

Interest Representation in the IMCO Committee's Amendments: The Influence of MEPs' Political Ideology and Role in the Legislative Process

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Abstract

This study looks at the influence of MEPs' political ideology and role in the legislative process on the representation of consumer and business interests in their legislative amendments. An original dataset containing 764 amendments by 71 MEPs across five legislative dossiers of the European Parliament's IMCO committee was created by means of a structural qualitative amendment analysis. This data was subsequently used to test three literature-informed hypotheses by means of a simple linear regression analysis and a multinomial regression analysis. The hypothesized relation between MEPs' political ideology and the interest representation in their amendments is confirmed, as the results indicate that left-wing oriented MEPs tend to favor consumer interests, whereas right-wing oriented MEPs are more inclined to support the industry. The hypotheses on the behavior of MEPs with different roles in the legislative process, however, are not supported, as no significant difference was found between rapporteurs, shadow rapporteurs, and ordinary committee members in the extent to which they balance different interests in their amendments. The results suggest that MEPs with a more influential role in the legislative process do not behave differently from other committee members in the way they support different interests in their amendments. This implies that rapporteurs may have larger policy discretion than expected thus far, which could be due to their information advantage vis-à-vis other committee members. Furthermore, a qualitative analysis of the amending process of two of IMCO's legislative dossiers corroborates the assumption that MEPs' amendments are strongly based on information provided by interest groups, thereby confirming MEPs' reliance on interest groups for their information supply.

Key words: European Parliament, interest representation, ideology, rapporteur, lobbying.

Introduction

The Parliamentary phase of the ordinary legislative procedure is an interesting stage in the EU legislative process, as the decision-making power at this stage is in the hands of elected politicians, the Members of European Parliament (MEPs). Because they are politicians rather than policy experts, and have to deal with increasingly complex policy issues across multiple dossiers at the same time (Klüver, 2012:491), they rely to a large extent on interest groups for their information supply (Mamadouh and Raunio, 2003:341; Mazey and Richardson, 2006:250-51). These interest groups contribute to well-informed policy formulation by providing technical expertise and information on the impact of certain policies on specific sectors (Rasmussen, 2011:2). The fact that most of the information on which MEPs base their policy decisions comes from interest groups, suggests that these decisions are largely the result of an MEP's evaluation of the input from lobbyists with different interests. This raises the question what determines whether or not an MEP will take the interests of a certain lobby group into account in his or her policy decisions.

Many studies on interest representation in EU policy-making attempt to answer this question by looking at interest group characteristics as determinants of the extent to which the interests of a certain interest group are represented (*cf.* Beyers and Kerremans, 2007; Bouwen, 2002, 2004; Bouwen and McCown, 2007; Dølvik and Ødegård, 2009; Eising, 2008; Princen and Kerremans, 2008; Verdun, 2008). However, not much research has been done on the 'receiving end' of the lobbying process in the EP: the MEPs. This study aims to contribute to the existing literature on interest representation in EU policy-making by looking at MEP-specific factors that determine the representation of interests in MEPs' legislative decisions.

To this end, this study focuses on the activity at the committee level, since Parliamentary committees are the "locus of MEP activity" (McElroy, 2006:8). Parliamentary committees have been characterized as the "legislative backbone" of the EP (Neuhold, 2001:3), and the "legislative workshops" of the plenary (Hurka, 2013:275). In particular when investigating interest representation in the EP's legislative decisions the committee is the relevant level of analysis. It is the place where most of the EP lobbying takes place,

as lobbyists face less obstacles in trying to influence policy than in the plenary (Bouwen, 2004:482).

The analysis in this study is focused on the Committee on the Internal Market and Consumer Protection (IMCO), which deals with issues relating to the internal market, competitiveness, and economic protection of consumers. These issues tend to involve conflicting interests of consumers and the industry, and can therefore be assumed to generate substantial lobbying from consumer as well as business organizations. In these cases, IMCO members will thus base their legislative decisions on the information they receive from lobby groups with often strongly divergent interests. In terms of its membership, IMCO is considered to be "broadly representative of the full EP" (Smith, 2008:75), which is in line with studies finding that the EP committees reflect the party group composition of the EP (Bowler and Farrell, 1995:228; Kreppel and Tsebelis, 1999:954; McElroy, 2006:7).

Previous research on Parliamentary committees has largely been focused on the distribution of procedural power within the committee structure. These studies have looked at committee assignments (McElroy, 2006; Yordanova, 2009) and rapporteurship allocation (Benedetto, 2005; Hausemer, 2006; Kaeding, 2004, 2005; Yoshinaka et al., 2010), as well as the influence of national and European political parties (Lindberg, 2008; Rasmussen, 2008; Whitaker, 2001) and interest groups on the committee dynamics (Bouwen, 2004a, 2004b; Earnshaw and Judge, 2002; Marshall, 2010, 2012). The content of the legislative process within the committees, however, has only marginally been the focus of research. Hurka (2013:274) made a first attempt at filling this gap through a structural analysis of legislative amendments. This study aims to further contribute to the currently small body of literature discussing legislative content through a systematic analysis of amendments across multiple dossiers dealt with by the IMCO committee. As such, this study forms a micro-level complement to studies dealing with lobbying access and interest representation in EP committees (*cf.* Bouwen, 2004a, 2004b; Kurzer and Cooper, 2012; Marshall, 2010).

