

15. PARLIAMENTARY AMENDMENTS TO THE LEGISLATIVE PROPOSALS OF THE 2013 CAP REFORM

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The role of the European Parliament in the decision-making and legislation of the European Union has long been a subject of analysis in political science. A considerable part of this research agenda measures the relative power of the Parliament compared to the other two EU institutions that take part in EU legislation – the European Commission (EC) and the Council – (Hix, 2002; Selck & Steunenberg, 2004; Greer et al., 2012), while others measure the power of the Parliament under different – consultation, cooperation, co-decision – legislative procedures (Earnshaw & Judge, 1997; Tsebelis et al., 2001; Kreppel, 2002).

Treaties in recent decades have significantly changed the institutional balance in the decision-making procedures of the EU as well as the role and power of EU institutions in EU legislation. The Treaty of Maastricht, the Treaty of Amsterdam, the Treaty of Nice and the Treaty of Lisbon were the key milestones in this process. The most important institutional change was the Treaty of Maastricht in 1993, which introduced the co-decision procedure that made the Parliament a co-legislator, and the Treaty of Lisbon, which entered into force in 2009 and largely extended the scope of the policy domains falling under the co-decision procedure.

Research was more intensive in the 1990s, when subsequent EU treaties reshaped the EU political landscape and attracted much scientific attention to this topic (Tsebelis, 1994; Scully, 1997; Crombez, 1997; Kreppel, 1999). Although the Treaty of Lisbon marks a key milestone in the evolution of the EU's inter-institutional

setup, no extensive empirical research has been done on the impact of the Treaty of Lisbon on EU-level decision-making and, most concretely, on the legislative power of the EP.

The aim of this chapter is to analyse how the entry into force of the Treaty of Lisbon changed the influence and power of the Parliament in the common agricultural policy (CAP). More specifically we focus on the legislative influence of the Parliament, which increased owing to the changing in legislative procedure from consultation to co-decision, using the 2013 CAP reform as a case study.

We compare the legislative instruments of the CAP of two consecutive EU programming periods, 2007-13 and 2014-20. The chapter is organised as follows. First, we provide a brief literature review on the role of the Parliament in legislative procedures. Then we describe the dataset, introduce our methodology and present our results. In the final section we conclude.

1. Literature review on the Parliament's role

The European Parliament in its resolution stressed that the Treaty of Maastricht has major shortcomings because it “does not provide a real co-decision procedure, which would have meant that the Parliament and the Council would have had the same decision-making powers over any legislative act, since the Council is allowed to act unilaterally in the absence of an agreement with the Parliament, and also applies this procedure only to a limited area” (IGC, 1992, Point 2. (c)).

Steunenberg (1994) argues that the co-decision procedure does not really improve the Parliament's position and it didn't increase its power. In his opinion, under the co-decision procedure – similar to the consultation and cooperation procedures – the Commission is the most influential EU institution. Tsebelis (1995) and Tsebelis et al. (2001) state that at the end of the co-decision procedure, the Council can make a ‘take-it-or-leave-it’ offer to the Parliament. It gives the Council the agenda-setting power, which earlier belonged to the Parliament. Therefore, under co-decision, the Parliament's power is decreased owing to the loss of its agenda-setting power. Crombez (2000) points out that the co-decision procedure weakens the influence of the Commission, which may

weaken the power of the Parliament as well. It is because the policy position of the Parliament is generally closer to that of the Commission: representing EU-level interests contrary to national positions of the member states represented in the Council. Apart from the general influence of the Parliament, Neuhold (2001) and Yordanova (2010) analysed the role and legislative power of Parliament committees. They found the committees exert a huge impact on the legislative outcome.

However, there is increasing research with opposite conclusions, namely that the Parliament gained significant power via the introduction and extension of the co-decision procedure. In many of its resolutions – IGC (1992); Parliament (1995); Parliament (2008) – the Parliament defined itself as an equal co-legislator with the Council under co-decision. The main conclusions of the related articles are summarised in Table 15.1.

The previous research also raises an important question for empirical analysis: How can we measure the impact of the Parliament on legislative procedures? One of the simplest answers is to calculate the success rate of amendments. However, there are conflicting views of the applicability of the ratio of adopted Parliament amendments as an indicator of Parliament's legislative power. Some papers argue that these success rates do not provide a well-founded argument to describe its legislative influence (Tsebelis et al., 2001; Shackleton, 1999). They claim that simple success rates do not give any information regarding the importance or weight of the Parliament amendment concerned. Tsebelis et al. (2001:576) point out that "counting success of amendments may not mean very much about the influence of different actors". Shackleton (1999:5) also says, "[N]umbers [of successful amendments] alone do not offer an adequate view of the impact of the Parliament".

However, the majority of research analysing the Parliament's amendments (Kreppel, 1999; Tsebelis & Kalandrakis, 1999; Kreppel, 2002; Tsebelis et al., 2001; Lucic, 2004) justifies measuring the role and influence of the Parliament via the success rates of adopted Parliament amendments as well as the variables attributed to the amendments. The main research question of these analyses is what factors influence the adoption of Parliament amendments. The major findings are summarised in Table 15.2.

