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EU Member State Requests in Environmental Policy, 2004-2009

Codebook

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https://dataverse.harvard.edu/dataverse/ENLaEX

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Data selection

The EUPOL data set (Häge 2011), which is based on the Commission's Prelex[1] database, was used to identify all legislative proposals (regulations or directives) on which the Council had not reached political agreement in first reading before 1 May 2004 and which could have been discussed in the Council before the entry into force of the Lisbon treaty on 1 December 2009. The data set consists of all requests by member states that were specific and not just related to procedural issues. The data set consists of 790 individual requests or 216 unique requests (identical requests made by several member states) which refer to 23 legislative proposals.

Decisions were excluded because they only apply to a small set of subjects and thus would not necessarily be of potential interest to all member states. There were 48 Commission proposals for legislative acts that were discussed in the Council in that time period. Four of them were withdrawn by the Commission without any indication of a meeting of the Council or a working group to discuss them (i.e., no references in Prelex or documents in the Council's public registry). Another proposal (COM (2003) 624) was withdrawn since a majority of member states felt that the directive was no longer necessary, being superseded by other legislation and international obligations. This leaves a total of 43 legislative proposals (16 regulations, 27 directives). For seven of them (2 regulations, 5 directives), the publicly available documentation is restricted, either because the documents are censored (e.g. COM (2004) 634) or because no comprehensive and comparable records (i.e., annotated versions of the complete proposal) are available (e.g. COM 2008 (810)). All but one of them are from 2008. In other cases, there are also no records of member states request (e.g., COM (2007) 93, COM (2008) 402), which could be due to this information not being publicly available (Cross 2012) or there having been no extensive debates.

The data set consists of all requests by member states that were specific and not just related to procedural issues. The latter restriction excludes discussion on whether comitology would apply, in which format or frequency results would be reported to the Commission and public participation.

There are some missing values for the success variables. For about 5 per cent (Council) and 7 per cent (final outcome) of the individual requests information on their successfulness is missing. The difference between the number of missing values is due to one proposal (COM (2008) 644) for which the Common Position falls within the time period of the study but the final outcome does not. Most of the missing values are generated by one proposal (COM (2006) 232) which was withdrawn by the Commission after the Council had discussed the matter but before it had agreed upon a Common Position.

Data collection

The data was gathered manually based on Council documents summarizing the results of Council discussions (mainly at the working group level) during first reading. The Council Secretariat prepares summaries of the Council discussions, which often identify specific requests for changes by member states in the first reading. In addition, the public registry[2] of the Council gives access to annotated proposals, which list specific requests by member states in footnotes to the legislative text. The annotated proposals are sometimes (especially later in the process) reflecting changes not relative to the Commission proposal but to a presidency proposal. Thus, the requests in the data set are effectively a subset of all member state requests for changes to the Commission proposal, some of which are already included in the proposal as amended by a presidency compromise proposal.

[1] Prelex traced the progress of legislative procedures, it was discontinued as of December 2014 and is now included in the EUR-Lex database.

[2] http://www.consilium.europa.eu/register/en/content/int/?typ=ADV

List of Proposals

COM	COD	Title
2002/595-2	2002/0259(COD)	Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/32/EC as regards the sulphur content of marine fuels
2003/319	2003/0107(COD)	Proposal for a Directive of the European Parliament and of the Council on the management of waste from the extractive industries
2003/550	2003/0210(COD)	Proposal for a Directive of the European Parliament and of the Council on the protection of groundwater against pollution
2003/723	2003/0282(COD)	Proposal for a Directive of the European Parliament and of the Council on batteries and accumulators and spent batteries and accumulators
2004/516	2004/0175 (COD)	Proposal for a Directive of the European Parliament and of the Council establishing an infrastructure for spatial information in the Community (INSPIRE)
2005/447	2005/0183 (COD)	Proposal for a Directive of the European Parliament and of the Council on ambient air quality and cleaner air for Europe
2005/505	2005/0211(COD)	Proposal for a Directive of the European Parliament and of the Council establishing a Framework for Community Action in the field of Marine Environmental Policy (Marine Strategy Directive)
2005/667	2005/0281(COD)	Proposal for a Directive of the European Parliament and of the Council on waste
2006/15	2006/0005/COD	Proposal for a Directive of the European Parliament and of the Council on the assessment and management of floods
2006/373	2006/0132/COD	Proposal for a Directive of the European Parliament and of the Council establishing a framework for Community action to achieve a sustainable use of pesticides
2006/397	2006/0129/COD	Proposal for a Directive of the European Parliament and of the Council on environmental quality standards in the field of water policy and amending Directive 2000/60/EC
2006/818	2006/0304(COD)	Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community
2007/018	2007/0019/COD	Proposal for a Directive of the European Parliament and of the Council amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and the introduction of a mechanism to monitor and reduce