The aim of this study is to investigate to what extent MEPs' political ideology and role in the legislative process determine the interests that are represented in their proposed amendments. It does not look at the eventual amendment success, but is

interested in the representation of interests during the formulation of legislative texts. Three hypotheses are generated from the existing literature on the EP legislative process: the ideology hypothesis, the institutional hypothesis, and the shadow rapporteur hypothesis. The ideology hypothesis describes the relationship between MEPs' ideological orientation on the left-right spectrum and the type of interest they favor. It is expected that left-wing oriented MEPs will tend to support consumer interests, whereas right-wing oriented MEPs are expected to favor business interests in their amendments. The institutional hypothesis deals with the behavior of MEPs with different roles in the legislative process, where it is expected that the legislative role of an MEP influences the extent to which his or her decisions reflect consumer and industry interests in a balanced way. The most influential role in the process is that of rapporteur, who has the task to draft a report with amendments to the Commission-initiated legislative proposal (Benedetto, 2005:85; Farrell and Héritier, 2004:1200; Judge and Earnshaw, 2011:56; Kaeding, 2004:358). Since rapporteurs need to accommodate the views of the committee to some extent in order to ensure that their amendments will be supported by a majority in the committee (Mamadouh and Raunio, 2003:343), it is expected that they will include the interests of consumers and business in a fairly balanced way. Ordinary committee members, who can table additional amendments during the open amendment stage of the Parliamentary process, are expected to show a more distinct preference for either consumers or the industry, as a result of which the balance of interests in their amendments will be more skewed. Lastly, the shadow rapporteur hypothesis deals with the shadow rapporteur, who assists the rapporteur and monitors a dossier for a political group other than the one of the rapporteur (Corbett et al., 2007:141; Judge and Earnshaw, 2011:57). Shadow rapporteurs are expected to propose amendments in favor of the lobbying side that is least represented by the rapporteur.

Theoretical Framework

Lobbying in the EP

This study hinges on the idea that MEPs strongly rely on interest groups for their legislative input, which is based on the informational theory about interest group lobbying in the EU. This theory is built on the assumption that interest groups are generally much

better informed about an issue than policy makers, and can therefore play a role in the legislative process by providing policy makers with their expertise on the issue (Crombez, 2002:8; Rasmussen, 2011:2). The power of interest groups mostly lies in the fact that they are able to strategically tailor the information on which policy makers will base their decisions to fit their own specific interests (Austen-Smith, 1993:800; Klüver, 2012:492).

Several scholars have investigated which factors determine the extent to which these information submissions by interest groups are successful, and found that the influence of the policy maker on the legislative process and the extent to which the preferences of the policy maker are aligned with those of the interest group are decisive factors in determining lobbying access and success (e.g., Bouwen, 2004; Crombez, 2002; Hall and Deardorff, 2006). An interview-based study by Marshall (2010) specifically focuses on lobbyists' strategic behavior in relation to the institutional setting of the EP. This study confirms the idea that 'legislative friends', i.e. MEPs who are likely to be sympathetic to the position of the interest group, are the most viable lobbying targets, but that the structure of the legislative process in the EP requires that interest groups sometimes lobby their legislative foes, as these may be the only MEPs with influence during certain stages of decision-making during the Parliamentary phase. Concretely, this means that during the draft report stage the rapporteur is the only influential MEP, as a result of which interest groups lobby him or her regardless of their policy position. During the open amendment stage, however, they only direct their lobbying efforts to their legislative friends, in particular those who are influential in the committee. Since this type of lobbying is more likely to result in legislative success, the amount of lobbying during the open amendment phase is greater than during the draft report stage.

The impact of political ideology on EP decision-making

Since the EP is a political institution, it can be expected that MEPs make their decisions on the basis of ideological considerations. Previous studies have established that the political contest in the EP takes place along the left-right division of the ideological spectrum (Hix and Noury, 2009; Lindgren and Persson, 2008; Yordanova, 2011:599). To what extent this ideological division has an impact on the representation of interests remains unclear. In a study on the representation of interests in the food labeling

case, Kurzer and Cooper (2012:13) claim that the extent to which interest groups are able to successfully lobby an MEP depends on their fit with the political ideology of key actors in the legislative process, which implies that MEPs' ideology influences their legislative choices. However, this claim has not been investigated empirically before.

The role of rapporteur, shadow rapporteur and ordinary committee member

Previous studies on the role of the rapporteur in the legislative process indicate that on the one hand, rapporteurs have an information advantage vis-à-vis other committee members. They have more expertise on the topic of the dossier than other committee members, and more knowledge of the policy preferences of other legislative actors, which grants them a certain amount of policy discretion (Costello and Thomson, 2010:235; Héritier and Reh, 2012:1146; Marshall, 2012:1379). However, this discretion is constrained by the fact that their draft reports need to be supported by a majority in the committee in order to be passed (Costello and Thomson, 2010:235; Mamadouh and Raunio, 2003:343). This requires rapporteurs, at least to some extent, to also accommodate the views of their colleagues in the report (Hurka, 2013:290). Furthermore, several scholars argue that the main task of the rapporteur is to facilitate consensus in the committee, and that they will therefore aim to create a solid compromise, rather than to include their own views to the largest extent possible (Benedetto, 2005:86; Settembri and Neuhold, 2009:141; Hurka, 2013:285). It can thus be expected that the rapporteurs' amendments reflect the interests of consumers and industry in a fairly balanced way.

Shadow rapporteurs are appointed by political groups other than the one of the rapporteur to monitor the work of the rapporteur and to report back to their respective political group, as well as to assist the rapporteur and find agreement on political issues across the boundaries of political groups (Jensen and Winzen, 2012:121; Judge and Earnshaw, 2011:57; Settembri and Neuhold: 142). Because of their influential role, shadow rapporteurs are expected to be targeted more strongly by lobby groups, in particular when they are sympathetic to the views of a lobby group that considers the rapporteur a 'legislative foe' (*cf.* Marshall, 2010). For this reason, it can be expected that the amendments tabled by shadow rapporteurs will tend to be in favor of the interest that is least represented in the rapporteurs' amendments.

