THE ROLE OF THE EUROPEAN PARLIAMENT IN THE LEGISLATION OF THE COMMON AGRICULTURAL POLICY

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Abstract

The entering into force of the Treaty of Lisbon introduced the ordinary legislative procedure in the decision-making of the Common Agricultural Policy of the EU.

The objective of this paper is to see if the legislative power of the EP has enhanced after the Lisbon Treaty in the CAP legislation via analysing the EP amendments tabled to the CAP legislative proposals.

The results of this paper indicate that the EP became a real co-legislator under co-decision. The research outcomes highlighted the pivotal role of the rapporteurs and revealed the minor influence of the opinion-giving committees and the EP plenary amendments.

Keywords: European Parliament, Common Agricultural Policy, ordinary legislative procedure

1. Introduction, theoretical overview

The role and influence of the European Parliament in EU-level decision-making have long been a centrepiece of discussion in political science. Treaties in the last decades have significantly changed the institutional balance as well as the decision-making procedures of the European Union.

To date, there is no definite conclusion on the evolution of the role of the European Parliament: some say that the EP has been empowered and given a bigger say in EU policy formulation in the last two decades; others are convinced that although given significant powers, the EP's ability to influence political decision-making and policy outcome has been unchanged or even narrowed.

This paper is a case study. It examines the four legislative instruments of the Common Agricultural Policy for the 2014-2020 EU programming period. Although the Common Agricultural Policy has always been the EU policy with the highest relative share of EU budget, research focusing on the factors influencing the legislative power of the European Parliament in the domain of CAP legislation has been limited.

As the Treaty of Lisbon changed the decision-making procedure to be applied for the legislative instruments of the CAP - changing from consultation procedure to co-decision (ordinary legislative procedure) -, the comparison between these two periods provides a real opportunity for examining the change of legislative power of the EP.

The definition of institutional or legislative power

In this paper, the definition of legislative power shall be defined. Crombez (1997) defines an institution's power "as its ability to obtain a policy that is close to its ideal policy. It can be measured by the distance between the equilibrium policy and its ideal policy, a smaller distance indicating more power." Crombez (1999) calls power as "the Parliament's ability to obtain a policy that is close to its ideal policy".

In commensurate with Barry's (1980) definition on "decisiveness", Selck and Steunenberg (2004) define power "as the capabilities of the political actors reflected by their decision-making rights. These rights include the possibility to make the initial proposal (agenda-setting power) and to amend, approve or veto a proposal."

From consultation to co-decision procedure

There are conflicting views on how the shift from consultation to co-decision procedure influenced the power of the European Parliament.

As for the consultation procedure, Crombez (1996) claims that the Parliament is powerless under this procedure as its opinion to the Commission proposal is not binding. However, there is one tool in the hands of the EP: it can delay legislation by not issuing an opinion, and block other legislation if its opinion is ignored. Tsebelis and Garrett (2001) also claim that " …when the consultation procedure applies, the Parliament's influence is limited to the threat of delaying legislation". These positions are in line with Lucic's point of view (Lucic, 2004) who considers the role of the European Parliament as advisory, modest and limited under the consultation procedure. However, in their comparative analysis between the consultation and co-decision procedures, Selck and Steunenberg (2004) claim that the European Parliament "is closer to the [final policy] outcome under consultation than under co-decision."

Regarding the co-decision procedure, scholars have divergent views whether the introduction of the co-decision procedure enhanced the legislative power of the EP. Steunenberg (1994) claims that the co-decision procedure does not really improve the Parliament's position and it didn't increase the power of the Parliament. Garrett and Tsebelis (1996) also claim that co-decision actually weakens the EP's effective powers over legislation by reducing its agenda-setting ability.

On the other hand, according to Crombez (1997), Steunenberg (1994) overlooks the opportunity that the Parliament can amend the legislative proposals by agreeing on a joint text in the Conciliation Committee. In his article, Crombez (1997) concludes that "the Parliament becomes a genuine co-legislator under the co-decision procedure, and its role is shown to be as important as the Council's." Selck and Steunenberg (2004) also confirms that the EP can be regarded a genuine co-legislator under the co-decision procedure.

Previous research in analysing EP amendments

In her article, Kreppel (1999) analysed EP amendments in order "to determine when the EP is successful and what variables influence EP success". According to Kreppel (2002), analysing the EP amendments "permits us to gain a better understanding of the empirical realities of the procedures themselves" (pp. 791)

Although calculating success rates of amendments is a widely applied methodology to measure legislative power, there is also a view that aggregate number of adopted amendments doesn't say much about the legislative influence and power of the EP, as it says nothing about the importance of the amendment. Tsebelis and others (Tsebelis et al., 2001) claim that "counting success of amendments may not mean very much about the influence of different actors". Shackleton (1999)

also says that „numbers [of successful amendments] alone do not offer an adequate view of the impact of the Parliament".