Table 15.1 *The role, influence and power of the European Parliament (EP) in the consultation and co-decision procedures (conclusions in italics show the minority positions of authors)*

Consultation procedure		Co-decision procedure	
Article	Main conclusion	Article	Main conclusion
Westlake (1994)	The EP does not have a real legislative power.	Steunenberg (1994)	<i>The introduction of the co-decision procedure did not increase the legislative power of the EP.</i>
		Tsebelis (1995)	<i>The agenda-setting power of the EP decreases in the co-decision procedure.</i>
		Crombez (2000)	<i>The power of the EP can decrease under the co-decision procedure.</i>
Crombez (1996)	The influence of the EP is weak.	Corbett et al. (1995)	The adoption rates of EP amendments are higher under the co-decision procedure.
		Crombez (1997)	The EP became an equal co-legislator with the Council. The EP has more legislative power under co-decision compared to consultation.
Tsebelis & Garrett (2001)	The legislative influence of the EP is minimal: the only way for the EP to influence the legislation is to delay it.	Jacobs (1997)	Under the co-decision procedure, the rejection rates of EP amendments are lower than in any other EU legislative procedure.
Laruelle (2002)	The EP plays a minor role under the consultation procedure.	Scully (1997)	The co-decision procedure increases the legislative influence of the EP and the MEPs.
Lucic (2004)	The role of the EP is modest and limited.	Steunenberg (1998)	In the co-decision procedure, the final political outcome is closer to the ideal policy of the EP.

		Shackleton (1999)	Under the co-decision procedure, the Council cannot hinder the EP to influence the legislation significantly, therefore, the power of EP increases.
Jupille (2004)	The consultation procedure is an interaction between the European Commission and the Council: the role of the EP is marginal.	Tsebelis et al. (2001)	The adoption rates of EP amendments are higher under co-decision than any other EU legislative procedure.
Thomson et al. (2006)	Negative opinion on the role of the EP under the consultation procedure.	Tsebelis & Garrett (2001)	The EP became an equal co-legislator with the Council under co-decision.
Kardasheva (2009)	The EP's power in the consultation procedure is very limited.	Hix (2002)	The Treaty of Maastricht and the Treaty of Amsterdam increased the power of the EP.
Selck & Steunenberg (2004)	<i>The policy position of the EP is closer to the political outcome under the consultation procedure than under the co-decision procedure.</i>	Selck & Steunenberg (2004)	The EP can be considered a real co-legislator.
		Thomson et al. (2006)	The EP managed to increase its power during the transition from consultation to co-decision.
		Jupille (2007)	The introduction of the co-decision procedure resulted in the enhancement of the legislative power of the EP.

Source: Own composition.

Table 15.2 Factors increasing the adoption of the amendments of the European Parliament (EP)

Summary of conclusions of relevant articles			
Article	Cooperation procedure	Consultation procedure	Co-decision procedure
Kreppel (1999)	First reading amendments		
	Clarification amendments		
	Recital amendments		
	Internal unity of EP behind the amendment		
Tsebelis & Kalandrakis (1999)	First reading amendments		
Lucic (2004)	First reading amendments		
	Non-policy amendments (less important amendments)		
Kardasheva (2009)		The European Commission supports the EP amendment.	
		The legislative proposal is of outstanding importance.	
		The EP can link the legislative proposal to a co-decision legislative file.	
		The amendment is tabled to a legislative proposal in the field of human rights.	
		The legislative proposal is urgent.	
Tsebelis et al. (2001)	The European Commission supports the EP amendment.		The European Commission supports the EP amendment.
Shackleton (1999)			The adoption rates of EP amendments tabled in a compromise form are higher.

Source: Own composition.

Although there is a wealth of literature on CAP reform, the role and legislative influence of the Parliament in the formulation of CAP has not yet been extensively analysed.

Crombez & Swinnen (2011:23) evaluate the implications of the adoption of co-decision on CAP reform. They focus on the Parliament's role in CAP legislation. In their paper they compare the consultation and co-decision procedures. Their conclusion is that "the move from the consultation to the co-decision procedure has led to a redistribution of formal legislative powers between the Commission and the EP." They claim that with this legislative change, the "EP gains legislative influence over the policy outcome".

Swinnen & Knops (2012) analyse the Parliament's role in the 2013 CAP reform under the co-decision procedure. They claim that until the Parliament has significant capacities - primarily a staff with significant expertise - similar to the Commission's and the Council's, it will not be able to act as a real co-legislator. The lack of capacity and resources as well as the lack of traditions in the technical level working culture with the other two EU institutions jeopardise the Parliament's ability to enforce its position during the 2013 CAP reform.

Roederer-Rynning et al. (2012) examine the circumstances under which the co-decision procedure has been extended to the CAP. In their paper they share the view that the Treaty of Lisbon increased the Parliament's power both in budgetary and legislative terms.

Greer et al. (2012) investigate the inter-institutional relationships of the three EU institutions in the field of the CAP. They claim that even after the introduction of the co-decision procedure, the Council remains the primary legislator in the CAP. Nevertheless, the Commission - mostly thanks to the high-level professional knowledge of its staff - maintains its influential role in the formulation of CAP legislation. Under the co-decision procedure, the Parliament will only gradually become an equal co-legislator with the Council.

These papers share the view that the Parliament became more powerful in the CAP legislative procedure after the Treaty of Lisbon; however, mostly due to capacity constraints, the Parliament is not yet an equal co-legislator with the Council.

2. Dataset

The research is based on a newly elaborated dataset, which contains Parliament amendments tabled to eight legislative proposals related to the CAP. Most of these legislative proposals were in the EU legislative packages for the seven-year multiannual financial framework (MFF): four proposals relate to the 2007-13 MFF, another four relate to the 2014-20 MFF. These legislative instruments are the most important in the CAP as they define the rules for the use of the CAP budget for a seven-year EU programming period. These four regulations are the Direct Payment (DP) Regulation, the European Agricultural Fund for Rural Development (EAFRD) Regulation, the Single Common Market Organisation (SCMO) Regulation and the Horizontal Regulation.

The two consecutive EU programming periods also reflect two legislative procedures: the four regulations concerning the 2007-13 term were adopted under the consultation procedure, and the four regulations relating to the 2014-20 period were adopted under the co-decision procedure.

