THE POWER OF THE EUROPEAN PARLIAMENT IN COOPERATION LEGISLATIVE PROCEDURE

ABSTRACT

The author explores the power of the European Parliament (EP) in the cooperation procedure, using health and safety Directives as a sample. The measure of power is success of the amendment. Each amendment proposed by the EP was traced through the legislative process, coded according to its type, proportion adopted and its reading was introduced in. The results demonstrate that the EP is an influential legislator, as a large proportion of EP amendments is incorporated into the final legislative text. As for the factors affecting the success of amendments the analysis finds that the role of the Commission is considerable, that less politically controversial amendments are more often accepted, but non-technical amendments have a high acceptance rate as well, and that amendments introduced in the second reading have a lesser chance of success than those proposed in the first reading.

1. Introduction

European integration has attracted considerable attention of scholars, because of the uniqueness of institutional structures it brought forth. The political system of the European Union particularly represents a challenge for researchers because of its sui generis nature and constant dynamics of integration, which brought forth continual transfer of responsibilities from the Member States to the EU.

Transfer of competencies implied adjustments of institutional structures, which were not only an expression of the Member States’ willingness to enhance credibility of their commitments, but an essential prerequisite for sustaining the ability of EU institutions to operate efficiently as well. Institutional reforms, in turn altered the balance between supranational and intergovernmental dimensions and had a considerable impact on the relative powers of the key EU institutions.

One of the far-reaching reforms was related to the change of the decision-making rules. Until the Single European Act all first pillar legislation was passed under

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2 This article is shorten version of the master thesis defended at University College London, UK, in September 2003.
4 The Single European Act (SEA) came into force in 1986.
consultation procedure: the European Commission had the sole right of initiation, the Council of Ministers was the principal decision maker, whereas the role of the European Parliament was modest. It is widely argued that the new legislative procedure, applied after SEA came into force “empowered the (European) Parliament as a legislator (which was) a key institutional development in the modern history of European integration.”

The aim of this work is to explore interactions between legislative actors under cooperation procedure. Although the scope of its application was reduced after Maastricht and after Amsterdam, it still retains the interest of scholars, as it brought about the proliferation of internal market legislation, but has not yet been fully explored. At the theoretical level, there is an ongoing debate centred around the nature of EP power under cooperation procedure. Although scholars agree that EP’s power is conditional, there is no agreement as to whether it is essentially agenda-setting or veto power. An in-depth examination of pieces of legislation adopted under legislative procedure is the way to test existing theories on EP’s impact on legislative outcomes. Although the EP regularly publishes reports thereby providing information about the success of its amendments, and despite the fact that empirical research keeps on multiplying and generating valuable data, there is still no sufficient evidence to support fully either theoretical standpoint.

This work builds on the body of empirical evidence about EP’s ability to influence legislation adopted under cooperation procedure. It is an assessment of EP’s impact on legislation based on examining the success and the factors affecting the success of its amendments concerning three Directives from the corpus of EU health and safety legislation. The analysis is based on the documents from the EP, the Council and the Commission, to include EP’s committee reports and plenary debates, Council common position and statement of reasons for its adoption and Commission reports.

This paper consists of the following sections: the review of theoretical literature on the power of EP under cooperation procedure and the expectations theories generate; an overview of EU health and safety policy; a case study analysis; and concluding section, which summarizes the findings of the case study.

2. Theoretical Background

2.1. The Spatial Model of Legislative Choice

Various theoretical frameworks have been developed to explain and accommodate different legislative practices, starting from the structural functionalism and behaviouralism as the earliest ones, to the spatial models of legislative choice. The core assumptions of the rational choice approach constitute the basis all three

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6 Today, cooperation applies to areas such as social policy, implementation of regional funds, certain environmental issues and research and technological development.

7 Spatial model is technically static, in a sense that it deals with institutional setting as an independent variable and cannot explain its change (in the context of EU decision-making, spatial model cannot account for rationale standing behind the introduction of new legislative procedures). However, it enables the analysis of EU decision-making process in terms of strategic interactions among the key legislative actors and identifying institutional agenda-setting and veto power, as indices of their powers under specified institutional design.
generations’ of the spatial model build up from: (a) the actor assumption, which suggests that social behaviour reflects individual behaviour, (b) the intentions assumption, which describes individual behaviour as utility-maximising and (c) the aggregation assumption, which reflects the perception of aggregate behaviour as essentially a result of the interactions between purposive actors. Consequently, rational choice toolbox ⁸ comprises utility theory, which is supposed to supply psychology for decision-makers and game theory, which is supposed to aggregate individual actions into social outcome. Those two theories constitute the foundations of spatial models of legislative choice.

The development of spatial models was a process of gradual incorporation of variables determining the location of legislative outcomes into the model. First generation theories laid down the fundamental, essentially rational choice assumption: legislative process is a process of strategic interactions between legislative actors, which invariably involves the politics of distribution. “Since the environment for obtaining favourable distributions of these (policy outcomes) is highly competitive, members need to make deals, form alliances and engage in vote trading and logrolling in order to succeed.” ⁹ In other words, legislative outcome is a result of bargaining between rational actors who find themselves in a ‘minimum winning coalition’. Second generation theories went a step forward and placed politics of distribution in a given institutional context. As Shepsle observed: “Institutional structure – in the form of rules of jurisdiction and amendment control – has an important independent impact on the existence of equilibrium, and together with the distribution of preferences, co-determines the characteristics of the equilibrium state(s) of collective choice processes.” ¹⁰ Third generation theories highlighted the importance of uncertainty and information asymmetries, as contributing factors to chaotic behaviour and unstable outcomes, and attributed the creation of institutional arrangements to the need to minimize detrimental effects these factors may have on the stability of outcome.

