	0	1	4	Environment
COD/1999/0067	Air pollution : national emission ceilings for pollutant gas (SO2, NOx, NH3, VOCs)	1	1	5	Environment
COD/1999/0068	Air pollution: ozone in ambient air, emission ceilings	1	1	6	Environment
COD/1999/0233	Sustainable urban development : environmental legislation at the local level, Community framework for cooperation	0	0	3	Environment
COD/2000/0035	Water policy: list of priority substances, protection of the ecosystem and human health COMMPS	0	0	1	Environment
COD/2000/0158	Environment and health: waste electrical and electronic equipment WEEE	1	1	7	Environment
COD/2000/0159	Environment and health: electrical and electronic equipments WEEE, restriction of hazardous substances RoHS	1	1	6	Environment
COD/2000/0170	Environment: substances depleting the ozone layer, allocation of hydrochlorofluorocarbons HCFCs, base year	0	0	1	Environment
COD/2000/0194	Noise pollution : assessment and management of exposure to environmental noise	0	1	5	Environment
COD/2000/0227	Coastal zones: integrated management ICZM, implementation of a strategy	1	1	3	Environment
COD/2000/0331	Environment: public participation in plans and programmes (amend. direct. 85/337/EEC, 96/61/EC)	0	1	4	Environment
COD/2000/0336	Air pollution: emissions from small park ignition engines, non-road mobile machinery (amend. direct. 97/68/EC)	0	1	1	Environment
COD/2001/0029	Environment: 6th Community action programme 2001-2010	0	1	6	Environment
COD/2001/0107	Quality of petrol and diesel fuels: level of sulphur (amend. direct. 98/70/EC)	0	1	3	Environment
COD/2001/0139	Environment: promoting NGO primarily active in the environmental protection (repeal. dec. 97/872/EC)	0	1	1	Environment
COD/2001/0180	Genetically modified organisms GMOs: traceability and labelling (amend. direct. 2001/18/EC)	0	0	5	Environment
COD/2001/0245	Air pollution, greenhouse gas emission: scheme for allowance trading (amend. direct. 96/61/EC)	1	1	3	Environment
COD/2001/0257	Industrial major-accidents: hazard control, dangerous substances (amend. direct. 96/82/EC, Seveso II)	0	1	3	Environment
COD/2001/0268	Forests : protection against fire, extension to 2002 (amend. regul. 2158/92/EEC)	0	0	1	Environment
COD/2002/0021	Environment: liability with regard to the prevention and remedying of environmental damage	1	1	4	Environment
COD/2002/0026	Dangerous chemicals: export and import, Rotterdam Convention provisions	1	0	2	Environment
COD/2002/0046	Biosafety: genetically modified organisms GMOs, Cartagena Protocol	1	1	5	Environment
COD/2002/0149	Environment : anti-fouling paints used on ships, prohibition of organotin compounds	0	1	1	Environment
COD/2002/0164	Forests : protection and monitoring of atmospheric pollution and fires, action 2003-2008 Forest Focus	1	1	5	Environment
COD/2002/0254	Pollution, public health : quality of bathing water (repeal. direct. 76/160/EEC)	0	1	6	Environment
COD/2002/0259	Environment : sulphur content of marine fuels and heavy fueloils (amend. direct. 1999/32/EC)	1	1	4	Environment
COD/2002/0268	Environment, ozone layer: halons, chlorofluorocarbons CFCs and bromochloromethane (amend. regul. 2037/2000/EC)	1	1	2	Environment
COD/2002/0301	Air pollution: volatile organic compounds due to organic solvents, programme CAFE (amend. direct. 1999/13/EC)	0	1	3	Environment
COD/2002/0304	Air pollution: compression ignition engines by non-road mobile machinery (amend. direct. 97/68/EC)	1	1	2	Environment
COD/2003/0029	Air pollution, greenhouse gas emissions, monitoring mechanism, Kyoto protocol (repeal. dec. 93/389/EEC)	1	1	2	Environment
COD/2003/0107	Extractive industries: management of waste, juridical framework (amend. direct. 2004/35/EC)	0	1	6	Environment
COD/2003/0119	Environment: persistent organic pollutants (amend. direct. 79/117/EEC and 96/59/EC), Stockholm Convention 2001	0	1	3	Environment
COD/2003/0139	Waste: supervision and control of shipments, Basel Convention 1989 and OECD Decision 1992 (regul. 259/93/EEC)	0	1	6	Environment
COD/2003/0164	Air quality: heavy metals, arsenic, cadmium, mercury, nickel, polycyclic aromatic hydrocarbons (direct. 96/62/EC)	0	1	3	Environment
COD/2003/0165	Foodstuffs: nutrition or health claims used in labelling (amend. direct. 2000/13/EC)	0	1	8	Environment
COD/2003/0173	Air pollution: greenhouse gas emission trading in respect of the Kyoto Protocol's project mechanisms (amend. direct. 2003/87/EC)	1	1	6	Environment
COD/2003/0189A	Climate change: fluorinated greenhouse gases, hydrofluorocarbons HFCs, perfluorocarbons PFCs, sulphur hexafluoride	1	1	7	Environment
COD/2003/0189B	Air pollution: emissions and fluorinated greenhouse gases from motor vehicle air-conditioning systems (amend. direct. 70/156/EEC)	1	1	6	Environment
COD/2003/0210	Protection of groundwater: prevention and control of pollution	0	1	9	Environment
COD/2003/0242	Environment: access to information and justice, public participation, application of the Aarhus Convention	0	1	6	Environment
COD/2003/0260	LIFE III, financial instrument for the environment: extension till 31 December 2006 (amend. regul. 1655/2000/EC)	1	1	4	Environment
COD/2003/0282	Environment: treating and disposing of batteries and accumulators, recycling waste equipments (repeal direct. 91/157/EEC, 91/101/EC, 93/86/EEC)	0	1	8	Environment

COD/2004/0045	2004 enlargement, environment: packaging and packaging waste (amend. direct. 94/62/EC)	0	0	1	Environment
COD/2004/0175	Public access to information: legal framework for an infrastructure for spatial information in Europe (INSPIRE) specially for monitoring environmental policy	0	1	5	Environment
COD/2004/0218	LIFE +, financial instrument for the environment: multi-annual programme 2007-2013 (repl. regul. 1973/92/EC, 1404/964/EC, 1655/2000/EC, 2152/2003/EC, dec. 1411/2001/EC, 466/2002/EC)	0	1	8	Environment
COD/2004/0231	Public access to environmental information: European Pollutant Release and Transfer Register (amend. direct. 91/689/EEC and 96/61/EC)	1	1	2	Environment
COD/2005/0149	Noise pollution: noise emission by equipment used outdoors (amend. direct. 2000/14/EC)	0	1	1	Environment
COD/2006/0005	Natural disasters: reduction and management of the risks of floods for human health, environment, infrastructure and property	1	1	3	Environment
COD/2001/0251	Combating AIDS, tuberculosis and malaria: Community contribution to the Global Fund	0	1	1	EuropAid, Cooperation Office
CNS/2005/0029	Euro: protection against counterfeiting, PERICLES action programme (amend. and extension dec. 2001/923/EC)	0	0	2	European Anti-fraud Office OLAF
COD/2003/0152	Fight against fraud: protection of the Community financial interests, Hercule action programme 2004-2006	0	1	2	European Anti-fraud Office OLAF
COD/2006/0114	Fight against fraud: protection of the Community financial interests, Hercule II action programme 2007-2013 (amend. dec. 804/2004/EC)	0	1	2	European Anti-fraud Office OLAF
CNS/2005/0013	Fiscal statistics: governance and quality of statistical data in the context of the excessive deficit procedure (amend. regul. 3605/93/EC)	0	0	2	Eurostat, Statistical Office
COD/1999/0200	European System of national and regional accounts ESA: recording taxes and social contributions	0	0	1	Eurostat, Statistical Office
COD/2000/0019	European system of national and regional accounts ESA: swaps, forward rate (amend. regul. 2223/96/EC)	0	0	1	Eurostat, Statistical Office
COD/2000/0201	Intra and extra-Community trading of goods: trans-European network for the collection of statistics, Edicom	0	0	3	Eurostat, Statistical Office
COD/2000/0241	European system of national and regional accounts ESA 95: VAT-based own resource (amend. regul. 2223/96/EC)	0	0	1	Eurostat, Statistical Office
COD/2000/0291	Agricultural statistics: production potential of plantations of fruit trees (repeal. direct. 76/625/EEC)	0	1	1	Eurostat, Statistical Office
COD/2001/0023	Structural business statistics: additional sectors, credit institutions and pension funds (amend. regul. 58/97/EC)	0	0	3	Eurostat, Statistical Office
COD/2001/0046	European statistical system: common classification of territorial units for statistics NUTS	0	0	3	Eurostat, Statistical Office
COD/2001/0048	Transport policy: rail statistics for passengers, freight and safety	0	0	2	Eurostat, Statistical Office
COD/2001/0197	Science and technology: production and development of Community statistics	0	0	1	Eurostat, Statistical Office
COD/2001/0291	Packaging and packaging waste (amend. direct. 94/62/EC)	0	1	6	Eurostat, Statistical Office
COD/2001/0293	Community statistics: income and living conditions in the Union EU-SILC	0	0	1	Eurostat, Statistical Office
COD/2002/0251	Steel industry: annual Community statistics on steel for 2003-2009	0	0	1	Eurostat, Statistical Office
COD/2003/0047	Labour force in the Community: sample survey on employment and unemployment (amend. regul. 577/98/EC)	0	1	1	Eurostat, Statistical Office
COD/2003/0060	Milk and milk products : statistical surveys (amend. direct. 96/16/EC)	0	0	1	Eurostat, Statistical Office
COD/2003/0095	General government: quarterly financial accounts, ESA 95 categories	0	0	1	Eurostat, Statistical Office
COD/2003/0126	Statistics on the trading of goods between Member States Intrastat: common framework 2005 (repeal. regul. 3330/91/EEC)	0	0	1	Eurostat, Statistical Office
COD/2003/0199	Information society, eEurope: Community statistics	0	1	2	Eurostat, Statistical Office
COD/2003/0200	Community statistics: diffusion and creation of the Balance of Payments Committee	0	0	1	Eurostat, Statistical Office
COD/2003/0234	Agricultural surveys in 2005 and 2007: structure of holdings of the new Member States (amend. regul. 571/88/EEC)	0	0	1	Eurostat, Statistical Office
COD/2003/0296	EMU statistics: quarterly non-financial accounts by institutional sector, common framework for Member States	0	0	1	Eurostat, Statistical Office
COD/2003/0325	EC statistics: legislative framework for short-term statistics (amend. regul. 1165/98/EC)	0	1	2	Eurostat, Statistical Office
COD/2004/0041	Community statistics: analysis of continuing vocational training in enterprises	0	1	1	Eurostat, Statistical Office
COD/2005/0016	Economic policy: harmonising data collection for statistics on the structure and activity of foreign affiliates in order to establish a common framework for the FATS production	0	1	3	Eurostat, Statistical Office
COD/2005/0150	Transport policy: statistics on inland waterways transport (repeal. direct. 80/1119/EEC)	0	1	1	Eurostat, Statistical Office
COD/2005/0156	Asylum and migrations: common framework for the collection and compilation of Community statistics (repeal. regul. 311/76/EEC)	0	1	1	Eurostat, Statistical Office
COD/2005/0253	National accounts data: revision of the transmission programme (amend. regul. 2223/96/CE)	0	1	1	Eurostat, Statistical Office
COD/2006/0004	Social protection: set up the European System of integrated Social Protection Statistics ESSPROS	0	1	1	Eurostat, Statistical Office
