

INTERIM REPORT ON ESRC PROJECT RES- 000-22-2304,
'IS THE EUROPEAN PARLIAMENT AN ENVIRONMENTAL
CHAMPION?'

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IS THE EUROPEAN PARLIAMENT AN ENVIRONMENTAL CHAMPION?

AIMS:

The principal aim of the project is to collate and analyse a dataset of amendments adopted by the European Parliament to environmental legislation adopted under the codecision procedure. The dataset will allow us to construct an accurate picture of the EP's environmental behaviour over time, thereby correcting the slightly skewed image of the EP that results from the tendency within the media and academia to focus almost exclusively upon high profile cases. The dataset will include all amendments adopted by the EP to environmental legislation from 1993-2009.

CORE RESEARCH QUESTIONS

How environmentally stringent are the amendments that the EP is adopting?

How successful are they?

Is there a relationship between the strength of an amendment and its chance of adoption?

Has the EP's behaviour changed over time? If so, how?

METHODOLOGY

Choice of cases

We have defined environmental legislation as any policy dealt with by the environment committee that has an environmental dimension. We have therefore not included health, consumer or food safety legislation except where such policies have a clear environmental component (eg health and environment programmes). Nor have we included environmental legislation dealt with by other EP committees (for example, the Turmes report on the promotion of the use of energy from renewable sources, will not be included). To date we have analysed 5234 amendments to 94 pieces of legislation adopted between 1999 and the beginning of December 2008.

Legislation has been broken down into six policy types (air quality, chemicals and biotechnology, information and strategy, water, waste and others) and further classified according to the stage at which the dossier was concluded.

Classification

Each amendment has been analysed and awarded a score for its environmental importance and the extent to which it has been adopted by the Commission (where relevant) and Council.

How do we decide upon an amendment's environmental importance?¹

To attain a classification of environmental importance we initially gave each amendment a separate score for first, its *environmental ambition* and, second, its *importance*. The reason we initially chose to classify these two components independently was that we were aware that we would encounter amendments that were important but had no environmental content, or which, by contrast, made grand statements about environmental protection, yet had little or no legislative importance.

To judge the *environmental ambition* of a legislative amendment we developed a typology for classifying amendments in terms of their environmental impact based on the policy paradigm of ecological modernisation. Ecological modernisation assumes that ecological sustainability is achievable without a fundamental restructuring of the capitalist system, through the dematerialisation of production and decoupling of economic growth and resource use. It is underpinned by the belief that policy-makers should adopt an anticipatory and preventative approach to environmental problems influenced by the precautionary principle, environmental considerations should be integrated into all parts of government, and 'new' policy instruments, such as eco-taxes and tradable permits, should be used to penalise environmentally damaging activities (Carter, 2007, pp. 227-229). It is possible to distinguish between 'weak' and 'strong' versions of ecological modernisation along a continuum (Christoff, 1996). In its weaker 'techno-corporatist' form ecological modernisation focuses narrowly on the development of technical solutions to environmental problems. Strong ecological modernisation is a broader concept that is closer to sustainable development in emphasising the interdependence between environment and development issues, and the need for an extensive democratisation of policy processes.

Since the fifth environmental action programme in the early 1990s, the EU has based its environmental policies on a strategy of ecological modernisation, which is consistent with the wider European 'project' of encouraging free trade and continued economic growth. Indeed Commission President Barroso's speech in November 2008 identifying green growth as a potential boost for the European economy during the current downturn provides a good recent example of the EU's strategy of trying to marry economic growth with wider environmental protection concerns. Whilst ecological modernisation has its critics (particularly from a radical green perspective), it seemed to us reasonable to judge the environmental credentials of the EP by the standards of the policy paradigm within which it is working. We therefore developed a fivefold typology (see Table 1) to classify EP amendments

¹ This following section on ecological modernisation is taken from Burns, C. and Carter, N. (forthcoming) 'Is Codecision Good for the Environment? An Analysis of the European Parliament's Green Credentials', *Political Studies*

according to their impact on the environment based on the ecological modernisation policy paradigm.

Table 1: Environmental Typology

CLASSIFICATION	CODE	MEANING
Negative impact	-1	Potential negative impact on the environment. Derogations, exemptions and reduction of stringency of targets, limits or standards.
Neutral impact	0	No discernable impact, negative or positive, on the environment.
Marginal impact	1	Potential marginal positive effect on the environment. Lip-service to key concepts such as precautionary principle. Minor addition to reports, data collection etc, costs. Vague commitments and promises. Limited environmental impact and imposes only minor costs on industry or consumers.
Weak ecological modernisation	2	Implements weak versions of a coherent ecological modernisation strategy. Establishes formal methods of achieving policy integration or applying the precautionary principle. Imposes or tightens deliverable targets, standards or timescales. May apply 'new' policy instruments and impose some costs.
Strong ecological modernisation	3	Applies principles such as binding policy integration, the legal application of the precautionary principle or the use of the polluter pays principle. Makes commitments to international environmental agreements. Adopts stringent targets, standards and timescales, backed by extensive monitoring systems and sanctions. May require extensive reform of political and economic institutions, including significant democratisation of institutions and mechanisms.

Secondly, to classify the *importance* of an amendment we adapted a typology developed in previous work investigating the adoption of EP amendments by the Commission and Council (Kreppel 1999; Tsebelis and Kalandrakis 1999; Tsebelis *et al.* 2001). We use a similar five point scale. A summary of the importance classification is provided in Table 2.

Table 2: Legislative Importance Typology

CODE	CRITERIA
1	Clarification.
2	Meaningful change to the legislation but little alteration to scope of proposal. Involves costs to the Commission either in direct or resource terms. Timing alterations that affect only the institutions and not the implementation of the legislation.
3	Greater change, but little alteration to scope of proposal, may involve change with cost implications for member states and industry and consumers. Tightening time deadlines. Institutional amendments. Agenda-setting. Small derogations.
4	Changes with serious consequences relative to the overall legislative initiative. Larger cost implications. Greater time changes to implementation dates. Agenda-setting.
5	Considerable alteration of scope of legislation. Large costs to industry, member states or consumers. Strict new limits. Agenda-setting.