The “generic ingredients” ¹¹ of spatial models are:

a) Choice space represents space comprising all potential choices of all legislative actors. In practice, dimensionality of choice space reflects dimensionality of concrete legislative proposal. For the purpose of simplification, most models of interbranch bargaining are either unidimensional or two-dimensional. With reference to EU legislative politics, Tsebelis argues that two-dimensional model generates more accurate results, not only because unidimensional representation always generates equilibrium, while two-dimensional models “not only lack such equilibrium, but produce chaotic behaviour”, ¹² but also because results from the analysis in two dimensional space ¹³ are

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generalizable to a multidimensional decision-making environment, which is the most realistic assumption of EU politics.

b) Preferences of legislative actors are a set of policy outcomes that a legislative actor is prepared to accept. In two-dimensional choice space there are three possible types of preferences. Euclidean or circular preferences exist when “utility declines monotonically with distance”\textsuperscript{14} from an actor’s ideal point; separable preferences reflect an indifference curve representing utility which is “more sensitive to policy changes along one dimension…than along another”;\textsuperscript{15} convex preferences, i.e. “legislator’s ideal point on a given dimension (is) functionally related to policy in another dimension”.\textsuperscript{16} Again, for the purpose of simplification, most analyses assume preferences are Euclidean, i.e. “actors with single-peaked utility functions have most preferred policies, with the attractiveness of other policies declining as they diverge more and more from the most preferred policy”\textsuperscript{17} in any direction.

c) Information and Behaviour. Early models assumed myopic behaviour of legislative actors, interacting in an environment of perfect information and certainty. Recent models are more realistic in that respect, as they account for information inadequacies and uncertainty. A lack of perfect information about other actors’ preferences implies strategic calculations, rational behaviour, and legislative specialization.

d) Institutions. “Most, but not all spatial models of legislative choice assume that institutional arrangements are external to the model”;\textsuperscript{18} in other words, the spatial model provides an analytical framework for studying interactions between legislative actors in a given institutional context.

e) Equilibrium. According to structure-induces models, equilibrium is defined as a set of stable outcomes, but according to game-theoretic models it is defined as utility-maximizing outcome. While the former focuses on interactions between legislators, the latter focuses on the attributes of outcomes. Structure-induced models emphasize the role institutional rules play in inducing equilibrium, which could not be achieved otherwise at the optimal level, as multidimensional choice space invariably implies chaotic behaviour.

2.2. Legislative Actors in the European Union Legislative Process

Applying spatial model to the analysis of legislative politics requires information about key legislative actors and identification of their ideal policy positions. Since in cooperation procedure status quo\textsuperscript{19} most likely reflects preferences of the least

\textsuperscript{13} Most typically, those are pro-/anti-European and left-right dimensions.

\textsuperscript{14} Krehbiel Keith, Spatial Models of Legislative Choice, op. cit., p. 262.

\textsuperscript{15} Ibid., p. 262.

\textsuperscript{16} Ibid., p. 263.

\textsuperscript{17} Cameron Charles, \textit{Veto Bargaining}, op. cit., p. 88.

\textsuperscript{18} Krehbiel Keith, Spatial Models of Legislative Choice, op. cit., p. 264.

\textsuperscript{19} Status quo is a “current level on each…of the dimensions of the choice space” (Shepsle Kenneth, Institutional Arrangements and Equilibrium in Multidimensional Voting Models, op. cit., p. 33). In the EU context, in the broadest sense, it “could represent existing legislation at European level or in the absence of
integrationist Member State, the most important dimension is pro-/anti-Europe. Other dimensions depend on the legal basis of a concrete legislative proposal. In case of Directives under analysis, pro-/anti-Europe dimension is relevant because they brought integration in an area where member states had previously had exclusive competencies.

The European Commission

The Commission is legislator with the sole right to initiate EU legislation and bureaucracy tasked with implementing it. As only the Commission has the formal right of initiative, it has “monopoly proposal power”, but “it does not have gate keeping power”, as “The Council may request the Commission to undertake any studies…and to submit it to any appropriate proposals”, and since Maastricht “The European Parliament may… request the Commission to submit any appropriate proposal on matters on which it considers that a Community act is required for the purpose of implementing this Treaty.” The power of the Commission has decreased with the coming into effect of new legislative procedures, particularly COD which took powers away from the Commission in the last stage of decision-making, namely the Conciliation Committee, where the Commission is represented, but without the right to vote on the joint text.

As a legislative actor with the formal agenda-setting power the Commission has always pushed for more integration. In their accounts of European integration, functionalists employ the concept of ‘spill over’ effect with the Commission, as ‘policy entrepreneur’, occupying a prominent role in promoting further integration. On the other hand, intergovernmentalists provide a diametrically opposed explanation of European integration, perceiving it as a result of bargaining between Member States rationally pursuing their economic and geopolitical interests. Although in their view supranational institutions do not provide fundamental integration dynamics, their activities are recognised as a facilitating factor. Hence, both substantially contrasted theories on European integration recognise the Commission as a supranational institution whose activities have always played a role in accelerating the pace of integration.

The European Parliament


Although consultation procedure was initially compromise between intergovernmentalism - “decisions are taken through intergovernmental negotiations in the Council” (Crombez Cristophe, Legislative Procedures in the European Community, British Journal of Political Science, 1996, vol. 26, no 3, p. 212) and supranationalism - legislative “proposal is made by the Commission and it only needs qualified majority for approval” (Ibid., p. 212), Luxembourg compromise made it de facto intergovernmental procedure, as it provided each Member State with the power of absolute veto on any piece of legislation in any area it considered of national interest. In other words, consultation procedure of Luxembourg compromise implied “a strong status quo bias” (Tsebelis and Garrett, Agenda Setting Power, Power Indices, and Decision Making in the European Union, International Review of Law and Economics, 1996, vol. 16, p. 346), which is why it is realistic to assume that, following the introduction of cooperation procedure, status quo is located near ideal position of the least integrationist Member State.

Crombez Cristophe, Legislative Procedures in the European Community, op. cit., p. 204.

Ibid., p. 204.

TEC, Article 208.

TEC, Article 193, paragraph 2.
Growing political power of the EP since the mid-1970s resulted from its increased involvement in EU decision-making. The next step was considerable strengthening of EP’s political power with coming into force of the Treaty of Maastricht.

EP of the day looks more like any other parliament, in the sense that it can be thought of as interaction of political parties rather than member states. Empirical evidence shows that internal cohesiveness within the EP has grown and ideology has become one of the most important basis for coalition formation. Noury shows that left-right divide and pro-/anti-Europe cleavage are the most stable lines of conflict predicting 90% of voting outcomes.25

Figure 1 represents policy location of EP party groups along the two stable lines of conflict and suggests the position of the EP on a pro-/anti-Europe scale. Two factors affect coalition politics within EP: issue on vote and majority requirement. On a pro-/anti-Europe dimension EPP is pivotal under both simple and absolute majority; as “PES and EPP are adjacent to each other on this dimension, so will find easy to agree on a policy compromise”,26 which is the most likely to be more pro-, rather than anti-Europe. If the issue on vote lines up party groups on a left-right scale, ELDR is pivotal under simple majority, but under absolute majority, no coalition can beat SQ except PES-EPP coalition. Overall, the position of the EP as unitary actor can be assumed to be pro- rather than anti-Europe.