COD/2006/0011	Community statistical system: revised common statistical classification of economic activities NACE rev. 2 (amend. regul. 3037/90/EEC and other EC regul.)	0	1	1	Eurostat, Statistical Office
COD/2006/0042	Price policy: common rules for the provision of basic information on Purchasing Power Parities PPPs, for their calculation and dissemination	1	1	2	Eurostat, Statistical Office

COD/2006/0112	Agricultural surveys 2007: financial framework for 2007-2009, Community contribution for Bulgaria and Romania (amend.571/88/EEC)	0	1	1	Eurostat, Statistical Office
COD/2006/0180	Labour Force Survey: introduce wages from the main job as a compulsory variable	0	1	1	Eurostat, Statistical Office
COD/2006/0229	Community statistics: programme 2008-2012	1	1	2	Eurostat, Statistical Office
CNS/1999/0132	European agency for reconstruction: Bosnia and Herzegovina, Croatia, FR Yugoslavia, Former Yugoslav Republic of Macedonia FYROM (amend. regul. 1628/96/EC)	0	0	3	External Relations
CNS/2000/0111	South-East Europe, Western Balkans: Community assistance, programme CARDS (amend. 3906/89/EEC, 1360/90/EEC, 97/256/EC)	0	0	2	External Relations
CNS/2000/0112	European Agency for reconstruction: creation and operation (repeal. regul. 1628/96/EC)	0	0	2	External Relations
CNS/2000/0165	Relations Union/Industrialised countries of North America, Far East and Australasia: trade relations and cooperation projects	0	0	1	External Relations
CNS/2001/0113	Nuclear safety, Chernobyl: implementation of the Shelter Fund. 2nd report	0	0	1	External Relations
CNS/2001/0223	European Agency for reconstruction: extending to the Former Yugoslav Republic of Macedonia FYROM (amend. regul. 2666/2000/EC, 2667/2000/EC)	0	0	1	External Relations
CNS/2002/0059	Afghanistan, sanctions: embargo, flight ban, freeze of funds of Taliban (repeal. regul. 467/2001/EC)	0	0	1	External Relations
CNS/2002/0104	Palestine, refugees: aid to the countries in the Near East 2002-2005, 11th EC/UNRWA Convention	0	0	1	External Relations
CNS/2003/0015	Afghanistan, sanctions: freezing of funds and economic resources, exemptions (amend. regul. 881/2002/EC)	0	0	2	External Relations
CNS/2003/0110	Relations EU/non-industrialised regions: grants to specialised bodies, action programme 2004-2006	0	0	2	External Relations
CNS/2003/0143	South-Eastern Europe Stability Pact: legal framework to financial assistance, UNMIK, OHR (amend. regul. 1080/2000/EC)	0	0	1	External Relations
CNS/2003/0267	Relations EU/Western Balkan countries: partnerships in the framework of the stabilisation and the association process	0	0	1	External Relations
CNS/2004/0133	European Agency for Reconstruction: extension of mandate and status until 31 December 2006 (amend. regul. 2667/2000/EC)	0	0	1	External Relations
CNS/2004/0199	EC/Switzerland agreement: agreement on the Schengen acquis	0	0	1	External Relations
CNS/2004/0200	EC/Switzerland agreement: agreement on the criteria to determine the state responsible for the examination of an asylum application. Dublin Convention on Eurodac	0	0	1	External Relations
CNS/2004/0286	External policy: restrictive measures directed against persons and entities constituting a threat to the peace in the Ivory Coast following the UN Security Council Resolution 1572 from 2004	0	0	2	External Relations
CNS/2004/0288	Union/Industrialised non-member countries relations: bilateral cooperation and trade relations, extension to the 31 december 2007 and budgetary provisions (regul. 382/2001/EC)	0	0	1	External Relations
CNS/2005/0068	External policy: freezing of funds and economic resources of persons designated by the United Nations as impeding the peace process in the Darfur region in Sudan	0	0	2	External Relations
CNS/2005/0133	Technical assistance and information exchange Programme TAIEX: extension to the countries eligible for the European Neighbourhood and Partnership Instrument ENPI	0	0	1	External Relations
CNS/2006/0057	European Agency for Reconstruction: extension of mandate and status until 31 December 2008 (amend. regul. 2667/2000/EC)	0	0	1	External Relations
CNS/2006/0807	External assistance: a financing instrument for cooperation with industrialised countries and territories and other high-income countries and territories	0	1	1	External Relations
COD/1999/0194	Humanitarian aid: uprooted people in Asian and Latin American developing countries (exten. regul. 443/97/EC)	0	0	1	External Relations
COD/2000/0034	EC Investment Partners financial instrument ECIP: closure and liquidation of projects (regul. 213/96/EC)	0	0	2	External Relations
COD/2000/0062	Action against anti-personnel landmines in developing countries	0	0	6	External Relations
COD/2000/0338	Cooperation EC/Latin America and Asian countries: aid to uprooted people after 31/12/2000	0	1	1	External Relations
COD/2003/0204	West Bank and Gaza Strip: financial and technical cooperation (amend. regul. 1734/94/EC)	0	1	1	External Relations
COD/2003/0250	Development cooperation: democracy, rule of law, human rights (prorog. regul. 975/1999/EC)	0	0	1	External Relations
COD/2004/0040	Cooperation EC/Asian and Latin America countries: aid to uprooted people after end 2004 (amend. regul. 2130/2001/EC)	0	1	1	External Relations
COD/2004/0219	European Neighbourhood and Partnership Instrument: enhanced cooperation and economic integration between the European Union and the partner countries (repeal. regul.1762/92/EEC, 1488/96/EC, 99/2000/EC, 1734/94/EC)	0	1	4	External Relations
COD/2004/0223	Community external assistance: Stability instrument for the delivery of financial, economic and technical assistance to third countries and territories, EC Treaty	1	1	5	External Relations
COD/2006/0116	Development cooperation: European Instrument for Democracy and Human Rights 2007-2013	1	1	3	External Relations
CNS/1999/0163	Common fisheries policy: closer dialogue with industry and groups concerned	0	0	1	Fisheries and Maritime Affairs
CNS/1999/0169	EC/Angola fisheries agreement: protocol for the period from 3 May 1999 to 2 May 2000	0	0	1	Fisheries and Maritime Affairs
CNS/1999/0191	Control of certain fish diseases, especially the salmon (amend. direct. 93/53/EEC)	0	0	1	Fisheries and Maritime Affairs
CNS/1999/0218	Common fisheries policy: collection and management of fisheries data, Community framework	0	0	1	Fisheries and Maritime Affairs

CNS/1999/0224	Fisheries: financial participation in the collection of data, the financing of studies and of pilot projects	0	0	1	Fisheries and Maritime Affairs
CNS/1999/0231	Northwest Atlantic Fisheries Organisation, NAFO: control measures of vessels of non-contracting parties	0	0	1	Fisheries and Maritime Affairs
CNS/1999/0255	Conservation of fishery resources: protection of juveniles of marine organisms (5th amend. regul. 850/98/EC)	0	0	1	Fisheries and Maritime Affairs
CNS/2000/0071	Conservation of fishery resources : recovery of the stock of cod in the Irish Sea	0	0	1	Fisheries and Maritime Affairs
CNS/2000/0094	EC/Mauritius fisheries agreement: protocol for the period from 3 December 1999 to 2 December 2002	0	0	1	Fisheries and Maritime Affairs
CNS/2000/0149	Fish stock conservation: technical measures for highly migratory species	0	0	1	Fisheries and Maritime Affairs
CNS/2000/0154	EC/Guinea fisheries agreement: protocol for the period from 1st January 2000 to 31 December 2001	0	0	1	Fisheries and Maritime Affairs
CNS/2000/0171	Conservation of Antarctic marine living resources: catch documentation scheme for Dissostichus spp	0	0	1	Fisheries and Maritime Affairs
CNS/2000/0215	Conservation of fishery resources: protection of juveniles of marine organisms (6th amend. regul. 850/98/EC)	0	0	1	Fisheries and Maritime Affairs
CNS/2000/0253	Fish stock conservation: control measures for highly migratory species	0	0	1	Fisheries and Maritime Affairs
CNS/2000/0257	EC/Ivory Coast fisheries agreement: protocol for the period from 1st July 2000 to 30th June 2003	0	0	1	Fisheries and Maritime Affairs
CNS/2000/0268	Fish stock conservation: management measures on highly migratory fish, Community financial contribution	0	0	1	Fisheries and Maritime Affairs
CNS/2000/0273	Common fisheries policy: control and inspection systems, Community financial contribution	0	0	3	Fisheries and Maritime Affairs
CNS/2000/0280	Fisheries resources: control in North-East Atlantic NEAFC, multilateral cooperation (amend. regul. 2791/99/EC)	0	0	1	Fisheries and Maritime Affairs
CNS/2000/0287	EC/Equatorial Guinea fisheries agreement: protocol from 1st July 2000 to 30 June 2001	0	0	1	Fisheries and Maritime Affairs
CNS/2000/0290	EC/Angola fisheries agreement: protocol for the period from 3 May 2000 to 2 May 2002	0	0	1	Fisheries and Maritime Affairs
CNS/2000/0292	Conservation of fishery resources : recovery of the stock of cod in the Irish sea, measures for 2001	0	0	1	Fisheries and Maritime Affairs
CNS/2000/0310	Fisheries sector: structural assistance, rules and arrangements (amend. regul. 2792/99/EC)	0	0	1	Fisheries and Maritime Affairs
CNS/2001/0035	Fisheries sector: structural assistance, extension of the derogation to 30 June 2001 (regul. 2792/99/EC)	0	0	1	Fisheries and Maritime Affairs
CNS/2001/0088	EC/Comoros fisheries agreement: protocol for the period from 28 February 2001 to 27 February 2004	0	0	1	Fisheries and Maritime Affairs
CNS/2001/0128	Fisheries sector and resources: fleet capacity and sustainable development, MAGP IV 12/2002 (amend. dec. 97/413/EC)	0	0	1	Fisheries and Maritime Affairs
CNS/2001/0129	Fisheries sector and resources: structural measures and sustainable development, FIG (amend. regul. 2792/99/EC)	0	0	1	Fisheries and Maritime Affairs
CNS/2001/0161	EC/Madagascar fisheries agreement: protocol for the period from 21st May 2001 to 20 May 2004	0	0	1	Fisheries and Maritime Affairs
CNS/2001/0163	EC/Morocco fisheries agreement: conversion of vessels and fishermen following the non-renewal of the agreement	0	0	1	Fisheries and Maritime Affairs
CNS/2001/0170	Conservation of fishery resources: tuna tracking and verification system, dolphin conservation	0	0	2	Fisheries and Maritime Affairs
CNS/2001/0200	Fisheries: extra costs due to remoteness of Azores, Madeira, Canary Is., Guyana, Réunion (amend. regul. 1587/98/CE)	0	0	1	Fisheries and Maritime Affairs
CNS/2001/0203	EC/Cape Verde fisheries agreement: protocol for the period from 1st July 2001 to 30 June 2004	0	0	1	Fisheries and Maritime Affairs
CNS/2001/0240	EC/Guinea-Bissau fisheries agreement: protocol for the period from 16 June 2001 to 15 June 2006	0	0	1	Fisheries and Maritime Affairs
CNS/2001/0246	EC/Mauritania fisheries agreement: protocol for the period from 1st August 2001 to 31 July 2006	0	0	1	Fisheries and Maritime Affairs
CNS/2001/0280	South-East Atlantic fisheries organisation: Convention on conservation and management of fisheries resources	0	0	1	Fisheries and Maritime Affairs
CNS/2001/0301	EC/Gabon fisheries agreement: protocol for the period from 3 December 2001 to 2 December 2005	0	0	1	Fisheries and Maritime Affairs