Source: Derived from Tsebelis and Kalandrakis (1999)

Once we had independently scored each amendment according to its environmental ambition and importance we multiplied the two categories to give an overall score for an amendment's *environmental importance* of between -5 and 15. These scores were then reduced to five categories: negative (-5, -4, -3, -2, -1), neutral (0), weak (1, 2, 3, 4), moderate (5, 6, 7, 8, 9) and strong (10+), we refer to these categories using the numeric terms -1, 0, 1, 2 and 3.

A key advantage of this approach is that it allows the same scores to be generated in different ways. For example, an amendment with a final score of 3 could be either an amendment with the highest legislative importance score and the second-highest environmental score (i.e. 5x2) or an amendment with the highest environmental score and the second-highest legislative importance (i.e. 3x4). From a statistical point of view reducing the product of the importance and environmental score to five categories facilitated interpretation and increased the sample sizes within each category.

Turning to adoption, we ranked amendments from 0 (not adopted) through to 3 (fully adopted) with a classification for amendments that are no longer relevant because the text of the proposal has been substantially modified or deleted (*m*) (see Tsebelis and Kalandrakis 1999; Tsebelis *et al.* 2001 for a similar approach). When we came to do the analyses, when our dependent variable was adoption we collapsed categories 0 and 1 into 'not adopted', and 2 and 3 into 'adopted', with those amendments classified as *m* discounted from the analysis.

Table 3: Typology of Adoption

ADOPTION	DESCRIPTION
0	Not adopted
1	Less than 50% of meaning adopted
2	More than 50% of meaning adopted
3	All of the meaning of the amendment adopted
<i>m</i>	Text of proposal that EP seeks to amend is modified or deleted.

Two researchers were involved in classifying the amendments. We classified several cases together to ensure that as far as possible we were using the typologies in the same way and thereafter, we each took the lead on specific cases, consulted each other on amendments that were difficult to classify and cross-checked the other person's classifications when completed. We endeavoured to ensure that we coded the amendments to reflect the change they proposed to the original text, thereby avoiding inflating or downgrading the EP's efforts. We triangulated the institutions' reports against one another and against lobby documents in order to maximise the objectivity and accuracy of our classifications.

FINDINGS

To date we have coded 5234 amendments made to 94 pieces of legislation, 59 of which were adopted in the 1999-2004 session (EP5) (see Annex 1) and 35 in the current 2004-2009 session (EP6) (see Annex 2). The most striking difference between the two sessions is the fact that the fast-track procedure is being used much more extensively in EP6 at both first and second reading. Between 1999-2004 just under 50% of the cases we have analysed were concluded after conciliation, whereas of the 2004-2009 cases that we have analysed, less than half of that number have gone to conciliation, indeed almost 46% have been decided via a fast-track first reading procedure (see Tables 4 and 5).

Table 4: Stage at which legislation is completed EP6 (2004-2009)

Stage Completed	Number of Cases	%
Fast-track first reading	16	46
Fast-track second reading	11	31
Conciliation	8	23
Total	35	100

Table 5: Stage at which legislation is completed EP5 (1999-2004)

Stage Completed	Number of Cases	%
Amended Commission Proposal	7	12
Fast-Track First Reading	6	10
Common Position	11	19
Amended Common Position	6	10
Fast-track Second Reading	1	2
Conciliation	28	47
Total	59	100

How environmentally important are the EP's amendments?

Nearly 50% of the amendments adopted by the EP have been classified as neutral (See Table 6). In our view this finding reflects the fact that many of the amendments deal with technical matters, which range from insignificant editorial changes to, for example, institutionally important comitology amendments, which nevertheless have no explicit environmental content. Only 2.61% of the amendments have been classified as negative and these amendments are invariably derogations. The remainder of amendments have been classified as having some environmental importance, although most of those fall into our weak category (36.36% of the total). Only 2.24% have fallen into our strongest category, but if we combine 2 and 3 then 12.16% of the amendments are moderate or strong under our classification.

Table 6: Environmental Importance of Amendments Proposed by the EP %

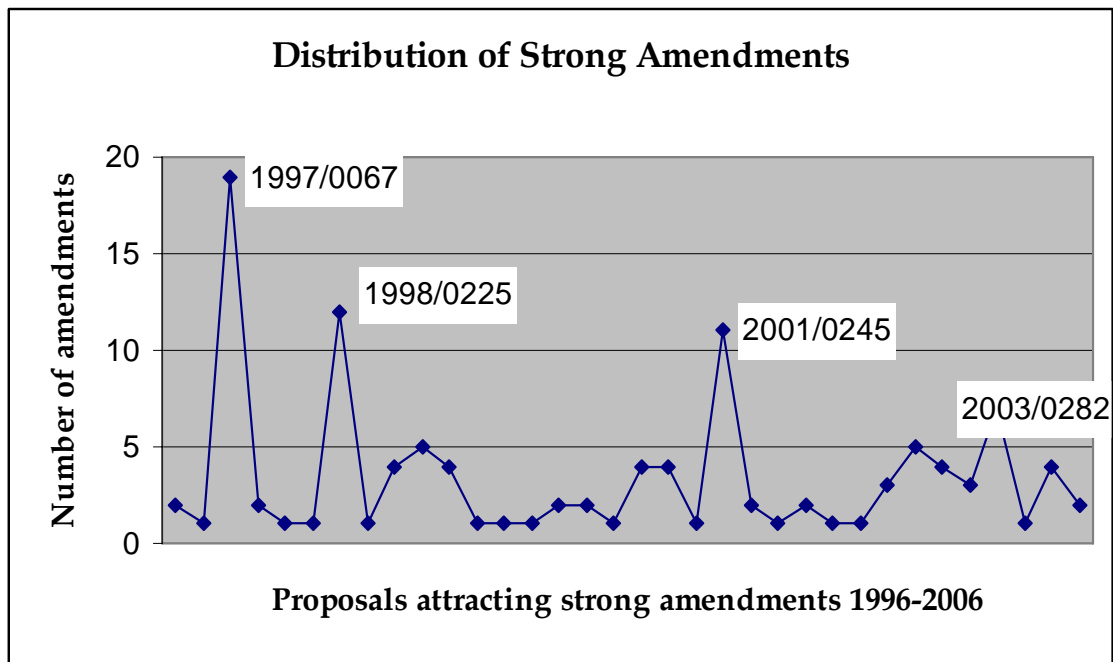
Environmental Importance						
	-1	0	1	2	3	Total
1st Reading	2.14 %	36.72%	26.72%	7.17%	1.73%	74.48%
2nd Reading	0.47%	12.15%	9.64%	2.75%	0.51%	25.52%
Total	2.61%	48.87%	36.36%	9.92%	2.24%	100.00