		greenhouse gas emissions from the use of road transport fuels and amending Council Directive 1999/32/EC, as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC
2007/844	2007/286/COD	Proposal for a Directive of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control)
2008/16	2008/013/COD	Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading system of the Community
2008/18	2008/15/COD	Proposal for a Directive of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directives 85/337/EEC, 96/61/EC, Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC and Regulation (EC) No 1013/2006
2003/379	2003/0139/COD	Proposal for a Regulation of the European Parliament and of the Council on Shipments of Waste
2003/492	2003/189/COD	Proposal for a Regulation of the European Parliament and of the Council on certain fluorinated greenhouse gases
2004/634	2004/231(COD)	Proposal for a Regulation of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC
2007/355	2007/121(COD)	Proposal for a Regulation of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, and amending Directive 67/548/EEC and Regulation (EC) No 1907/2006
2007/856	2007/297(COD)	Proposal for a Regulation of the European Parliament and of the Council setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO2 emissions from light-duty vehicles
2006/232	2006/0086/COD	Proposal for a Directive of the European Parliament and of the Council establishing a framework for the protection of soil and amending Directive 2004/35/EC
2008/644	2008/0198/COD	Proposal for a Regulation of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market

Number of Requests per Proposal

COD Number	Number of requests	%	Cum. %
2002/0259(COD)	19	2.41	2.41
2003/0107(COD)	59	7.47	9.87
2003/0139/COD	13	1.65	11.52
2003/0210(COD)	35	4.43	15.95
2003/0282(COD)	67	8.48	24.43
2003/189/COD	23	2.91	27.34
2004/0175 (COD)	10	1.27	28.61
2004/231(COD)	15	1.9	30.51
2005/0183 (COD)	148	18.73	49.24
2005/0211(COD)	28	3.54	52.78
2005/0281(COD)	36	4.56	57.34
2006/0005/COD	15	1.9	59.24
2006/0086/COD	38	4.81	64.05
2006/0129/COD	29	3.67	67.72
2006/0132/COD	6	0.76	68.48
2006/0304(COD)	35	4.43	72.91
2007/0019/COD	18	2.28	75.19
2007/121(COD)	25	3.16	78.35
2007/286/COD	47	5.95	84.3
2007/297(COD)	11	1.39	85.7
2008/013/COD	68	8.61	94.3
2008/0198/COD	14	1.77	96.08
2008/15/COD	31	3.92	100
Total	790	100	

Coding the type of request

Member state requests were coded into three separate categories: derogations, extensions and lower standards. *Derogations* are all requests that would reduce the scope of legislation, for example by making specific exemptions or by limiting the scope of activities to which the legislation applies. *Extensions* refer to requests that would extend the time period before the legislation is effective (e.g., requesting a later date for transposition of directives or entry into force, requests for transitional time periods). *Lower standards* refers to requests that would lower standards of the proposal, for example by increasing limit values for pollution or increasing threshold values which would trigger mandatory actions to limit pollution. Before coding the entire data set, a selection of documents was coded to establish the different categories and consistent coding rules.

Coding success

For each unique request the degree to which member states' requests were successful was coded manually based on a comparison of the requests, the common position of the Council and the final adopted act. We can distinguish between *at least partial* and *full success* and success within the Council and across the whole procedure. A request was fully successful if the outcome completely incorporates the requested change. A request was at least partially successful if there were changes that reflect the request to some degree (e.g., an extension of a transitional time period is included, even if not for the entire amount requested) or if the request was completely successful. *Final* success refers to the outcome of the complete procedure. If the proposal was adopted in first reading, we cannot distinguish between a position of the Council and the final outcome because there is no separate common position of the Council. This is the case for about one quarter of the unique requests. Thus we can distinguish between success regarding the *Common Position* of the Council, the entire *first reading* (including both Common Positions and procedures that were concluded in first reading), and the *final* outcome (which also includes procedures concluded after the first reading).

Variables

requestID

ID number for unique requests
Most requests were put forward by several member states. requestID identifies individual member state requests that are identical in terms of their content. About 60 per cent of unique requests were supported by more than one country (mean: 3.7, standard deviation: 3.5).
type: numeric (int)
unique values: 216 missing .: 0/790

proposal

ID number for proposals
type: numeric (byte)
unique values: 23 missing .: 0/790

COM

COM number of proposal
type: string
unique values: 23 missing "": 0/790
examples: "2003/723", "2005/447", "2006/232", "2007/844"

COD

COD number of proposal
type: string
unique values: 23 missing "": 0/790
examples: "2003/0282(COD)", "2005/0183 (COD)", "2006/0086/COD", "2007/286/COD"

title

Title of proposal
type: string
unique values: 23 missing "": 0/790
example: "Proposal for a Directive of the European Parliament and of the Council establishing a Framework for Community Action in the field of Marine Environmental Policy (Marine Strategy Directive)"

amending

Dummy-Variable: proposal amending legislation?
type: numeric (byte)
missing .: 0/790
tabulation: Freq. Numeric Label