Figure 1. Policy location of EP party groups

<table>
<thead>
<tr>
<th>Pro-Europe</th>
<th>Pivotal under simple majority and absolute majority</th>
</tr>
</thead>
<tbody>
<tr>
<td>ELDR</td>
<td>ERA PES EPP GREEN UPE EUL IEN SQ</td>
</tr>
<tr>
<td>Left</td>
<td>Right</td>
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Policy range of PES-EPP coalition


The Council of Ministers

The Council is a Community institution composed of one representative at the ministerial level from each Member State, depending on the issue on agenda, although its institutional unity always remains intact. Since ministers are national delegates and are politically accountable to the national parliaments, the Council is intergovernmental institution and essentially the instrument of national control over the EU decision-

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26 Hix Simon, The Political System of the European Union, op. cit., p. 82.
making. Therefore, analyses of legislative politics of the EU assume the Council is the least integrationist legislative actor, as compared to the Commission and the EP.

The outcome of the legislative game between the three institutions is affected by voting rules in the Council, particularly bearing in mind the assumed distance between ideal policy positions of the EP and the Commission on one side and the Council on the other. Voting rules in the Council, unanimity\(^{27}\) and qualified majority voting, abbreviated QMV,\(^{28}\) extended for the first time by the SEA, are a part of institutional setting within which spatial model of legislative choice is applied. The following simplified model, presented in Figure 2, is employed to explain how voting rules in the Council affect legislative outcome:\(^{29}\) the Council is assumed to have 7 members with equal voting weights. If voting rule is unanimity, the least integrationist member state, i.e. country 1 is pivotal, because its ideal position is closest to the status quo, SQ. Therefore, legislative proposal can be successful if it is inside the preferred set of country 1, i.e. between SQ and the position of country 2. However, under QMV, which is 5/7, country 3 is the pivot, because it is the fifth country necessary to form the coalition – countries 3, 4, 5, 6, 7 – to beat the SQ, therefore the most likely outcome is at the leftist utility equivalent point of country 3, i.e. close to the position of country 4. Although in reality “informal votes are often held … (and) … significant efforts are often made to secure the widest measure of agreement … so few formal votes occur… without the certainty that a vote can be taken at the end of the day (by QMV), there would be very little impulsion towards agreement.”\(^{30}\)

![Figure 2. Voting rules in the Council](image)

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\(^{27}\) Unanimity was de facto voting rule under consultation procedure, especially after Luxembourg compromise. Research shows that 75-86% of Council’s decisions are reached by unanimity even when the formal requirement is QMV, which is, inter alia, attributable to the ‘consensus culture’ of decision-making within the Council (Mattila Mikko and Lane Jan-Erik, Why Unanimity in the Council? A Roll Call Analysis of Council Voting, European Union Politics, 2001, vol. 2, no 1, p. 40).

\(^{28}\) Under QMV, 62 out of 87 votes are required for the proposal to be adopted (.713). Simplified spatial model assumes the Council is composed of 7 members, 5 votes being required under QMV (.714).

\(^{29}\) Another way of explaining the effects of voting rules is by employing the concept of legislative gridlock. Under unanimity, for all SQ ∈ [1,7] there will be no consensus in the Council to change it, whereas under QMV the gridlock interval decreases and as long as SQ ∈ [3,5] it will defeat any other policy (Konig Thomas and Schulz Heiner, Institutional Reform and Decision Making Efficiency in European Union, American Journal of Political Science, 2000, vol. 44, no 4, p. 657).

2.3. Cooperation Procedure

Cooperation procedure is one of the procedures for adoption of Community legislation falling under specified legal basis. It is up to the Commission, as initiator of Community legislation, to determine the legal basis when it draws up a proposal, but the choice must be based on objective criteria that are open to judicial review.\(^{31}\) Parallel existence of different procedures “…stems primarily from two very closely interrelated facts: first, political elites – in the Member States and in EU institutions – have always agreed that some types of decision-making led themselves to an essentially intergovernmental approach and other types led themselves more to supranational approach; second, there has never been a consensus among elites where the balance between supranationalism and intergovernmentalism should be…”\(^{32}\)

Until SEA, consultation procedure was the only legislative procedure for adoption of the first pillar legislation. Treaty obliged the Council to consult the EP on a proposal and not to act before opinion is issued. In its ruling in Isoglucose case, the ECJ upheld the EPs right to be consulted and strengthened the EPs political position by nullifying a Council decision that had been taken without EP having been consulted.\(^{33}\) In a nutshell, EP’s role in consultation procedure is advisory and its influence is limited to the threat of delaying legislation.

The SEA, 1986 brought about significant institutional changes; competencies of the former European Communities were expanded, QMV was extended to a large number of areas as a response to the completion of single market project, and new legislative procedures were introduced. Introduction of cooperation procedure, the ‘institutional core’ of the SEA,\(^{34}\) increased involvement of the EP in EU legislative process.

Cooperation procedure proceeds through the following stages:

**First reading:** a) The Commission proposes legislation and submits the proposal to the Council after receiving EP’s opinion, b) the Council adopts common position (CP) confirming or amending Commission’s proposal, voting rule is QMV. First reading proceeds through the same steps as consultation procedure, with EP de facto having the power of delay. The difference is that the Council adopts the CP, not the final decision.

**Second reading:** a) The EP can amend, adopt or reject CP with absolute majority within three months; if the EP fails to act, the CP is deemed accepted, b) the Commission can incorporate or reject EP’s amendments or after EP’s rejection withdraw legislation, c) the Council can adopt the Law if there were no EP amendments, or adopt the amendments previously adopted by the Commission (voting rule – QMV), or overturn Commission rejection of EP amendments/ reject EP amendments accepted by the Commission (voting rule – unanimity) in which case the Law is passed.

The common view in literature is that the introduction of cooperation procedure brought about proliferation of Community legislation. However, there has been a


\(^{33}\) Ibid., p. 301.

theoretical debate to what extent cooperation procedure increased the ability of the EP to shape legislation, and both the nature and relative importance of EP’s power have been subject of the debate. Some argue EP gained conditional agenda-setting power, while others find the EP in the position of conditional veto player. Both views emphasise the conditionality of EPs powers, but provide substantially different explanations and generate different expectations regarding EP’s ability to influence legislation.