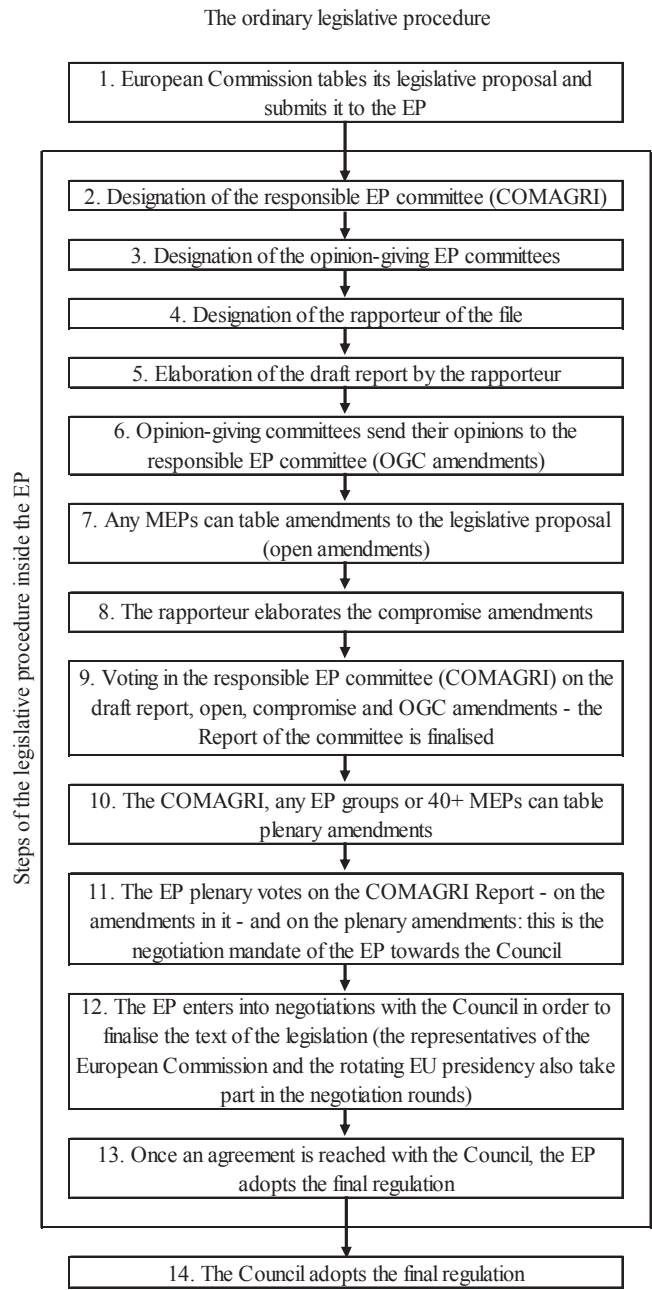
Table 15.3 The analysed legislative instruments of the CAP

Common Agricultural Policy Regulation	Consultation procedure	Co-decision procedure
	2007-13	2014-20
Direct Payment Regulation	Council Regulation (EC) No 73/2009	Regulation (EU) No 1307/2013
EAFRD Regulation	Council Regulation (EC) No 1698/2005	Regulation (EU) No 1305/2013
SCMO Regulation	Council Regulation (EC) No 1234/2007	Regulation (EU) No 1308/2013
Horizontal Regulation	Council Regulation (EC) No 1290/2005	Regulation (EU) No 1306/2013

Source: Own composition.

In order to get a better understanding of the Parliament's role in the 2013 CAP reform, it is necessary to have an overview of the steps of the legislative procedure with a focus on the intra-Parliament phases of the process.

Figure 15.1 Legislative procedure in the 2013 CAP reform



Source: Own composition.

Regarding the 2007-13 EU programming period – under the consultation procedure –steps 1-11 (Figure 15.1) were the same for the CAP legislative process. But unlike the co-decision procedure, the Parliament did not enter into negotiations with the Council in the consultation procedure: the Council decided on the Parliament amendments without the involvement of the Parliament.

Regarding each legislative instrument in Table 15.3, all the amendments tabled in the Parliament by any MEPs at any stage of the legislative procedure have been merged into the dataset. Amendments in this context mean textual amendments tabled to the original text of the legislative proposal highlighted by track changes.

The total number of Parliament amendments tabled to the eight legislative proposals is detailed in Table 15.4.

Table 15.4 The number and share of EP amendments tabled to the CAP legislative proposals

Common Agricultural Policy Regulation	Consultation procedure 2007-13		2013 CAP Reform	
	Number of amendments	%	Number of amendments	%
Direct Payment Regulation	931	62.9	2,567	29.8
EAFRD Regulation	426	28.8	2,471	28.7
SCMO Regulation	98	6.6	2,596	30.2
Horizontal Regulation	25	1.7	972	11.3
Total	1,480	100	8,606	100

Source: Own composition.

Table 15.4 shows 30.2% of all amendments have been tabled to the Single CMO Regulation, followed by the Direct Payment Regulation (29.8%) and the EAFRD (28.7%), while only 11.3% of all amendments have been proposed to the Horizontal Regulation.

Depending on the phase of the legislative procedure within the Parliament, in which the amendments were tabled, another categorisation of the amendments is also possible per Table 15.5.

Table 15.5 The number of EP amendments tabled to the CAP legislative proposals by type

Type of amendment	Consultation procedure 2007-13		2013 CAP reform	
	Number of amendments	%	Number of amendments	%
Draft report amendments	185	12.5	711	8.3
Open amendments	1,063	71.8	6,749	78.4
OGC amendments	128	8.7	533	6.2
Compromise amendments	45	3	279	3.2
Oral amendments	3	0.2	0	0
Plenary amendments	56	3.8	334	3.9
Total	1,480	100	8,606	100

Source: Own composition.

