

International workshop
"Distribution of power and voting procedures in the European Union"
Natolin European Centre, Warsaw
October 12-13, 2007

RAFAL TRZASKOWSKI *

**THE PATTERNS OF VOTING IN THE COUNCIL OF MINISTERS OF THE
EUROPEAN UNION. THE IMPACT OF 2004 ENLARGEMENT**

The idea of the article was to look closer at the voting patterns in the EU Council after the big bang enlargement of 2004. Has the informal culture of compromise seeking been endangered? Has the efficiency of the whole decision-making system been undermined? In order to answer these pertinent questions we have decided to look at the data concerning QMV voting which, in accordance with the principle of transparency, is available from the Council Secretariat. Of course what we can see from analysis of the monthly summary of Council activities is just a tip of the ice-berg. We are looking only at the very last adoption stage of the whole legislative process.

We are quite aware of the shortcomings of the approach, especially in the view of a general tendency of the Council deliberations - to prevent conscientious measures to even reach the Council level before there is consensus. As previous researchers (Hayes-Renshaw, Van Aken, Wallace 2006) dealing with the data coming from the same source pointed out we lack the detailed insights from the initial stages of the decision-making process. We lack systematic, empirical data on failed decisions (i.e proposals, which were dropped in the course of the process because there was no majority in their favour) and voting records from the sub-ministerial level where most of the decisions are pre-cooked. It would be more revealing to analyse also the earlier legislative stages,¹ some of which are accessible through PreLex

* Natolin European Centre, Poland

International workshop
"Distribution of power and voting procedures in the European Union"
Natolin European Centre, Warsaw
October 12-13, 2007

database, as advocated by some researchers (see Hagemann 2007) as well as do conduct a thorough qualitative analysis of the behaviour of the member states in the Council. We treat them as postulates for future research. The only hard, consistent and coherent evidence that we have at hand are the actual records of the final vote taken in the Council. Although these records do not constitute the perfect source for drawing final conclusions concerning the motivation of member states they do offer an invaluable insight into the patterns according to which they behave.

The decision making in the Council is remarkably consensual. On all levels, especially in the working groups and in COREPER, the deliberations have a cooperative and problem solving character (see for example: Lewis, 1998; Sannerstedt, 2005). By an large, in nearly 75% of the cases, the ministers endorse decisions by consensus even when they could resort to formal voting. It was the Single European Act (1987) which was supposed to do away with the legacy of the Luxembourg compromise. Yet the consensus reflex prevailed ever since, as noticed by those who were writing about the EC decision-making immediately after the SEA's entry into force. (See for example: Kirchner, 1992: 5-6; Wessels, 1991: 145-148). According to one of the most quoted examples in adopting the 280 directives necessary for the creation of single market consensus was achieved on 260 of them (Westlake & Galloway, 2004:224). Paradoxically, in the past twenty years, sometimes it was easier for the Council to reach unanimous decisions where deliberation is shorter and where member states can abstain without influencing the decision-making system than under qualified majority voting (see: Sherrington, 2000:65-66).

International workshop
"Distribution of power and voting procedures in the European Union"
Natolin European Centre, Warsaw
October 12-13, 2007

The philosophy of consensus at almost any cost (Peterson & Bomberg, 1999:58) leads to the situation where QMV worked more implicitly, rather than explicitly (Hayes-Renshaw & Wallace, 1997:55) forcing member states to behave more constructively. The decisions are taken, so to say, “in the shadow” of the rules governing the distribution of power. That does not mean of course that the amount of votes allocated to a particular member state does not matter (see for example Hosli, 1999b:372). At all the levels of the Council the officials calculate the votes at the back of their heads. Once it becomes clear that a proposal will not gain the support of the majority of states it is usually dropped. Once the qualified majority threshold is reached, however, no one pushes for an immediate vote. The consensus –seeking reflex prevails and the majority seek to accommodate the interests of the minority.² The Presidency always tries to have everyone on board. Only if it proves impossible the actual vote takes place.³ ‘The commitment to the goal of unanimity is not only a lip service. Voting down a minority rarely happens’ (Sannerstedt, 2005:103). There is no doubt that the EU decision-making is based on a truly unique culture. As claimed by the constructivists, dense normative environment induces acts of self-restraint and rules out certain non-acceptable behaviour even without the expectations of specific reciprocity (see for example: Wendt, 1999:362). Besides the compromise-seeking instinct, Lewis (2000: 261) adds more normative features, which underpin the decision-making process: diffuse reciprocity, thick trust and mutual responsiveness (see also: Lewis, 2003:106-109; Jonsson & Stromvik, 2005: 20-21).