CNS/2002/0034	EC/Guinea fisheries agreement: protocol for the period from 1st January to 31st December 2002	0	0	1	Fisheries and Maritime Affairs
CNS/2002/0036	EC/Seychelles fisheries agreement: protocol for the period from 18 January 2002 to 17 January 2005	0	0	1	Fisheries and Maritime Affairs
CNS/2002/0053	Conservation of resources: specific access requirements to fishing for deep-sea stocks	0	0	1	Fisheries and Maritime Affairs
CNS/2002/0114	Common fisheries policy: conservation and sustainable exploitation (repl. regul. 9760/92/EEC)	0	0	2	Fisheries and Maritime Affairs
CNS/2002/0115	Fishing vessels: emergency measure for scrapping	0	0	1	Fisheries and Maritime Affairs
CNS/2002/0116	Fisheries sector: structural assistance, rules and arrangements (amend. regul. 2792/1999/EC)	0	0	5	Fisheries and Maritime Affairs
CNS/2002/0137	Conservation of Antarctic marine living resources: fishing control (repeal. regul. 3943/90, 66/98, 1727/1999/EC)	0	0	1	Fisheries and Maritime Affairs
CNS/2002/0138	Conservation of Antarctic marine living resources: technical measures to fishing	0	0	1	Fisheries and Maritime Affairs
CNS/2002/0162	EC/Sao Tomé and Príncipe fisheries agreement: protocol for the period from 1st June 2002 to 31 May 2005	0	0	1	Fisheries and Maritime Affairs
CNS/2002/0184	Conservation of Antarctic marine living resources: catch of Dissostichus spp (amend. regul. 1035/2001/EC)	0	0	1	Fisheries and Maritime Affairs
CNS/2002/0186	Fish stock conservation: control measures for fishing for highly migratory species (amend. regul. 1936/2001/EC)	0	0	1	Fisheries and Maritime Affairs
CNS/2002/0189	Fish stock conservation: technical measures for highly migratory species (amend. regul. 973/2001/EC)	0	0	1	Fisheries and Maritime Affairs
CNS/2002/0198	Fish stock conservation: prohibition of removing fins of sharks on board vessels	0	0	1	Fisheries and Maritime Affairs
CNS/2002/0200	Conservation and management of fish stocks: statistical monitoring of bluefin tuna, swordfish and bigeye tuna	0	0	1	Fisheries and Maritime Affairs
CNS/2002/0237	EC/Angola fisheries agreement: protocol for the period from 3 August 2002 to 2 August 2004	0	0	1	Fisheries and Maritime Affairs
CNS/2002/0238	EC/Senegal fisheries agreement: protocol for the period from 1st July 2002 to 30 June 2006	0	0	1	Fisheries and Maritime Affairs
CNS/2002/0281	EC/Kiribati fisheries agreement: Western Pacific tuna fishing	0	0	1	Fisheries and Maritime Affairs

CNS/2002/0295	Fisheries management: areas and resources of Atlantic waters, 1986 enlargement (amend. regul. 2847/93/EEC)	0	0	2	Fisheries and Maritime Affairs
CNS/2003/0049	EC/Guinea fisheries agreement: protocol for the period from 1st January 2003 to 31st December 2003	0	0	1	Fisheries and Maritime Affairs
CNS/2003/0062	Outermost regions: management of registered fishing fleets	0	0	2	Fisheries and Maritime Affairs
CNS/2003/0074	EC/Mauritius fisheries agreement: protocol for the period from 3 December 2002 to 2 December 2003	0	0	1	Fisheries and Maritime Affairs
CNS/2003/0090	Conservation of fishery resources: cod, stock recovery	0	0	1	Fisheries and Maritime Affairs
CNS/2003/0125	Fisheries: control North-East Atlantic convention area NEAFC, multilateral cooperation (amend. regul. 2791/99/EC)	0	0	2	Fisheries and Maritime Affairs
CNS/2003/0137	Conservation of fish resources: recovery of the Northern hake stock	0	0	1	Fisheries and Maritime Affairs
CNS/2003/0154	EC/Mozambique fisheries agreement: period from 1st January to 31st December 2006	0	0	1	Fisheries and Maritime Affairs
CNS/2003/0157	EC/Morocco fisheries agreement: conversion of vessels and fishermen, extension time limits (amend. regul. 2561/2001/EC)	0	0	1	Fisheries and Maritime Affairs
CNS/2003/0163	Conservation of fish resources: reduction of the quantity of by-catches of cetaceans (amend regul. 88/98/CE)	0	0	1	Fisheries and Maritime Affairs
CNS/2003/0201	Conservation of marine environment: deep-water coral reefs and trawling (amend. regul. 850/98/EC)	0	0	1	Fisheries and Maritime Affairs
CNS/2003/0202	Fisheries: additional costs, remoteness of the Azores, Madeira, Canary Islands, Guyana, Réunion (amend. regul 1587/98 579/2002/EC)	0	0	1	Fisheries and Maritime Affairs
CNS/2003/0219	EC/Ivory Coast fisheries agreement: period from 1st July 2003 to 30th June 2004	0	0	1	Fisheries and Maritime Affairs
CNS/2003/0227	EC/Guinea-Bissau fisheries agreement: protocol for the period from 16th June 2001 to 15th June 2006	0	0	1	Fisheries and Maritime Affairs
CNS/2003/0229	Conservation of fishery resources: exploitation in the Mediterranean Sea (amend. regul.2847/93/EC, 973/2001/EC)	0	1	1	Fisheries and Maritime Affairs
CNS/2003/0236	EC/Denmark/Greenland fisheries agreement: period from 1st January 2004 to 31 December 2006. Modification of the 4th Protocol	0	0	1	Fisheries and Maritime Affairs
CNS/2003/0238	Common Fisheries Policy CFP: establishment of Regional Advisory Councils	0	0	1	Fisheries and Maritime Affairs
CNS/2003/0261	Aquaculture: sustainable development, Financial Instrument for Fisheries Guidance FIFG (amend. regul. 2792/99/EC)	0	0	1	Fisheries and Maritime Affairs
CNS/2003/0281	Common fisheries policy CFP: control, Community financial contribution, 2004-2005 (repeal. dec. 2001/431/EC)	0	0	3	Fisheries and Maritime Affairs
CNS/2003/0290	EC/Guinea fisheries agreement: protocol for the period from 1st January 2004 to 31 December 2008	0	0	1	Fisheries and Maritime Affairs
CNS/2003/0318	Fisheries resources: recovery of the Southern hake and the Norway lobster stocks (amend. regul. 850/98/EC)	0	0	1	Fisheries and Maritime Affairs
CNS/2003/0327	Fisheries resources: recovery of the sole stocks in the Western Channel and the Bay of Biscay	0	0	1	Fisheries and Maritime Affairs
CNS/2004/0020	Environment: protection of deep-water coral reefs from trawling in Atlantic Ocean (amend. regul. 850/98/EC)	0	0	1	Fisheries and Maritime Affairs
CNS/2004/0058	EC/Cape Verde fisheries agreement: protocol for the period from 1st July 2004 to 30 June 2005	0	0	1	Fisheries and Maritime Affairs
CNS/2004/0070	EC/Madagascar fisheries agreement: protocol for the period from 1st January 2004 to 31st December 2006	0	0	1	Fisheries and Maritime Affairs
CNS/2004/0071	EC/Mauritius fisheries agreement: protocol for the period from 3 December 2003 to 2 December 2007	0	0	1	Fisheries and Maritime Affairs
CNS/2004/0108	Fisheries: Community Fisheries Control Agency and control system (amend. regul. 2847/93/EC)	0	0	2	Fisheries and Maritime Affairs
CNS/2004/0169	Fisheries common policy: structural sector, European Fisheries Fund	1	1	4	Fisheries and Maritime Affairs
CNS/2004/0185	EC/Comoros fisheries agreement: extension of the protocol for the period from 28 February 2004 to 31st December 2004	0	0	1	Fisheries and Maritime Affairs
CNS/2004/0211	Fisheries agreement EC/Ivory Coast: protocol for the period from 1st July 2004 to 30 June 2007	0	0	1	Fisheries and Maritime Affairs
CNS/2004/0229	Conservation of fishery resources: 15 years rebuilding plan for Greenland halibut in the waters of the Northwest Atlantic Fisheries Organisation NAFO	0	0	1	Fisheries and Maritime Affairs
CNS/2004/0252	Monitoring fisheries activities and conservation of fisheries resources: electronic recording and reporting of fishing activities, remote sensing	0	0	1	Fisheries and Maritime Affairs
CNS/2004/0268	Protection of fauna: Agreement on the International Dolphin Conservation Programme AIDCP, conclusion by the European Community	0	0	1	Fisheries and Maritime Affairs
CNS/2005/0005	Fisheries sector: transfers of vessels to countries hit by the Tsunami in 2004 (amend. regul. 2792/1999/EC)	0	0	1	Fisheries and Maritime Affairs
CNS/2005/0014	Conservation of fishery resources: technical measures for the Baltic Sea, the Belts and the Sound (amend. regul. 1434/98/EC, repeal. regul. 88/98/EC)	0	0	1	Fisheries and Maritime Affairs
CNS/2005/0045	Common Fisheries Policy CFP: Community financial measures for the implementation of the Fisheries Policy and of the Law of the Sea	1	0	1	Fisheries and Maritime Affairs
CNS/2005/0092	EC/Comoros agreement: tuna fishing, protocol for the period from 1st January 2005 to 31st December 2010	0	0	1	Fisheries and Maritime Affairs
CNS/2005/0136	Fisheries control: Community financial contribution towards Member States programmes, inspection at sea and Information Technology networks, renewal for 2006 (amend. Dec. 2004/465/EC)	0	0	2	Fisheries and Maritime Affairs
CNS/2005/0168	Fisheries agreement EC/Solomon Islands: Partnership Agreement initialled on the 28th January 2004	0	0	1	Fisheries and Maritime Affairs
CNS/2005/0173	Fisheries agreement EC/Seychelles: protocol for the period from 18 January 2005 to 17 January 2011	0	0	1	Fisheries and Maritime Affairs
CNS/2005/0201	Fisheries resources: recovery of the stock of European eel	0	0	2	Fisheries and Maritime Affairs

CNS/2005/0205	Common fisheries policy: management of fishing licences and the minimal information to be contained therein (repeal. 3090/93/EC)	0	0	1	Fisheries and Maritime Affairs
CNS/2005/0206	Fisheries agreement EC/Micronesia: partnership agreement	0	0	1	Fisheries and Maritime Affairs
CNS/2005/0249	Fisheries agreement EEC/Sao Tome and Principe: period from 1st June 2005 to 31st May 2006	0	0	1	Fisheries and Maritime Affairs
CNS/2005/0280	EC/Morocco fisheries agreement: partnership agreement	0	0	1	Fisheries and Maritime Affairs
CNS/2006/0002	Fisheries resources: recovery of the stocks of plaice and sole in the North Sea	0	0	2	Fisheries and Maritime Affairs
CNS/2006/0030	Conservation of fisheries resources: technical measures for the conservation of stocks of highly migratory species of fish specially tunas and dolphins	0	0	1	Fisheries and Maritime Affairs
CNS/2006/0056	Aquaculture: protection of the aquatic environment from the risks associated with the use of alien and locally absent species	0	0	1	Fisheries and Maritime Affairs
CNS/2006/0122	Fisheries EC/Cape Verde: Partnership Agreement for a sustainable fisheries policy and a responsible exploitation of fisheries resources	0	0	1	Fisheries and Maritime Affairs
CNS/2006/0156	EC/Gabon fisheries agreement: partnership agreement for the period from 3rd December 2005 to 2nd December 2011	0	0	1	Fisheries and Maritime Affairs
CNS/2006/0190	Common fisheries policy: conservation and sustainable exploitation, management of fishing fleet capacity (amend. 2371/202/EC)	0	0	1	Fisheries and Maritime Affairs
CNS/2006/0247	Fisheries: additional costs, remoteness of the Azores, Madeira, Canary Islands, Guyana, Réunion, compensation scheme 2007-2013	0	0	2	Fisheries and Maritime Affairs
CNS/2006/0262	EC/Denmark/Greenland fisheries agreement: fisheries partnership agreement 2006-2012	0	0	2	Fisheries and Maritime Affairs
CNS/2007/0062	Partnership Agreement EC/Kiribati: fisheries	0	0	1	Fisheries and Maritime Affairs
COD/2005/0223	Fishery statistics: data on landings of fishery products in Member States (repeal. regul. 1382/91/EEC)	0	1	1	Fisheries and Maritime Affairs