Draft Report amendments are tabled by the rapporteur of the file as the initial phase of the legislative procedure in the Parliament. Then, any MEPs can propose amendments to the legislative instrument. These are the so-called open amendments. Besides the Parliament committee, which is responsible for elaborating the Parliament report – in case of the CAP, it is COMAGRI – other Parliament committees also have the possibility to express their opinions on the legislative proposals. These opinions mostly take the form of textual amendments, which are now called the ‘amendments of opinion-giving committees’ (OGC amendments). Besides the vote in COMAGRI, the rapporteur of the file forms compromise amendments. These compromise amendments are mostly the combination of previously tabled draft report, open and OGC amendments. Oral amendments can be tabled by COMAGRI members just before the vote on the file in the COMAGRI meeting. After the COMAGRI vote, the file is tabled to the forthcoming Parliament plenary session. Before the plenary session, only COMAGRI, Parliament groups or a group of more than 40 MEPs jointly have the opportunity to propose plenary amendments. This categorisation of Parliament amendments makes it possible to calculate adoption rates of Parliament amendments of any type at any stage of intra-Parliament decision-making.

There are three stages of the legislative procedure: the first stage is the vote of COMAGRI on Parliament legislative amendments. The second stage is the decision of the Parliament plenary, and the last stage is the final joint decision of the Parliament and Council on whether the amendments are incorporated in the text of the final regulations.

Table 15.7 contains the analysed Parliament amendments grouped both by amendment type and CAP regulation.

As for the 'draft report' amendments, most (61%) have been tabled to the Single CMO Regulation, followed by the Horizontal Regulation, the Direct Payment Regulation and the EAFRD Regulation. Regarding the 'open amendments', most (32.4%) have been tabled to the DP Regulation, followed by the EAFRD, the Single CMO and the Horizontal Regulation. Most of the compromise amendments (63.1%) were proposed to the Single CMO Regulation; only 13.6% to the EAFRD and 13.6% to the Direct Payment Regulation; and 9.7% to the Horizontal Regulation. Concerning the amendments of opinion-giving committees, 49.5% were proposed to the EAFRD Regulation, followed by the Direct Payment Regulation (26.3%), the Horizontal Regulation (18%) and the Single CMO Regulation (6.2%). As for plenary amendments, 47.9% were proposed to the Single CMO Regulation, followed by the Direct Payment Regulation (29.9%), the EAFRD Regulation (12.3%) and the Horizontal Regulation (9.9%).

Table 15.6 The distribution of EP amendments (in %)

	Consultation procedure 2007-13				2013 CAP reform			
	Total - initial phase	COMAGRI- adopted	Plenary- adopted	Final regulation	Total - initial phase	COMAGRI- adopted	Plenary- adopted	Final regulation
Draft report amendments	12.5	21.4	20.8	16.7	8.3	36.6	36.9	37
Open amendments	71.8	71.5	69.7	77.8	78.4	58.3	56.5	58.1
Compromise amendments	3	1	1	1.4	3.2	1.4	1.4	1.2
OGC amendments	8.6	5.5	4.4	1.4	6.2	3.7	3.7	2.6
Oral amendment (COMAGRI)	0.2	0.6	0.6	1.4	0	0	0	0
Plenary amendments	3.9	0	3.5	1.3	3.9	0	1.5	1.1
Total	100	100	100	100	100	100	100	100

Source: Own calculations.

Table 15.7 The number and distribution of the proposed EP amendments by CAP regulation and amendment type

		DP	EAFRD	HR	SCMO	<i>Total</i>
Draft report amendment	Number	102	73	102	434	711
	%	14.3	10.3	14.3	61	100
Open amendments	Number	2,187	2,055	714	1,793	6,749
	%	32.4	30.4	10.6	26.6	100
Compromise amendments	Number	38	38	27	176	279
	%	13.6	13.6	9.7	63.1	100
OGC amendments	Number	140	264	96	33	533
	%	26.3	49.5	18	6.2	100
Plenary amendments	Number	100	41	33	160	334
	%	29.9	12.3	9.9	47.9	100
<i>Total</i>	<i>Number</i>	2,567	2,471	972	2,596	8,606
	<i>%</i>	29.8	28.7	11.3	30.2	100

Source: Own calculations.

3. Methodology

In the amendment analysis, we applied the following definitions for the categorisation of Parliament amendments:

- Agricultural policy amendments are those that are not institutional amendments.
- CAP reform amendments are defined as those tabled to the new CAP reform items such as greening, young farmers scheme, small farmers scheme, etc., also when the Parliament's position is a step back from the Commission proposal, i.e. amendments which aim at decreasing the ambitions of the Commission proposal, most often in the form of a more incremental introduction of certain measures.
- Institutional amendments relate to the institutional and legal aspects of decision-making (comitology, delegated acts, implementing acts, delegated powers, etc.).
- Compromise amendments are tabled by the rapporteur in a compromise format. Unless otherwise stated, in this chapter extracted compromise amendments are used. Extraction in this context refers to the methodology, when amendments "behind" one compromise amendment are taken into consideration (in official texts it is referred to as "Compromise amendment replacing amendment X, Y, Z.") If one compromise amendment is adopted, the amendments replaced are also considered to be adopted. When two or more compromise amendments replace the same original – draft report, open or OGC – amendments, the number of draft report, open or OGC amendments is multiplied when calculating amendment success rates. This methodology makes it possible to apply a more sophisticated approach and to analyse some of the underlying tendencies in Parliament decision-making. Extracted compromise amendments also give a better picture on the role and influence of Parliament amendments. However, it should be noted that not all the compromise amendments are the combination of previous – draft report, open or OGC – amendments. These compromise amendments cannot be extracted and are analysed in their original form.

- Among the amendments in the Parliament negotiating mandate there are some – non-compromise – amendments, which encompass previous amendments, but not in a compromise form. When analysing amendment success rates during the Parliament internal decision-making, these amendments are also extracted. This is the reason – in some cases – for the seemingly contradictory figures between the calculation of thematic success rates and the success rates in the Parliament’s internal decision-making.
- When analysing the amendments tabled by the OGCs, only amendments stipulated in the final committee opinion had been taken into account (no draft opinion amendments, etc.).