Where is the EP proposing strong amendments?

It has adopted amendments classified as '3' to only 32 of our 94 pieces of legislation, with 44% of those strong amendments being addressed to air quality proposals and 23% being addressed to water legislation. In fact of the 115 strong amendments proposed 49 (43%) of them are addressed to only four proposals: the Large Combustion Plant Directive (1998/0225); the Water

Framework Directive (1997/0067); the ETS Directive (2001/0245) and the WEEE Batteries Directive (2003/0282) (see Figure 1). This spread suggests to us that where legislation lends itself easily to tightening emission limits the EP is more able and willing to take a strong stance, and also perhaps, that large important pieces of legislation are more likely to attract strong statements of principle that are awarded a higher score under our methodology.

Figure 1: Distribution of Strong Amendments



It also appears that the EP’s plenary was more likely to adopt strong amendments in the 1999-2004 session – 71% of the strong amendments were adopted by the EP in EP5 with only 28% of them adopted during the current session. Moreover, as Table 7 shows, in each of our categories of environmental importance (1, 2, and 3) EP5 adopted a greater number of environmentally important amendments than EP6. However, it should be noted that not all the legislation from the EP6 session is included in this analysis.

Table 7: Environmental Importance of Amendments in EP5 and EP6

Environmental Importance		EP5 (1999-2004)	(EP6 2004-2008)	Total
-1	<i>n</i>	78	60	138
	% within session	3.0%	2.3%	2.6%
0	<i>n</i>	1136	1445	2581
	% within session	44.0%	54.4%	49.3%
1	<i>n</i>	964	923	1887
	% within session	37.4%	34.8%	36.1%
2	<i>n</i>	319	193	512
	% within session	12.4%	7.3%	9.8%
3	<i>n</i>	83	33	116
	% within session	3.2%	1.2%	2.2%
Total	<i>n</i>	2580	2654	5234
	% within session	100.0%	100.0%	100.0%

Nevertheless, the combination in EP6 of the shift towards the increased use of fast track first and second readings and the adoption of a lower number of strong amendments by the plenary seems to us to reflect the fact that increasingly, the Committee's opinion is being used as a mandate for negotiation with the Council. Consequently, the amendments submitted to plenary appear weaker because they are the product of a negotiated compromise with the Council. It may also be the case that in view of the closer links between the Council and EP, the Parliament is better placed to know what the Council position is likely to be and is engaging in anticipatory compliance and not pushing for strong amendments that it believes are unlikely to be adopted by the Council.

To summarise, the EP is trying to strengthen environmental legislation but the majority of its amendments fall into the weakest of our three categories. Strong amendments appear to be concentrated around large pieces of legislation particularly in the fields of air and water quality. The EP appears

to have been less radical in EP6 - a finding that may be a reflection of the increased use of new processes for adopting codecision legislation.

How successful is the EP?

40% of the amendments that we have analysed were rejected by the Council, and 11% saw less than 50% of their substance adopted. However, 36% of the amendments analysed were fully adopted and in 11% of cases more than 50% of the amendment was taken on board by the Council (see Table 8).

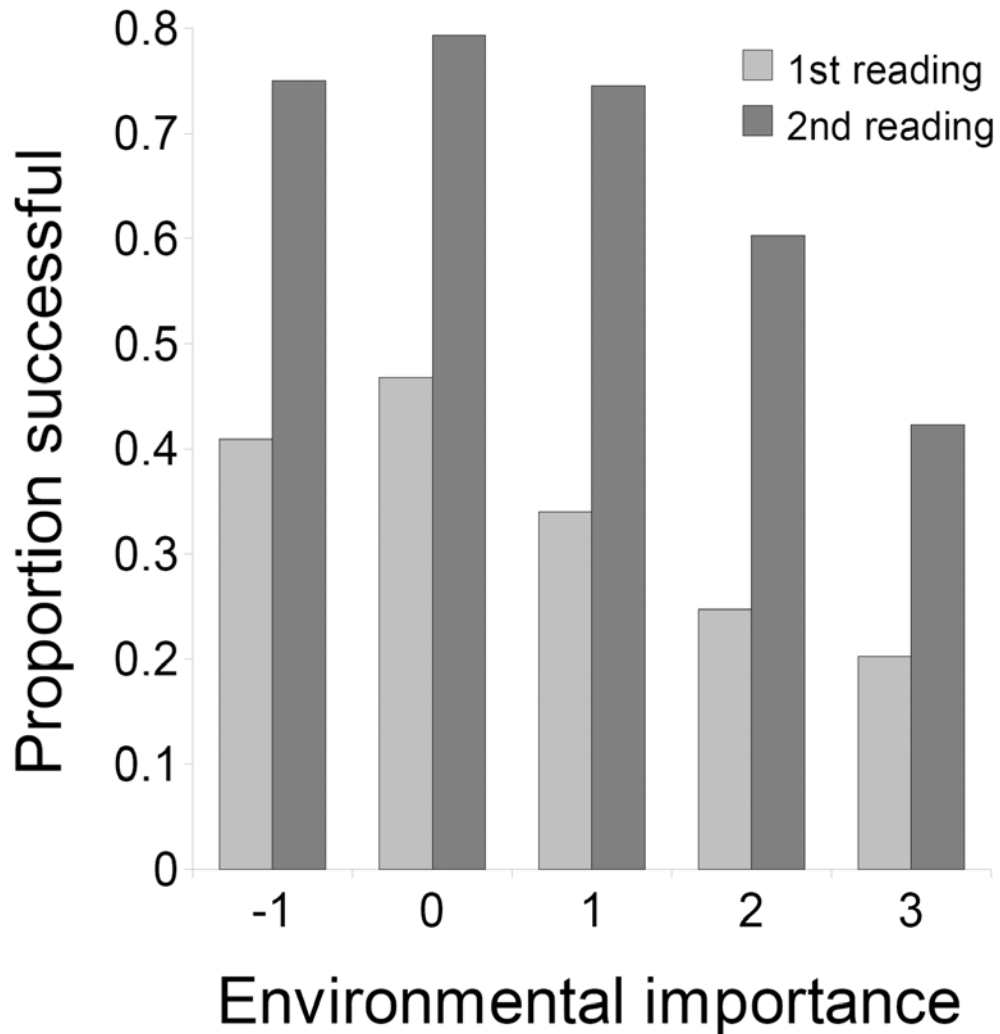
Table 8: Adoption of EP amendments by Council.