COD/2000/0032	Documents of the European Parliament, the Council and the Commission: right of public access	0	1	5	General Secretariat
COD/2003/0039	Political parties at European level: statute and financing	0	1	4	General Secretariat
CNS/1999/0111	Community law: application to the Canary Islands (amend. regul. 1911/91/EEC)	0	0	1	General Secretariat
CNS/2000/0363	Expiry of the ECSC treaty: funds ECSC in liquidation and Assets of the coal and research fund	1	0	3	General Secretariat
CNS/2000/0364	Expiry of the ECSC treaty: research programme of the coal and steel research fund, technical guidelines	1	0	3	General Secretariat
CNS/2001/0061	Expiry of the ECSC treaty: financial consequences and research fund for coal and steel	1	0	3	General Secretariat
CNS/2002/0203	Access to documents: opening to the public of the historical archives of the Community and the EAEC	0	0	2	General Secretariat
CNS/2002/0298	Comitology: exercise of implementing powers conferred to the Commission (amend. dec. 1999/468/EC)	1	0	3	General Secretariat
CNS/1998/0166	Public health: limitation of exposure of the general public to electromagnetic fields 0Hz-300GHz. Recommendation	0	0	1	Health and Consumer Protection
CNS/1999/0092	Forest reproductive material: marketing (recasting direct. 66/404/EEC, 71/161/EEC)	0	0	1	Health and Consumer Protection
CNS/1999/0219	Veterinary medicines: bovine somatotropine BST, placing on the market and administration (repeal. dec. 90/218/EEC)	0	0	1	Health and Consumer Protection
CNS/2000/0036	Vine: marketing of material for the vegetative propagation (amend. direct. 68/193/EEC)	0	0	1	Health and Consumer Protection
CNS/2000/0214	Measures for the control of classical swine fever (repl. direct. 80/217/EEC and CNS/1995/0298)	0	0	4	Health and Consumer Protection
CNS/2001/0021	Protection of animals : welfare of intensively kept pigs and sows (amend. direct. 91/630/EEC)	0	0	2	Health and Consumer Protection
CNS/2001/0801	Public health: drinking of alcohol by children and adolescents. Recommendation	0	0	3	Health and Consumer Protection
CNS/2002/0079	Health and safety at work: application of legislation to self-employed workers	0	0	2	Health and Consumer Protection
CNS/2002/0098	Public health: Union strategy on drugs 2000-2004, prevention and reduction of risks of drug dependence	0	0	2	Health and Consumer Protection
CNS/2002/0229	Animal health requirements : bovine semen, trade and imports (amend. direct. 88/407/EEC)	0	0	1	Health and Consumer Protection
CNS/2002/0232	Seeds, propagating and planting materials: Community comparative tests and trials (amend. 10 directives)	0	0	2	Health and Consumer Protection
CNS/2002/0297	Ovine and caprine animals : registration and identification, traceability (amend. regul. 3508/92/EEC)	0	0	4	Health and Consumer Protection
CNS/2002/0299	Animal diseases: foot and mouth disease (amend. direct. 92/46/EEC, repeal. direct. 85/511/EEC, dec. 84/531, 91/665/EEC)	0	0	1	Health and Consumer Protection
CNS/2003/0171	Protection of animals during transport (amend. direct. 64/432/EC, 93/119/EEC, repeal. direct 91/628/EC)	0	0	4	Health and Consumer Protection
CNS/2003/0224	Importation and transit of live ungulate animals: animal health rules (amend. direct. 90/426/EEC, 92/65/EEC)	0	0	1	Health and Consumer Protection
CNS/2005/0062	Animal diseases and public health: measures for the control of avian influenza (repeal. direct. 92/40/EEC)	0	0	1	Health and Consumer Protection
CNS/2005/0063	Expenditure in the veterinary field: measures to combat avian influenza, Community financial assistance (amend. dec. 90/424/EEC)	0	0	2	Health and Consumer Protection
CNS/2005/0099	Protection of animals: minimum rules for the protection of chickens kept for meat production	0	0	2	Health and Consumer Protection
CNS/2005/0153	Aquaculture, animal health: requirements for the market, the importation and the transit of animals and products, prevention and control of diseases (repeal. direct. 91/67/EEC, 93/53/EEC, 95/70/EEC)	0	0	1	Health and Consumer Protection
CNS/2005/0154	Aquaculture, animal health: Community financial contributions in the veterinary field for fighting against animal diseases (amend. dec. 90/424/EEC)	0	0	1	Health and Consumer Protection

CNS/2006/0098	Community policy on animal health: multi-annual eradication, control and monitoring programmes for animal diseases and zoonoses, integrated computerized veterinary system TRACES and ANIMO, information policy for food safety (amend. dec. 90/424/EEC)	0	0	2	Health and Consumer Protection
COD/1992/0449	Safety and health at work: exposure of workers to mechanical vibrations	1	1	6	Health and Consumer Protection
COD/1992/0449A	Safety and health at work: exposure of workers to noise	1	1	6	Health and Consumer Protection
COD/1992/0449B	Safety and health at work: exposure of workers to optical radiations	1	1	5	Health and Consumer Protection
COD/1992/0449C	Safety and health at work: exposure of workers to electromagnetic fields	1	0	5	Health and Consumer Protection
COD/1995/0013B	Medical devices including blood and plasma derivatives	0	0	4	Health and Consumer Protection
COD/1996/0112	Cocoa and chocolate products intended for human consumption	0	0	5	Health and Consumer Protection
COD/1998/0240	Pharmaceutical industry: marketing and Community procedure for designating orphan medicinal products	0	0	1	Health and Consumer Protection
COD/1998/0323	Animal diseases and public health: prevention and control of transmissible spongiform encephalopathies TSEs	0	0	5	Health and Consumer Protection
COD/1999/0158	Human consumption: food additives other than colours and sweeteners (amend. direct. 95/2/EC)	0	0	3	Health and Consumer Protection
COD/1999/0244	Tobacco: manufacture, presentation and sale of products (recast version direct. 89/622/EEC, 92/41/EEC, 90/239/EEC)	0	1	9	Health and Consumer Protection
COD/1999/0259	Animal nutrition: undesirable substances and products for the animal and human health (amend. direct. 1999/29/EC)	1	1	5	Health and Consumer Protection
COD/2000/0068	Animal nutrition: official inspections, undesirable substances and products (amend. direct. 95/53/EC, 1999/29/EC)	0	0	3	Health and Consumer Protection
COD/2000/0073	Protection of consumers: general product safety (rev. direct. 92/59/EEC)	0	1	5	Health and Consumer Protection
COD/2000/0080	Food supplements: approximation of the laws of the member States	0	0	5	Health and Consumer Protection
COD/2000/0119	Public health: Community action programme 2003-2008	0	1	4	Health and Consumer Protection
COD/2000/0132	Stockfarming: prohibition of substances with hormonal or thyrostatic action, of beta-agonists (amend. direct. 96/22/EC)	0	1	1	Health and Consumer Protection
COD/2000/0178	Protection of human health: hygiene of foodstuffs	1	1	5	Health and Consumer Protection
COD/2000/0179	Protection of human health : food of animal origin, specific hygiene rules	1	1	6	Health and Consumer Protection
COD/2000/0182	Products of animal origin, human consumption: health rules (amend. direct. 89/662/EEC, 91/67/EEC). Food hygiene package	0	0	1	Health and Consumer Protection
COD/2000/0192	Public health : action programmes (exten. dec. 645/96/EC, 646/96/EC, 647/96/EC, 102/97/EC, 1400/97/EC, 1296/99/EC)	0	0	2	Health and Consumer Protection
COD/2000/0221	Animal-health requirements: non commercial movement of pet animals (amend. direct. 92/65/EEC)	0	1	6	Health and Consumer Protection
COD/2000/0230	Health police: animal wastes and by-products (amend. direct. 90/425/EEC, 92/118/EEC, dec. 94/278/CE)	0	0	1	Health and Consumer Protection
COD/2000/0259	Health police: animal by-products not intended for human consumption, animal proteins in animal feed	0	1	4	Health and Consumer Protection
COD/2000/0286	Food safety: law, European Food Authority, safety of food supply	1	1	3	Health and Consumer Protection
COD/2000/0323	Public health and human blood: quality and safety of transfusion chain (amend. direct. 89/381/EEC)	0	1	1	Health and Consumer Protection
COD/2001/0119	Tobacco products: advertising and sponsorship (repl. direct. 98/43/EC)	0	0	1	Health and Consumer Protection
COD/2001/0173	Food safety: genetically modified food and feed	1	1	3	Health and Consumer Protection
COD/2001/0176	Public health: monitoring of zoonoses and zoonotic agents (amend. dec. 90/424/EEC, repeal. direct. 92/117/EEC)	1	0	2	Health and Consumer Protection
COD/2001/0177	Public health : control of salmonella and food-born zoonotic agents (amend. direct. 64/432/EEC, 72/462/EEC, 90/532/EEC)	1	0	3	Health and Consumer Protection
COD/2001/0199	Health : indication of the ingredients in foodstuffs (amend. direct. 2000/13/EC)	1	1	3	Health and Consumer Protection
COD/2002/0073	Food safety: additive in feedingstuffs and in drinking water for animal nutrition	1	1	5	Health and Consumer Protection
COD/2002/0128	Medicine: standards of quality and safety of human tissues and cells	1	1	5	Health and Consumer Protection
COD/2002/0141	Products of animal origin, human consumption: safety, controls (amend. direct. 89/662, 91/67/EEC). Hygiene package	0	1	6	Health and Consumer Protection
COD/2002/0152	Human consumption: new sweeteners additives, sucralose and salt of aspartame (amend. direct. 94/35/EC)	1	1	5	Health and Consumer Protection
COD/2002/0163	Food safety : smoke flavourings used on foods, authorisation procedure (direct. 88/388, regul. 178/2002/EC)	1	1	3	Health and Consumer Protection
COD/2002/0201	Human health, food additives: conditions of use for E 425 konjac (amend. direct. 95/2/EC)	0	0	1	Health and Consumer Protection
COD/2002/0274	Foodstuff: additives facilitating the storage and the use of flavourings (amend direct. 95/2/EC)	1	1	2	Health and Consumer Protection
COD/2003/0020	Consumers: financing Community actions 2004-2007, general framework	1	1	4	Health and Consumer Protection
COD/2003/0030	Food safety: feed and food law, animal health and animal welfare rules, official controls	0	1	5	Health and Consumer Protection
COD/2003/0052	Pesticide: maximum levels of residue (repeal. direct. 76/895/EEC, 86/362/EEC, 86/363/EEC, 90/642/EEC, amend. 91/414/EEC)	0	1	5	Health and Consumer Protection
COD/2003/0071	Animal feed: hygiene requirements and traceability of feed	0	1	3	Health and Consumer Protection
COD/2003/0134	Consumer protection : unfair business-to-consumer commercial practices (amend. direct. 84/450/EEC, 97/7/EC, 98/27/EC, 2002/65/EC, regul. 2006/2004/EC)	0	1	5	Health and Consumer Protection
COD/2003/0162	Consumer protection: cross-border infringements, administrative and legal cooperation	0	1	4	Health and Consumer Protection
COD/2003/0174	Public health: European Centre for Disease Prevention and Control ECDC	1	1	5	Health and Consumer Protection
COD/2003/0262	Protection of human health: addition of nutrients to food	0	1	5	Health and Consumer Protection

COD/2004/0237	Human consumption: food additives other than colours and sweeteners and new sweeteners additives (amend95/2/EC and 94/35/EC)	0	1	3	Health and Consumer Protection