In the amendment analysis, we considered a Parliament amendment adopted if at least part of it was adopted by COMAGRI or Parliament plenary or built into the final regulation.

In this chapter, the word “co-decision” always reflects the “ordinary legislative procedure” as stipulated in the Treaty of Lisbon.

4. Analysis

4.1 *The increased role of the Parliament vis-à-vis the Council*

The legislative power of the Parliament is best reflected by its ability to influence the final policy outcome during the negotiations with the Council. Nevertheless, it is also worth seeing the internal evolution of decision-making in the Parliament. Table 15.8 contains the success rates of amendments in each of the three phases of decision-making. The final column shows what percentage of the total number of Parliament amendments was finally adopted by the Council and incorporated in the final regulations.

Table 15.8 The success rates of EP amendments by CAP regulation (% of adopted amendments compared to total)

	Consultation procedure 2007-13			2013 CAP reform		
	COMAGRI-adopted	Plenary-adopted	Final regulation	COMAGRI-adopted	Plenary-adopted	Final regulation
Direct Payment Regulation	30.2	30.3	9.2	5.4	5	3
EAFRD Regulation	36.9	36.6	11.5	18.6	18.6	13.6
Horizontal Regulation	28	28	16	32.4	30	12.4
SCMO Regulation	51	51	5.1	23.7	23.7	13.6
Total	33.4	33.4	9.7	17.7	17.4	10.3

Source: Own calculations.

In the 2013 CAP reform, 17.7% of Parliament amendments were adopted by COMAGRI and 17.4% by the plenary, while 10.3% of all amendments were incorporated in the final regulations. Under the consultation procedure 9.7% of all amendments were incorporated in the final regulations, thus there was a slight increase in the Parliament's power under co-decision. However, absolute figures show a more striking difference between the two legislative procedures: an approximate 10% under consultation means 140 adopted Parliament amendments, while 10% under co-decision covers 860 adopted amendments.

For the Direct Payments Regulation, the COMAGRI adopted 5.4% of the amendments and the Parliament plenary adopted 5%, while 3% of all DP amendments were adopted in the end legislation and can be found in the final DP Regulation. In case of the EAFRD Regulation, both COMAGRI and the Parliament plenary adopted 18.6% of the amendments; 13.6% of the amendments are incorporated in the final regulation. Regarding the SCMO Regulation, both COMAGRI and the Parliament plenary adopted 23.7% of the amendments; 13.6% of the amendments are incorporated in the final regulation. Concerning the Horizontal Regulation, 32.4% of all amendments have been adopted by

COMAGRI and 30% by the Parliament plenary, while 12.4% of the amendments were incorporated in the final regulation.

We can conclude that the Direct Payment Regulation has the lowest level of amendments adopted at all levels (COMAGRI, Parliament plenary, and final regulation). The Horizontal Regulation has the highest level of adoption within the Parliament followed by the SCMO Regulation. The adoption ratio of amendments in each of the final SCMO and EAFRD Regulations equals 13.6%.

Table 15.9 contains the ratios of final incorporated Parliament amendments to the number of Parliament amendments in the Parliament negotiation mandate with the Council. These success rates of Parliament amendments, which show the power of the Parliament *vis-à-vis* the Council, are broken down by amendment type and CAP regulation. The main conclusion of this part of the analysis is that for the four CAP regulations, 59.2% of those adopted by the Parliament plenary were finally built into the final CAP regulations. This ratio is 60.2% for the Direct Payment Regulation, 57.1% for the SCMO Regulation and 73% for the EAFRD. In the Parliament negotiation mandate 41.4% of the amendments can be found in the final Horizontal Regulation. So we can conclude that the Parliament managed to make almost 60% of the amendments in its position (Parliament plenary adopted amendments) adopted by the Council during the trilogue negotiations. It shows a significant increase under the co-decision procedure compared to the consultation procedure: this figure is practically doubled (29.1% under the consultation procedure).

As for draft report amendments, 59.3% of the Parliament plenary adopted amendments – amendments in the Parliament negotiation mandate – were adopted after the trilogue negotiations and finally built into the final regulations. This ratio is 60.8% for open amendments, 66.3% for compromise amendments, 41.8% for the amendments of opinion-giving committees and 43.5% for plenary amendments.

Table 15.9 Success rates in the trilogue negotiations by amendment type and CAP regulation

EP amendments in the final regulation compared to EP plenary-adopted (in %)

Amendment type	Regulations	Consultation procedure 2007-13	2013 CAP reform
Draft report amendments	DP	19.7	65.8
	EAFRD	41.2	80.3
	HR	50	42.1
	SCMO	16.7	59.7
	<i>Total</i>	23.3	59.3
Open amendments	DP	36.2	61.3
	EAFRD	32.2	74.2
	HR	75	40
	SCMO	3.3	55.6
	<i>Total</i>	32.5	60.8
Compromise amendments*	DP	7.3	68.6
	EAFRD	50	72.2
	HR	n/a	44
	SCMO	n/a	67.9
	<i>Total</i>	11.1	66.3
OGC amendments	DP	0	100
	EAFRD	11.1	48.3
	HR	0	40
	SCMO	n/a	0
	<i>Total</i>	9.1	41.8
Plenary amendments	DP	13.3	25
	EAFRD	0	44.4
	HR	n/a	71.4
	SCMO	n/a	0
	<i>Total</i>	11.8	43.5
<i>Total</i>	DP	30.5	60.2
	EAFRD	31.4	73
	HR	57.1	41.4
	SCMO	10	57.1
	<i>Total</i>	29.1	59.2

*All types of amendments are calculated with the extraction of the compromise amendments. Success rates of compromise amendments are calculated based on their original figures (non-extracted).

Source: Own calculations.