According to the open amendment rules, ordinary committee members are also able to table amendments. In line with the above-outlined theory on EP lobbying, it can be assumed that when the rapporteur is their legislative foe, lobbyists will try to get their interests represented by lobbying ordinary committee members who are more likely to be sympathetic to their position. As such, the open amendment phase could function to 'correct' for skewedness in the rapporteur's draft report (Finke, 2012:508; Hausemer, 2006:510). Marshall (2010:572) claims that the open amendment phase of the legislative process has "at least as much impact on a committee's final outcome as the rapporteur's report." Since ordinary committee members do not face the rapporteur's restrictions, they are expected to table amendments that are more strongly in favor of one side, rather than aiming to make balanced evaluation of the information passed on to them. They do not need to take the views of the committee as a whole into account to the same extent as the rapporteurs. Tabling an amendment that favors a particular interest, may even simply serve as an expression of affiliation to that interest group, rather than as an attempt to effectively shape legislation.

Methods

This study consists of two types of empirical analysis. Firstly, a qualitative analysis is made of a sample of individual legislative amendments. This amendment analysis also involves an extensive dossier analysis in order to be able to make an informed assessment of the interest representation in the individual amendments. Secondly, a quantitative analysis investigates the influence of MEPs' political ideology and their role in the legislative process on the interest representation in their amendments.

Operationalization

The quantitative data analysis investigates the relation between three constructs: interest representation, MEPs' political ideology, and MEPs' legislative role.

Interest representation is understood as the balance of consumer and industry interests in IMCO's amendments. Each amendment is categorized according to the interest it most strongly reflected: consumers, the industry, or no particular interest. This categorization is not based on set criteria, but on an in-depth analysis of the issue at stake

based on the discussion in the media, position papers of consumer and business organizations available online, the rapporteur's explanatory note provided in the draft report, and working documents and minutes of the different European institutions available in *OEIL* and *Pre-Lex*. Some common threads across policy dossiers are provided in Table 1, but many issue-specific types of amendments could not be captured in a list of criteria.

Table 1. *Criteria for amendment rating*

In the interest of consumers	In the interest of the industry	In no particular interest
Replacement of vague/flexible provision with more specific/strict provision	Replacement of specific/strict provision with more vague/flexible provision (watering down)	Technical specification
Stricter or additional requirements (e.g. regarding health, safety) for the industry (manufacturers, traders, etc.)	Deleting requirements for the industry	Linguistic change (without consequences)
Allowing member states to make stricter additional regulations under national law	Full harmonization approach	Clarification
Burden of proof on trader (e.g. regarding damages)	Burden of proof on consumer	Moving of (part of) article to other section
Strict regulation of all companies	Deleting provisions disadvantageous to SMEs	Change relating to power distribution among EU institutions

Political ideology is operationalized as the position on the left-right spectrum, because many scholars agree that the political contest in the EP takes place along this ideological divide (Hix and Noury, 2009; Lindgren and Persson, 2008; Yordanova, 2011:599). The ideology of the IMCO members is measured on the basis of their domestic party affiliation, as studies by Faas (2003), Hix (2002), and Lindberg (2008) support the idea that this is a better indicator of an MEP's position than their European party group

affiliation, since domestic party delegations have a strong influence on the voting behavior of their MEPs. The measurement of domestic party affiliation was derived from five measurement instruments of the position of European domestic parties on the left-right spectrum (Benoit and Laver, 2006; Castles and Mair, 1984; CHES, 2010; Huber and Inglehart, 1995; Manifesto Project, 2014).

Lastly, a variable was created that indicates for each amendment what the role was of the MEP who tabled the amendment.

Data collection

This analysis is based on amendments in twelve reports, across five dossiers of the IMCO committee during the seventh term of the EP (2009-2014). The selection of dossiers was done in three steps. Firstly, all co-decision dossiers were selected, as only this procedure contains the amendment stages that this study aims to analyze. Secondly, all co-decision dossiers were screened for the extent to which they contained a clash between consumer and industry interests, which allows for the analysis of the balance of interests in the proposed amendments. These two filtering steps resulted in a selection of ten dossiers. Lastly, in order to keep the workload manageable, a random sample of 50 percent of the dossiers was drawn. The selected dossiers are displayed in Table 2.

Table 2. *Selected dossiers*

Dossier	Topic
2008/0196(COD)	Consumer Rights Directive
2011/0197(COD)	Recreational craft and personal watercraft
2011/0349(COD)	Explosives for civil uses: making available on the market and supervision. Recast. 'Goods package'
2013/0049(COD)	Consumer Product Safety Regulation
2013/0246(COD)	Package travel and assisted travel arrangements

Subsequently, a simple random sample of eight articles, three recitals, and, if applicable, one annex was drawn for each dossier. Details of the sampling are provided in Table A (Appendix 1).

Multilevel structure

Because an individual MEP can table multiple amendments, and each case in the data is a separate amendment, the data is of a clustered nature. Non-independence of observations can therefore be expected for amendments tabled by the same MEPs. This study accounts for this non-independence by using a mean score that represents the balance of interests in the amendments proposed by each MEP as the dependent variable. A major limitation of this approach is that it reduces the sample size by 90.71% (from 764 to 71 cases). A study by Hurka (2013:282) that also structurally analyzed amendments found that the amendments tabled by the same MEP, or MEPs from the same party group, are not significantly interdependent, because the variance between and within the clusters is very similar for the single-level and multi-level multinomial regression. For this reason, the analysis was also conducted at amendment level, but it should be taken into consideration that the results may be inflated due to a violation of the assumption of independence of observations.

Analysis procedure

The relation between political ideology and interest representation was analyzed by means of simple linear and multinomial logistic regression analysis. At MEP level, a simple linear regression analysis was conducted, and at amendment level a multinomial logistic regression, which allows for the inclusion of categorical variables with more than two categories. The independent variable political ideology, originally a scale from -.1 (left) to .1 (right), was recoded into a dummy variable with the categories left (-1) and right (1) for this regression analysis. In addition, a linear regression analysis was run at MEP level to validate the findings of the multinomial regression at amendment level. For this analysis, the dependent variable of interest representation was a scale variable ranging from -1 to 1.