Code	Meaning	% Adopted
0	Not Adopted	40%
1	< 50% Adopted	11%
2	>50% Adopted	11%
3	Fully Adopted	36%
M	Text changed so amendment redundant	2%

However, these basic statistics only tell part of the story - a key area of interest for us concerns the relationship between the environmental importance of an amendment and its likelihood of acceptance. In order to assess this issue we collapsed the adoption categories into a binary code of adopted/not adopted. Figure 2 shows the proportion of amendments accepted by the Council according to their environmental importance and the reading at which they are proposed, and it very clearly illustrates that the proportion of amendments adopted falls as the environmental importance increases. This pattern is consistent across first and second reading.

In order to confirm that our common sense interpretation of the data is also statistically valid we then analysed the data using a generalised linear model with a binomial error structure and a logit link function (a logistic regression model). We used the model to analyse environmental importance, the reading at which the amendment was introduced and the interaction between environmental importance and reading (to investigate whether the effect of environmental importance on the odds of acceptance was different at the two legislative stages).

Figure 2: Proportion of Successful Amendments by Environmental Importance



Results

A logistic regression was used to predict the success of amendments from the legislative stage at which they were introduced and their environmental importance. Both legislative stage and environmental importance were significant predictors of successful adoption (Table 9). There was no significant interaction between legislative stage and environmental importance (Table 9); while legislative stage significantly affected the magnitude of the probability of success, the negative relationship between increasing environmental importance and success was present at both legislative stages. With legislative stage held constant at its mean, the probability of being successfully adopted declined with increasing environmental importance from approximately 65% for negative environmental