2. Analysing the EP amendments

Methodology

In order to see the power of the European Parliament during the trialogue negotiations and to measure its success, success rates of EP amendments have been calculated.
„Success" – or acceptance/adoption of an amendment – in this context means that an EP amendment has been – at least partly – adopted and – depending on the stage of decision-making – the amendment is either a part of an official position (COMAGRI adoption, Plenary adoption) or the text of the amendments is incorporated (built into) the text of the relevant Final CAP Regulation. Adoption rate or success rate is a ration of adopted amendments to the total number of amendments.

In order to make a sophisticated analyses, the amendments in the dataset have been categorised.
Partly following Kreppel (Kreppel 1999 and 2002) categorisation, EP amendments are categorised as policy and non-policy amendments, this latter includes extention and clarification amendments.

- In this paper agricultural policy amendments are those policy amendments which are not institutional amendments.
- CAP reform amendments are defined as amendments tabled to the new CAP reform items like greening, young farmers scheme, small farmers scheme, etc., also when the EP's position is a step back from the Commission proposal.
- Institutional amendments in this analyses are amendments relating to institutional aspects of decision-making (comitology, delegated acts, implementing acts, delegated powers, etc.).
- Recital amendments are amendments tabled to the 'recital' part of the legislative proposal.
- Compromise amendments: amendments tabled by the rapporteur in a compromise format. Unless otherwise stated, in this paper extracted compromise amendments are used and calculations are based on extracted compromise amendments. Extraction in this context refer 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. This methodology makes it possible to apply a more sophisticated approach and to analyse some of the underlying tendencies in EP decision-making. Extracted compromise amendments also give a better picture on the role and influence of the EP amendments. However, it shall be noted that not all the compromise amendments are the merge of previous – Draft report, open or OGC – amendments. These compromise amendments cannot be extracted and are analysed in their original form.
- It shall be also noted that among the amendments in the EP 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 EP internal decision-making, these amendments are also extracted. This is the reason – in some cases

– the seemingly contradicting figures between the calculation of thematic success rates and the success rates in the EP internal decision-making.

The word 'codecision' in this paper always reflects to the „ordinary legislative procedure" as stipulated in the Treaty of Lisbon.

Dataset

In this paper the dataset has been elaborated based on the EP amendments tabled to the four CAP proposals on Direct Payments, European Agricultural Fund for Rural Development, Single Common Market Organisations and the Horizontal Regulation. The analysed legislative proposals are as follows:

Regulation (EU) No 1305/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)

Regulation (EU) No 1306/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 December 2013 on the financing, management and monitoring of the common agricultural policy

Regulation (EU) No 1307/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy

Regulation (EU) No 1308/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 December 2013 establishing a common organisation of the markets in agricultural products

In sum, the European Parliament tabled a total number of 8.606 amendments to the above regulations.

Table 1. The total number of EP amendments

Type of amendment	Number of amendments	CAP regulation	Number of amendments
Draft Report Amendment	711	Direct Payment	2567
Open Amendments	6749	EAFRD	2471
Compromise amendments	279	SCMO	2596
Amendments of opinion giving committees	533	Horizontal Regulation	972
Plenary amendments	334		
Total	8606	Total	8606

Source: own composition

Analysis by the type of EP amendments

For the four CAP regulations, 43,42% of the total number of amendments in the negotiations mandate have been accepted. The highest acceptance ratios are in case of the EAFRD (47,18%) and the SCMO (47,28%) regulations, followed by the Direct Payment Regulation (39,79%). The lowest figure was in case of the Horizontal Regulation (37,11%).

In sum, 51,2% of all agricultural policy amendments have been accepted. With this rate of acceptance, it can be stated that the EP became a real co-legislator with the Council, as if one player in a two-player decision-making process manages to make more than 50% of its position adopted, it can be considered to be a decision-maker on equal footing with the other. Also, the EP managed to reach higher acceptance rates in case of the EAFRD (56,99%) and the SCMO (54,71%) regulations. The figures for Direct Payments (49,15%) and the Horizontal Regulation (40,22) are lower.
As for „CAP reform amendments", 55,96% of all the amendments of this type has been accepted. The highest acceptance rates were in case of the EAFRD Regulation (65,71%), followed by the Horizontal Regulation (60%), the SCMO (52,38%) and finally the Direct Payment Regulation (48,83%).

The above figures show that in all cases, the amendment adoption rates for the Direct Payment Regulation were the lowest. It might be attributed to the fact that the most sensitive issues and amendments were tabled to the Direct Payment Regulation. It might be one of the reasons for the lower performance of the EP.