In order to assess differences between MEPs with different roles in the legislative process, several crosstabs were conducted to detect patterns in the extent to which MEPs with different roles make up the balance of interests in their amendments. Furthermore, a multinomial regression analysis was performed in which the outcome variable was a score that indicated the skewedness of the interest representation in each MEP's amendments.

Each MEP was assigned a score that indicated whether they distinctly favored a specific interest (i.e. when the 'balance of interests' in their amendments is higher than .5 or lower than -.5), or whether his or her amendments reflected a more balanced representation of different interests (i.e. when their balance of interests is between .5 and -.5).

Results

Qualitative dossier analysis

To illustrate the qualitative dossier analysis, this section briefly describes one of the dossiers - the Consumer Rights Directive (CRD) - and relates it to the above-outlined hypotheses. The CRD aims to, in the words of the Commission, achieve "a real business-to-consumer (B2C) internal market, striking the right balance between a high level of consumer protection and the competitiveness of enterprises" (DG JUST, 2014). The core of the conflict between industry and consumer interests was on the question of harmonization versus minimum harmonization. The Commission proposal advocated a full harmonization approach for the key aspects of consumer contract law. Consumer organizations were concerned with a possible lowering of the level of consumer protection that would be the result of this full harmonization, as it could mean that member states with high consumer protection would have to give up specific national provisions, whereas business organizations supported full harmonization as a good way to deal with the legal fragmentation across the EU (EP, 2010:3). Since the Commission proposed full harmonization in favor of the industry, it could be assumed that the Parliament's amendments would tend to be more consumer-friendly, and thereby move towards a proposal in which the interests of industry and consumers are more balanced. These expectations were confirmed, as the rapporteur, Andreas Schwab, proposed a mixed approach of full harmonization in some areas, and minimum harmonization in others, which was largely in line with the wishes of consumer organizations (Schwab, 2010:105; Williams, 2011). Schwab is positioned towards the center-right on the ideological spectrum (0.14 on a scale from -1 to 1).

Eventually, IMCO remained divided on the issue, which becomes clear from the final vote: 22 IMCO members voted in favor, 16 against, and 1 abstained. This internal split was directly related to the political ideology of the IMCO members, and illustrates the

general divides in the committee across party lines. According to EurActiv, socialist MEPs all voted against the text, and accused their center-right colleagues of “selling off” the rights of European consumers (EurActiv, 2011). The fact that the text was still passed by a majority can be explained by the position of rapporteur Schwab who proposed a compromise between the two sides in the form of a mixed approach of minimum and maximum harmonization, which generated sufficient support.

The way the IMCO committee handled the CRD thus supports the hypotheses of this study. It confirms the idea that individual MEPs vote on legislative issues based on political ideology, whereas rapporteurs take a more balanced position in order to ensure the passage of their draft report in the committee. Furthermore, the example is in line with the hypothesis that MEPs on the left side of the political spectrum generally favor consumer interests, whereas right-wing oriented MEPs tend to favor the side of the industry.

The analysis furthermore corroborates the assumption that MEPs’ legislative amendments are largely based on information provided by interest groups, and thus that MEPs are strongly reliant on interest groups for their information supply. Firstly, it makes clear that the large majority of amendments deal with issues that are put on the policy agenda by interest groups. Almost all amendments can, at least to some extent, be traced back to an interest group. This is no exceptional case, as previous studies also indicate that representatives of interest groups often write large parts of the draft report and the amendments proposed by committee members (Hix and Høyland, 2010:227; Rasmussen, 2011:2).

Secondly, there is a strong overlap between many amendments in IMCO’s amendment reports and the amendments proposed in interest groups’ position papers. MEPs regularly seem to copy-paste amendments from position papers into the committee’s amendment report, which is extensively illustrated in Table B (Appendix 2). This table also shows how different MEPs sometimes propose the same amendments with identical justifications. A quote by an EP policy advisor in policy brief by Rasmussen (2011:2) is fully in line with these findings:

We cannot do our work without the information from interest groups. They send us amendments and voting lists prior to the committee and plenary vote. Sometimes it

is very tempting to copy and paste their amendments and voting lists. I mean, we are all so busy in Parliament.

General trends in quantitative amendment analysis

The quantitative amendment analysis combines a statistical analysis with an analysis of patterns and trends visible in the data. The overall results indicate IMCO's overall legislative decisions are fairly balanced, although they tend to slightly favor consumer interests ($M = -.19$, $SD = .87$). As Table 3 indicates, consumer interests are always better represented in the amendments than industry interests, in particular during the draft report phase. Dossier 2 forms an exception to this trend, but may not be representative due to its strongly technical nature. Table C (Appendix 3) shows the balance of interests in the amendments of each MEP separately, as well as their political ideology. Furthermore, to gain more insight into the amending process across legislative phases at the article level, Table D (Appendix 3) displays the interest representation across the draft report phase and open amendments phase for each sampled article.

When looking at the relative extent to which each interest is represented throughout the process, dossiers 1, 4, and 5 show the trend that consumer interests are relatively better represented during the draft report phase than the open amendment phase, while industry interests are represented relatively better during the open amendment phase than the draft report phase. This confirms the idea that ordinary committee members 'correct' the skewedness in the balance of interests in the draft report during the open amendment phase (*cf.* Finke, 2012:508; Hausemer, 2006:510). The overall balance between consumer and industry interests seems more skewed in the draft report phase than in the open amendment phase.

