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Article:

Burns, C. (2019) In the eye of the storm? The European Parliament, the environment and the EU's crises. *Journal of European Integration*, 41 (3). pp. 311-327. ISSN: 0703-6337

<https://doi.org/10.1080/07036337.2019.1599375>

This is an Accepted Manuscript of an article published by Taylor & Francis in *Journal of European Integration* on 16/05/2019, available online:

<http://www.tandfonline.com/10.1080/07036337.2019.1599375>

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In the eye of the storm? The European Parliament, the environment and the EU's crises

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Abstract

The European Parliament (EP) has a long-established reputation as an 'environmental champion'. Yet environmental policy has potentially been profoundly and negatively affected by the conglomerate of crises that has beset the European Union since the late 2000s. There has been a swing to the right within the Parliament in recent elections, and the entry of a range environmentally-sceptic states to the EU, which may have led to weakening policy ambition. This article uses a mix of quantitative and qualitative data to analyse whether there has been a shift in the EP's treatment of legislation, such that it has tried to weaken the policy ambition of proposals since the late 2000s. The analysis finds limited evidence of a general trend to deliberately water down legislation, and overall suggests that despite a less favourable policy context the EP still can and does exercise a positive influence over EU environmental policy.

Keywords: Crises; Enlargement; Environmental champion; European Parliament; Environmental Policy

Introduction

The European Parliament (EP) emerged as a key environmental actor in the European Union (EU), especially in the late 1980s and 1990s as the Commission brought forward an ambitious swathe of environmental legislation. Today environmental protection is considered to be a mature area of EU policy where the EP has long enjoyed substantial policy influence (Zito et al. 2019). The Treaty of Lisbon introduced only limited changes to the EP's environmental policy-making powers, by marginally expanding them in relation to international treaties. This article analyses what has happened to this established policy area in the Lisbon era, where there have been limited formal treaty changes to the environmental acquis, but a range of other significant challenges have emerged, not least the conglomerate of crises (Falkner 2016; Burns et al. 2019), that may have shaped the EP's willingness and ability to exercise environmental policy influence.

To address this question the article critically analyses the EP's environmental policy behaviour between 2004 and 2016. It does so by reviewing the EP's impact upon all environmental policies proposed under the ordinary legislative procedure (OLP) and examining three policy case studies in more depth to uncover the explanations for the EP's positions. It thereby contributes to a wider debate about the conditions shaping the exercise of parliamentary influence in this policy field. The analysis suggests that Lisbon's introduction of a wider range of policies and the Juncker Commission's justice and home affairs agenda has led to a waning importance of the environment as a policy area within the EU and within the EP. Yet despite this less favourable policy context the EP has mobilised effectively to ensure policies it favours have not been withdrawn, and continues to be able to exercise policy influence, but as in other policy sectors where the EP's amendments pose

substantial costs either for states or large industrial concerns, its influence is stymied (Schoeller and Héritier 2019). In the following section the literatures on the EP as an environmental champion, and the impact of the conglomerate of crises upon EU environmental policy-making dynamics, are reviewed in order to identify expectations about the EP's behaviour. Section three outlines the methods used, section four presents the data, before conclusions are offered in section five.

The European Parliament as an environmental champion

It is well established that the European Parliament has benefited from successive waves of Treaty reform seeing its legislative powers increased to the extent that it now has power to negotiate with the Council in most policy areas. The EP's Environment Committee was an early beneficiary of these processes of parliamentarisation and was a key actor in pushing for and exploiting increases in the Parliament's power, thereby gaining the EP a reputation as an environmental champion (Judge 1992; Burns 2012). The EP's committees are the repositories of policy expertise, with the members of the committees taking responsibility for drafting legislative reports (being rapporteurs), leading negotiations with the Council and signalling the preferences of the committee to the plenary to secure support for amendments (Burns 2013). They therefore play a central role in shaping policy outputs and in developing the Parliament's inter-institutional and wider public reputation (ibid). For the Environment Committee the adoption of the Single European Act (SEA) in 1986 provided a window of opportunity for increasing its own and the EP's wider influence.

The SEA ushered in an increase in environmental policies that were advanced both to protect the environment but also to ensure a level playing field across the common market, so that countries with lower environmental standards did not gain a competitive advantage over those with higher standards. The EP co-operated actively with the Commission to shape policy and to increase the power of both institutions in relation to environmental policy (Judge 1992). The Environment Committee was a keen advocate of using the own initiative process to try to set the Commission's policy agenda (Judge 1992; Burns 2013). The Parliament was also regarded as a key entry point to the legislative process for environmental non-governmental organisations (ENGOS) that struggle to influence decision-making in the Council and Commission. The EP's identification as an environmental champion in this period was based upon its willingness and ability to strengthen legislation, to increase the profile of environmental policy, and to represent the interests of ENGOS. Crucially however, actors within the EP used the environment as a vehicle for pursuing wider institutional prerogatives, most notably the pursuit of greater legislative power.