COD/2004/0270	Animal diseases and public health: prevention and control of transmissible spongiform encephalopathies TSEs, extension of the period for transitional measures (amend. regul. 999/2001/EC)	0	1	1	Health and Consumer Protection
COD/2004/0270B	Animal diseases and public health: prevention and control of transmissible spongiform encephalopathies TSEs (amend.999/2001/EC)	1	1	3	Health and Consumer Protection
COD/2005/0042A	Public health: programme of Community action in the field of health, 2007-2013	1	1	7	Health and Consumer Protection
COD/2005/0042B	Consumer: Programme of Community action in the field of consumer protection, 2007-2013	1	1	4	Health and Consumer Protection
COD/2006/0117	Compound feedingsuffs: trade and labelling, correction of the legislation following the judgment of the Court of Justice of 6 December 2005 (direct. 2002/2/EC amend. direct. 79/373/EEC)	0	1	1	Health and Consumer Protection
COD/2006/0193	Protection of human health, addition of nutrients to food: reference to the new regulatory procedure with scrutiny in the implementing powers conferred on the Commission (dec. 2006/512/EC)	0	1	1	Health and Consumer Protection
COD/2006/0195	Foodstuffs, nutrition or health claims used in labelling: reference to the new regulatory procedure with scrutiny in the implementing powers conferred on the Commission (dec. 2006/512/EC)	1	1	2	Health and Consumer Protection
COD/2006/0236	Internal market: ban the placing on the market and the import of or export of cat and dog fur and products containing such fur	0	1	1	Health and Consumer Protection
COD/2003/0263	Financial services: new organisational structure of the committees (amend. 8 directives)	0	1	4	Health, Consumer Protection
COD/2003/0272	Food safety: materials and articles intended to come into contact with food (repeal. direct. 89/109/EEC)	0	1	2	Health, Consumer Protection
CNS/2000/0128	Information society, eContent: European digital content, linguistic diversity. 2001-2004 programme	0	0	3	Information Society
CNS/2001/0829	Customs: information technology, files identification database. Initiative Germany, Belgium and France	0	0	2	Information Society
COD/1996/0085	Intellectual property, original works of art: resale right for the benefit of the author	0	1	2	Information Society
COD/1997/0337	Internet: multiannual action plan on promoting safer use	0	0	4	Information Society
COD/2000/0183	Electronic communications: universal service, users' rights relating to networks and services	1	1	3	Information Society
COD/2000/0184	Electronic communications: common regulatory framework for networks and services. Framework directive	1	1	3	Information Society
COD/2000/0185	Telecommunications: unbundled access to local loops of operators having significant market power	0	0	2	Information Society
COD/2000/0186	Electronic communications: access to networks and interconnection, new regulatory framework	1	1	3	Information Society
COD/2000/0187	Radiocommunications, broadcasting, transport: radio spectrum, regulatory framework	1	1	3	Information Society
COD/2000/0188	Electronic communications: authorisation of networks and services (repl. direct. 97/13/EC)	1	1	1	Information Society
COD/2000/0189	Electronic communications: processing of personal data, protection of privacy (repl. direct. 97/66/EC)	1	1	4	Information Society
COD/2000/0328	Internet: Top Level Domain .eu, implementation	1	1	3	Information Society
COD/2001/0296	Telecommunications: trans-European networks, guidelines (rev. annex I dec. 1336/97/EC)	1	1	2	Information Society
COD/2002/0071	Internet: 1999-2002 action plan on promoting a safer use (amend. dec. 276/1999/EC), extension to 2004	0	1	2	Information Society
COD/2002/0123	Information market: re-use and commercial exploitation of public sector documents	0	1	1	Information Society
COD/2002/0187	Information society, eEurope: good practices and network security, MODINIS programme 2003-2005	0	1	1	Information Society
COD/2003/0032	Information society, eEurope 2005: European network and information security Agency	0	1	3	Information Society
COD/2004/0023	Internet: 2005-2008 action programme on promoting a safer use, Safer Internet plus.	0	1	3	Information Society
COD/2004/0025	European digital content: quality, access, use and exploitation, eContentplus. 2005-2008 programme.	0	1	3	Information Society
COD/2004/0117	Audiovisual and information industries, competitiveness: protection of minors and human dignity and right of reply	0	1	5	Information Society
COD/2005/0260	Coordination of certain of the Member States' provisions concerning the pursuit of television broadcasting activities ("Audiovisual media services without frontiers") [amend. Directive 89/552/EEC and Regulation (EC) No 2006/2004]	0	1	5	Information Society
COD/2006/0133	Electronic communications: regulatory framework for networks and services, reductions on mobile roaming charges across the Community (amend. Dir. 2002/21/EC)	1	1	4	Information Society
CNS/2002/0308	Community trade mark (amend. regul. 40/94/EC)	0	0	2	Internal Market and Services
COD/1997/0345	Professional qualifications, recognition: doctor, dentist, architect...(amend. direct. 89/48/EEC, 92/51/EEC)	0	1	3	Internal Market and Services
COD/1998/0134	Community customs code (amend. regul. 2913/92/EEC)	0	0	3	Internal Market and Services
COD/1999/0152	Money laundering: prevention of the use of the financial system (amend. direct. 91/308/EEC)	0	1	5	Internal Market and Services
COD/1999/0153	Protection of personal data: application by the Community institutions of the directive 95/46/EC	0	1	1	Internal Market and Services
COD/2000/0043	Companies: valuation of annual and consolidated accounts, financial information (amend. direct. 78/660/EEC, 83/349/EEC)	0	0	1	Internal Market and Services
COD/2000/0115	Public procurement, service and works contracts: coordination of procedures for the award, classical directive	1	1	7	Internal Market and Services
COD/2000/0117	Procurement water, energy, transport and postal sectors: coordination of procedures for award, utilities directive	1	1	6	Internal Market and Services

COD/2000/0139	Postal services: further opening to competition (amend. direct. 97/67/EC)	0	1	3	Internal Market and Services
COD/2000/0213	Insurance: freedom of establishment and services of the intermediaries, protection of customers	0	0	7	Internal Market and Services
COD/2000/0249	Life insurance: solvency margin for undertakings (amend. direct. 79/267/EEC)	1	1	2	Internal Market and Services
COD/2000/0251	Non-life insurance: solvency margin for undertakings (amend. direct. 73/239/EEC)	1	1	2	Internal Market and Services
COD/2000/0260	Institutions for occupational retirement, pension funds: laws, regulations and administrative provisions	0	1	6	Internal Market and Services
COD/2001/0044	Capital market, financial services: application of international accounting standards	0	0	3	Internal Market and Services
COD/2001/0086	European financial markets: financial collateral arrangements and legal certainty, consequences on the SMEs	0	0	3	Internal Market and Services
COD/2001/0095	Financial markets and institutions: stability, prudential regulation, legal certainty (amend. directives)	0	0	4	Internal Market and Services
COD/2001/0117	Capital market: prospectus to be published for securities (overhaul direct. 80/390/EEC, 89/298/EEC, 2001/34/EC)	0	1	4	Internal Market and Services
COD/2001/0118	Financial markets: insider dealing and market abuse (repeal. direct. 89/592/EEC)	0	0	4	Internal Market and Services
COD/2001/0174	Cross-border payments in euro: reducing bank charges	0	1	4	Internal Market and Services
COD/2001/0281	Community statistics: 2003-2007 programme	0	0	4	Internal Market and Services
COD/2002/0061	Professional qualifications: mutual recognition of the regulated professions to ensure free movement	0	1	8	Internal Market and Services
COD/2002/0112	Insurance undertakings: annual and consolidated accounts and standards IAS (amend. direct. 78/660, 83/349, 91/674/EEC)	0	1	2	Internal Market and Services
COD/2002/0122	Company law: access to informations, disclosure requirements (amend. direct.68/151/EEC)	0	0	1	Internal Market and Services
COD/2002/0124	Insurance of motor vehicles: civil liability, protection of victims of accidents, 5th car insurance directive (amend. direct. 72/166/EEC, 84/5/EEC, 88/357/EEC, 90/232/EEC and 2000/26/EC)	1	1	5	Internal Market and Services
COD/2002/0240	Company law: takeover bids	0	1	1	Internal Market and Services
COD/2002/0269	Investment services and regulated markets (amend. direct. 85/611/EEC, 93/6/EEC and 2000/12/EC)	0	1	6	Internal Market and Services
COD/2003/0024	Intellectual property: enforcing the rights, measures and procedures	1	1	4	Internal Market and Services
COD/2003/0045	Securities: issuers trading on a regulated market, transparency requirements (amend. direct. 2001/34/EC)	0	1	3	Internal Market and Services
COD/2003/0277	Cross-border merges between various types of company with share capital	0	1	3	Internal Market and Services
COD/2004/0001	Internal market: freedom of establishment for service providers and free movement of services ("Bolkestein directive" or "Services Directive")	1	1	10	Internal Market and Services
COD/2004/0065	Company law: statutory audit of annual and consolidated accounts (amend. direct. 78/660/EEC, 83/349/EEC, repeal. direct. 84/253/EEC)	1	1	2	Internal Market and Services
COD/2004/0097	Interior market: legal framework for reinsurance supervision (amend. direct. 73/239, 92/49/EEC, 98/787, 2002/83/EC)	0	1	3	Internal Market and Services
COD/2004/0137	Money laundering: prevention of the use of the financial system, including terrorist financing (repeal. direct 91/308/EEC)	0	1	4	Internal Market and Services
COD/2004/0250	Company law: annual accounts and consolidated accounts of certain types of companies (amend. direct. 78/660/EEC, 83/349/EEC, 86/635/EEC, 91/674/EEC)	1	1	3	Internal Market and Services
COD/2004/0256	Company law: formation of public limited companies, maintenance and alteration of their capital (amend. direct. 77/91/EEC)	1	1	2	Internal Market and Services
COD/2004/0258	Pharmaceutical products: compulsory licensing of patents relating to the manufacture of pharmaceutical products for export to countries with public health problems	1	1	3	Internal Market and Services
COD/2005/0111	Markets in financial instruments: extending the transposition deadline for Member States and the compliance date for firms (amend. Direct. 2004/39/EC)	0	1	2	Internal Market and Services
COD/2005/0138	Combating money laundering and terrorist financing: information on the payer accompanying transfers of funds, transposition of the Special Recommendation VII on "wire transfers" (SR VII) of the Financial Action Task Force (FATF) into Community legislation	1	1	2	Internal Market and Services
COD/2005/0245	Community payments market: common framework for the integration and the rationalisation of national payment systems (amend. direct. 97/7/EC, 2000/12/EC and 2002/65/EC)	1	1	4	Internal Market and Services