**Figure 3.**

Using two-dimensional spatial model of legislative choice, presented in Figure 3, where the Council is assumed to be composed of seven members, with the QMV requirement being 5/7, SQ to be to the left of the least integrationist member, so outside Pareto set of member governments, and both the Commission and the EP to be more pro-integration than any Council member, Tsebelis introduces the concept of conditional agenda-setting power of the EP under cooperation procedure. Placing the emphasis on the

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35 The debate gains on weight having in mind that “increasing parliamentary veto is unlikely to strengthen the pro-integrationist influence”; König Thomas and Poter Mirja, op. cit., p. 332.


37 Because “if the SQ is located inside the heptagon 1-7…, it cannot be changed by the unanimity of the Council: at least one member will object to any particular move” (Tsebelis George, The Power of the European Parliament as a Conditional Agenda-Setter, op. cit., p. 133).
second reading of cooperation procedure, Tsebelis argues that “this procedure may enable the EP to offer a proposal (X) that makes a qualified majority of the Council better off than any unanimous decision ((U (SQ))). IF such a proposal exists, IF the Commission is able to make it and IF the Commission adopts it, then the EP has agenda-setting power. If these conditions are not met, the EP loses its agenda-setting power”, which is why EP’s power is conditional.

On the other hand, in Steunenberg and Crombez view, under cooperation procedure the EP has conditional veto power, which is effective provided that Council’s QMV and the Commission are more supportive of changing SQ than the absolute majority in the EP. Had the unanimous Council and the Commission been more supportive, the EP cannot exercise veto power, because of the Council’s power to overrule. However, “It is unlikely that the EP’s veto would not be supported by any country. In equilibrium this requires at a minimum that the Parliament has an ideal policy to the left or to the right of all countries ideal policies. The Parliament is not likely to have such extreme preferences. Therefore, its veto power is likely to be effective”.

As for the agenda-setting, the three authors argue it is on the Commission. Only exceptionally the EP has agenda-setting powers, provided that the EP has informational advantages and/or preferences of either the Council or the Commission, change towards the EP’s ideal position, during the second reading, i.e. after CP is adopted. In their analysis of the decision on car emission standards, Hubshmid and Moser explain the success of EP amendments with the ‘change of the perceived reversion policy’. Aware of the practice and general principle established by the ECJ in the Danish bottle case, the Commission wanted to prevent erosion of the common market… (therefore) modified its position and accepted the stricter standards proposed by the EP. Both Steunenberg and Crombez give a very similar argument, claiming that there is no difference between agenda-setting power EP has under consultation and cooperation procedure (since the Commission is not bound by EP’s amendments in either procedure); in both procedures, it is equally conditioned by the presence of informational advantages and change of preferences, which is more likely in cooperation procedure because it has an additional reading. The key argument is that EP amendments proposed in cooperation procedure are unsuccessful because either the Commission made them on its own or the EP knew they

38 Because “any (subgame perfect) equilibrium strategies in the game have to include equilibrium behaviour in the last stage of the game. In other words, in order to draw conclusions about the cooperation procedure one has to start from the second reading” (Tsebelis George, More on European Parliament as a Conditional Agenda-Setter: Response to the Moser, op. cit., p. 841).


41 ECJ found restrictive trade regulations justifiable on the grounds of environmental protection (C 302/86).

would be rejected, so did not offer them. The potential flaw of the argument is the assumption it relies on, the one of complete information, which is not realistic.

The first model predicts influential EP in cooperation procedure, with the Commission playing a significant, if not pivotal role in facilitating success of EP amendments. The other view is that with the cooperation procedure the EP did not gain any significant powers or did gain limited powers. The following hypotheses may be derived from the first approach: (1) **EP is successful in introducing amendments in cooperation procedure**, and (2) **not all amendments have equal chance of success**. Amendments accepted by the Commission are particularly more likely to be accepted by the Council than those which the Commission rejected, because of the unanimity requirement in the Council for both rejection of amendments accepted by the Commission and acceptance of amendments the Commission rejected.

The following part is an analysis of the success of EP amendments introduced into three legislative proposals. First I present the EU health and safety policy.

3. **Overview of EU Health and Safety Policy**

Article 55 of the Treaty of Paris, establishing European Coal and Steel Community, made reference to health and safety at work. This was a reflection of common concern of Member States regarding increasing number of explosions and fires in coalmines, and the expression of their willingness to coordinate efforts aiming to improve working conditions and reduce frequency of accidents. Under Article 55, which provided the framework for cooperation in the area of health and safety at work, the Commission initiated a number of research programmes, with the aim to obtain scientific knowledge of value for improving working conditions and protection of workers from risks they were exposed to at work. In 1957, Safety and Health Commission for Mining and Other Extractive Industries was set up to assist the Commission in the preparation of legislative proposals related to health and safety at work.

The establishment of the EEC in 1957 brought about growing awareness of the need for common approach to health and safety of workers. From 1962 to 1966, the Commission issued a number of health and safety related recommendations. Those on occupational medicine, health surveillance of workers exposed to specific risks, followed by the adoption of the European list of occupational diseases were the first step towards the development of common health and safety policy. In 1974, the Advisory Committee for Safety, Hygiene and Health Protection at Work was set up to provide assistance to the Commission in the preparation and implementation of health and safety related measures.

The impetus for further development of Community health and safety policy came from 'the single market project' and the need to ensure competition, productivity and protection of workers on equal footing across the Community. In the context of single market, health and safety policy was to ensure that competitive pressures of the single market did not jeopardize health and safety protection of workers. During 1970s and 1980s, the Commission implemented three action programmes on safety and health to improve protection of workers from risks they were exposed to at work. Within the framework of those programmes, several Directives were adopted by the Council.

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44 First research programmes were focused on coal and steel industry, e.g. ergonomics in steel industries.
protecting workers against risks related to exposure to various harmful agents at work.  

With the launch of the second phase of the single market, health and safety policy gained on importance. SEA explicitly provided a legal basis for the adoption of health and safety legislation at the Community level. SEA Article 118A called for harmonisation of national health and safety regulations, thereby providing a legal basis for subsequent adoption of secondary legislation, to lay down minimum requirements for protection of workers against risks they are exposed to at work. The aforementioned Article placed health and safety policy under cooperation procedure and provided for substantial involvement of EP in the design of health and safety legislation. The choice of decision-making procedure was the expression Member States’ willingness to transfer responsibility in this subject area to the Community level.