Freq.	Numeric	Label
512	0	No
278	1	Yes

date_proposal

Date of proposal by Commission
type: numeric daily date (int)
unique values: 22
missing .: 0/790

date_polagree
Date of political agreement in the Council
type: numeric daily date (int)
unique values: 15
missing .: 38/790

content
Content of the request
type: string
unique values: 198
missing "": 0/790
Examples: "Exemption for products only produced in small quantities", "Later start of scheme (in one phase)", "Measurement recommended, not required"

country
Country making request
type: string
unique values: 27
missing "": 0/790
examples: "DK", "FR", "MT", "RO"

document
Document which contains request
type: string (str13)
unique values: 63
missing "": 0/790
examples: "14228/04REV2", "16027/07", "7579/05", "8933/04"

footnote
Requests are often recorded in footnotes in annotated proposals. Footnote gives the footnote which contains this particular request. Only interesting in connection with document to trace the original source of this information.
type: numeric (int)

article
Article of legislative proposal to which the request refers
type: string
unique values: 104
missing "": 1/790

regulation
Dummy variable for the type of proposal (regulation, directive, decision): Regulation –Yes/No
type: numeric (byte)
missing .: 0/790
Tabulation: Freq. Numeric Label

Freq.	Numeric	Label
689	0	No
101	1	Yes

directive
Dummy variable for the type of proposal (regulation, directive): Directive- Yes/No
type: numeric (byte)

missing .: 0/790

Tabulation:	Freq.	Numeric	Label
	101	0	No
	689	1	Yes

commonposition

Dummy variable: Council adopted a Common Position – Yes/No
type: numeric (byte)
missing .: 0/790

Tabulation:	Freq.	Numeric	Label
	206	0	No
	584	1	Yes

recitals_initial

Number of recitals in the Commission Proposal
type: numeric (byte)
unique values: 20
missing .: 0/790
mean: 28.5899
std. dev: 10.3355

recitals_cp

Number of recitals in Council's Common Position
type: numeric (byte)
unique values: 15
missing .: 206/790
mean: 31.75
std. dev: 8.95764

recitals_final

Number of recitals in the adopted act
type: numeric (byte)
unique values: 18
missing .: 52/790
mean: 38.6111
std. dev: 12.2118

success

Dummy variable: Overall success (combines results of other variables) – Yes/No
type: numeric (float)
missing .: 43/790

Ttabulation:	Freq.	Numeric	Label
	262	0	No
	485	1	Yes
	43	.	

cou_part_success

Dummy variable: Partial success in first reading – Yes/No
type: numeric (float)

missing .: 43/790

Tabulation:	Freq.	Numeric	Label
	273	0	No
	474	1	Yes
	43	.	

cou_full_success

Dummy variable: Complete success in first reading – Yes/No
type: numeric (float)
missing .: 43/790

Tabulation:	Freq.	Numeric	Label
	407	0	No
	340	1	Yes
	43	.	

final_part_success

Dummy variable: Partial success for adopted act – Yes/No
type: numeric (float)
missing .: 57/790

Tabulation:	Freq.	Numeric	Label
	284	0	No
	449	1	Yes
	57	.	

final_full_success

Dummy variable: Complete success for adopted act – Yes/No
type: numeric (float)
missing .: 57/790

Tabulation:	Freq.	Numeric	Label
	420	0	No
	313	1	Yes
	57	.	

type

Type of request
type: numeric (float)
missing .: 0/790

tabulation:	Freq.	Numeric	Label
	223	1	Derogation
	219	2	Extension
	348	3	Lower standards

derogation

Dummy variable: Request for derogation (yes/no)
type: numeric (float)
missing .: 0/790

Tabulation:	Freq.	Value	Label
	567	0	No

223	1	Yes

extension

Dummy variable: Request for extension (yes/no)
type: numeric (float)
missing .: 0/790
Tabulation:

Freq.	Value	Label
571	0	No
219	1	Yes

lower

Dummy variable: Request for lower standards (yes/no)
type: numeric (float)
missing .: 0/790
Tabulation:

Freq.	Value	Label
442	0	No
348	1	Yes

requests

Count variable (constant) for internal purposes
type: numeric (float)

old

Old (EU-15) member state
type: numeric (float)
missing .: 0/790
Tabulation:

Freq.	Numeric	Label
316	0	New
474	1	EU15

vweight

Voting weight
type: numeric (float)
missing .: 0/790

numcountries

Number of countries making a unique request
type: numeric (float)
unique values: 16
missing .: 0/790
mean: 6.9443
std. dev: 4.41503

sumvotes

Number of votes of requesting countries
type: numeric (float)
unique values: 92
missing .: 0/790
mean: 107.12
std. dev: 65.7788

blocking_numcountr

Dummy variable: Blocking minority (# countries)
type: numeric (float)
missing .: 0/790

Tabulation:	Freq.	Numeric	Label
	727	0	No
	63	1	Yes

blocking

Dummy variable: Requesting countries constitute blocking minority – Yes/No
type: numeric (float)
missing .: 0/790

Tabulation:	Freq.	Numeric	Label
	341	0	No
	449	1	Yes

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