COD/2005/0265	Company law: exercise of voting rights by shareholders of companies having their registered office in a Member State and whose shares are admitted to trading on a regulated market, cross-border voting for investors (amend. direct. 2004/109/EC)	1	1	4	Internal Market and Services
COD/2006/0066	Public contracts: review procedures concerning the award (amend. Dir. 89/665/EEC and 92/13/EEC) (Remedies Directives)	1	1	4	Internal Market and Services
COD/2006/0166	Internal market: procedural rules and evaluation criteria for the prudential assessment of acquisitions and increase of shareholdings in the financial sector (amend. Dir. 92/49/EC, 2002/83/EC, 2004/39/EC, 2005/68/EC and 2006/48/EC)	1	1	3	Internal Market and Services
CNS/1997/0191B	Cooperation, third countries: democracy, rule of law, respect of human rights and fundamental freedoms	0	0	1	Justice, Freedom and Security
CNS/1999/0102	Civil and commercial judicial cooperation: transmission and service of documents between the Member States, Brussels and The Hague conventions	0	0	1	Justice, Freedom and Security
CNS/1999/0110	Civil judicial cooperation: judgments in matrimonial matters and parental responsibility, Brussels II Convention	0	0	1	Justice, Freedom and Security

CNS/1999/0116	Asylum: Eurodac system for the comparison of the fingerprints of applicants and foreigners, Dublin Convention	0	0	1	Justice, Freedom and Security
CNS/1999/0154	Civil and commercial judicial cooperation, enforcement of judgments: Brussels I, Lugano Conventions	0	0	3	Justice, Freedom and Security
CNS/1999/0187	European monitoring centre for drugs and addiction EMCDDA: assistance to applicant countries (amend. regul. 302/93/EEC)	0	0	2	Justice, Freedom and Security
CNS/1999/0203	EC/Norway agreement: participation in the work of the European Monitoring Centre for Drugs and Drug Addiction EMCDDA	0	0	1	Justice, Freedom and Security
CNS/1999/0258	Immigration policy: Third-country nationals, right to family reunification	0	0	2	Justice, Freedom and Security
CNS/1999/0274	Refugees, displaced persons, asylum-seekers: creating a European Refugee Fund	0	0	2	Justice, Freedom and Security
CNS/1999/0804	Controls at borders: fight against counterfeit travel documents. Initiative Germany	0	0	1	Justice, Freedom and Security
CNS/1999/0806	Judicial cooperation in civil matters: undertakings, insolvency proceedings with cross-border implications	0	0	1	Justice, Freedom and Security
CNS/1999/0809	Judicial cooperation in criminal matters : mutual assistance between State members. Convention	0	0	2	Justice, Freedom and Security
CNS/1999/0821	Euro: protection by penal sanctions against counterfeiting and falsification. Framework decision	0	0	1	Justice, Freedom and Security
CNS/1999/0822	Combat child pornography on the Internet. Initiative Austria	0	0	5	Justice, Freedom and Security
CNS/1999/0824	Combating crime: money laundering, financial intelligence units (direct. 91/308/EEC). Initiative Finland.	0	0	1	Justice, Freedom and Security
CNS/2000/0030	Visas: third countries whose nationals are subject to or exempt from a visa requirement (repl. regul. 574/99/EC)	0	0	1	Justice, Freedom and Security
CNS/2000/0081	Common European security and defence policy ESDP: rapid reaction facility	0	0	1	Justice, Freedom and Security
CNS/2000/0127	Displaced persons: temporary protection in the event of a mass influx, member States' admission	0	0	2	Justice, Freedom and Security
CNS/2000/0238	Asylum: granting and withdrawing refugee status, minimum standards on procedures, Common European Asylum System	0	0	2	Justice, Freedom and Security
CNS/2000/0240	Judicial cooperation: European network in civil and commercial matters, access to justice	0	0	1	Justice, Freedom and Security
CNS/2000/0304	Fight against organised crime: financial support, programme for the prevention, Hippocrates	0	0	1	Justice, Freedom and Security
CNS/2000/0339	Judicial cooperation: exchange programme for legal practitioners, Grotius II general and criminal	0	0	1	Justice, Freedom and Security
CNS/2000/0340	Police cooperation: exchange programme for law enforcement authorities of the Member States, Oisín II	0	0	1	Justice, Freedom and Security
CNS/2000/0341	Combating trade in human beings and the sexual exploitation of children: 2nd phase of the programme Stop II	0	0	1	Justice, Freedom and Security
CNS/2000/0804	Data protection: establishment of a secretariat for the joint supervisory bodies	0	0	1	Justice, Freedom and Security
CNS/2000/0809	European police Office, Europol : art. 2 and annex, Protocol on money laundering. Initiative Portugal	0	0	1	Justice, Freedom and Security
CNS/2000/0810	Free movement of persons: national long-stay visa. Initiative France	0	0	2	Justice, Freedom and Security
CNS/2000/0811	Police cooperation: establishment of the European Police College CEPOL. Initiative Portugal	0	0	3	Justice, Freedom and Security
CNS/2000/0813	Freedom, security and justice: standing of victims in criminal procedures. Framework decision. Initiative Portugal	0	0	4	Justice, Freedom and Security
CNS/2000/0814	Combating crime: money laundering, confiscation of instrumentalities and proceeds. Framework decision. Initiative France	0	0	2	Justice, Freedom and Security
CNS/2000/0816	Judicial cooperation: creation of a provisional Unit. Initiative Portugal, France, Sweden and Belgium	0	0	1	Justice, Freedom and Security
CNS/2000/0817	Fight against organised crime, judicial cooperation: unit Eurojust. Initiative Portugal, France, Sweden, Belgium	0	0	3	Justice, Freedom and Security
CNS/2000/0818	Judicial cooperation: rights of access to children, mutual enforcement of judgments. Initiative France	0	0	1	Justice, Freedom and Security
CNS/2000/0823	Judicial cooperation: taking of evidence in civil and commercial matters. Initiative Germany	0	0	1	Justice, Freedom and Security
CNS/2000/0824	Prevention of crime : European network. Initiative France and Sweden	0	0	2	Justice, Freedom and Security
CNS/2000/0825	Police cooperation: European system of laboratories for analyses of synthetic drugs. Initiative Sweden	0	0	1	Justice, Freedom and Security
CNS/2000/0826	Fight against drugs: transmission of samples of illegal narcotic substances. Initiative Sweden	0	0	1	Justice, Freedom and Security
CNS/2001/0024	Combating trafficking in human beings: offences, penalties and sanctions, liability in criminal matters. Framework decision	0	0	4	Justice, Freedom and Security
CNS/2001/0025	Combating the sexual exploitation of children and child pornography: criminal offences, penalties and sanctions. Framework decision	0	0	5	Justice, Freedom and Security
CNS/2001/0055	Ethyl alcohol of agricultural origin: common organisation of the market CMO	0	0	1	Justice, Freedom and Security
CNS/2001/0074	Immigration: third-country nationals legally residents since 5 years, long-term resident status	0	0	1	Justice, Freedom and Security
CNS/2001/0081	Visas: uniform format for forms for affixing visa for travel documents which are not recognised	0	0	1	Justice, Freedom and Security
CNS/2001/0082	Third-country nationals: uniform format for residence permits	0	0	1	Justice, Freedom and Security
CNS/2001/0091	Asylum: reception of applicants, minimum standards	0	0	1	Justice, Freedom and Security
CNS/2001/0109	European judicial area in civil matters: implementation, general framework for activities	0	0	1	Justice, Freedom and Security
CNS/2001/0114	Combating illicit drug trafficking: criminal acts and penalties, minimum provisions. Framework decision	0	0	1	Justice, Freedom and Security
CNS/2001/0182	Asylum: Member State responsible for examining an application lodged by a third-country national	0	0	1	Justice, Freedom and Security
CNS/2001/0207	Asylum: refugee status for third-country nationals and stateless persons, minimum standards	0	0	1	Justice, Freedom and Security
CNS/2001/0215	Judicial cooperation: European arrest warrant and surrender procedures between Member States replacing extradition.	0	0	4	Justice, Freedom and Security
CNS/2001/0217	Judicial and police cooperation: combating terrorism. Framework decision	0	0	5	Justice, Freedom and Security
CNS/2001/0230	External borders, visas, asylum and immigration: action programme 2002-2006 for administrative cooperation ARGO	0	0	3	Justice, Freedom and Security

CNS/2001/0232	Visas: uniform format (amend. regul. 1683/95/EC)	0	0	1	Justice, Freedom and Security
CNS/2001/0262	Police and judicial cooperation in criminal matters: framework programme AGIS for 2003-2007	0	0	2	Justice, Freedom and Security
CNS/2001/0803	Judicial cooperation: orders freezing assets or evidence. Framework decision. Initiative France, Sweden and Belgium	0	0	1	Justice, Freedom and Security
CNS/2001/0807	Europol: transmission of personal data to third States and third bodies. Initiative Sweden	0	0	2	Justice, Freedom and Security
CNS/2001/0817	International crime : fight against serious forms, extending Europol mandate. Initiative Belgium and Sweden	0	0	2	Justice, Freedom and Security
CNS/2001/0821	Police cooperation: joint investigation teams. Framework decision. Initiative Belgium, France, Spain and United Kingdom	0	0	2	Justice, Freedom and Security
CNS/2001/0824	Security in connection with football matches with an international dimension. Initiative Belgium	0	0	2	Justice, Freedom and Security
CNS/2001/0825	Judicial cooperation: financial penalties, mutual recognition. Framework decision. Initiative France, Sweden and United Kingdom	0	0	2	Justice, Freedom and Security
CNS/2001/0826	Judicial cooperation : genocide, crimes against humanity and war crimes, European network. Initiative Netherlands	0	0	1	Justice, Freedom and Security
CNS/2001/0828	Schengen : amending article 40 (1) and (7)of the convention. Initiative Belgium, Spain and France	0	0	1	Justice, Freedom and Security
CNS/2002/0020	Access to justice, cross-border disputes: legal aid, financial aspects of civil proceedings	0	0	1	Justice, Freedom and Security
CNS/2002/0043	Illegal immigration and trafficking in human beings: short term residence permit issued to victims	0	0	1	Justice, Freedom and Security
CNS/2002/0086	Criminal judicial cooperation: attacks against information systems and communication networks. Framework decision	0	0	2	Justice, Freedom and Security
CNS/2002/0110	Civil judicial cooperation: divorce and parental responsibility (repeal. regul. 1347/2000/EC, amend. regul. 44/2001/EC)	0	0	2	Justice, Freedom and Security
CNS/2002/0242	Third-country nationals: migration for the purpose of studies, vocational training or voluntary service	0	0	2	Justice, Freedom and Security
CNS/2002/0247	Area of freedom, security and justice: compensation to crime victims	0	0	4	Justice, Freedom and Security
CNS/2002/0280	Visas: third countries whose nationals are subject to or exempt from a visa requirement (amend. regul. 539/2001/EC)	0	0	1	Justice, Freedom and Security