The first step towards the goal set by SEA – approximation of national regulations – was achieved by Council Directive on the introduction of measures to encourage improvements in the safety and health of workers at work, which is often referred to as ‘the Framework Directive’. It set down fundamental principles for the prevention of occupational risks and protection of health and safety. The Directive laid down general rules obliging employers to inter alia conduct the assessment of risks to workers’ health and safety, undertake preventive measures, provide training in matters relating to health, safety and specified responsibilities of workers, such as correct usage of tools, adherence to employer’s instruction etc. A series of Directives have been adopted since, within the meaning of Article 16, paragraph 1 of the Framework Directive.

The adoption of The Community Charter of the Fundamental Social Rights of Workers in 1989, was an additional layer to the existing framework; by accepting the Charter, 11 Member States agreed that ‘the same importance must be attached to the social aspects as to economic aspects’ of the single market, as ‘companies in the single market should work on the basis of same minimum benefits and rights; otherwise the proper functioning of the market would be hindered by distortions in competition’. Although the Charter had no binding force, it was a clear expression of Member States’ intention to commit them to a common social policy, to include health and safety at work. Agreement on social policy among 11 Member states was annexed to the Social Protocol of Maastricht Treaty and finally became a part of the Community primary legislation with coming of the Treaty of Amsterdam into force.

An important part of health and safety regulation is legislation on the protection of workers from carcinogen agents. In 1990, the Council, acting upon Commission’s proposal and within the framework of Article 16, paragraph 1 of the Framework Directive, adopted sixth individual Directive on the protection of workers from risks.

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45 Directive 78/610/EEC on the approximation of the laws, regulations, and administrative provisions of the Member States on the protection of the health of workers exposed to vinyl chloride monomer, was the first one adopted, as a part of execution of Commission action programme.


47 “The Council, acting on a proposal from the Commission based on Article 118a of the Treaty shall adopt individual Directives in the areas listed in the Annex”; those include work equipment, personal protective equipment, work with visual display units, handling of heavy loads involving risk of back injury, temporary or mobile work sites and fisheries and agriculture.

related to exposure to carcinogens at work. The Directive was amended twice with the aim to provide better protection of workers exposed to carcinogen agents.

Adoption of the set of directives addressing the issue of exposure to carcinogens at work was a follow-up on the 1987-1992, Europe against cancer programme, aiming at ‘protection of workers health and safety against risks specifically arising or likely to arise from exposure to carcinogens at work’ by obliging employers to undertake prescribed measures to avoid or limit workers’ exposure of workers to carcinogens.

Developments in the area of health and safety at work from ECSC onwards clearly indicate that by far the vast majority of initiatives for advancement of this policy were coming from the Commission. By initiating health and safety legislation and by supporting a bulk of health and safety related research projects, the Commission acted as both formal and informal ‘agenda-setter’. Over time, the scope of activities of DG V, Eurostat and ESAW, all dealing with health and safety related issues, grew considerably.

The pace of development of Community health and safety policy accelerated and the range of specific issues that health and safety legislation covers expanded after SEA was adopted and health and safety regulation placed under new decision-making procedure. Some authors argue that the introduction of cooperation procedure played a crucial role in speeding up the pace of progress of Community legislation placed under it, as it increased EP’s ability to influence legislative outcomes more effectively. EU health and safety legislation, as Eichener and Majone for instance observed, has become after SEA more advanced than legislation in any of the Member States. This fact says enough about the importance attached to this policy area from SEA onwards, which is why I have chosen it as the subject for analysis. Pro-integration orientation of EP was obvious in case of the Directives under analysis; while the EP pushed for more stringent rules, providing better protection of workers across the EU, the Council overall, paid more attention to economic considerations, greater costs for industry implied by high regulatory standards.

52 “The European Community definitely adopted the highest health and safety at work level which is to be found among 12 Member States”, “It is difficult to find equally advanced principles…in the legislation of major industrialized countries, inside and outside EC”; cited in: Tsebelis George and Garrett Geoffrey, Agenda Setting Power, Power Indices, and Decision Making in the European Union, op. cit., p. 355.
53 Amendment 13, proposed by the EP in the first reading (SYN 95/0229) and reintroduced unchanged in the second reading, is a striking example. The EP proposed the following Article to be added into the Commission initial proposal: ‘Biological limit value’ means the limit of concentration, in the appropriate biological medium, of the relevant agent, its metabolite, or an indicator of effect. It shall be forbidden to exceed this value (PE A4-0103/1996 of 26/03/1996, and PE A4-0072/1997 of 27/02/1997). The Amendment, had it been adopted by the Council, would have significantly altered the scope of the Directive (97/42), as initial Commission proposal made no reference to ‘biological limit values’. However, the Amendment was rejected, which reflected prevailing economic considerations in the Council. Even the Commission, after accepting the Amendment in the first reading, rejected it in the second reading because: ‘Given the complexity of determining and monitoring such limit values in practice, and taking into account
The rest of the work is the analysis of EP amendments proposed on three health and safety legislative proposals, with the aim to determine how successful EP was and what affects the success of EP amendments.

4. The European Parliament’s Influence on Legislation

The analysis of the success of EP amendments examines dataset composed of 91 amendments, which were part of 3 health and safety legislative proposals\(^{54}\) adopted under cooperation procedure. To test competing theories on the EP’s impact on legislation under cooperation procedure, I have chosen the following approach: first, I replicated in part the study undertaken by Tsebelis and Kalandrakis\(^{55}\) with the aim to obtain more precise data than aggregate statistics on the success of EP amendments published by the EP provides and; second I produced logistic regression in order to test the relationship and significance of the relationship between selected independent variables and success of EP amendments, i.e. the dependent variable. Amendments introduced by the EP are traced through each stage of legislative process and considered to be successful if they are essentially incorporated into the final legislative text, which I refer to as ‘accepted by the Council’.