Figure 3: Probability of Acceptance by Environmental Importance

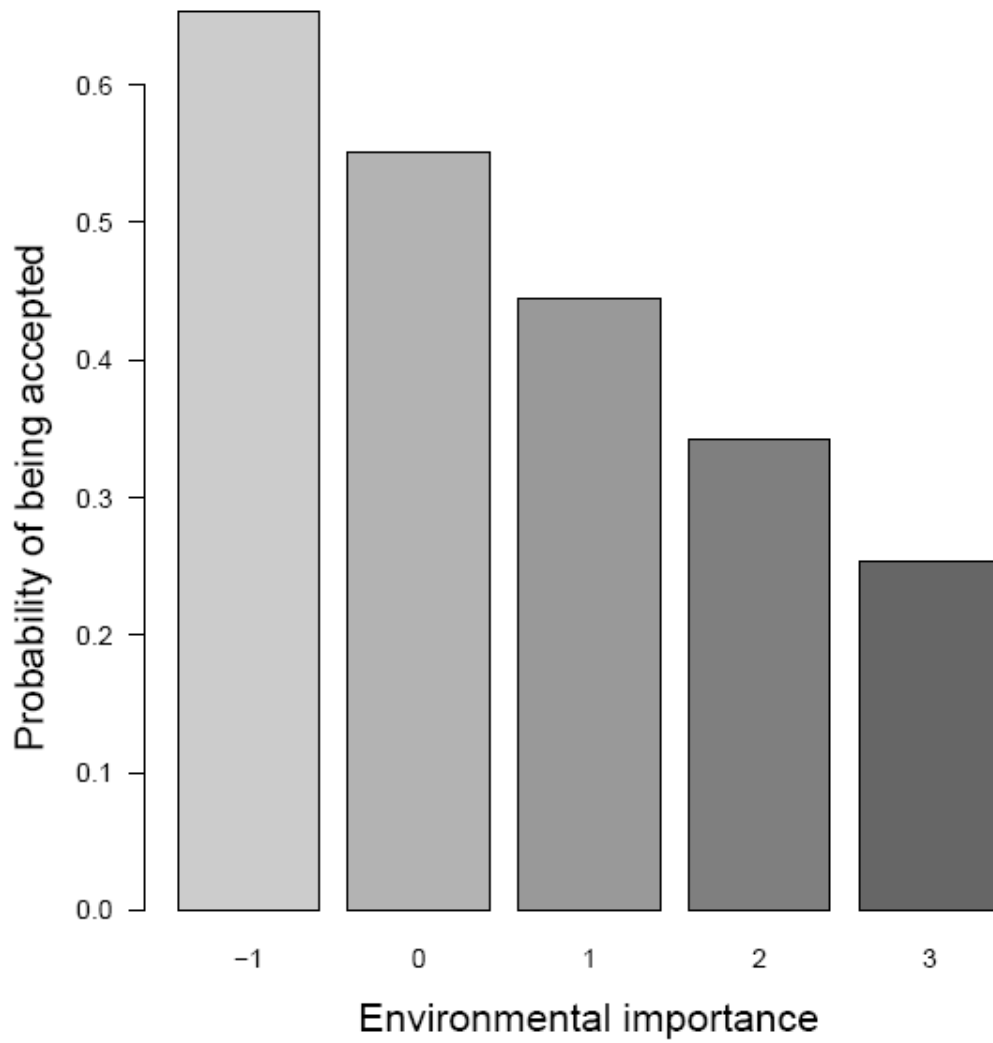
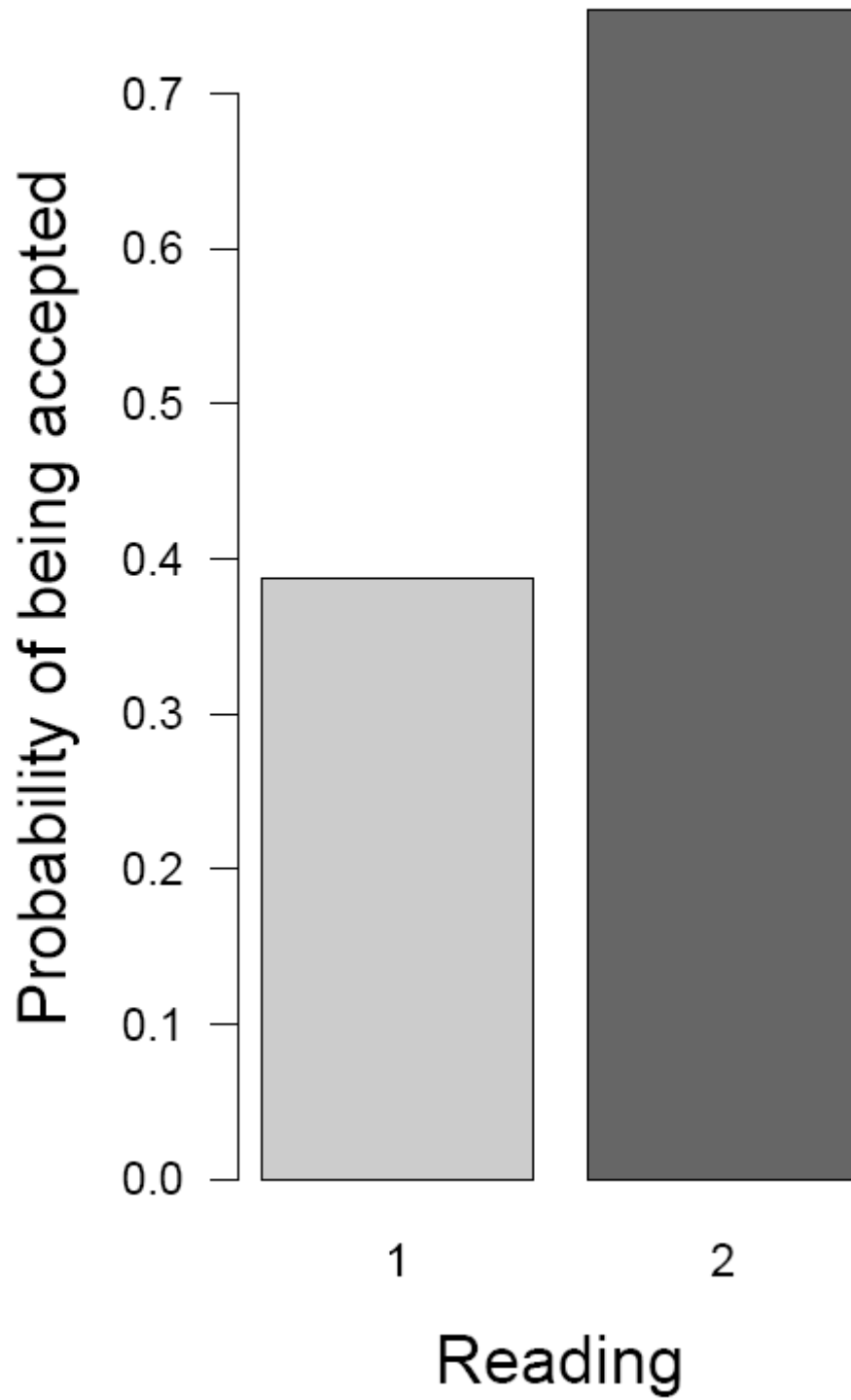


Figure 4: Probability of Acceptance by Reading



amendments to 25% for very strong environmental amendments (Fig. 3). Amendments introduced at second reading were more likely to be successful than those introduced at first reading (Fig 4). With environmental importance held constant at its mean, the probability of being successfully adopted increased from approximately 40% at first reading to 70% at second reading. In short – the more important an amendment the less likely it is to be adopted by the Council, but second reading amendments have a higher probability of success.

Table 9: Results of Interaction Model

	Estimate	Std.Error	z value	Pr(> z)
(Intercept)	-1.7726	0.09359	-18.94	<0.001
Environmental importance	-0.42773	0.03911	-10.94	<0.001
Reading	1.57511	0.07302	21.57	<0.001

P=0.05

The analysis so far conforms to our predictions; however, there are a further set of questions that we have yet to investigate. We have not yet analysed separately the difference in treatment of second-reading amendments that are adopted, for example, via fast track procedure or after conciliation. Nor have we analysed whether there is a difference in the probability of an amendment being successfully incorporated into legislation in EP 5 vs EP6, and will not do so until the dataset for EP 6 has been completed. Our assumption is that the amendments adopted by the plenary in EP6 will have a higher probability of success than those of EP5 because of the increased use of fast track procedures. We also expect amendments adopted via fast-track processes to have a higher likelihood of success than those adopted after conciliation.