CNS/2002/0801	Security: European network for the protection of public figures. Initiative Spain	0	0	2	Justice, Freedom and Security
CNS/2002/0808	Terrorism : police and judicial cooperation (Common position 2001/931/CFSP). Initiative Spain	0	0	2	Justice, Freedom and Security
CNS/2002/0809	Fight against terrorism: implementation of national legal provisions. Initiative Spain	0	0	2	Justice, Freedom and Security
CNS/2002/0810	Schengen: issue of visas at the border, seamen in transit. Initiative Spain	0	0	1	Justice, Freedom and Security
CNS/2002/0812	Terrorism: new functions for the Schengen information System SIS II. Initiative Spain	0	0	1	Justice, Freedom and Security
CNS/2002/0813	Terrorism: new functions for the Schengen information System SIS II. Initiative Spain	0	0	1	Justice, Freedom and Security
CNS/2002/0815	Police cooperation: common use of liaison officers posted abroad by member States. Initiative Denmark	0	0	4	Justice, Freedom and Security
CNS/2002/0816	Combating organized crime, judicial cooperation: execution of confiscation orders. Framework decision. Initiative Denmark	0	0	1	Justice, Freedom and Security
CNS/2002/0817	Combating crime: combating corruption in the private sector. Framework decision. Initiative Denmark	0	0	1	Justice, Freedom and Security
CNS/2002/0818	Combating organized crime: confiscation of crime-related proceeds, instrumentalities and property. Framework decision. Initiative Denmark	0	0	1	Justice, Freedom and Security
CNS/2002/0819	Judicial cooperation : investigation and prosecution for war crimes or crimes against humanity. Initiative Denmark	0	0	1	Justice, Freedom and Security
CNS/2003/0026	Enlargement, Kaliningrad: FTD, FRTD and the common consular instructions and the common manual	0	0	1	Justice, Freedom and Security
CNS/2003/0027	2004 enlargement, Kaliningrad: uniform formats for FTD and FRTD	0	0	1	Justice, Freedom and Security
CNS/2003/0061	Visas: facilitating procedures for members of the Olympic family taking part in the 2004 Games in Athens	0	0	1	Justice, Freedom and Security
CNS/2003/0088	Ship-source pollution: judicial cooperation to repress offences, criminal-law framework. Framework decision	0	0	1	Justice, Freedom and Security
CNS/2003/0215	Combat against drugs: information exchange, risk assessment, control on new narcotic and synthetic drugs	0	0	1	Justice, Freedom and Security
CNS/2003/0258	External borders, illegal immigration: date stamping of travel documents of third-country nationals	0	0	1	Justice, Freedom and Security
CNS/2003/0273	External borders: Agency for the management of operational co-operation FRONTEX	0	0	4	Justice, Freedom and Security
CNS/2003/0284	Illegal migrations: secure web-based information network for migration management	0	0	1	Justice, Freedom and Security
CNS/2003/0801	Third-countries nationals: removal by air, assistance in cases of transit. Initiative Germany	0	0	2	Justice, Freedom and Security
CNS/2003/0805	Court of justice: transfer of direct actions to the Court of 1st instance (amend. articles 51 and 54 Statute)	0	0	1	Justice, Freedom and Security
CNS/2003/0807	Schengen: Sirene Manual, regulation on procedures for amending. Initiative Greece	0	0	1	Justice, Freedom and Security
CNS/2003/0808	Schengen: Sirene manual, decision on procedures for amending. Initiative Greece	0	0	1	Justice, Freedom and Security
CNS/2003/0809	Combating illegal immigration: obligation of carriers to communicate passenger data. Initiative Spain	1	0	2	Justice, Freedom and Security
CNS/2003/0815	Free movement of persons: signs at external border crossing points. Initiative Greece	0	0	1	Justice, Freedom and Security
CNS/2003/0817	Immigration: creation of a liaison officers network. Initiative Greece	0	0	1	Justice, Freedom and Security
CNS/2004/0029	Visa information system VIS: establishment, information exchange between Member States	0	0	1	Justice, Freedom and Security
CNS/2004/0032	European Refugee Fund: period 2005-2010 (dec. 2000/596/EC)	0	0	4	Justice, Freedom and Security
CNS/2004/0069	Terrorism: exchange of information on terrorist offences while respecting the Charter of Fundamental Rights	0	0	4	Justice, Freedom and Security
CNS/2004/0122	External borders, visas, asylum and immigration: action programme 2002-2006 ARGO (amend. dec. 2002/463/EC)	0	0	1	Justice, Freedom and Security

CNS/2004/0141	Visas: nationals of a Member state, reciprocity mechanism to be used by a third country on the list in Annex II (amend. regul. 539/2001/EC)	0	0	2	Justice, Freedom and Security
CNS/2004/0215	Police cooperation: establish the European Police College CEPOL as a body of the European Union, purpose, objectives and tasks (repeal. dec. 2000/820/JHA)	0	0	2	Justice, Freedom and Security
CNS/2004/0238	Criminal judicial cooperation: exchange of information extracted from the criminal record between the Member states	0	0	1	Justice, Freedom and Security
CNS/2004/0801	European Police College CEPOL: grant of legal personality (amend. dec. 2000/820/JHA). Initiative Ireland	0	0	1	Justice, Freedom and Security
CNS/2004/0802	Police cooperation: European Police College CEPOL (amend. dec. 2000/820/JHA). Initiative United Kingdom	0	0	1	Justice, Freedom and Security
CNS/2004/0803	Fight against cross-border vehicle crime. Initiative Netherlands	0	1	1	Justice, Freedom and Security
CNS/2004/0812	Fight against criminality: exchange of information and intelligence between law enforcement authorities of the Member States. Framework decision. Sweden initiative	0	0	1	Justice, Freedom and Security
CNS/2004/0816	Visas, asylum, immigration: passage to qualified majority voting and to co-decision (art. 251) for certain areas covered by title IV of Part three of the EC Treaty	0	0	1	Justice, Freedom and Security
CNS/2004/0817	Euro: designating Europol as the Central Office for combating counterfeiting. Initiative Germany, Spain, France, Italy, United Kingdom, Northern Ireland	0	0	1	Justice, Freedom and Security
CNS/2005/0031	Asylum: state responsible for examining a request lodged in a Member State, Protocol to the EC/Iceland and Norway agreement	0	0	1	Justice, Freedom and Security
CNS/2005/0034	General programme "Security and Safeguarding Liberties": specific Programme "Prevention, preparedness and consequence management of terrorism", 2007-2013	1	1	1	Justice, Freedom and Security
CNS/2005/0035	General programme "Security and Safeguarding Liberties": specific programme "Prevention and fight against crime, 2007-2013	1	1	1	Justice, Freedom and Security
CNS/2005/0038	General Programme "Fundamental rights and justice": specific programme "Fundamental rights and citizenship", 2007-2013	1	1	1	Justice, Freedom and Security
CNS/2005/0039	General Programme "Fundamental rights and justice": specific programme "Criminal Justice", 2007-2013	1	1	1	Justice, Freedom and Security
CNS/2005/0048	General programme "Solidarity and Management of Migration Flows": European Fund for the Integration of Third-country nationals, 2007-2013	1	1	1	Justice, Freedom and Security
CNS/2005/0103	Schengen: legal framework for governing the establishment, the operation and the use of the second generation information system, SIS II	1	1	3	Justice, Freedom and Security
CNS/2005/0124	European Union Agency for Fundamental Rights: establishment, role and mandate replacing the European Monitoring Centre on Racism and Xenophobia EUMC (repeal. regul. 1037/97/EC)	1	1	2	Justice, Freedom and Security
CNS/2005/0125	European Union Agency for Fundamental Rights: pursuing actions on police and judicial co-operation in criminal matters, Treaty TEU Title VI	1	1	1	Justice, Freedom and Security
CNS/2005/0202	Fight against terrorism: processing and protection of personal data in the framework of police and judicial cooperation in criminal matters. Framework decision	1	1	3	Justice, Freedom and Security
CNS/2005/0204	Asylum and immigration policy: mutual information procedure concerning Member States measures in these areas	0	0	1	Justice, Freedom and Security
CNS/2005/0232	Combating terrorism and internal security: access for consultation of the Visa Information System VIS by the authorities of Member States and by Europol	1	1	2	Justice, Freedom and Security
CNS/2005/0234	Foreign policy: freezing of funds and economic resources, restrictive measures against persons suspected of involvement in the assassination of former Prime Minister Rafiq Hariri in Lebanon	0	0	1	Justice, Freedom and Security
CNS/2005/0808	Police cooperation: common use of Europol liaison officers posted abroad by the law enforcement agencies of the Member States (amending Dec. 2003/170/JHA). Initiative United Kingdom, Northern Ireland	0	0	1	Justice, Freedom and Security
CNS/2006/0022	Visas: listing of the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement (amend. regul. 539/2001/EC)	0	0	1	Justice, Freedom and Security
CNS/2006/0806	Security in connection with football matches with an international dimension (amend. dec. 2002/348/JHA). Initiative Austria	0	0	1	Justice, Freedom and Security
COD/2001/0111	Union citizenship : free movement and residence for citizens and their families within the Member States' territory	0	0	6	Justice, Freedom and Security
COD/2002/0090	Civil judicial cooperation: European enforcement order for uncontested claims	0	0	1	Justice, Freedom and Security
COD/2003/0025	Daphne II programme 2004-2008: combating violence against children, young people and women	0	1	4	Justice, Freedom and Security
COD/2003/0168	Judicial cooperation in civil and commercial matters: cross-border disputes, non-contractual obligations, Rome II	1	1	6	Justice, Freedom and Security
COD/2003/0198	Schengen Convention: access for vehicle registration authorities to the Information System SIS, amending the Convention	0	1	1	Justice, Freedom and Security
COD/2004/0055	Civil judicial cooperation : recovery of uncontested claims, European order for payment procedure	0	1	2	Justice, Freedom and Security
COD/2004/0063	Scientific research: admission of third-country national researchers to the Community, uniform visas	1	1	1	Justice, Freedom and Security
COD/2004/0127	External and internal borders: Code on the rules governing the movement of persons across borders	1	1	5	Justice, Freedom and Security

COD/2005/0006	Free movement of persons: local border traffic at external borders of the Member States and establishment of a special "L" visa, amending the Schengen Conventions and the Common Consular Instructions	0	1	4	Justice, Freedom and Security
COD/2005/0020	Judicial cooperation in civil matters: simplified and accelerated settlement of small claims litigation	1	1	3	Justice, Freedom and Security
COD/2005/0037A	General programme "Fundamental Rights and Justice": specific programme "Fight against violence (Daphne III)", 2007-2013	1	1	6	Justice, Freedom and Security
COD/2005/0037B	General programme "Fundamental Rights and Justice": specific programme "drugs prevention and information", 2007-2013	1	1	7	Justice, Freedom and Security