With the advent of the ordinary legislative procedure (OLP) (also known codecision) the Environment Committee became one of the largest customers of codecision, consistently dealing with the second highest number of codecision reports between 1994 and 2004 (European Parliament 1999; 2004). However, analysis of the EP's treatment of environmental policy proposals over time revealed that as the EP's powers increased it appeared to become less radical in its demands (Burns and Carter 2010; Burns et al. 2013). Hence there appears to have been a trade-off between influence and ambition. As the parliament achieved more policy influence it appeared to become less environmentally ambitious. A key reason for this shift was the changing dynamic between the EP and Council. The relationship between the

two institutions transformed as the OLP extended, as they were obliged to meet on a regular basis to negotiate policy, and these negotiations increasingly took place in informal secluded meetings (Reh et al. 2013). The behaviour of both institutions changed with the Council being prepared to engage more productively with the EP, and the EP tempering its own amendments to legislation, knowing that it was likely to see more of them adopted (Burns et al. 2013). The growth of informal contacts between the two has increased steadily over the years, along with the growing informalisation of decision-making under the OLP (Farrell and Héritier 2004; Rasmussen and Reh 2013; Reh et al. 2013). One consequence of this changed legislative context is that the EP no longer needs to propose highly ambitious amendments in the expectation that they will be rejected or watered down. Indeed, because of the ways in which decision-making has evolved, so that MEPs have greater contact with the Council, the EP increasingly proposes amendments that it knows will secure the support of the Council.

Nevertheless, whilst the EP appears to have become less demanding in its amendments studies suggest that it still generally sought to advance the environmental interest by strengthening legislation proposed by the Commission and taking a more pro-environment stance than the Council. For example, a mass study of all EP amendments adopted to environmental legislation under the OLP between 1999 and 2009 revealed that the EP rarely adopted amendments that weakened legislation and that when it did so it was to offer derogations to accession states, or to deal with particular sectors (the military) or geographical conditions (Burns et al. 2013). However, this study focussed upon the period immediately preceding and following the enlargement of the EU in 2004, which brought in another eight states, with three further states joining the EU in 2007 and 2013. Burns et al. (2012) suggest that in the immediate period following enlargement the newer Member States

spent time acclimatising themselves with the operations of the Council and were not particularly active in the environmental policy field. Similarly studies of EP voting behaviour suggest that the new MEPs rapidly acclimatised themselves to voting with the larger political groups rather than forming national or regional voting blocs (Scully et al. 2012).

Since that initial period however, further studies indicate that newer Member states particularly from Central and Eastern Europe, notably Poland (Jankowska 2017; Skjaereth 2018) and the Czech Republic (Braun 2014) have started to cooperate with one another to weaken or temper the ambition of environmental (especially climate) policies. The so-called Visegrad states of Poland, Hungary, the Czech Republic and Slovakia have held regular meetings to coordinate their positions in order to defend their interests in Council meetings (Wurzel et al. 2019). This new dynamic has two possible implications for environmental policy and the exercise of EP influence. First, the EP maybe more likely to find itself in the position of defending the environment and seeking to exercise influence if policy proposals are weaker in the first place because the Commission anticipates policies being weakened by the Council, or because the Council suggests changes that water down environmental ambition. Second, given that MEPs from Central and East European states make up just under a quarter of all MEPs it may be that a similar ‘Visegrad’ effect is at work within the Parliament with MEPs from the newer states seeking to protect national interests by weakening key environmental policies. Here the EP may simply align its preferences with those of the Council and demonstrate limited ambition but apparent influence as it successfully secures its stated preferences in the face of limited opposition.

In addition to this enlargement dynamic the EU has been beset by a ‘conglomerate of crises’ since 2007-8 (Falkner 2016), which is likely to have an effect upon environmental ambition

and policy-making dynamics. The global economic crisis led to the Eurozone crisis, bringing with it concerns that Greece would crash out of the Eurozone, a series of financial bailouts to debt ridden states, including Portugal, Ireland, Greece and Spain, with accompanying conditions that utilities be privatised and austerity pursued in those states. There has been an on-going migration crisis, a wave of populist protest and the emergence of new parties such as *Podemos* and *Cuidanos* in Spain and *Syriza* in Greece. There has also been an increase in the success of long-standing populist parties such as the *Front National*, which was able to bring together a far-right grouping in the European Parliament in 2015. The most recent Italian election saw the election of euro-sceptic parties (Barnes 2018) and in 2016 the UK voted in a referendum to leave the EU.

Unsurprisingly given this tumultuous period, a growing body of work is emerging analysing the policy impacts of these crises (See Falkner 2016; Burns et al. 2019). Yet, there have been relatively few studies of the impact of the crisis upon the Parliament, with those that have emerged generally focussing upon economic governance and legislation (e.g. see Schoeller and Héritier 2019; Bressanelli and Chelotti 2018; Roger et al. 2017; O’Keefe et al. 2016) with few focussing on the EP’s environmental behaviour (Burns and Carter 2012 is an exception). Given that the crises broke as new and more environmentally-sceptic states joined the EU; as a wave of populism saw the success of typically more environmentally-sceptic parties from the right in the 2009 and 2014 European elections; and as the Lisbon Treaty entered into force in 2009, extending the OLP to over 85 policy areas, thereby considerably extending the EP’s workload; it seems reasonable to expect disruption in environmental policy-making. Given the shift in the composition of the EP geographically to the East and ideologically to the climate-sceptic right, it seems credible that the Parliament will have