4.1. Determining success of Parliament amendments

Methodology

This part of the analysis establishes acceptance rates of first and second reading amendments overall and for different categories of amendments according to their significance. All first and second reading amendments are classified both according to the degree of their significance and the degree of acceptance by the Council. The classification is based on the Commission reports, documents published by the EP, including committee reports and plenary debates, on the grounds of information on EU health and safety policy contained in the Commission documents and other relevant literature. According to degree of significance I categorised all amendments using the classification similar to the one used by Tsebelis and Kalandrakis, therefore highly important and important amendments “introduce changes that (significantly) alter the scope of legislation”\(^{56}\), significant and highly significant amendments “introduce substantive changes but do not significantly alter the scope of legislation”\(^{57}\) and; insignificant amendments “do not have any substantive legal implications for the final

of the binding nature of these values, it was felt more appropriate to await the presentation by the Commission of figure for specific substances’ (CE COM (1997)0191 of 28/04/1997).


\(^{56}\) Ibid., p. 131.

\(^{57}\) Ibid., p. 131.
legislative outcome or introduce provisions that are already covered in the original text. I classified each amendment into one of the abovementioned categories separately, relative to its impact on the final legislative text. Since any health and safety piece of legislation invariably involves various dimensions, at least economic, protection of workers and environmental, I tried to attach a particular degree of significance to each amendment bearing in mind all potentially relevant dimensions.

Amendments of introductory recitals are usually classified one category lower than they would be classified were they part of the main text, which I did as well. Although as a rule, recitals either do not have impact on the final legislative text or are followed by complementary provisions in the main text, not all of them insignificant. When interpreting the Directive, the European Court of Justice refers to recitals to establish the intention of legislators concerning the meaning of the main text.

According to the degree of acceptance amendments are coded as follows: fully adopted are those adopted in full; if considerable proportion of substantive provisions of an amendment is accepted, i.e. more than 50%, it is largely adopted; partly adopted amendment is accepted in part, i.e. less than 50%; rejected amendments are those which the Commission or/and the Council refused to incorporate in the legislation.

Data analysis

Table 1 – Commission and Council acceptance of EP amendments

(A) First reading

<table>
<thead>
<tr>
<th>SYN</th>
<th>No of amendments</th>
<th>Commission</th>
<th>Council</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Adopted**</td>
<td>Rejected</td>
</tr>
<tr>
<td>0229*</td>
<td>16</td>
<td>8(50%)</td>
<td>8(50%)</td>
</tr>
<tr>
<td>0093*</td>
<td>11</td>
<td>6(55%)</td>
<td>5(45%)</td>
</tr>
<tr>
<td>0459*</td>
<td>38</td>
<td>34(89%)</td>
<td>4(11%)</td>
</tr>
<tr>
<td>All</td>
<td>65</td>
<td>48(74%)</td>
<td>17(26%)</td>
</tr>
</tbody>
</table>

(B) Second reading

<table>
<thead>
<tr>
<th>SYN</th>
<th>No of amendments</th>
<th>Commission</th>
<th>Council</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Adopted*</td>
<td>Rejected</td>
</tr>
<tr>
<td>0229*</td>
<td>11 (1)</td>
<td>1 (1)</td>
<td>0</td>
</tr>
<tr>
<td>0093*</td>
<td>3 (2)</td>
<td>0</td>
<td>3 (2)</td>
</tr>
<tr>
<td>0459*</td>
<td>12 (8)</td>
<td>9 (5)</td>
<td>3 (3)</td>
</tr>
</tbody>
</table>

58 Ibid., p. 131.

59 For instance, Amendment 6 EP proposed (Directive 95/42), Recital 9a: ‘Whereas it is important to set biological limit values to carcinogens in order to estimate the level of absorption of other channels than the breath; whereas bio-monitoring is an important procedure for assessing benzene exposure and the Commission should therefore propose a biological limit value for benzene without delay’ is accompanied by the (complementary) amendment introduced into the main text: “Amendment 13, Article 2 (ba): ‘Biological limit value’ means the limit of concentration, in the appropriate biological medium, of the relevant agent, its metabolite, or an indicator of effect. It shall be forbidden to exceed … value’.

60 Many authors use this type of classification, inter alia Tsebelis and Kalandrakis, op. cit.; Kreppel Amie, Moving Beyond Procedure: An Empirical Analysis of European Parliament Legislative Influence, Comparative Political Studies, 2002, vol. 7, pp. 784-813. The EP now also publishes reports classifying its amendments according to the degree of acceptance by the Council.
Table 1, part A, presents all amendments EP introduced into the three legislative proposals in the first reading, and part B refers to the second reading of cooperation procedure. Numbers in parentheses in part A indicate aggregate acceptance rates of EP amendments, and numbers in parentheses in part B indicate second reading amendments which are new. 48, i.e. 74% of the first reading amendments are accepted by the Commission, and 40, i.e. 62% by the Council, whereas second reading amendments are less successful: 39% (10, 6 new) are accepted by the Commission, and 23% (6, 3 new) by the Council. Lower acceptance rate of second reading amendments can, at least in part, be a consequence of the fact that only 42% (11 out of 26) of second reading amendments are new, while 58% are actually restated first reading amendments. Potential explanation are internal EP rules about second reading amendments; those are either reintroduced first reading amendments, or new provided that there have been significant changes of the proposed text between the two readings. I test the relationship between the reading in which amendments are introduced and amendment success below.

Table 1 also shows that the difference between the Commission and the Council acceptance rates of EP amendments is not considerable. For instance, in case of the Directive adopted under SYN 0229, the Commission accepted 50% of EP amendments, 31% of amendments were successful. Likewise, in case of Directive adopted under SYN 0459, the Commission incorporated 89% of EP amendments into the proposal, 79% became part of the CP. The data therefore indicate that there is correlation between Commission acceptance and amendment success. Commission acceptance is, according to Tsebelis, the key precondition for EP agenda-setting power, so I test whether this correlation in significant below.