Table 3. *Interest representation across dossiers and legislative phases (amendment level)*

		Consumers	Industry	Technical
Dossier 1 (<i>n</i> = 239)	Draft report phase	68%	16%	16%
	Open amendment phase	59.26%	32.87%	7.87%
	Total	59.83%	31.38%	8.79%
Dossier 2 (<i>n</i> = 83)	Draft report phase	8.33%	13.89%	77.78%
	Open amendment phase	14.89%	14.89%	70.21%
	Total	12.05%	14.46%	73.49%
Dossier 3 (<i>n</i> = 28)	Draft report phase	31.82%	27.27%	40.91%
	Open amendment phase	83.33%	0%	16.67%
	Total	42.86%	21.43%	35.71%
Dossier 4 (<i>n</i> = 224)	Draft report phase	79.31%	3.45%	17.24%
	Open amendment phase	52.31%	32.31%	15.38%
	Total	55.8%	28.57%	15.63%
Dossier 5 (<i>n</i> = 190)	Draft report phase	57.89%	26.32%	15.79%
	Open amendment phase	43.42%	42.76%	13.82%
	Total	55.8%	28.57%	15.63%
Total (<i>N</i> = 764)		49.48%	30.37%	20.16%

Influence of political ideology

The ideology hypothesis was tested by means of a multinomial logistic regression analysis. The results indicate that political ideology significantly predicts whether an MEP favors consumer interests or industry interests in his or her amendments, $B = 1.03$, Wald $\chi^2(1) = 29.85$, $p < .001$.¹ The odds ratio indicates that as the ideology changes from left-wing to right-wing, the change in the odds of favoring consumer interests compared to industry interests is 2.80,² which means that left-wing MEPs are 2.80 times more likely to favor consumer interests in their amendments than right-wing MEPs. This supports the hypothesis that MEPs' political ideology affects the interest representation in their amendments. Nevertheless, these results may be inflated due to the fact that they were conducted at amendment rather than MEP level. In order to validate the results, an additional linear regression analysis was performed at MEP level. The results of the linear regression analysis support the findings at amendment level, as they also indicate that

¹ $R^2 = .076$ (Cox & Snell), $.087$ (Nagelkerke). Model $\chi^2(2) = 60.61$, $p < .001$.

² Lower confidence interval: 1.94, upper confidence interval: 4.05.

political ideology significantly predicts whether an MEP favors consumer interests or industry interests in his or her amendments ($B(SE) = .58 (.27)$, $\beta = .25$, $R^2 = .06$, $F(1) = 4.73$, $p = .03$).

Influence of legislative role

Table 4 provides insight into the differences between rapporteurs, shadow rapporteurs, and ordinary committee members in the interest representation in their amendments. Each percentage refers to the amount of amendments proposed by the MEPs fulfilling a certain legislative role in favor of a particular interest, compared to the total amount of amendments proposed by the MEPs fulfilling that particular role. It displays a tendency across dossiers that the balance of interests of rapporteurs and ordinary committee members is largely similar, while the balance of interests in shadow rapporteurs' amendments is skewed in the opposite direction.

Table 4. *Interest representation in amendments across legislative roles (N = 764)*

		Rapporteur (n = 175)	Shadow rapporteur (n = 169)	Ordinary MEP (n = 420)
Dossier 1	Consumers	59.38%	56.92%	61.27%
	Industry	28.13%	36.92%	29.58%
	Technical	12.50%	6.15%	9.15%
Dossier 2	Consumers	8.51%	100%	14.29%
	Industry	14.89%	0%	14.29%
	Technical	76.60%	0%	71.43%
Dossier 3	Consumers	31.82%	0%	100%
	Industry	27.27%	50%	0%
	Technical	40.91%	50%	0%
Dossier 4	Consumers	57.50%	18.87%	65%
	Industry	27.50%	67.92%	18.57%
	Technical	15%	13.21%	16.43%
Dossier 5	Consumers	55.81%	40.82%	44.90%
	Industry	25.58%	51.02%	39.80%
	Technical	18.60%	8.16%	15.31%

The institutional hypothesis - the expectation that MEPs' role in the legislative process affects the skewedness of the balance of interests in their amendments - seems to be supported by the trend shown in Table E (Appendix 3), which indicates that approximately two-thirds of the ordinary committee members tend to favor one type of interest, while the rapporteurs' amendments show a more balanced representation of interests. However, the informational value of these percentages is limited, as they are based on very low sample sizes. The strength of this trend was tested by means of a multinomial logistic regression. The results indicate that legislative role does not significantly predict the skewedness of the balance of interests in an MEPs' amendments (dossier 1: $B = -1.97$, Wald $\chi^2(1) = 2.84$, *ns*; dossier 4: $B = -2.35$, Wald $\chi^2(2) = 5.84$, $p = .05$; dossier 5: $B = .65$, Wald $\chi^2(1) = .27$, *ns*). The institutional hypothesis is thus rejected.

The shadow rapporteur hypothesis - the expectation that shadow rapporteurs primarily support the interest that is least represented in the rapporteurs' amendments - is largely supported by the data in Table 5. It shows that for 4 out of 5 dossiers, the balance of interests in the shadow rapporteurs' amendments leans towards the interest that is least represented by the rapporteur.

Table 5. *Balance of interests in rapporteurs' and shadow rapporteurs' amendments across dossiers*

Dossier	Rapporteur		Shadow rapporteurs		
	Ideology	Balance of interests	% with opposing ideology vis-à-vis rapporteur	Mean ideology ^a	Mean balances of interests ^a
1	.14	-0.31	50%	-.005	-0.20
2	.33	0.06	40%	.045	-1
3	.19	-0.05	40%	.085	0.50
4	-.15	-0.30	80%	0.16	0.49
5	.14	-0.30	40%	-.027	0.10

Note: ^aM calculated at MEP level.