Another category of the amendments is the „new amendments". While the agenda-setting in the EU legislative procedure is primarily the responsibility of the European Commission, new amendments reflect how the EP was able to set the policy agenda. In all, 30,9% of all amendments in the EP negotiations mandate were new amendments. Finally, 33,47% of the new amendments have been accepted. The highest adoption rate (40,26%) were in case of the SCMO Regulation.

Preliminary hypotheses would say that it is easier for a Recital amendment to be adopted, as the Recital part of a legislative instrument mostly contains generally defined objectives, statements, emphases, while the non-recital part mostly contains the concrete, well-defined rules.

When dividing the amendments into the groups 'Recital' and 'Non-Recital' amendments, the following conclusions can be drawn: the aggregate acceptance rate is higher in case of the Non-recital amendments (46,67%) compared to the Recital amendments (31,55%). For the Recital amendments, the highest adoption rate was in case of the Direct payments regulation (39,13%), while DP had the lowest leveli n case of non-recital amendments (36%). In this latter case, the figure for SCMO (51,56%) was the highest. It can be concluded, that the EP was somehow compensated for the relatively low number of adopted Direct Payment policy and CAP reform amendments by the relatively higher rate of Recital amendments.

Table 2. Success rates of EP amendments tabled to CAP legislative proposals

	Direct Payments			EAFRD			SCMO			Horizontal Regulation			Total		
	Tabled	Adopted	Success rate	Tabled	Adopted	Success rate	Tabled	Adopted	Success rate	Tabled	Adopted	Success rate	Tabled	Adopted	Success rate
All AMs	98	39	39,80%	142	67	47,18%	349	165	47,28%	194	72	37,11%	783	343	43,81%
Agricultural Policy AMs	59	29	49,15%	93	53	56,99%	170	93	54,71%	92	37	40,22%	414	212	51,21%
CAP reform AMs	43	21	48,84%	35	23	65,71%	21	11	52,38%	10	6	60,00%	109	61	55,96%
New AMs	28	9	32,14%	14	0	0,00%	154	62	40,26%	46	10	21,74%	242	81	33,47%
Recital AMs	23	9	39,13%	18	7	38,89%	93	33	35,48%	34	4	11,76%	168	53	31,55%
Non-Recital AMs	75	27	36,00%	124	60	48,39%	256	132	51,56%	160	68	42,50%	615	287	46,67%

Source: Own composition

Analysing the EP amendments by internal decision-making phase

EP amendments along the EU level decision-making could be analysed at three stages: amendments adopted by the responsible committee in the European Parliament (in this particular case, the Committee on Agriculture and Rural Development, COMAGRI), amendments adopted by the EP plenary and finally, amendments incorporated in the Final Regulations (therefore, also adopted by the Council).

Taking into account the total number of amendments of all type in all four CAP regulations, 17,9% of the amendments were adopted by the COMAGRI, 17,5% by the plenary. 10,4% of all amendments were finally built into the final regulations.
For the Direct Payments Regulation, the COMAGRI adopted 5,5% of the amendments, the EP plenary adopted 5,1% of them. 3,1% of all DP amendments were adopted in the end of the legislation: these amendments can be found in the final DP regulation.
In case of the EAFRD Regulation, the both the COMAGRI and the EP Plenary adopted 18,6% of the amendments. 13,6% of the amendments are incorporated in the Final Regulation.
Regarding the SCMO Regulation, both the COMAGRI and the EP 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 the COMAGRI, 30% by the EP plenary. 12,4% of the amendments were incorporated in the Final Regulation.

Based on the above figures, the Direct Payment Regulation has the lowest level of amendments adopted at all levels (COMAGRI, EP plenary, Final Regulation). It might be concluded that the rapporteur – Capoulas Santos – was weak in this sense.

The Horizontal Regulation has the highest level of adoption within the EP followed by the SCMO Regulation. Therefore La Via might be considered to be the strongest rapporteur within the EP, followed by Michel Dantin.

Concerning the adoption rates of amendments in the Final Regulations, the SCMO Regulation and the EAFRD Regulation equals at 13,6%. Michel Dantin and Capoulas Santos were the strongest rapporteurs in this sense.

Table 3. Adoption rates by amendment category - as a percentage of total

Based on the total number of amendments tabled to the four CAP Regulations

	COMAGRI adopted	Plenary Adopted	Final Regulation
Draft Report Amendment	78,6%	77,5%	46,0%
Open Amendments	13,2%	12,5%	7,6%
Compromise amendments	7,5%	7,5%	3,9%
Amendments of opinion giving committees	10,5%	10,3%	4,3%
Plenary amendments	n/a	6,9%	3,0%
Total	17,7%	17,4%	10,3%

Source: own composition

The EP's power towards the Council: the relationship between the EP negotiation mandate and the Final Regulations

As for all the amendments tabled to the 4 CAP regulations, 59,2% of those adopted by the EP plenary were finally built into the final CAP regulations. In case of the Direct Payment Regulation, this ratio is 60,2%, 57,1% for the SCMO Regulation and 73% for the EAFRD. 41,4% of the amendments in the EP negotiation mandate can be found in the final Horizontal Regulation.