Moreover, as Matilla and Lane (2001) explain, member states act strategically in the Council. Decision making in the EU is not a “one-shot” game, but rather a stream of interconnected decisions (see also: Jonsson & Stromvik, 2005:19). Ministers realise that they are not in the business of negotiating one single deal, but that they participate in a continuous

International workshop
"Distribution of power and voting procedures in the European Union"
Natolin European Centre, Warsaw
October 12-13, 2007

process, in which they seek for synergies and opportunities to initiate successful 'package deals' (see: Weber & Wiesmeth, 1991). With time they learn that if they are to defend their national interest and promote common European interest at the same time they have to engage in vote trading and log rolling. Therefore a concession in one area is often compensated with the gain in the other. Such decision-making mechanics, where trust building is most important, is in itself most propitious for consensual behaviour.

Why then in one quarter of instances the member states resort to voting, why do they want to record the dissenting voice? It seems that the motivation is different. Usually the answer to that question is simple – member states want to send a clear signal to everyone that they have a genuine problem with a given decision. Ministers utter a warning, quite often in anticipation of problems with compliance, demonstrating a future willingness to change a given policy. Sometimes the ministers give in to electoral concerns. In some instances they would be willing to support the majority but the domestic pressure is too considerable. Many of the dissenting voices are recorded because the minister did not receive clear instructions or the instructions are simply contradictory (that happens either in case of the fragmented decision making in federal states or with members which have poor coordination mechanisms). Last but not least, countries with tight parliamentary scrutiny arrangements (such as Denmark, Finland but also on occasion Sweden) do not easily adapt to changing negotiating environment.

Before each new round of enlargement the question was always asked whether the accession of new members would put into question not only the Council's efficiency, but more importantly its decision-making culture. Golub (1999) successfully demonstrated, that neither the accession of Spain and Portugal, nor the enlargement of 1995 (Sweden, Austria and

International workshop
"Distribution of power and voting procedures in the European Union"

Natolin European Centre, Warsaw
October 12-13, 2007

Finland) had any effect on decision-making speed and the culture of compromise (see also: Matilla & Lane, 2001, Wessels, 2001). It was not the enlargement which was responsible for eventual slowing down the decision-making process (especially the lag time needed for the adoption of EU legislation) but progressive empowerment of the European Parliament.⁴

While predicting the behaviour of the new member states there were always two contradicting views. One was that the new member states will be more difficult at the beginning before they become accustomed to the Council's decision making culture. The other is that at the outset the "rookies" will behave more timidly, however, once they get to know the Council's machinery better they will become more assertive. In the case of the last enlargement neither of the theses got confirmed. The patterns of behaviour (contested votes) in the years 1996-2006 for the new member states - Austria, Sweden and Finland were remarkably consistent. For the past ten years Sweden was one of the member states which contested QMV decisions most often. Austria was behaving like an average member state and Finland, in general, refrained from formally voicing its discontent.

Many researchers (see for example: Heisenberg, 2005: 69; Zimmer & Schneider & Dobbins, 2005:418, Hosli, 1999b:372) were suspecting that the "big bang" 2004 enlargement would be different. Most importantly because of its size, after all that was to be the biggest enlargement to date. More importantly, the new member states were different from the Fifteen in every respect – most of those states are in the middle of a traumatic transition from communism, they are above all much poorer, much more reliant on agriculture, much more to the East and (allegedly) have a very different political culture. Hence, last but not least because of great differences in socioeconomic development (see for example: Mattila and Lane, 2001), most pundits predicted that from May 2004 the interests in the enlarged Union were to be much less homogenous. Moreover, almost everyone agreed that it would take long

International workshop
"Distribution of power and voting procedures in the European Union"
Natalin European Centre, Warsaw
October 12-13, 2007

time for the new member states to acculturate themselves to the Council's peculiar norms of consensus. The calculations based on power indexes announced doomsday (see for example: Baldwin & Berglof & Giavazzi & Widgren, 2001:20-21, Hosli & van Deemen, 2002:81-84). As a result of the dramatic reduction of the decision making's effectiveness after enlargement the Council were to be heading towards paralysis.