Conclusion and Discussion

This study looked at the legislative process within the IMCO committee. It tested three hypotheses with regard to interest representation in the legislative amendments tabled during this process. The hypothesized effect of MEPs' political ideology and the extent to which consumer and business interests are represented in their amendments was confirmed, as left-wing MEPs were found to be significantly more likely to favor consumer interests, while right-wing MEPs were found to be more inclined to support the industry. This corroborates and expands earlier studies that claim that the rapporteurs' political ideology is a critical factor in determining the outcome of the parliamentary phase of the legislative procedure (*cf.* Kurzer and Cooper, 2012). It can furthermore be linked to the assumption that MEPs rely heavily on interest groups for their information supply. This assumption was confirmed by the qualitative analysis in this study, which showed how most Parliamentary amendments are strongly based on information provided by interest groups. The significant effect of political ideology on interest representation suggests that MEPs decide on the basis of ideological considerations which input from interest groups they choose to incorporate in their amendments. This implies that MEPs' legislative decisions are primarily motivated by constituency-driven considerations, and may not be primarily aimed at creating the most effective legislation. Moreover, the qualitative amendment analysis suggests that even the tabling of amendments itself may be a political act to express affiliation to a particular interest group.

Contrary to the literature-based expectations, no significant difference was found in the skewedness of the balance of interests of MEPs with a different role in the legislative process. Previous studies claim that the policy discretion of rapporteurs is limited by the fact that they need to ensure the smooth passage of their report in the committee and subsequently the plenary, and that their main task is to seek consensus in the committee (Benedetto, 2005:86; Mamadouh and Raunio, 2003:343; Settembri and Neuhold, 2009:141; Hurka, 2013:290). This generates the expectation that rapporteurs' amendments will reflect a more balanced representation of consumer and business interests, but this study does not find a significant difference between rapporteurs' balance of interests and those of ordinary committee members. This implies that the restriction on rapporteur's policy discretion may be much smaller than has been assumed

in the literature. This may be due to the fact that rapporteurs are on the one hand restricted by the need to reach agreement in the committee, but on the other hand have more room to incorporate their own views due to their information advantage vis-à-vis other committee members, which would allow them to 'manipulate' the collective policy positions in their committee in favor of their own preferences (Costello and Thomson, 2010:220; Marshall, 2012:1379). This information advantage may compensate rapporteurs' restrictions, resulting in no observable difference between the interest representation in their amendments and those of ordinary committee members.

With regard to the shadow rapporteur hypothesis, this study shows how the balance of interests in the amendments of shadow rapporteurs and rapporteurs tends to be skewed in opposite directions. As such, shadow rapporteurs serve to restore the balance of interests in the committee's legislative decisions when the rapporteur's amendments favor particular interest groups. This has implications for lobbying behavior of interest groups, in that it highlights the shadow rapporteur as a crucial target for interest groups when the rapporteur is their 'legislative foe'. The findings in this study complement Marshall's theory on EP lobbying, according to which lobby groups should target influential MEPs who are likely to be sympathetic to their position in the open amendment phase (Marshall, 2010:562). This study highlights the shadow rapporteur as such an 'influential MEP' in the open amendment phase, who is likely to echo the wishes of interest groups which are not well-represented in the rapporteur's amendments.

This study contributes to the existing research on interest representation in the EP in several ways. First of all, it complements studies on lobbying in the EP by looking at the receiving end of the lobbying process: the MEP. As such, it contributes to a more coherent view on the way in which lobby groups influences the EP legislative process. Secondly, a unique contribution of this study to the literature on interest representation is its focus on legislative amendments, since the existing literature focuses on the procedural aspects of interest group behavior. Amendments contain a rich source of information, but scholars have only analyzed their content to a very limited extent. Thirdly, this study investigates to what extent political ideology affects the access of lobby groups to MEPs, i.e. the extent to which MEPs will incorporate lobby groups' wishes in their amendments. This effect had not been investigated in a quantitative empirical way before. Lastly, this study provides a

unique insight into the dynamic between rapporteurs and shadow rapporteurs, and thereby provides empirical evidence in support of the idea that shadow rapporteurs' amendments can serve to 'correct' the potential imbalance of interests in Parliamentary policy decisions.

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Appendix 1

Table A. *Random samples*

Dossier	Articles	Recitals	Annexes
2008/0196(COD)	3, 8, 9, 22, 27, 33, 37, 40	14, 15, 44	2
2011/0197(COD)	2, 3, 12, 18, 21, 49, 53, 58	21, 26, 39	1
2011/0349(COD)	1, 2, 6, 15, 24, 40, 48, 50	all ($n=3$)	1
2013/0049(COD)	1, 4, 6, 8, 10, 11, 18, 21	7, 14, 21	-
2013/0246(COD)	3, 6, 9, 10, 12, 16, 18, 26	16, 19, 23	-

Appendix 2

Table B. *Examples of inclusion lobby group's amendments in EP amendment report (overlap underlined in third column)*

<i>Consumer Rights Directive</i>		
<i>Commission proposal</i>	<i>Lobby group amendment</i>	<i>EP amendment report</i>
	BEUC (consumers): Recitals (new) Digital goods transmitted to the consumer in a digital format, where the consumer obtains the permanent possibility of use should be treated as goods for the application of the provisions applying to sales contracts.	Amendment 255 Emilie Turunen <u>Digital goods transmitted to the consumer in a digital format, where the consumer obtains the possibility of use on a permanent basis or in a way similar to the physical possession of a good with the possibility to store it on his computer, should be</u>
	<i>Justification</i> <i>The provisions of the proposed Consumer Rights Directive are suitable for those types of online purchases of digital content that consist of an [sic] one-off transaction against payment. Such contracts, which constitute the majority of online purchases of digital content transfer the ownership to the consumer, allowing him to use it on a permanent basis, in a similar way as he acquires the property of a book, a CD or DVD. On the contrary, when the consumer only acquires a temporary right to use the digital content, mainly the case of streaming of content or video-on-demand services, such contracts should be excluded from the scope of the provisions applicable to sales.</i>	<u>treated as goods for the application of the provisions applying to sales contracts.</u> The format in which a product is presented or purchased should not matter in terms of consumer protection and consumers should be equally protected on line and off-line.
		Amendment 283 Zuzana Roithová <u>Digital goods transmitted to the consumer in a digital format, where the consumer obtains the permanent possibility of use should be treated as goods for the application of the provisions applying to sales contracts.</u>
Article 2(4) Definition of goods	BEUC (consumers): Article 2(4)	Amendment 425 Emilie Turunen