become less environmentally ambitious post-2009. But it also seems likely that the EP's success in achieving its stated preferences (i.e. its influence) has remained stable as it is likely that the EP continues to prefer to be successful in securing its amendments and therefore to align its preferences with those of the Commission and Council. In the following section the mixed methods approach used to identify the patterns of environmental policy-making from 2004 onwards is explained along with the way in which the EP's environmental behaviour is evaluated, and explanations for the pattern of policy-making are developed. The data are then presented in section four before some conclusions are offered in section five on whether the EP continues to influence policy in an environmentally ambitious direction in the post-Lisbon era.

Methods

In order to determine the EP's policy ambition and success in the period since Lisbon environmental policy activity over a twelve-year period is reviewed, covering the two Barroso Commissions from September 2004 to July 2014, and the first two and a half years of the Juncker Commission up to the end of 2016, which straddle the introduction of Lisbon, and the era of crisis. The purpose of this large *n* analysis is to determine the overall direction of EU environmental policy in this period (more or less ambitious); the EP's ability to shape individual policy proposals; and the direction in which it has done so (more or less ambitious). Environmental policy adopted under the ordinary legislative procedure is analysed and relevant pieces of legislation were identified using Eur-Lex, and the European Parliament's Legislative Observatory. 75 environmental policy proposals were identified that were proposed and adopted between September 2004 and December 2016.

A five-point scale for categorising environmental policy ambition was used, building upon the work of Burns and Carter (2010), who devised a scale for calculating the environmental ambition of European Parliament amendments (See Table 1). In a departure from Burns and Carter (2010) this analysis focuses upon pieces of legislation rather than individual amendments. One reason for this innovation is the changing behaviour of the EP. Until the early 2000s the EP plenary records showed each amendment separately with a number and clear indication of its placement in legislation and an indication through voting records of preferences from the parties on amendments. However, increasingly the EP simply votes on the whole text as amended. The individual amendments are negotiated and discussed within the Parliament's Committees and within informal meetings with the Council. The legislative trail for amendments is therefore now much harder to trace. Hence here the analysis focuses upon determining the difference for policy proposals and final outputs.

Each piece of legislation was coded according to its level of ambition when first proposed by the Commission (the 'proposal score') and again based on the final text (in other words, after any amendments by the Council or EP had been adopted, the 'final score'). In determining the score the proposal was evaluated according to whether it advanced the status quo. All the legislative documents associated with each proposal as it made its way through the legislative process, were examined along with associated media reports and grey literature. As the difference between the proposal and the final outcome is a product of negotiation between the EP and Council for each piece of legislation significant amendments proposed by the Parliament Committee prior to negotiations under the OLP were noted, as well as those proposed to the plenary following negotiations, (using a combination of committee and plenary records) and whether they had been adopted and were deemed to have made a

difference to the overall score. This initial phase of analysis simply gives a rough idea of whether the EP's involvement in decision-making has an impact upon the ambition of each piece of legislation. Analysing patterns from 2004 to 2016 allowed a determination of whether the involvement of the EP has significantly changed policy outcomes over time, the assumption being that if the EP has changed those outcomes it has been able to exercise influence.

The literature suggests a number of dynamics maybe shaping environmental policy behaviour: the crisis dampening overall environmental ambition; the accession of more environmentally sceptic states to the EU; and the emergence of far-right climate sceptic parties in the EP. To delve beneath the headline indicators of the large n analysis to determine if and how these factors are shaping EP behaviour and success three cases are examined in greater depth: one where the policy was weakened at least in part by the EP; one where policy was weakened despite the attempts of the EP to strengthen it; and one where policy was strengthened. These cases can only provide snapshots of behaviour but through a more in-depth analysis it is possible to uncover explanations for the patterns of behaviour revealed by the larger n analysis, and in so doing to suggest some plausible conditions that may determine the EP's positions. A range of primary and secondary data sources were used including the formal record of the plenary and contemporaneous media reports and interviews with key personnel from the Commission, Council, EP and ENGOS.

[Insert Table 1 about here]

Environmental policy-making and the EP 2004-2016.

The first thing to note is that none of the Commission's proposed legislation received a score of five the highest in the Environmental Ambition Typology and nor were any of the proposals ranked four strengthened to five (see Table 2). The proposal to update National Emissions Ceilings for certain atmospheric pollutants (European Commission 2013a) could have been a five, however, because the proposal included a range of derogations and flexibilities it was ranked four. There were only two policies graded as a one under the EA typology (i.e. they weakened the status quo) between 2004 and 2009 and the policy output remained the same as the proposal in terms of score; there were five neutral policies, one of which was strengthened to a four by the EP and one to a three; three of the fourteen proposals graded three were strengthened to fours and none were weakened. The fours kept the same ranking.