Table 2 – Commission and Council acceptance of EP amendments according to importance

(A) First reading

<table>
<thead>
<tr>
<th>Category</th>
<th>Total</th>
<th>Commission</th>
<th>Council</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>A</td>
<td>31% (20)</td>
<td>80% (16)</td>
<td>15% (3)</td>
</tr>
<tr>
<td>B</td>
<td>31% (20)</td>
<td>35% (7)</td>
<td>10% (2)</td>
</tr>
<tr>
<td>C</td>
<td>21% (14)</td>
<td>50% (7)</td>
<td>7% (1)</td>
</tr>
<tr>
<td>D</td>
<td>8% (5)</td>
<td>80% (4)</td>
<td>20% (1)</td>
</tr>
<tr>
<td>E</td>
<td>9% (6)</td>
<td>50% (3)</td>
<td>16% (1)</td>
</tr>
<tr>
<td>All</td>
<td>100% (65)</td>
<td>57% (37)</td>
<td>8% (5)</td>
</tr>
</tbody>
</table>

(B) Second reading

<table>
<thead>
<tr>
<th>Category</th>
<th>Total</th>
<th>Commission</th>
<th>Council</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>A</td>
<td>27% (7)</td>
<td>57% (4)</td>
<td>-</td>
</tr>
</tbody>
</table>
Table 2 presents again acceptance rates of amendments introduced in the first reading – part A and the second reading – part B, but the rates are calculated separately for each category of amendments – insignificant, significant, highly significant, important and highly important. Table 2, column 1, shows that 31% - 20 out of 65 - of the first reading and 27% - 7 out of 26, 5 new - of the second reading amendments are insignificant. The majority of amendments introduced both in the first - 69%; 45 out of 65 - and the second - 73%; 19 out of 26, 6 new - readings introduce changes, which either substantially affect the final text or even alter the scope of the proposed Directive.

Apart from greater success of first reading amendments, data in Table 2 also indicate that less significant amendments have higher acceptance rates; 80% of the first and 57% of the second reading amendments coded insignificant are fully accepted by the Commission. Likewise, 40% of the first and 43% of the second reading amendments coded insignificant are accepted by the Council, so vast majority of amendments which clarify parts of legislative proposal are incorporated into the final text.

However, EP is not completely unsuccessful in introducing amendments which have legal or political implications. For instance, Table 2 shows that 64% of first reading amendments coded highly significant are essentially accepted by the Commission, 61 out of which 50% verbatim, and 43% by the Council, out of which 21% in full. I test the relationship between amendment significance and its success below.

4.2. Factors affecting success of Parliament amendments

Methodology

Selected variables represent operationalisation of the hypothesis the analysis tests. Acceptance by the Commission is one of the conditions for agenda-setting power of the EP, so I test whether and to what extent it affects incorporation of amendments into the final legislative text. I expect amendments accepted by the Commission to have more chance of success than those which are rejected. Bearing in mind the distance between the EP and the Council, in terms of their ideal positions not only on pro-/anti-Europe scale, but on other dimensions that health and safety legislation involves, I expect less significant amendments to be more successful. Since insignificant amendments do not introduce substantial changes into the legislative proposal, but are rather technical and non-controversial, they can be expected to have higher acceptance rate than more

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61 Essentially adopted amendments comprise fully, largely and party adopted amendments.
significant amendments. And finally, taking the Rules of Procedure of the EP on the second reading amendments into account, second reading amendments can be expected to have less chance of success than first reading amendments. According to those Rules second reading amendments are not allowed except if they relate to an area of the legislative proposal which has been significantly modified since the first reading, therefore amendments introduced in the second reading are usually contentious, as they already have been rejected in the first reading, and often considered by the EP to be very important, as the EP needs absolute majority to introduce them in the second reading.

The dependent variable, acceptance of EP amendments by the Council—COUNCIL—is a dichotomous variable. All categories of amendments which are not rejected are coded 0, and rejected are coded 1. Independent variables are: a) reading—READING—first reading amendments are coded 0, second reading are coded 1; b) acceptance of amendment by the Commission—COM—all categories of amendments which are not rejected are coded 0, rejected amendments are coded 1, and c) degree of significance scale—SIGNIF—insignificant are coded 0, significant and highly significant are coded 1, important and highly important are coded 2.

Table 3—Logistic regression results
The model: ACCEPTANCE OF AN AMENDMENT BY THE COUNCIL = f (COM, SIGNIF, READING)

<table>
<thead>
<tr>
<th>Variable</th>
<th>B</th>
<th>SE</th>
<th>Exp (B)</th>
<th>***-significant at the 0.01 level</th>
<th>**-significant at the 0.05 level</th>
<th>-*significant at the 0.1 level</th>
</tr>
</thead>
<tbody>
<tr>
<td>COM</td>
<td>2.691***</td>
<td>.634</td>
<td>14.748</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SIGNIF</td>
<td>.724*</td>
<td>.416</td>
<td>2.063</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>READING</td>
<td>1.599**</td>
<td>.639</td>
<td>4.947</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

% Correct Predictions:
Overall 81.3 |

Goodness of Fit:
Cox & Snell 0.369
Nagelkerke 0.493

Table 3 presents logistic regression results. The overall model is significant at 0.01 level. The model has good overall fit with Cox & Snell equals 0.369 and Nagelkerke equals 0.493, and overall it generates 81.3% correct predictions, more specifically 87.2% of Council acceptance and 75% of Council rejection of EP amendments.

The most important condition for EP agenda-setting power suggested by Tsebelis is acceptance of proposed amendments by the Commission. As mentioned above, the Council needs QMV to accept EP amendments incorporated by the Commission into the initial proposal, whereas rejection of those amendments, as well as overturn of the Commission rejection of amendments proposed by the EP requires unanimous vote. As the results show, there is a correlation between Commission acceptance (COM) and amendment success (COUNCIL). Amendments rejected by the Commission are 14 times more likely to be rejected by the Council, the coefficient being significant at 0.01

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level. From the Table 1 it can be calculated that there are only 4 cases of the Council acceptance of amendments rejected by the Commission. However, the Commission acceptance does not guarantee amendment success; there are 16 cases of amendments accepted by the Commission and rejected by the Council, which is nearly 18%.

The substance of an amendment proved to affect its success as well. However, the effect is not huge; move by one point up the significance scale increases the likelihood of amendment rejection by 2 times. The coefficient is significant at 0.1 level, meaning that there is 10% chance that the relationship between the type of amendment and its success is actually insignificant. As Table 2 suggests many amendments introducing significant changes into legislative text are successful; e.g. 50% of highly important amendments are fully or largely accepted by the Council, as shown in Table 2, part A.

And finally, the likelihood of acceptance of second reading amendments significantly drops compared to that of amendments introduced in the first reading.63 Second reading amendments are almost 5 times more likely to be rejected than first reading amendments with the coefficient being significant at 0.05 level. Considerably lower likelihood of acceptance of second reading amendments can be explained by the fact that 58% of second reading amendments are in fact reintroduced first reading amendments. On the other hand, the fact that the EP is relatively unsuccessful in introducing amendments in the second reading may indicate that restated first reading amendments are very important, or at least considered as such by the EP.