COD/2005/0040	General Programme "Fundamental rights and justice": specific programme "Civil Justice", 2007-2013	1	1	6	Justice, Freedom and Security
COD/2005/0046	General programme "Solidarity and Management of Migration Flows": European refugee Fund, 2008-2013	1	1	6	Justice, Freedom and Security
COD/2005/0047	General programme "Solidarity and Management of Migration Flows": External borders fund, 2007-2013, implementation of the common integrated border management system	1	1	7	Justice, Freedom and Security
COD/2005/0049	General programme "Solidarity and Management of Migration Flows": European Return Fund, 2007-2013, voluntary or forced return of illegally residing third country-nationals	1	1	7	Justice, Freedom and Security
COD/2005/0104	Schengen: access to the Second Generation Information System, SIS II, by the services in the Member States responsible for issuing vehicle registration certificates	1	1	2	Justice, Freedom and Security
COD/2005/0106	Schengen: legal framework governing in respect of matters falling with the scope of the Treaty establishing the European Community or EC Treaty the establishment, the operation and the use of the second generation information system, SIS II	1	1	5	Justice, Freedom and Security
COD/2005/0126	Judicial cooperation in civil or commercial matters: transmission and service in the Member States of judicial and extrajudicial documents (amend. Reg. 1348/2000/EC)	0	1	2	Justice, Freedom and Security
COD/2005/0158	External borders: simplified regime for control of persons, unilateral recognition by new Member States of documents issued by Schengen States as equivalent to their national visas for the purpose of transit (regul. 539/2001/EC)	0	1	1	Justice, Freedom and Security
COD/2005/0159	External borders: recognition by new Member States and Schengen States of residence permits issued by Switzerland and Liechtenstein as equivalent to their national visas for the purpose of transit (regul. 539/2001/EC)	0	1	1	Justice, Freedom and Security
COD/2005/0166	European Monitoring Centre for Drugs and Drug Addiction EMCDDA (recast regul. 302/93/EEC)	0	1	4	Justice, Freedom and Security
COD/2005/0182	Electronic communications: personal data protection rules and availability of traffic data for anti-terrorism purposes (amend. direct. 2002/58/EC)	0	1	4	Justice, Freedom and Security
COD/2006/0140	External borders: creation of rapid border intervention teams (amend. regul. 2007/2004/EC)	0	1	3	Justice, Freedom and Security
CNS/2003/0280	European Civil Service Tribunal: judicial panel to the Court of First Instance	0	0	2	Personel and Administration
CNS/2002/0100	Staff Regulations of EC officials: amending the Regulations	0	0	5	Personnel and Administration
CNS/2000/0307	Agricultural products: measures for the benefit of french overseas departments (amend. regul. 3763/91/EEC)	0	0	1	Regional Policy
CNS/2000/0313	Agricultural products: measures for the benefit of french overseas departments	1	0	2	Regional Policy
CNS/2001/0058	Instrument for structural policies for pre-accession ISPA (amend. regul. 1267/99/EC)	0	0	1	Regional Policy
CNS/2002/0228	European Union Solidarity Fund: major natural disasters	0	0	1	Regional Policy
CNS/2006/0194	International Fund for Ireland: Community financial contributions 2007-2010	1	0	1	Regional Policy
CNS/2001/0054	European research area: research and training activities, framework programme EURATOM 2002-2006	0	0	3	Research
CNS/2001/0122	Research RTD, 6th EC Framework-programme 2002-2006: strengthening the European Research Area	1	0	3	Research
CNS/2001/0123	Research RTD, 6th EC Framework-programme 2002-2006: structuring the European Research Area	1	0	1	Research
CNS/2001/0124	Research RTD, 6th framework-programme 2002-2006: Joint research Centre JRC, direct actions, EC programme	1	0	2	Research
CNS/2001/0125	Research RTD, 6th framework- programme 2002-2006: nuclear energy, Euratom programme	1	0	1	Research
CNS/2001/0126	Research RTD, 6th Framework-programme 2002-2006: direct actions, Joint Research Centre JRC, Euratom programme	1	0	1	Research
CNS/2001/0327	RTD Euratom framework programme 2002-2006 : participation of undertakings, research centres and universities	0	0	3	Research
CNS/2004/0061	Scientific research: admission to the Community by third-country national researchers, improving mobility	1	0	1	Research
CNS/2004/0062	Scientific research: admission of third-country national researchers to the Community, application measures	1	0	1	Research
CNS/2005/0044	Nuclear research: 7th framework programme Euratom for nuclear research and training activities, 2007-2011	1	1	2	Research
CNS/2005/0184	Research RTD, 7th EC Framework Programme 2007-2013: specific programme through direct activities by the Joint Research Centre	1	0	1	Research
CNS/2005/0185	Research RTD, 7th EC Framework Programme 2007-2013: trans-national Cooperation specific programme on policy-defined themes	1	0	1	Research
CNS/2005/0186	Research RTD, 7th EC Framework Programme 2007-2013: specific programme Ideas, frontier research	1	0	2	Research
CNS/2005/0187	Research RTD, 7th EC Framework Programme 2007-2013: People specific programme for supporting the training and the career development of researchers	1	0	3	Research
CNS/2005/0188	Research RTD, 7th EC Framework Programme 2007-2013: Capacities specific programme for European research and innovation	1	0	2	Research

CNS/2005/0189	Research RTD, 7th Euratom Framework Programme 2007-2011: specific programme through direct actions by the Joint Research Centre JRC	1	0	1	Research
CNS/2005/0190	Research RTD, 7th Euratom Framework Programme 2007-2011: fusion energy, nuclear fission and radiation protection programme	1	0	1	Research
CNS/2006/0014	Research RTD, 7th Euratom Framework Programme 2007-2011: participation of undertakings, research centres and universities, dissemination of research results	1	0	1	Research
CNS/2006/0802	Nuclear safety and security: establishing an instrument for nuclear safety, radiation protection and safeguards of nuclear materials in third countries, EAEC Treaty	0	1	3	Research
COD/2001/0053	European research area: activities within the scope of the EC framework programme 2002-2006	1	1	8	Research
COD/2001/0202	Research RTD, 6th framework programme 2002-2006: results dissemination, participation of undertakings and universities	1	1	5	Research
COD/2002/0211	Combating AIDS, malaria and tuberculosis: research partnership Europe/developing countries	0	1	3	Research
COD/2003/0124	Asylum and migration : programme for financial and technical assistance to third countries, 2004-2008	0	1	1	Research
COD/2003/0147	Pan-European eGovernment services and networks: interoperable delivery, programme IDABC 2005-2009, follow-up IDA II	0	1	1	Research
COD/2005/0043	Research RTD, 7th EC framework programme 2007-2013: research, technological development and demonstration activities	1	1	12	Research
COD/2005/0277	Research RTD, 7th EC framework programme 2007-2013: participation of undertakings, research centres and universities	1	1	2	Research
CNS/2000/0148	Value added tax VAT: services supplied by electronic mean (amend. direct. 77/388/EEC)	0	0	1	Taxation and Customs Union
CNS/2000/0223	Value added tax VAT: length of application of the current minimum standard rate, 2001-2005 (amend. direct. 77/388/EEC)	0	0	1	Taxation and Customs Union
CNS/2000/0289	Value added tax VAT: conditions laid down for invoicing (amend. direct. 77/388/EEC)	0	0	1	Taxation and Customs Union
CNS/2000/0337	European Commission, administrative reform: management of Community programmes, statute of executive agencies	0	0	2	Taxation and Customs Union
CNS/2001/0063	Manufactured tobacco: structure and rates of excise duty (amend. direct. 92/79/EEC, 92/80/EEC, 95/59/EC)	0	0	3	Taxation and Customs Union
CNS/2001/0133	Value added tax VAT: administrative cooperation (repl. regul. 218/92/EEC)	0	0	1	Taxation and Customs Union
CNS/2001/0164	Taxes: taxation of savings income in the form of interest payments. Tax package	0	0	1	Taxation and Customs Union
CNS/2001/0284	Canary Islands: arrangements concerning the tax on imports and exchanges AIEM	0	0	1	Taxation and Customs Union
CNS/2002/0286	Gas and electricity: VAT rules on the place of supply (amend. direct. 77/388/EEC)	0	0	1	Taxation and Customs Union
CNS/2003/0075	Excise duty: lower rates on tobacco products for consumption in Corsica (amend. direct. 92/79/EEC, 92/80/EEC)	0	0	1	Taxation and Customs Union
CNS/2003/0120	Value added tax VAT: measures for derogation, implementing powers (amend. direct. 77/388/EEC)	0	0	1	Taxation and Customs Union
CNS/2003/0169	Value added tax VAT: reduced rates (amend. direct. 77/388/EEC)	0	0	1	Taxation and Customs Union
CNS/2003/0179	Companies taxation: parent companies and subsidiaries of different Member States, common system (direct. 90/435/EEC)	0	0	1	Taxation and Customs Union
CNS/2003/0239	Companies of different Member States: taxation of mergers, divisions, transfers of assets, exchanges of shares (amend. direct. 90/434/EC)	0	0	1	Taxation and Customs Union
CNS/2004/0027	EC/Switzerland agreement: taxation of savings income in the form of interest payments (direct. 2003/48/EC)	0	0	1	Taxation and Customs Union
CNS/2005/0019	Value added tax VAT: simplify the procedure, assist in countering tax evasion and avoidance, repealing decisions granting derogations (amend. direct. 77/388/EEC)	0	0	1	Taxation and Customs Union
CNS/2005/0051	Common system of value added tax VAT: length of time during which the minimum standard rate is to be applied (amend. Direct. 77/388/EEC)	0	0	2	Taxation and Customs Union
CNS/2006/0245	Value added tax VAT: radio and television broadcasting services and electronically supplied services (amend. direct. 2002/38/EC)	0	0	1	Taxation and Customs Union
COD/2001/0185	Excisable products: computerised intra-Community movement system	0	0	4	Taxation and Customs Union
COD/2002/0015	Indirect taxation in the internal market: Fiscalis programme 2003-2007	0	0	3	Taxation and Customs Union
COD/2002/0029	Customs: action programme Customs 2007, 2003-2007	0	0	2	Taxation and Customs Union
COD/2002/0132	Prevention of money laundering: controls of cash entering or leaving the Community	0	1	5	Taxation and Customs Union
COD/2003/0167	Community customs code: treatments, controls and risk-related informations (amend. regul. 2913/92/EC)	0	0	4	Taxation and Customs Union
COD/2006/0075	Customs 2013: action programme for customs in the Community	1	1	1	Taxation and Customs Union
COD/2006/0076	Fiscalis 2013: Community programme to improve the operation of taxation systems in the internal market	1	1	3	Taxation and Customs Union
CNS/2001/0131	Generalised tariff preferences: period from 1st January 2002 to 31 December 2004	0	0	1	Trade
CNS/2003/0259	Generalised tariff preferences: extension to 31 December 2005 (amend. regul. 2501/2001/EC)	1	0	1	Trade
CNS/2004/0242	Scheme of generalised tariff preferences GSP: implementing guidelines for the period 2006-2015 from 1st July 2005 to 31st December 2008	0	0	3	Trade