Box 15.1 Policy amendments

In the framework of the amendment analysis, we also categorised the amendments in the Parliament negotiation mandate by policy type. The results show that agricultural policy amendments in the four CAP regulations have been adopted by the Council at an above-average rate (51.2%). With this rate of acceptance, we can conclude that the Parliament became a real co-legislator with the Council, i.e. if one player in a two-player decision-making process manages to make more than 50% of its positions adopted by the other, it can be considered to be a decision-maker on equal footing. The higher adoption rate was in the case of the EAFRD Regulation (57%), while the lowest was in the case of the Horizontal Regulation (40.2%).

Table 15.10 Success rates of agricultural policy amendments

EP amendments in the final regulations compared to EP negotiation mandate (in %)

	Direct Payments Regulation	EAFRD Regulation	SCMO Regulation	Horizontal Regulation	<i>Total</i>
Total number of amendments	39.8	47.2	47.3	37.1	43.8
Agricultural Policy amendments	49.2	57	54.7	40.2	51.2
CAP reform amendments	48.8	65.7	52.4	60	56

Source: Own calculations.

Calculation based on non-extracted compromise amendments.

As for “CAP reform amendments”, 56% of these amendments in the Parliament negotiation mandate were finally adopted by the Council. The highest acceptance rate was in the case of the EAFRD Regulation (65.7%), while the lowest was in the case of the Direct Payment Regulation (48.8%).

In sum, our major findings are as follows. First, regarding all types of amendments, these ratios show significant increase compared to the consultation procedure. Second, the Parliament appears to be the most powerful *vis-à-vis* the Council concerning compromise amendments (66.3% success rate). The high success rates of both the compromise and the draft report amendments highlight the key role of rapporteurs. Third, amendments of

opinion-giving committees and plenary amendments have the lowest levels of success (41.8% and 43.5%, respectively), which might mean that these types of amendments had limited influence on the final policy outcome. Finally, more than 50% of the agricultural policy amendments and the CAP reform amendments in the Parliament negotiation mandate were incorporated in the final regulations, which appears to make the Parliament an equal partner with the Council during the trilogue negotiations.

4.2 *The role of Parliament rapporteurs*

There were three Parliament rapporteurs for the four CAP legislative proposals in the 2013 CAP reform: Luis Manuel Capoulas Santos for the Direct Payment and EAFRD Regulations, Michel Dantin for the SCMO Regulation and Giovanni La Via for the Horizontal Regulation.

When making an amendment analysis in order to see the role of the rapporteurs, draft report and compromise amendments form the basis of analysis. In sum, the rapporteurs tabled 711 amendments in their draft reports to the four CAP regulations, which is 8.3% of the total number of amendments. Additionally, rapporteurs tabled 279 compromise amendments during the legislative procedure, which is 3.2% of the total number of amendments.

The influential role of the rapporteurs has already been highlighted in the analysis in Table 15.9. High adoption rates of draft report and compromise amendments show that rapporteurs had significant legislative influence during the 2013 CAP reform.

When analysing the Parliament-Council relationship, we can see that almost two-thirds of the compromise amendments adopted by the Parliament plenary was finally incorporated in the four CAP final regulations. This ratio is 72.2% for EAFRD, 68.6% for Direct Payments, 67.9% for SCMO and 44% for the Horizontal Regulation. Regarding draft report amendments, the power of the Parliament *vis-à-vis* the Council as co-legislator is reflected in adoption rates for EAFRD (80.3%), Direct Payments (65.8%), SCMO (59.7%) and Horizontal Regulation (42.1%). Nevertheless, it is important to note here that high adoption rates of draft report and compromise amendments do not necessarily reflect the high personal legislative

influence of the rapporteurs, although they show the ability of the rapporteurs to build strong political consensus and backing behind these amendments.

Based on the above figures we can draw the conclusion that the Parliament could most effectively defend its position during the trilogue negotiations over EAFRD. In this sense, the EAFRD and Direct Payments Parliament rapporteur (Capoulas Santos) and his negotiating team were the strongest during the trilogue negotiations, followed by Michel Dantin.

When comparing the adopted draft report and compromise amendments to the total number of amendments we can see that 78.6% of the draft report amendments were adopted by COMAGRI, and 77.5% by the Parliament plenary in March 2013; therefore, 46% of the draft report amendments – either solely or in a form of a compromise amendment – were integrated in the final regulations. These figures show that rapporteurs appear to have significant power in internal Parliament decision-making, and that draft report amendments are powerful.

Table 15.11 The success rates of draft report and compromise amendments

Adopted EP amendments compared to total (in %)

		COMAGRI- adopted	Plenary- adopted	Final regulation
Draft report amendments	DP	42.2	37.3	24.5
	EAFRD	83.6	83.6	67.1
	HR	96.1	93.1	39.2
	SCMO	82.3	82.3	49.1
	Total	78.6	77.5	46
Compromise amendments	DP	97.4	92.1	63.2
	EAFRD	94.7	94.7	68.4
	HR	100	92.6	40.7
	SCMO	92	92	62.5
	Total	93.9	92.5	61.3

Source: Own calculations.

Regarding the draft report amendments, the highest adoption rates within the Parliament can be observed in the case of the Horizontal Regulation and the lowest in the case of the Direct Payment Regulation. Based on this, La Via can be considered the strongest rapporteur within the Parliament.

When analysing the amendments in the final regulations, the Parliament was strongest concerning the EAFRD Regulation (67.1%) followed by the SCMO Regulation (49.1%). Based on this, Capoulas Santos and Michel Dantin can be considered the strongest rapporteurs. However, it should be noted that Capoulas Santos was weakest concerning the Direct Payment Regulation.