Conclusions

The title of our project asks ‘Is the European Parliament an Environmental Champion?’. Our results indicate that the European Parliament is proposing and securing the incorporation of some environmentally important amendments into legislation. However, it is not proposing, at least at the plenary stage, a high number of amendments that fall into our strongest category. We have yet to investigate if stronger amendments are being adopted at the Committee stage as a mandate for negotiation. We believe our data and classifications thus far offer a fairly accurate interpretation of the EP’s behaviour – showing as they do that on a day-to-day basis the Parliament deals with some highly technical and, frankly, not very exciting legislation, and that it proposes moderate compromise amendments to those proposals that stand a good chance of being adopted by the Council. Our data fit with the increasingly prevalent interpretation of the Parliament as an important, serious, and working Parliament that behaves in way similar to many other chambers (Hix *et al.* 2007). Occasionally MEPs have the

opportunity to make a major contribution to the shape and design of crucial pieces of environmental legislation and when that opportunity arises it appears that the EP's plenary is prepared to adopt stronger amendments. However, we do not feel able to offer any definitive conclusion about when and where the EP proposes stronger amendments until we have completed the dataset for EP6 (particularly bearing in mind that the recently adopted Climate Change or Pesticides packages have yet to be included). When the dataset is complete we will be able to analyse our data more widely both quantitatively and qualitatively in order to address some important questions that we have not yet been able to address.

Future Research Questions

Is there a difference between EP5 and EP6 in terms of the amendments being adopted by the EP's plenary?

If so, how do we explain this pattern? Does it reflect the increased use of fast-track procedures? Has their increased use been a response to the recent enlargements?

Has enlargement had an impact upon the nature of the amendments being proposed and their chance of success?

Does conciliation make a difference to the odds of an EP amendment being adopted by the Council? If so has this effect changed over time?

Why do certain pieces of legislation attract more strong amendments?

How much difference does the policy area make?

Is there a difference between committee amendments and plenary amendments? If so, how significant is it? Has this gap between the two changed over time? If so, why?

Further Information

We will posting this report and other publications as they become available our project website.

<http://www.polis.leeds.ac.uk/research/projects/eu-environmental-champion.php>

We welcome feedback on the methodology and findings.

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Annex 1: Legislation Analysed 1999-2004

COD	Stage Completed	Subject	Policy Type	Legal Base
1996/0200	Amended Commission Proposal	Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations	Chemicals	95
1996/0312	Amended Commission Proposal	Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label Award scheme	Information	175
1998/0333	Amended Commission Proposal	Directive 2000/69/EC of the European Parliament and of the Council of 16 November 2000 relating to limit values for benzene and carbon monoxide in ambient air	Air quality	175
1999/0010	Fast Track Second Reading	Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics	Waste	285
1999/0233	Amended Commission Proposal	Decision No 1411/2001/EC of the European Parliament and of the Council of 27 June 2001 on a Community Framework for cooperation to promote sustainable urban development	Urban	175
2000/0035	Amended Commission Proposal	Decision No 2455/2001/EC of the European Parliament and of the Council of 20 November 2001 establishing the list of priority substances in the field of water policy and amending Directive 2000/60/EC	Water	175
2000/0170	Fast Track First Reading	Regulation (EC) No 2039/2000 of the European Parliament and of the Council of 28 September 2000 amending Regulation (EC) No 2037/2000 on substances that deplete the ozone layer, as regards the base year for the allocation of quotas of hydrochlorofluorocarbons	Air quality	175
2000/0227	Second Reading Amended Common Position	Recommendation of the European Parliament and of the Council of 30 May 2002 concerning the implementation of Integrated Coastal Zone Management in Europe	Nature	175
2001/0267	Common Position	Regulation (EC) No 804/2002 of the European Parliament and of the Council of 15 April 2002 amending Council Regulation (EEC) No 3528/86 on the protection of the Community's forests against atmospheric pollution	Nature	175
2000/0336	Second Reading Amended Common Position	Directive 2002/88/EC of the European Parliament and of the Council of 9 December 2002 amending Directive 97/68/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery	Air quality	95
2001/0180	Second Reading Amended Common Position	Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC	GMOs	95

2001/0245	Second Reading Amended Common Position	Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC	Air quality	175
2001/0268	Common Position	Regulation (EC) No 805/2002 of the European Parliament and of the Council of 15 April 2002 amending Council Regulation (EEC) No 2158/92 on protection of the Community's forests against fire	Nature	175
2002/0046	Second Reading Amended Common Position	Regulation (EC) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms	GMOs	175
2002/0164	Amended Commission Proposal	Regulation (EC) No 2152/2003 of the European Parliament and of the Council of 17 November 2003 concerning monitoring of forests and environmental interactions in the Community (Forest Focus)	Nature	175
2002/0206	Amended Commission Proposal	Directive 2003/53/EC of the European Parliament and of the Council of 18 June 2003 amending for the 26th time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (nonylphenol, nonylphenol ethoxylate and cement)	Chemicals	178
2002/0216	Second Reading Amended Common Position	Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents	Chemicals	95
2002/0026	Fast Track First Reading	Regulation (EC) No 304/2003 of the European Parliament and of the Council of 28 January 2003 concerning the export and import of dangerous chemicals	Chemicals	175
2002/0268	Fast Track First Reading	Regulation (EC) No 1804/2003 of the European Parliament and of the Council of 22 September 2003 amending Regulation (EC) No 2037/2000 as regards the control of halon exported for critical uses, the export of products and equipment containing chlorofluorocarbons and controls on bromochloromethane	Air quality	175
2002/0304	Fast Track First Reading	European Parliament and Council directive amending Directive 97/68/EC on the approximation of the law of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery	Air quality	95
2003/0029	Fast Track First Reading	Decision No 280/2004/EC of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol	Air quality	175
1997/0350	Common Position	Directive 1999/96/EC of the European Parliament and of the Council of 13 December 1999 on the approximation of the laws of the Member States relating to measures to be taken against the emission of gaseous and particulate pollutants from compression ignition engines for use in vehicles, and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles and amending Council Directive 88/77/EEC	Air quality	95