By contrast there were six proposals deemed to weaken the *status quo* between 2009 and 2014, which means that 19% of the policy proposals brought forward between 2009 and 2014 weakened existing policy compared to only 6.5% of those brought forward between 2004 and 2009. Similarly, proportionally more neutral policies were brought forward between 2009 and 2014 (41% of the total for the period compared to 16% for EP6). Of these neutral policies four were strengthened. There were proportionally fewer threes and fours. 32% of the proposals between 2004 and 2009 were ranked four compared to just 12% of those proposed between 2009 and 2014. Two of those proposed in EP7 were weakened. Turning to the first two and a half years of EP8, none of the policies proposed are deemed to have weakened the *status quo* although it is worth noting that the circular economy package brought forward in 2015 was weaker than the original proposal in 2014 (Crisp 2015a). There was one neutral policy brought forward, which was strengthened via the legislative process, three proposals

ranked three that stayed the same and three proposals ranked four, of which two were weakened via the legislative process. Analysing the direction of change between the proposal and adoption one more policy was strengthened in EP7, but a greater number of the policy proposals were weaker in the first place. In EP8 there was both a higher proportion of fours proposed and a higher proportion of policies weakened. In this case however, the number of cases is much smaller.

It is also worth noting that some policies attracted amendments that simultaneously weakened and strengthened the policy which means the proposal and final score stayed the same, despite the legislative content of the proposal being amended. For example, on a proposal on batteries the EP extended the deadline for cadmium batteries staying on the market by one year, thereby weakening the status quo, but included in the proposal a new category of batteries (mercury batteries) (European Parliament 2013a), thereby strengthening the proposal. In this case the amendments were judged to cancel each other out.

[Insert Tables 2&3 about here]

In addition to analysing legislation a series of forty-nine interviews were carried out in 2013 and 2015 with actors from all three major institutions (EP, Council and Commission) and ENGOs to ask their views of trajectory of EU environmental policy. An interesting response in 2013 concerned the volume of work. For example, an MEP from the Environment Committee expressed the view that there was less work for the Committee to do as too few proposals were being brought forward by the Commission (Interview 1). This suggestion chimed with the views of interviewees from the Commission and ENGOs who suggested that in the immediate aftermath of the economic crisis there was little appetite for environmental legislation, and therefore correspondingly fewer policies were proposed (Interview 2 & 3).

However, Figure 1 shows that whilst it was the case that there were comparatively fewer environmental policy proposals in the first half of the 2009-2014 parliamentary session, the difference is not that great compared to the previous session. In the first two and a half years of EP6 (2004 to 2006) fifteen proposals were made, by contrast in EP7 twelve proposals were made and in the first two years of EP8 ten were made. In both EP6 and EP7 sessions more proposals were made in the second half, which is consistent with normal patterns of legislative activity (see Burns et al. 2013).

However, analysis of the relative standing of the environment compared to other policy sectors reveals that over time the Environment Committee has gone from being responsible for roughly half of all the co-decision files that passed through the Parliament to dealing with 14% in the 2009-2014 Parliament (although the Environment Committee still had the largest share of reports) (European Parliament 2014a) and only 10% in the first half of 2014-2019 session (European Parliament 2016). Since 2014 Jean-Claude Juncker's Commission has made Justice and Home Affairs a key priority area leading to more legislation in this field (European Parliament 2016). Hence the introduction of new policy sectors post-Lisbon and a different Commission agenda has seen the relative importance of the environment decline. Moreover, when the Juncker Commission first took office it identified a number of environmental policy proposals that it might withdraw as part of its better regulation agenda, including notably, the circular economy package. Following extensive lobbying the circular economy package was re-proposed albeit with less ambitious targets (Crisp 2015a). Therefore the EP Environment Committee has arguably been operating in a more hostile policy environment since 2014: the combination of enlargement, and the fact that a substantial body

of environmental legislation had already been adopted, has reduced the appetite for new environmental policy proposals (Burns et al. 2019). In the following attention section we engage in more detailed case studies in order to uncover and analyse some of the drivers of these patterns of legislative behaviour.

[Insert Figure 1 about here]

Case studies

Only five policies were weakened via OLP in the period under study (see Table 4). Analysing the passage of the legislation reveals that in only one of these cases was there clear evidence of the EP calling for a weakening of policy. It is challenging to disentangle whether the EP did so following lobbying and contacts with the Council, but typically and certainly since the adoption of clearer rules on when and how the EP can engage with the Council when agreeing at first-reading, EP Committee amendments can be used as a proxy for the EP's views prior to contacts with the Council. The plenary amendments typically represent the outcome of negotiations with the Council (especially for policies agreed at first reading). To better understand the policy dynamics at play it is worth expanding the brief commentary provided in Table 4 to analyse why the EP chose to weaken legislation and how and why its efforts to strengthen legislation (in the case of air quality) were unsuccessful and the final legislation was weaker compared to the Commission proposal.