Box 15.2 Compromise amendments

If compromise amendments are not extracted, the following key pattern can be observed. For the four CAP regulations, there were 279 compromise amendments, 93.9% of which were adopted by COMAGRI, 92.5% by the Parliament plenary – being part of the Parliament’s negotiation mandate – and 61.3% were adopted after the trilogue negotiations. Regarding the trilogue negotiations, the success rate is 68.4% for the EAFRD, 63.2% for the Direct Payment, 62.5% for SCMO and 40.7% for the Horizontal Regulation. These adoption rates are the highest compared to any kind of amendment categories. As almost two-thirds of the compromise amendments can be found in the final CAP regulations, we can conclude that rapporteurs were powerful as they managed to formulate compromise amendments that have strong political support behind them.

It shall be also noted that in the Parliament plenary, 63.9% of the draft report amendments were adopted in a compromise amendment form (352 out of 551 amendments). This ratio is even higher – 75.5% (247 out of 327) – when the draft report amendments are analysed in the final regulations. It means that draft report amendments had a higher chance of being adopted in any stage of the decision-making – plenary, final regulation – in a compromise amendment form. Therefore, it might be supposed that rapporteurs deliberately packed a high number of their ‘draft report’ amendments in a compromise amendment form to give them a greater chance of being adopted.

4.3 The relationship between the Parliament plenary and COMAGRI

In this section we analyse how much the Parliament plenary was able to influence the final policy outcome and how much the Parliament plenary wanted to or could the change the position taken by COMAGRI. Table 15.12 contains the success rates of amendments in the Parliament plenary-COMAGRI relationship. Taking into account the total number of amendments tabled to all four CAP regulations, 96.4% of COMAGRI-adopted amendments were supported by the Parliament plenary. This figure is 89.2% for the Direct Payment Regulation, 99.8% for the SCMO, 98% for EAFRD, and 90.5% for the Horizontal Regulation.

As for the total number of 'draft report' amendments, the Parliament plenary adopted 98.6% of those adopted by COMAGRI. Regarding open amendments, the Parliament plenary adopted 94.8% of those amendments that were previously adopted by COMAGRI. Concerning compromise amendments, the Parliament plenary adopted 98.5% of those adopted by COMAGRI.¹ As for the amendments tabled by the opinion-giving committees, the Parliament plenary adopted 98.2% of those adopted previously by COMAGRI.

There were 334 amendments tabled to the Parliament plenary session, 47.9% of which were proposed to the SCMO Regulation, 29.9% to the Direct Payment Regulation, 12.3% to the EAFRD and 9.9% to the Horizontal Regulation. The Parliament plenary adopted 6.9% of all plenary amendments. In the final regulations, 3% of all plenary amendments can be found.

¹ For these figures, Compromise amendments are not extracted.

Table 15.12 Plenary to COMAGRI success rates by amendment type and CAP regulation

EP plenary-adopted amendments compared to COMAGRI-adopted (in %)

Amendment type	Regulations	Consultation procedure 2007-13	2013 CAP reform
Draft report amendments	DP	95.7	88.4
	EAFRD	100	100
	HR	100	96.9
	SCMO	100	100
	Total	97.2	98.6
Open amendments	DP	96.6	88.2
	EAFRD	98.3	97.8
	HR	100	86.3
	SCMO	100	99.6
	Total	97.5	94.8
Compromise amendments*	DP	100	94.6
	EAFRD	100	100
	HR	n/a	92.6
	SCMO	n/a	100
	Total	100	98.5
OGC amendments	DP	42.9	100
	EAFRD	94.7	96.7
	HR	100	100
	SCMO	n/a	100
	Total	81.5	98.2
Total	DP	95	89.2
	EAFRD	98.1	98
	HR	100	90.5
	SCMO	100	99.8
	Total	96.6	96.4

Source: Own calculations.

*All types of amendments are calculated with the extraction of the compromise amendments. Success rates of compromise amendments are calculated based on their original figures (non-extracted).

Table 15.13 *The success rates of plenary amendments by CAP regulation*

Regulation	Consultation procedure 2007-13			2013 CAP reform		
	Number of plenary amend- ments	Plenary- adopted (%)	Final regulation (%)	Number of plenary amend- ments	Plenary- adopted (%)	Final regulation (%)
DP	53	28.3	3.8	100	4	1
EAFRD	3	66.7	0	41	22	9.8
HR	0	0	0	33	21.2	15.2
SCMO	0	0	0	160	1.9	0
Total	56	30.4	3.6	334	6.9	3

Source: Own calculations.

In this section we can draw three conclusions. First, the Parliament plenary largely adopted the COMAGRI position. Only a very few number of COMAGRI-adopted amendments have been turned down by the Parliament plenary. It appears that the policy direction was set by COMAGRI and not by the Parliament plenary. Second, the success rates of Parliament plenary amendments are very low. It seems to indicate that the Parliament plenary does not greatly influence the Parliament's policy direction. And third, there is not a real difference between the co-decision and the consultation procedures: first, under both legislative procedures the Parliament plenary overwhelmingly adopts the COMAGRI position, and second, the success rates of Parliament plenary amendments are very low.

4.4 *The role of opinion-giving committees*

There were five opinion giving committees (OGC) tabling amendments to the four CAP regulations: BUDG, CONT, DEVE, ENVI and REGI. OGCs tabled 533 amendments to the CAP regulation, which is 6.2% of the total number of amendments.

Regarding the total number of amendments tabled by OGCs, the calculations show that 10.5% were adopted by COMAGRI and 10.3% by the Parliament plenary, while 4.3% of the OGC amendments were adopted after the trilogue negotiations and therefore built into the final regulations.

Table 15.14 The numbers and success rates of OGC amendments

EP committee	Number and share of amendments		Success rates - compared to the total			Success rates
	Total number	Share (%)	COMAGRI-adopted (%)	Plenary-adopted (%)	Final regulation (%)	Final to plenary (%)
BUDG	47	8.8	2.1	2.1	2.1	100
CONT	137	25.7	11.7	11.7	5.8	50
DEVE	38	7.1	21.1	21.1	13.2	62.5
ENVI	179	33.6	7.3	6.7	3.4	50
REGI	132	24.8	13.6	13.6	2.3	16.7
Total	533	100	10.5	10.3	4.3	41.8

Source: Own calculations.