<p>"Goods" means any tangible movable item with the exception of:</p> <p>a) goods sold by way of execution or otherwise by authority of law, b) water and gas where they are not put up for sale in a limited volume of quantity; c) Electricity</p>	<p>Definition of goods</p> <p>"Goods" means any tangible or intangible item, including water, gas and electricity with the exception of goods sold by way of execution or otherwise by authority of law.</p> <p>a) water and gas where they are not put up for sale in a limited volume of quantity; b) Electricity</p>	<p>4) "<u>Goods</u>" means any <u>tangible or intangible item, including water, gas and electricity, with the exception of goods sold by way of execution or otherwise by authority of law.</u></p> <p>Amendment 426 Robert Rochefort</p>
	<p><i>Justification</i></p> <p><i>The definition of "goods" should include intangible items. Following the proposal definition of "goods" only covers tangible items. This means for instance that the provisions regarding guarantees for lack of conformity (chapter IV of the proposal), cannot be applied to digital content products (software, on-line music etc.). This definition of "goods" as tangible, although appropriate in the off-line world, no longer reflects the needs of consumers in the digital era, where more and more goods are purchased or downloaded in an intangible, digital format. The downloading of most digital goods (software, music, games, ringtones...) to be used on a permanent basis, is a one-off transaction against payment, by which the consumer receives digital files for permanent use. Such contracts, which constitute the majority of online purchases of digital content, transfer the ownership to the</i></p>	<p>(4) '<u>Goods</u>' means any movable item, whether - intangible, if the consumer can make use of the item on a permanent basis or in a manner which can be equated with physical possession; - or tangible, with the <u>exception of:</u></p> <p>Amendment 427 Evelyne Gebhardt</p> <p>(4) "<u>Goods</u>" means any <u>tangible movable and intangible item, with the exception of:</u></p> <p>Amendment 428 Zuzana Roithová</p> <p>(4) "<u>Goods</u>" means any <u>tangible or intangible item, including water, gas and electricity with the exception of goods sold by way of execution or otherwise by authority of law.</u></p> <p>Amendment 429 Eija-Riitta Korhola</p> <p>(4) "<u>Goods</u>" means any <u>tangible or intangible item,</u></p>

consumer, allowing him to use it on a permanent basis, in a similar way as he acquires the property of a book, a CD or DVD. The format in which a product is presented or purchased should not matter in terms of consumer protection: consumers should be equally protected on line and off-line.

with the exception of:

Justification

The definition [sic] of goods should include intangible [sic] items, so that the provisions regarding guarantees for lack of conformity could be applied to digital content products. The downloading of most digital goods to be used on permanent basis, is a one-off transaction against payment, by which the consumer receives [sic] digital files for permanent use. The format in which a product is presented or purchased should not matter in terms of consumer protection: consumers should be equally protected online and off-line.

Amendment 430

Catherine Stihler

(4) "Goods" means any tangible or intangible **item**, including water, gas and electricity **with the exception of goods sold by way of execution or otherwise by authority of law.**

Consumer Product Safety Regulation

Commission proposal	Lobby group amendment	EP amendment report
Article 6(1)(e) The appearance of the product and in particular where a product, although not foodstuff, resembles foodstuff and is likely to be confused with foodstuff due to its form, odour, colour, appearance, packaging, labelling, volume, size or	ANEC/BEUC: Article 6(1)(e) The appearance and characteristics of the product, its packaging and its presentation to purchasers, including any potentially misleading impression given that might lead persons to actions posing a risk to health and safety, in particular:	Amendment 166 Othmar Karas <u>The appearance of the product, its characteristics and packaging, and in particular where a product, although not foodstuff, resembles foodstuff and is likely to be confused with foodstuff due to its form, odour, colour, appearance,</u>

other characteristics.	(i) Where a product, although not foodstuff, resembles foodstuff and is likely to be confused with foodstuff due to its form, odour, colour, appearance, packaging labelling, volume, size or other characteristics (ii) Where a product, although not designed for use by them, may attract children to exploring it, coming into contact with it and interacting with it because of its design and characteristics.	<u>packaging, labelling, volume, size or other characteristics;</u> especially in case of a product which <u>may attract children</u> to using it in a way that poses <u>a risk to their health and safety.</u>
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Appendix 3