The case where the evidence suggests that the EP was involved in weakening legislation concerned the regulation of priority substances in water. In this case the Commission brought forward a proposal that reviewed the list of the chemicals identified as presenting a significant risk to or via the aquatic environment (priority substances) under the Water

Framework Directive (WFD) (European Commission 2011). Controversy emerged over the Commission's inclusion of three new pharmaceuticals to be counted as priority substances, with associated environmental quality standards that had to be met under the terms of the WFD. Those substances were two widely available contraceptives (17 alpha-ethinylestradiol (EE2), 17 beta-estradiol (E2)) and an anti-inflammatory pain-killer, (Diclofenac i.e. ibuprofen). The Parliament amended the legislation to remove these three substances from the list that had environmental quality standards – placing them instead on a watch list for the Commission to keep under review (European Parliament 2012). The implication of this change was the Commission would keep monitoring the presence and potential effects of the substances without Member States being required to change domestic practices to reduce the presence of these substances in the environment. The reason given for doing so in the Committee report was

‘Setting EQS for these substances at the present state of knowledge of their occurrence and effects to the aquatic environment may pose problems because of the preponderant importance of human health considerations: water policy should not determine directly the health policy of Member States (European Parliament 2012, 26).’

This quote implies that the setting of EQS for the three substances was premature and that there wasn't sufficient scientific evidence of harm to justify setting an EQS, particularly given the potential consequences for the use of pharmaceuticals that are regularly prescribed. By suggesting that these substances required regulating, the Commission proposal raised the prospect of significant costs being imposed either on water companies, pharmaceutical companies or the wider public (and animals, which can benefit from the veterinary use of

diclofenac) who faced the prospect of no longer being able to access these drugs. The Standing Committee on Health and Environmental Risks (SCHER) indicated that there was a case for an EQS for the contraceptives and supported the proposed level (SCHER 2011a; 2011b). On diclofenac SCHER acknowledged that the evidence was less straightforward as whilst there is clear evidence of the toxic impacts of the substance upon fish, there is less evidence of its impacts upon other populations (SCHER 2011c). Hence, whilst the rapporteur raised questions about the validity of the scientific evidence, it is clear that for two of the substances (EE2 and E2) SCHER agreed with the Commission's EQS and in the other case there was scope to include diclofenac as a substance requiring an EQS but the lack of data on other species raised doubts.

However, another reason was mobilised by states and the European Parliament to justify the removal of the substances from the EQS list to a watch list: cost. Commissioner Potocnik made clear that the economic crisis was used to justify the exclusion of substances from the list of EQS, stating:

‘The scientific evidence on the risks from these substances would justify a shorter timetable for complying with the objectives set out in the proposal. *The current economic pressures across the Union are not an adequate excuse for failing to deal properly with such risks.* But in the interests of avoiding further delays, we accept the compromise agreement in order to ensure a first reading deal (Potocnik, European Parliament 2013b)’.

MEP Julie Girling from the European Conservative Reform Group (ECR) raised economic costs and the crisis during her contribution to the debate:

‘I have always been against the Commission’s inclusion of the three pharmaceuticals in the list of priority substances, *due to what I believe to be the unjustifiably large costs of treating wastewater to remove them*. In the UK alone, the cost was estimated at EUR 35 billion over 20 years. *Inflicting such costs on households, through high water bills, at a time of economic difficulty is unacceptable*. (Girling, European Parliament 2013b).’

The crisis was also raised by João Ferreira from the European United Left and Nordic Green Left (GUE/NGL) but in the context of privatization of water in Portugal as a condition of bailout funding. Mr Ferreira suggested that this move would make monitoring water quality harder over the long term (Ferreira, European Parliament 2013b). In this case then we have a clear example of the EP weakening the legislation against the wishes of the Commission, but with the support of some states in Council. Some actors discursively mobilised the crisis as part of the justification for the EP’s amendments. Interestingly when it came to vote the GUE/NGL voted against the proposal and there were a handful of defections from the other groups, but nothing to suggest a Visegrad effect or a right-wing enviro-sceptic vote. A handful of MEPs from the right wing Europe for Freedom and Democracy (EFD) group and an ECR member voted against the resolution but the others from both groups voted in favour (European Parliament 2013c).

The second case, where the EP battled to ensure legislation was brought forward and then to strengthen it (albeit unsuccessfully) concerns the adoption of national emission ceilings for atmospheric pollutants. In this case the Commission’s proposal repealed and replaced existing legislation on national emissions ceilings for atmospheric pollutants for 2020 and 2030 and also proposed extending the scope of the directive to include particulate matter

from 2020 and methane from 2030 (European Commission 2013a). The proposal included differentiated targets for each Member State and each pollutant and required Member States to adopt national air pollution control programmes, which would be updated every two years (ibid.).

The proposal was initially brought forward by the Barroso Commission, but following the appointment of a new Commission in 2014, there was a suggestion that it would be withdrawn under the Better Regulation agenda, which was introduced to streamline EU policies. Member State concerns over costs were the principal reason for the mooted withdrawal (European Parliament 2015a). Following robust representation by the EP and ENGOs the proposal was brought forward, suggesting that the EP can still exercise influence. The Parliament sought to introduce mandatory limits for 2025 (except for ammonia), thereby tightening the proposed legislation, to reduce the various flexibilities (such as offsetting maritime emissions), and to maintain the overall ambition of original proposal to reduce health impacts from air pollution. However, the inclusion of methane in the proposals, and the targets for ammonia, were controversial within the Parliament, with the agriculture committee and members of the rapporteur's own political group speaking against the Environment Committee report (European Parliament 2015b; Crisp 2015b).