OGCs had the highest influence on the Horizontal Regulation with an amendment success rate of 8.3% in the final regulation, followed by EAFRD (5.3%). Broken down by OGC, we can see that the BUDG committee had the greatest impact - highest adoption rate of amendments - on the EAFRD Regulation (4.4%). CONT and REGI had the highest level of influence on the Horizontal Regulation, with 16.2% and 3.1% of their amendments in the final regulation, respectively. DEVE and ENVI were the most influential in the EAFRD Regulation, with 38.5% and 4.1% adoption rates, respectively.

We can draw four conclusions regarding the role and influence of OGCs in the 2013 CAP reform. First, the most active OGC was ENVI, tabling 33.6% of the total number of OGC amendments. Second, OGCs in general had minimal influence on the final CAP policy outcome: slightly more than 4% of the OGC amendments were incorporated in the final CAP regulations. Third, DEVE was the most successful OGC, as 13.2% of its amendments can be found in the final CAP regulations.² Finally, OGCs

² These results should be treated with caution, as 76% of them were amendments which had a minor connection to the most sensitive CAP policy issues. These amendments mostly contained references to developing or

influenced the CAP policy outcome in the Horizontal and EAFRD Regulations the most, but had a very minor influence on the Direct Payment and SCMO Regulations.

5. Conclusions

We investigated the role of the Parliament in the legislative procedure after the introduction of the co-decision procedure by using the amendment analysis of the CAP reform under two subsequent periods. Unlike previous research, ours provided an in-depth analysis of CAP amendments with two novelties. First, the categorisation of Parliament amendments by type, and second, analysing the adoption of Parliament amendments in each of the three stages of the legislative process.

The main conclusion of our analysis is that in the 2013 CAP reform, almost 60% of Parliament amendments adopted by the Parliament plenary were built into the final CAP regulations, compared to less than 30% under the consultation procedure. These results confirm the findings by Corbett et al. (1995) and Tsebelis et al. (2001) that adoption rates of Parliament amendments are higher under the co-decision procedure.

Our results also show that agricultural policy amendments in the four CAP regulations have been adopted by the Council at an above-average rate (51.2%). These results are in line with the findings of Crombez & Swinnen (2011) on the CAP reform that the Parliament gains legislative influence in the move from consultation to co-decision procedure. Our results also support the conclusions of Roederer-Rynning et al. (2012) that the Treaty of Lisbon increased the influence of the Parliament in legislative terms in the CAP.

In the Parliament-Council relationship, with adoption rates of Parliament amendments between 50% and 60%, we can conclude that the Parliament appears to become a real co-legislator with the Council, i.e. if one player in a two-player decision-making process manages to make more than 50% of its position adopted by the other, it can be fairly considered to be a decision-maker on equal footing. In the 2013 CAP reform, more than 50% of the agricultural

third countries, development cooperation or agreements in light of the CAP reform.

policy amendments and the CAP reform amendments in the Parliament negotiation mandate were incorporated in the final regulations, which appears to make the Parliament an equal partner with the Council during the trilogue negotiations. In general, this result reinforces the position of Crombez (1997) and Tsebelis & Garrett (2001) that the Parliament became a real co-legislator with the Council after the introduction of the co-decision procedure. These high adoption rates of Parliament amendments in the final regulation also confirm the findings of Steunenberg (1998), namely that the final political outcome is closer to the Parliament's position under co-decision.

The adoption rates of Parliament amendments by type reveal our main conclusion: the Parliament appears to act most powerfully *vis-à-vis* the Council regarding compromise amendments (66.3% success rate). The adoption rates of compromise amendments are the highest compared to any kind of amendment categories. The high success rates of compromise as well as draft report amendments highlight the key role of rapporteurs, primarily in gaining strong political support behind these amendments.

Regarding the COMAGRI-Parliament plenary relationship and the role of the plenary amendments, we see that the Parliament plenary predominantly adopted the COMAGRI position. Only a very few number of COMAGRI-adopted amendments were turned down by the Parliament plenary, while a very few Parliament plenary amendments were adopted. It means that the policy direction is set by COMAGRI and not by the Parliament plenary. This reinforces the conclusion by Neuhold (2001) that the Parliament committees are the backbone of the Parliament decision-making procedure. Our findings also support the findings of Yordanova (2010), namely that "when legislative acts are adopted in the Parliament plenary...they are largely based on the committee reports".

Finally, we have shown that the role of OGCs in the 2013 CAP reform is very limited. OGC amendments had the lowest level of adoption (41.8%) in the 2013 CAP reform.

This research goes beyond existing literature, by categorising the Parliament amendments and analysing the adoption rates of amendments in each of the three stages of the legislative process. There are conflicting views among scholars of how much the

adoption rates of Parliament amendments could be used for measuring the legislative influence of the Parliament. This research aims to contribute to this debate via a more detailed analysis of Parliament amendments.

Nevertheless, it should be noted that without the analysis of the content of the amendments, we need to be wary of drawing strong conclusions regarding the increase of the legislative power of the Parliament. The authors share the view that the Parliament managed to increase its legislative influence under the co-decision procedure – see Table 15.1 and Roederer-Rynning et al. (2012) – and the amendment analysis presented in this chapter appears to underpin it in the case of the CAP.

Future research should focus on analysing the content of amendments and weighting them regarding their importance in order to provide a more in-depth analysis of the change of the legislative influence of the Parliament after the extension of the ordinary legislative procedure to the CAP. Also, in order to know more about the legislative power of the Parliament, future research should place more emphasis on the Parliament-Council relationship in the legislative process, by analysing the factors influencing the adoption of the Parliament's policy position – Parliament amendments – during the trilogue negotiations.

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