5. Conclusion

The case study presented is a small contribution to understanding the power of the EP as a legislator in one of the Community legislative procedures. The key result of the analysis – relatively high acceptance rates of amendments proposed by the EP – indicates that the EP an is important legislative actor and supports the view that the institutional setting of cooperation procedure provided the EP with the ability to influence final legislative outcome. Not only has cooperation procedure, as opposed to consultation, provided the EP with the power to propose amendments, but a large proportion of amendments introduced by the EP end up accepted by the other two co-legislators, with 40% of those ultimately incorporated into the final legislative text. The results are also supportive of the argument that cooperation procedure, together with the extension of QMV in the Council helped create a large corpus of pro-integration legislation in the post SEA period.

The analysis generates a few other findings regarding factors that explain why EP amendments are not always successful. Examination of the role the Commission plays yielded a result which is supportive of Tsebelis’ theory. Amendments rejected by the Commission are less likely to be accepted than those which the Commission accepted. A very small proportion of amendments rejected by the Commission are supported by unanimous vote in the Council (4%), which indicates that the Commission plays crucial role in increasing the likelihood of the success of EP amendments.

The type of amendment proved to have moderate effect on its success. Although less significant amendments have a greater chance of success, more significant ones are adopted quite often. This suggests that the EP influences legislation passed under cooperation procedure substantially, rather than marginally.64

And finally, timing of an amendment has effect on its success; amendments proposed in the first reading have greater likelihood of being accepted than those introduced in the second reading of cooperation procedure. One part of explanation are internal EP rules governing cooperation procedure that were applied at the time of passing the Directives under analysis. As a consequence of those rules, most second reading amendments are actually restatements of amendments proposed in the first reading.

Though the analysis shows that the EP’s role in Community legislative process is not negligible, it is not exhaustive and may be extended in few directions. Besides variables included in the analysis, there may be other factors affecting success of EP amendments. Most obviously, as this case study is focused on health and safety legislation, it could not establish whether the impact of the EP on legislation varies across policy areas. Perhaps more importantly, the influence of the EP on health and safety legislation adopted under cooperation and COD procedures may be compared.

REFERENCES

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19. Legislative documents: OJL 183 of 29/06/89, p. 1; OJL 196 of 26/07/90, p. 1; OJL 179 of 08/07/97, p 4; OJL 138 of 01/06/99, p. 66; and OJL 131 of 05/05/98, p. 11.


23. Parliament documents (PE): A3-0185/1994 (OJC 128 of 09/05/94, p. 8); T3-0245/1994 (OJC 128 of 09/05/94, p. 129 and 167); A4-0051/1998 (OJC 080 of 16/03/98, p. 5); T4-0061/1998 (OJC 080 of 16/03/98, p. 16 and 25); A4-0103/1996 (OJC 141 of 13/05/96, p. 6); T4-0350/1996 (OJC 198 of 08/07/96, p.
22 and 182); A4-0072/1997 (OJC 115 of 14/04/97, p. 5); T4-0143/1997 (OJC 132 of 28/04/97, p. 67 and 79); A4-0353/1998 (OJC 328 of 26/10/98, p. 5); T4-0619/1998 (OJC 341 of 09/11/98, p. 105 and 134); A4-0152/1999 (OJC 219 of 30/07/99, p. 9); and T4-0233/1999 (OJC 219 of 30/07/99, p. 45).

37. Web pages: www.europa.eu.int/ comm/ employment_social/ health_safety of 15/07/03; www.europe.osha.eu.int/research of 15/07/03.

*Original in English*
Sonja LUČIĆ
OVLAŠĆENJA EVROPSKOG PARLAMENTA U ZAKONODAVNOJ PROCEDURI SARADNJE
REZIME

Cilj ovog rada je utvrđivanje uticaja Evropskog parlamenta u jednoj od zakonodavnih procedura Evropske unije – proceduri saradnje, odnosno utvrđivanje u kojoj meri i pod kojim uslovima parlament može uticati na sadržinu pravnog instrumenta koji je predmet usvajanja.


Predmet analize, odnosno uzorak su tri uputstva iz oblasti zajedničke socijalne i politike zaposljavanja usvojena u proceduri saradnje. Sa ciljem određivanja stepena uticaja Evropskog parlamenta, kao parametar je uzet procenat usvojenosti amandmana koje je Evropski parlament predložio na nacrt svakog uputstva. Kao izvor informacija o toku postupka poslužila su sledeća dokumenta: objavljeni i neobjavljeni izveštaji Evropskog parlamenta, izveštaji Saveta Evropske unije i Evropske komisije, kao i ostala radna dokumenta ova tri i drugih relevantnih organa, tačnije Komiteta koji su nadležni da daju mišljenje o predlogu uputstva. Pored toga, korišćena je i literatura o razvoju zajedničke socijalne i politike zaposljavanja, preciznije politike zaštite radnika na radu (bezbednost i zdravlje na radu). Svaki amandman koji je predložio Evropski parlament, praćen je kroz zakonodavni proces, klasifikovan prema tipu (značaj promene koju unosi u predlog uputstva), stepenu usvojenosti (u celini ili delimično), i fazi zakonodavne procedure u kojoj je predložen. Statistička metoda korišćena za dobijanje rezultata je logistička regresija.

Rezultati analize pokazuju da je Evropski parlament uticajan akter u proceduri saradnje i da je značajan procenat predloženih amandmana inkorporiran u konačni tekst uputstva. Analiza koju je obavila autorka u pogledu faktora koji doprinose stepenu uticaja Evropskog parlamenta dovela ju je do sledećih zaključaka: podrška Evropske komisije je od najvećeg značaja – amandmani Evropskog parlamenta koje Evropska komisija podrži/usvoji imaju daleko veće šanse da budu usvojeni od strane Saveta Evropske unije od amandmana koje Evropska komisija odbije; stepen političke osetljivosti amandmana direktno utiče na njegov uspeh – amandmani više ‘tehničkog’ karaktera češće bivaju usvojeni u odnosu na amandmani koji imaju političku konotaciju; i, amandmani predloženi u kasnijoj fazi postupka (drugo čitanje) bivaju ređe prihvaćeni od amandmana predloženih u ranijoj fazi (prvo čitanje).