Table C. *Overview of MEPs' ideological positions and interest representation*

MEP	Political ideology ^a	Balance of interests ^b
Adam Bielan	0.36	-0.33
Amalia Sartori	0.46	-1
Andreas Schwab	0.14	-0.26
Angelika Niebler	0.24	1
Anja Weisgerber	0.24	0
Anna Hedh	-0.32	0.11
Anna Maria Corazza Bildt	0.3	1
António Fernando Correia De Campos	-0.09	-1
Ashley Fox	0.33	0.22
Bernadette Vergnaud	-0.28	-0.56
Birgit Collin-Langen	0.14	-0.5
Catherine Soullie	0.5	-0.67
Catherine Stihler	-0.07	-0.42
Christel Schaldemose	-0.15	-0.75
Constance Le Grip	0.5	0
Cornelis de Jong	-0.44	-0.33
Cristian Silviu Buşoi	0.17	0
Damien Abad	0.18	0.22
Edvard Kožušník	0.27	0
Eija-Riitta Korhola	0.29	-0.5
Emilie Turunen	-0.15	-0.36
Emma McClarkin	0.33	0.67
Evelyne Gebhardt	-0.25	-0.05
Frank Engel	0.12	1
Franz Obermayr	0.33	-0.33
Gino Trematerra	0.26	-1
Hans-Peter Mayer	0.14	-0.32
Heide Rühle	-0.3	-0.15
Ildikó Gáll-Pelcz	0.13	-0.5
Ivo Belet	0.16	-0.13
Jörg Leichtfried	-0.22	0
Jorgo Chatzimarkakis	0.16	0.43
Josef Weidenholzer	-0.22	-0.65
Jürgen Creutzmann	0.16	0.74
Kerstin Westphal	-0.25	-1
Konstantinos Poupakis	0.09	-0.9
Kurt Lechner	0.14	0.47
Kyriacos Triantaphyllides	-0.47	-1
Lara Comi	0.46	-0.2
Liem Hoang Ngoc	-0.28	-0.33
Louis Grech	-0.17	-1
Luis de Grandes Pascual	0.29	-1

Malcolm Harbour	0.33	0
Małgorzata Handzlik	0.1	-0.2
Marc Tarabella	-0.31	-0.43
Marianne Thyssen	0.16	-1
Markus Ferber	0.24	1
Markus Pieper	0.14	1
Matteo Salvini	0.3	0.21
Mitro Repo	-0.2	0
Morten Løkkegaard	0.16	-0.2
Nora Berra	0.5	-0.18
Olga Sehnalová	-0.25	-1
Othmar Karas	0.14	0.15
Pablo Arias Echeverría	0.29	-0.81
Philippe Juvin	0.5	0
Pier Antonio Panzeri	-0.27	-0.5
Preslav Borissov	0.24	-1
Rafał Trzaskowski	0.1	1
Raffaele Baldassarre	0.46	0
Robert Rochefort	0.18	0.17
Rosa Estaràs Ferragut	0.29	-0.5
Róza Gräfin von Thun und Hohenstein	0.1	-0.2
Sabine Verheyen	0.14	-0.5
Sergio Gaetano Cofferati	-0.27	-0.46
Sylvana Rapti	-0.1	-1
Tiziano Motti	0.26	0
Toine Manders	0.33	-0.08
Werner Langen	0.14	1
Wim van de Camp	0.14	-0.7
Zuzana Roithová	0.19	-0.19

Note: ^a -1 = left, +1 = right; ^b -1 = consumers, +1 = industry.

Table D. *Interest representation across legislative phases per article*

Dossier 1						
Art.	Consumers		Industry		Technical	
	Draft report	Open amendment phase	Draft report	Open amendment phase	Draft report	Open amendment phase
Recital 14	1	2		7		2
Recital 15		4		2		
Recital 44	1	2				
3	3	17		15	1	7
8	1	2		1		
9	1	11		15		2

22	1	24	1	11		
27	1	11	1	5		1
33		3	1	2		
37		1		2	1	
40		1			1	2
Annex 2	8	22	1		1	

Dossier 2

Art.	Consumers		Industry		Technical	
	Draft report	Open amendment phase	Draft report	Open amendment phase	Draft report	Open amendment phase
Recital 21			2			
Recital 26			1			
Recital 39					1	1
2					1	
3	1			1	3	1
12			1			
18			1		1	
21	1					
49					2	1
53	1			1		
58		1			1	1
Annex 1		3			19	5

Dossier 3

Art.	Consumers		Industry		Technical	
	Draft report	Open amendment phase	Draft report	Open amendment phase	Draft report	Open amendment phase
Recital 6			1			
Recital 15	1					
Recital 19	1					
1					2	
2		1	1	1	3	
6	1	2	1	2		
15			2			
24		1	1	1		
40		1		1	2	

48	2				1		
50				1		1	1
Annex 1	2						
Dossier 4							
Art.	Consumers		Industry		Technical		
	Draft report	Open amendment phase	Draft report	Open amendment phase	Draft report	Open amendment phase	
Recital 7	1						1
Recital 14	2			1			
Recital 21	3	3		4			
1		2			1		1
4	1						
6	7	14		14	2		4
8	5	40		11			4
10	2	7		9			7
11	1	14		5			5
18	1		1	10			
21					2		
Dossier 5							
Art.	Consumers		Industry		Technical		
	Draft report	Open amendment phase	Draft report	Open amendment phase	Draft report	Open amendment phase	
Recital 16		1	2	2			
Recital 19	1	2					
Recital 23	1	2		1	2		
3	8	19	2	24			1
6	1	5	1	2	1		6
9	5	11	1	6			4
10	2	9	3	2			2
12	3	12		16	2		2
16	1			12			3
18		1	1				1
26					1		

Table E. *Percentages of MEPs strongly favoring one side in amendment balance*

		Rapporteur	Shadow-rapporteur	Committee member
Dossier 1 (<i>n</i> = 45)	Favoring one side	0%	20%	64.10%
	Balanced	100%	80%	35.90%
Dossier 2 (<i>n</i> = 8)	Favoring one side	0%	25%	33.33%
	Balanced	100%	75%	66.67%
Dossier 3 (<i>n</i> = 3)	Favoring one side	0%	0%	100%
	Balanced	100%	100%	0%
Dossier 4 (<i>n</i> = 35)	Favoring one side	100%	20%	72.41%
	Balanced	0%	80%	27.59%
Dossier 5 (<i>n</i> = 23)	Favoring one side	0%	25%	61.11%
	Balanced	100%	75%	38.89%