A key concern on methane and ammonia was that the regulation of these substances would have implications for those countries with a large agriculture sector and higher emissions. Unsurprisingly given the divisions already apparent within the EP and the fact that the Commission had considered withdrawing the proposal over costs, the final agreement was weaker than both the Commission's original proposal and the EP's amended first reading. Methane emissions were excluded from the directive and a variety of derogations and

loopholes were included such as Member States being freed from compliance following exceptionally hot or cold years (European Parliament and Council 2016a, Article 5).

The agricultural lobby and some states, especially the UK and Poland, lobbied hard to keep methane out of the directive and to weaken overall ambition. Notably, the GUE and the Greens defected *en masse*, as did Polish members of the ECR group reflecting the fact that this policy was deemed too weak for the greens, and despite the many derogations, still too strong for the Polish contingent of the ECR (European Parliament 2015c). There is some limited evidence of an Eastern dimension but the power of the agricultural lobby and the high costs associated with meeting air quality laws for a number of states led to a weaker outcome than the EP wanted.

Our final case is an example of the EP successfully strengthening legislation: the proposal to amend the packaging and packaging waste directive to reduce the consumption of lightweight plastic carrier bags. In this case the Commission proposal had the aim of reducing plastic bag consumption within two years of the entry into force of the directive but did not specify targets (European Commission 2013b). Commissioner Potocnik claimed that the reason for the failure to include specific targets stemmed from the different consumption within states, with Denmark having an average of four bags per consumer per year, whereas in Poland, Portugal and Slovakia, the average use was 466 bags per person (European Parliament 2014b). Unsurprisingly, given the lack of specific targets in the Commission proposal, the Parliament introduced them and also added measures relating to biodegradable plastics. The proposal was then delayed by the election and the appointment of a new Commission and, as with other proposals, it got caught up in the Commission's better regulation agenda (Jacobsen 2015). Here, despite the fact that the EP and the Council were prepared to adopt a directive

the Commission proposed withdrawing it, leading the rapporteur to state that the Commission had been a ‘nuisance’ during the passage of the proposal by failing to support the co-legislators (European Parliament 2015d). Despite the Commission’s reservations the amended directive was adopted. In this case we see a relatively weak proposal strengthened, and a united Council working with the Parliament in the face of a reluctant Commission. The final piece of legislation, whilst stronger than the Commission proposal, is still relatively flexible in offering states different routes for reducing their plastic bag consumption (European Parliament and Council 2016b). Moreover, as noted by Commissioner Potocnik in the first-reading debates, plastic bags are not generally produced in the EU so there was no concerted lobbying effort or industrial mobilisation when the Commission was preparing the legislation (European Parliament 2014b). In this respect the case stands in sharp contrast to the air quality and priority substance directives.

Analysis

All environmental policy proposed under OLP between 2004 and 2016 were reviewed in order to determine patterns of behaviour and to identify cases that merited more detailed analysis. The literature suggests that a number of dynamics may shape the EP’s ambition and influence i) a crisis effect that has dampened policy ambition and reduced the EP’s willingness to propose amendments strengthening policy, especially where such amendments entail costs; ii) a ‘Visegrad effect’ whereby CEEC states seek to water down legislation and iii) a compositional effect whereby the entry of climate-sceptic and CEEC MEPs results in weaker positions from by the EP. The potential interaction of these dynamics led to the expectation that the Parliament became less environmentally ambitious post-2009, but that its success in achieving its stated preferences (i.e. its influence) remained stable. Here it was

assumed that the EP continues to prefer to be successful in securing its amendments and therefore aligns its preferences with those of the Commission and Council.

The data and cases suggest that in line with the established literature there is little evidence of the EP actively weakening legislation, which stayed roughly the same in terms of its environmental ambition between proposal and adoption. There were few examples of overall strengthening or weakening, which fits with our broad expectation of policy stability. There were only five instances of Commission proposals being weakened and in only one of those cases was the EP the key agent of change: on priority substances and here the EP clearly had the support of states in Council that wished to avoid additional water treatment costs, or further regulation of prescription of popular contraceptive and painkilling pharmaceuticals. This policy had the potential to spill over to affect an area of policy reserved to states (health), and to impact an industry (the water sector) with the risk of potentially high social and industrial costs. The removal of the three priority substances to a watch list is not consistent with the behaviour reported in earlier studies of the Parliament, where its negative amendments tended to provide derogations for particular countries or to allow weaker standards for particular regions or types of vehicles (See Burns et al. 2012; 2013). In this case key actors mobilised arguments about the crisis to justify the EP's position – but it is difficult to disentangle this discursive mobilisation from pre-existing ideological and policy preferences.