1998/0247	Common Position	Directive 2000/25/EC of the European Parliament and of the Council of 22 May 2000 on action to be taken against the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors and amending Council Directive 74/150/EEC	Air quality	95
1998/0272	Common Position	Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO2 emissions in respect of the marketing of new passenger cars	Information	175
1999/0159	Common Position	Regulation (EC) No 1484/2001 of the European Parliament and of the Council of 27 June 2001 amending Council Regulation (EEC) No 3528/86 on the protection of the Community's forests against atmospheric pollution	Nature	175
1999/0160	Common Position	Regulation (EC) No 1485/2001 of the European Parliament and of the Council of 27 June 2001 amending Council Regulation (EEC) No 2158/92 on protection of the Community's forests against fire	Nature	175
2000/0211	Fast Track First Reading	Directive 2001/100/EC of the European Parliament and of the Council of 7 December 2001 amending Council Directive 70/220/EEC on the approximation of the laws of the Member States on measures to be taken against air pollution by emissions from motor vehicles	Air quality	95
2001/0139	Common Position	Decision No 466/2002/EC of the European Parliament and of the Council of 1 March 2002 laying down a Community action programme promoting non-governmental organisations primarily active in the field of environmental protection	Information	175
2001/0255	Common Position	Directive 2004/3/EC of the European Parliament and of the Council of 11 February 2004 amending Council Directives 70/156/EEC and 80/1268/EEC as regards the measurement of carbon dioxide emissions and fuel consumption of N1 vehicles	Air quality	95
2002/0040	Common Position	Directive 2003/36/EC of the European Parliament and of the Council of 26 May 2003 amending, for the 25th time, Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (substances classified as carcinogens, mutagens or substances toxic to reproduction – c/m/r)	Chemicals	95
2002/0301	Common Position	European Parliament and Council directive on the limitation of emissions of volatile organic compounds due to the use of organic solvents in decorative paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC	Air quality	95
1996/0304	Joint Text Agreed 3rd Reading	Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment	Information	175
1997/0067	Joint Text Agreed 3rd Reading	Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy	Water	175
1997/0194	Joint Text Agreed 3rd Reading	Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles	Waste	175
1998/0072	Joint Text Agreed 3rd Reading	Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC	GMOs	95
1998/0202	Joint Text Agreed 3rd Reading	Decision No 1753/2000/EC of the European Parliament and of the Council of 22 June 2000 establishing a scheme to monitor the average specific emissions of CO2 from new passenger cars	Air quality	175

1998/0225	Joint Text Agreed 3rd Reading	Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants	Air quality	175
1998/0228	Joint Text Agreed 3rd Reading	Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer	Air quality	175
1998/0289	Joint Text Agreed 3rd Reading	Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste	Waste	175
1998/0303	Joint Text Agreed 3rd Reading	Regulation (EC) No 761/2001 of the European parliament and of the council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)	Information	175
1998/0336	Joint Text Agreed 3rd Reading	Regulation (EC) No 1655/2000 of the European Parliament and of the Council of 17 July 2000 concerning the Financial Instrument for the Environment (LIFE)	Information	175
1998/0350	Joint Text Agreed 3rd Reading	Decision No 2850/2000/EC of the European Parliament and of the Council of 20 December 2000 setting up a Community framework for cooperation in the field of accidental or deliberate marine pollution	Water	175
1998/0358	Joint Text Agreed 3rd Reading	Recommendation of the European Parliament and of the Council of 4 April 2001 providing for minimum criteria for environmental inspections in the Member States	Information	175
1999/0067	Joint Text Agreed 3rd Reading	Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants	Air quality	175
1999/0068	Joint Text Agreed 3rd Reading	Directive 2002/3/EC of the European Parliament and of the Council of 12 February 2002 relating to ozone in ambient air	Air quality	175
2000/0104	Joint Text Agreed 3rd Reading	Directive 2002/45/EC of the European Parliament and of the Council of 25 June 2002 amending for the twentieth time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (shortchain chlorinated paraffins)	Chemicals	95
2000/0136	Joint Text Agreed 3rd Reading	Directive 2002/51/EC of the European Parliament and of the Council of 19 July 2002 on the reduction of the level of pollutant emissions from two- and three-wheel motor vehicles and amending Directive 97/24/EC	Air quality	175
2000/0158	Joint Text Agreed 3rd Reading	Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE)	Waste	175
2000/0159	Joint Text Agreed 3rd Reading	Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment	Waste	95
2000/0169	Joint Text Agreed 3rd Reading	Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC	Information	175
2000/0194	Joint Text Agreed 3rd Reading	Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise	Noise	175
2000/0262	Joint Text Agreed 3rd Reading	Directive 2003/44/EC of the European Parliament and of the Council of 16 June 2003 amending Directive 94/25/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft	Air quality	95

2000/0331	Joint Text Agreed 3rd Reading	Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC	Information	175
2001/0018	Joint Text Agreed 3rd Reading	Directive 2003/11/EC of the European Parliament and of the Council of 6 February 2003 amending for the 24th time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (pentabromodiphenyl ether, octabromodiphenyl ether)	Chemicals	95
2001/0029	Joint Text Agreed 3rd Reading	Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme	Information	175
2001/0107	Joint Text Agreed 3rd Reading	Directive 2003/17/EC of the European Parliament and of the Council of 3 March 2003 amending Directive 98/70/EC relating to the quality of petrol and diesel fuels	Air quality	95
2001/0110	Joint Text Agreed 3rd Reading	Directive 2003/34/EC of the European Parliament and of the Council of 26 May 2003 amending for the 23rd time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (substances classified as carcinogens, mutagens or substances toxic to reproduction – c/m/r)	Chemicals	95
2001/0257	Joint Text Agreed 3rd Reading	Directive 2003/105/EC of the European Parliament and of the Council of 16 December 2003 amending Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances	Chemicals	175
2001/0291	Joint Text Agreed 3rd Reading	Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004 amending Directive 94/62/EC on packaging and packaging waste	Waste	95