It means that the European Parliament managed to make almost 60% of the amendments in its position (EP plenary adopted amendments) adopted by the Council during the trialogue negotiations. It shows a significant increase during the codecision procedure, as compared to the consultation procedure, this figure is doubled (29,1% previously).

In case of EAFRD, the EP negotiation mandate was the closest to the final policy outcome. In this case, the EP could the most effectively defend its position during the trialogue negotiations. After the EAFRD, the adoption rates in descending order are for Direct Payments (60,2%), SCMO (57,1%) and the Horizontal Regulation (41,4%). In this sense, the EAFRD and Direct Payments EP rapporteur (Capoulas Santos) and his negotiating team was the strongest during the trialogue negotiations, followed by Michel Dantin. La Via, the rapporteur of the Horizontal Regulation was the weakest during the trialogue negotiations.

As for draft report amendments, 59,3% of the EP plenary adopted amendments – amendments in the EP negotiation mandate – were adopted after the trialogue negotiations and finally built into the Final Regulations. In case of the Direct Payment Regulation, this ratio is 65,8%, 59,7% for the SCMO Regulation, 80,3% for the EAFRD and 42,1% for the Horizontal Regulation.

Regarding the open amendments, 60,8% of those adopted by the EP plenary were finally adopted during the trialogue negotiations and built into the text of the final regulations. This ratio is 61,3% for the Direct Payment Regulation, 55,6% for the SCMO, 74,2% for the EAFRD and 40% for the Horizontal Regulation.

Based on the draft report and open amendments, the power of rapporteurs is as follows in descending order: Capoulas Santos (EAFRD and Direct Payment), Michel Dantin (SCMO) and Giovanni La Via (Horizontal Regulation).

Concerning the amendments tabled by the opinion giving committees, 41,8% of those amendments supported by the EP plenary were finally adopted and became part of the final CAP regulations. This ratio is 48,3% for the EAFRD Regulation, 40% for the Horizontal Regulation. None of the amendments tabled by the opinion giving committees were incorporated in the SCMO Regulation, while on the other end, all of this type of amendments were adopted in case of the Direct Payment Regulation.

As for the plenary amendments, 43,5% of those plenary amendments adopted by the EP plenary were finally adopted during the trialogue negotiations and built into the final regulations. This figure is 25% in case of plenary amendments tabled to the DP Regulation, 44,4% for the EAFRD and 71,4% for the Horizontal Regulation. None of the Plenary amendments were built into the final SCMO Regulation.

Table 4. Adoption rates by amendment category - as a percentage of previous stage

Based on the total number of amendments tabled to the four CAP Regulations

	COMAGRI adopted	Plenary Adopted	Final Regulation
Draft Report Amendment	78,6%	98,6%	59,3%
Open Amendments	13,2%	94,8%	60,8%
Compromise amendments	7,5%	100,0%	52,4%
Amendments of opinion giving committees	10,5%	98,2%	41,8%
Plenary amendments	n/a	6,9%	43,5%
Total	17,7%	97,9%	59,2%

Source: own composition

3. Conclusions and future research

The key conclusions of the above analysis can be summarized in four points. First, with the introduction of the ordinary legislative procedure in 2009, the European Parliament became a real co-legislator with the Council in the field of the Common Agricultural Policy. With around 50% of its amendments incorporated in the final CAP regulations, it can be surely stated. Second, rapporteurs have a key role in the EP legislative process, as either draft report or compromise amendments have significantly higher adoption rates. Third, both the amendments tabled at the EP plenary and amendments of opinion giving committees played a minor role and were able to influence the final policy outcome only up to a limited extent. And fourth, with the advent of the codecision procedure in the Common Agricultural Policy, the activity of the European Parliament – expressed in the number of legislative amendments tabled – largely increased: Members of the EP tabled almost 9.000 amendments compared to around 1.500 amendments tabled to four respective CAP legislative proposals under the consultation procedure before 2009.

There are a number of potential future research areas. A detailed comparison with the consultation procedure would give a detailed picture if and how much the legislative influence of the European Parliament increased after the Treaty of Lisbon. Via extending the dataset with the variables derived from the personal characteristics of the MEPs who tabled the amendments – i.e. nationality, party affiliation, number of EP terms, gender, etc. – a statistical testing of these variables would highlight the significant variables, where the explained variable is either the EP plenary or the Council adoption. By grouping the explanatory variables, a structural equation model – LISREL model – could be developed. And finally, the social network analyses of the MEPs could reveal the hidden relations of the MEPs in the internal EP decision-making.

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