The priority substances and atmospheric pollutant cases both saw the mobilisation of affected industries to weaken the original proposal and the EP's amendments. In the case of atmospheric substances Poland and the UK played key roles within Council on weakening

the proposal and there was a defection of all Polish ECR MEPs on the final vote. However, here the cost of the directive and the imposition of those costs across a range of states were again crucial. By contrast the packaging waste directive on plastic bags had the broad support of the Council, and the EP was also united on the issue. In this case it was the Commission that was reluctant to adopt specific targets that it felt would be difficult to police given the varied consumption of bags across the EU. Here the relative weakness of the original proposal, the lack of significant industrial mobilisation, and wider popularity of the regulation of plastic bags explain the EP's success. The case studies reveal limited evidence of Visegrad or far right MEPs making a difference within the EP, here the on-going challenge of securing agreement amongst the various right-wing groups may have played a role in limiting their effectiveness. There is likewise only some limited evidence of the crisis shaping the EP's environmental position. The air quality case suggests a nuanced picture of the EP's influence: by combining with NGOs the EP was able to force the Commission to bring the proposal forward but the policy was then significantly weakened as it made its way through the legislative process. Overall the main conditions that seem to shape the EP's influence across all cases were the distribution of costs, the mobilisation of powerful industrial sectors and the position of the Council.

Conclusion

This analysis suggests that there are few attempts of explicit environmental weakening emanating from the EP, despite the rise of the right and the presence of MEPs from more environmentally sceptic states. Equally there is limited evidence of successful strengthening. Here an important caveat is pieces of legislation have been analysed, which means that the

shift between proposals and outcome is reviews, which may mask the adoption of ambitious or weaker amendments when they cancel each other out. This weakness has been offset by analysis of three cases in more depth to uncover policy-making dynamics. Interestingly in the case where the EP did strengthen legislation, the original proposal was very weak, and the Council and EP were both united in favour of strengthening it.

The dataset indicates that more weak proposals were brought forward in the 2009-2014 session than the 2004-2009 session and the start of the Juncker Commission also saw the mobilisation of the EP and ENGOs to prevent the withdrawal of proposals. The case studies indicate that some states sought to weaken legislation, but not exclusively those from Central and Eastern Europe, so there is no strong support that either a Visegrad or right-wing effect shaped policy outcomes in a significant way. The number of environmental policy proposals brought forward has slowly declined and the relative importance of the environment on the policy agenda has waned.

These findings raise some interesting questions about the characterisation of the EP as an environmental champion. The Parliament gained this reputation in an era when its own powers were limited, but when the environmental acquis was emerging as a key component of the single market programme, with a huge growth in legislative proposals from the later 1980s until the early 2000s when environmental policy development started to plateau. Actors within the Parliament proved adept at using this policy activity to widen the EP's legislative influence. The EP also sought to shape legislation through adopting amendments that often had little chance of success, but were symbolically important and could set the policy agenda. As the EP became more powerful it seemed to temper its ambition but became more successful in securing its policy preferences. Crucially, thanks to the development of

the codecision procedure all three institutions are better informed about each other's preferences. In recent times the EP's environmental activities have generally been less high profile and it has normally collaborated with the Commission and Council rather than confronting them. Environmental policy is no longer a vehicle for the wider empowerment of the Parliament and within the Parliament the environment is waning in importance. By and large, despite these challenges the EP *has* continued to try to strengthen some environmental legislation and to push the Commission to bring forward proposals. Hence whilst the era in which the EP gained its reputation as an environmental champion has passed, it still behaves as a strategic environmental advocate that can, under the right conditions, continue to exercise policy influence. **References**

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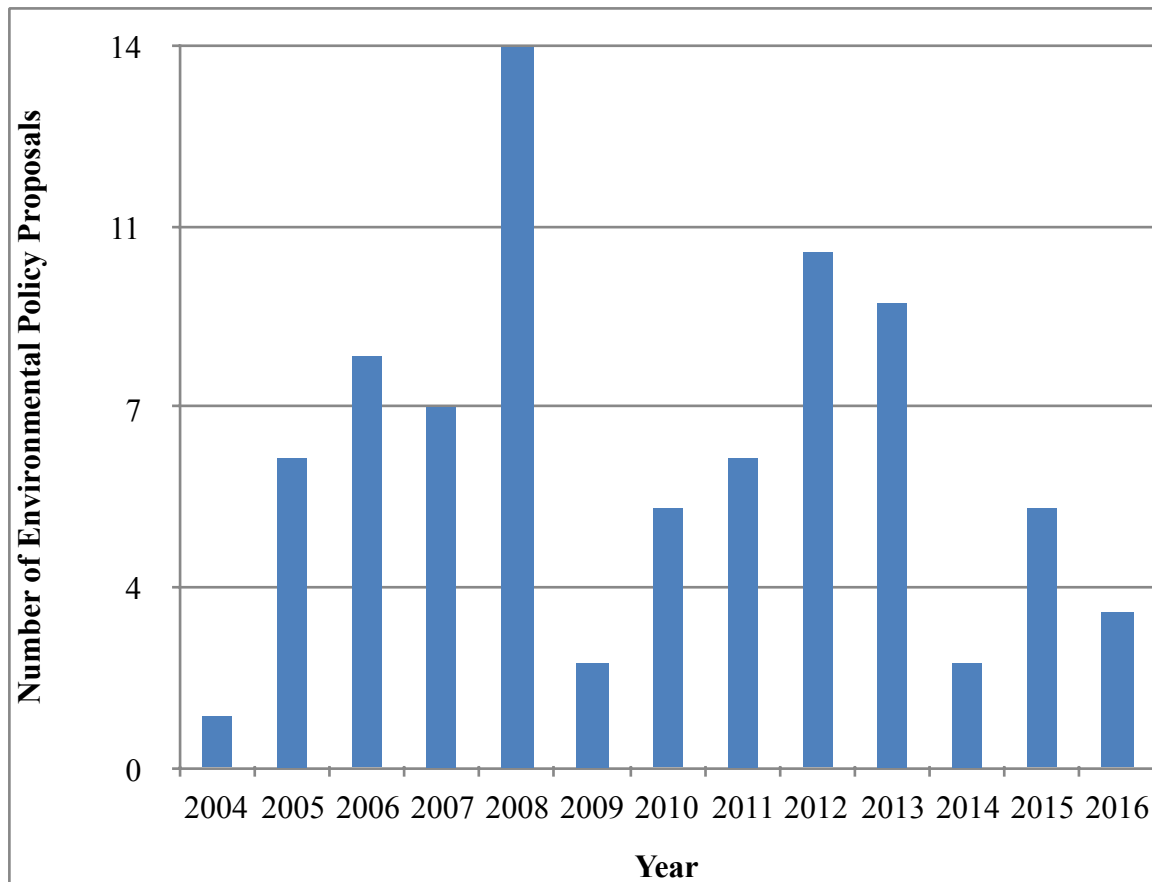
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Acknowledgements