Annex II: Legislation Analysed 2004-2009

COD	Stage Completed	Subject	Policy Type	Legal Base
2002/0254	Joint Text Agreed Third Reading	European Parliament and Council directive concerning the management of bathing water quality and repealing Directive 76/160/EEC	Water	175(1)
2002/0259	Fast Track Second Reading	Directive 2005/33/EC of the European Parliament and of the Council amending Directive 1999/32/EC as regards the sulphur content of marine fuels	Air quality	175(1)
2003/0052	Fast Track Second Reading	Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC	Chemicals	152/95
2003/0107	Joint Text Agreed Third Reading	European Parliament and Council directive on the management of waste from extractive industries and amending Directive 2004/35/EC	Waste	175(1)
2003/0139	Fast Track Second Reading	Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste	Waste	175(1)
2003/0164	Fast Track First Reading	Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air	Chemicals	175(1)
2003/0172	Fast Track Second Reading	Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council	Information	95
2003/0173	Fast Track First Reading	Directive 2004/101/EC of the European Parliament and of the Council of 27 October 2004 amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in respect of the Kyoto Protocol's project mechanisms	Air Quality	175(1)
2003/0189a	Joint Text Agreed Third Reading	European Parliament and Council regulation on certain fluorinated greenhouse gases	Air Quality	95
2003/0189b	Joint Text Agreed Third Reading	European Parliament and Council directive relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC	Air Quality	95

2003/0205	Fast Track First Reading	Directive 2005/55/EC of the European Parliament and of the Council of 28 September 2005 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles	Air Quality	95
2003/0210	Joint Text Agreed Third Reading	European Parliament and Council directive on the protection of groundwater against pollution	Water	175(1)
2003/0242	Joint Text Agreed Third Reading	European Parliament and Council regulation on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies	Information	175(1)
2003/0256	Fast Track Second Reading	Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC	Chemicals	95
2003/0257	Fast Track Second Reading	Directive 2006/121/EC of the European Parliament and of the Council of 18 December 2006 amending Council Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances in order to adapt it to Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and establishing a European Chemicals Agency	Chemicals	95
2003/0260	Fast Track First Reading	Regulation (EC) No 1682/2004 of the European Parliament and of the Council of 15 September 2004 amending Regulation (EC) No 1655/2000 concerning the Financial Instrument for the Environment (LIFE)	Information	175(1)
2003/0282	Joint Text Agreed Third Reading	European Parliament and Council directive on batteries and accumulators and waste batteries and accumulators and	Waste	95

		repealing Directive 91/157/EEC		
2004/0036	Commission Proposal	Directive 2005/69/EC of the European Parliament and of the Council of 16 November 2005 amending for the 27th time Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (polycyclic aromatic hydrocarbons in extender oils and tyres)	Chemicals	95
2004/0045	Fast Track First Reading	Directive 2005/20/EC of the European Parliament and of the Council of 9 March 2005 amending Directive 94/62/EC on packaging and packaging waste	Waste	95
2004/0053	Fast Track First Reading	Directive 2005/64/EC of the European Parliament and of the Council of 26 October 2005 on the type-approval of motor vehicles with regard to their reusability, recyclability and recoverability and amending Council Directive 70/156/EEC	Waste	95
2004/0111	Fast Track First Reading	Directive 2005/59/EC of the European Parliament and of the Council of 26 October 2005 amending for the 28th time Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (toluene and trichlorobenzene)	Chemicals	95
2004/0175	Commission Proposal	European Parliament and Council directive establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)	Information	175
2004/0218	Joint Text Agreed Third Reading	Regulation (EC) No 614/2007 of the European Parliament and of the Council of 23 May 2007 concerning the Financial Instrument for the Environment (LIFE+)	Information	175
2004/0225	Commission Proposal	Directive 2005/90/EC of the European Parliament and of the Council of 18 January 2006 amending, for the 29th time, Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (substances classified as carcinogenic, mutagenic or toxic to reproduction – c/m/r)	Chemicals	95
2004/0231	Fast Track First Reading	Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer	Information	175

		Register and amending Council Directives 91/689/EEC and 96/61/EC		
2004/0296	Commission Proposal	Regulation (EC) No 1366/2006 of the European Parliament and of the Council of 6 September 2006 amending Regulation (EC) No 2037/2000 as regards the base year for the allocation of quotas of hydrochlorofluorocarbons with respect to the Member States that acceded to the European Union on 1 May 2004	Air Quality	175
2005/0149	Fast Track First Reading	Directive 2005/88/EC of the European Parliament and of the Council of 14 December 2005 amending Directive 2000/14/EC on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors	Noise	95
2005/0183	Fast Track Second Reading	Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe	Air Quality	175
2005/0211	Fast Track Second Reading	Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)	Water	175(1)
2005/0244	Fast Track First Reading	Directive 2006/122/EC of the European Parliament and of the Council of 12 December 2006 amending for the 30th time Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (perfluorooctane sulfonates)	Chemicals	95
2005/0281	Fast Track Second Reading	Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives	Waste	
2005/0282	Fast Track First Reading	Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information	Air Quality	95
2006/0005	Fast Track Second Reading	Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks	Nature	175(1)
2006/0018	Fast Track First Reading	Directive 2007/51/EC of the European Parliament and of the Council of 25 September 2007 amending Council Directive 76/769/EEC relating to restrictions on the	Chemicals	95

		marketing of certain measuring devices containing mercury		
2006/0129	Fast Track Second Reading	Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council	Water policy	175(1)
2006/0246	Fast Track First Reading	Regulation (EC) No 689/2008 of the European Parliament and of the Council of 17 June 2008 concerning the export and import of dangerous chemicals	Chemicals	175(1)/133
2007/0200	Fast Track First Reading	Decision No 1348/2008/EC of the European Parliament and of the Council of 16 December 2008 amending Council Directive 76/769/EEC as regards restrictions on the marketing and use of 2-(2-methoxyethoxy)ethanol, 2-(2-butoxyethoxy)ethanol, methylenediphenyl diisocyanate, cyclohexane and ammonium nitrate	Chemicals	95
2008/0081	Fast Track First Reading	Directive 2008/103/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators as regards placing batteries and accumulators on the market	Waste	91
2006/0304	Fast Track First Reading	Directive Title Pending: Air pollution: including aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (amend. Directive 2003/87/EC	Air Quality	95