The data analysed in this paper come from a wider project funded by the Leverhulme Trust (RPG-2014-183). Thanks are due to Paul Tobin (University of Manchester) for carrying out interviews and legislative coding and to Peter Eckersley (Nottingham Trent University) for legislative coding. A subset of the data used here are analysed in Burns et al. 2019. Thanks to the anonymous referees, the editors of the special issue and panel participants at the ECPR Standing Group on European Union Conference in Paris, June 2018, at which an earlier version was presented, for their helpful comments and suggestions. All remaining errors are the author's own.

Figure 1: Environmental Policy Proposals by Year 2004-2016¹



¹ The proposals listed included 4 proposed in 2015 that were not completed until 2018 – these proposals are not therefore included in the wider data analysis as they were completed after the first half of EP8.

Table 1: Environmental Ambition Typology

5	High ambition: includes ambitious and binding targets/limits/standards with clear and specific deadlines. Involves credible monitoring, with provisions for resources and training if necessary.
4	Moderate ambition: targets are an advance upon the status quo but are less ambitious than strong high ambition. Deadlines included but with long timeframes or derogations. Limited monitoring and resources.
3	Limited ambition: rhetorical commitment to advancing status quo but limited evidence of resourcing implementation of policy goals or deadlines.
2	Neutral: no discernible environmental impact (maintains status quo). Typically editorial and neutral amendments.
1	Negative ambition: weakens status quo by, for example, reducing/weakening targets, extending deadlines.

Table 2: Environmental Ambition of Proposals and Final Policies

	2004 to 2009		2009-2014		2014-2016	
	EP6		EP7		EP8 (1st half)	
E A Classification	Proposal scores	F i n a l scores	Proposal Scores	F i n a l Scores	Proposal Scores	F i n a l Scores
1	2	2	6	6	0	0
2	5	4	12	10	1	0
3	14	12	10	12	3	5
4	10	13	4	5	3	2
5	0	0	0	0	0	0
Total	31	31	32	32	7	7

Table 3: Direction of Change in Environmental Ambition by Parliamentary Session

Direction of Change	EP 6	EP 7	EP8
=	26 (84%)	25 (78%)	3 (42%)
>	4 (13%)	5 (16%)	2 (29%)
<	1 (3%)	2 (6%)	2 (29%)

Table 4: Proposals Weakened During Legislative Process

Title	Proposal Score	Final Score	What Happened
Extending GHG allowance trading scheme (COD: 2008/0013)	4	3	European Council led on Council position reducing EP scope to engage in negotiation. EP amendments to strengthen proposal not adopted. Crisis mobilised to justify Council position (Christoff 2010; Burns and Carter 2012).
GHG emissions: mechanism for monitoring and reporting (COD: 2011/0372)	4	3	Removal of maritime emissions but Commission brought forward later proposal. Linked to wider debates over extending ETS to maritime sector.
Water policy: priority substances (COD: 2011/0429)	3	2	EP adopted amendments to weaken proposal. Crisis mobilised as reason but substantial potential social and industrial costs.
On the reduction of national emissions of certain atmospheric pollutants (COD: 2013/0443)	4	3	EP lobbied to ensure legislation was brought forward and sought to tighten with limits for 2025 and reduction of flexibilities and to maintain overall ambition of original proposal. Council, especially Polish Government lobbied for derogations and flexibilities. Polish MEPs from the right of centre Conservative Reform Group all voted against final resolution.