In order to test the above mentioned hypotheses, as well as answer some pertinent questions concerning the behaviour of new member states, we have decided to look at the voting patterns in the enlarged Council. The basic idea was to compare the empirical data sets on explicitly contested voting at ministerial level in the Council during the period of three years immediately preceding enlargement (from the 1st of May 2001 until 31st of April 2004) with the period encompassing the first three years after enlargement (precisely from the 1st of May 2004 until 31st of April 2007). Certain analyses of the first year after enlargement were conducted (see for example: Maurer, 2006), however the findings were criticized because the period was judged to short to be representative. Three years is a period of time in which certain trends and patterns of behaviour can be discerned with much greater clarity.

During the three years immediately preceding enlargement the Council took 486 qualified majority decisions concerning definitive legislative acts. 26% of those decisions (121) were contested at least by one state (voting against or abstaining). During the three years immediately after the 2004 enlargement the Council took 326 qualified majority decisions. 21% of those decisions (64) were contested. More decisions were taken in the period immediately before enlargement than in the period of three years following it, however, when we look closer at individual years it turns out that the difference is somewhat

International workshop
"Distribution of power and voting procedures in the European Union"
 Natolin European Centre, Warsaw
 October 12-13, 2007

misleading. In 2004, especially in the first four months, a great number of decisions (107) was taken as member states wanted to resolve the most conscientious problems before enlargement actually took place. In 2005 we can observe a significant slump in the number of decisions taken (98 as compared with an average of 130 decisions in the previous years)⁵. However, in 2006 everything is back to normal,⁶ with member states taking as many as 163 QMV decisions, 20% more than in an average year preceding accession.⁷

Table 1 - Decision making by QMV in the Council in the years 2001-2006

Year	Number of decisions	Contested decisions	% of contested decisions
1999	132	28	21%
2000	135	20	15%
2001	130	30	23%
2002	139	38	27%
2003	136	38	28%
2004	158	34	22%
2005	98	20	21%
2006	163	33	20%

Let's look at the voting patterns in the Council in the past 10 years. What members states were the most recalcitrant ones? Can we observe certain repetitive patterns? What are they based on? Size, wealth, populations' support for integration, government's political hue, the date of accession to the EC/EU?

International workshop
"Distribution of power and voting procedures in the European Union"
 Natolin European Centre, Warsaw
 October 12-13, 2007

Table 2 - Contested voting in the Council of Ministers 1996-2000

Member state	Against	Abstentions
Germany	40	14
Italy	29	10
Netherlands	22	5
Denmark	22	4
United Kingdom	18	7
Sweden	16	0
France	13	6
Greece	12	2
Belgium	12	10
Austria	10	2
Spain	8	10
Portugal	6	9
Finland	6	1
Ireland	6	1
Luxembourg	3	1
Total	213	

When we look at the data from the years 1996-2000 we can see that the table is led by big member states (especially Germany) Denmark, Sweden and the Netherlands.⁸ It is not our intention to analyse the data in detail, that would require more qualitative research with a special stress on the EU policy coordinating mechanisms, managerial culture, domestic calculations and so on. Certain patterns can be, however deduced from the roll-call records. The only visible patterns concern the size of the member state and to a lesser extent the domestic considerations (namely, the public attitude towards European integration)⁹. The preferences of the member states tend to be more the product of national interests and

International workshop
"Distribution of power and voting procedures in the European Union"
Nacolin European Centre, Warsaw
October 12-13, 2007

regulatory traditions than their general support for more or less integration (Zimmer & Schneider & Dobbins, 2005:414). When we look at the data only two generalised conclusions can be made. Firstly, net-receivers (with a possible exception of Denmark) tend to oppose the majority much less readily than net-payers.¹⁰ Secondly, bigger member states, with possible exceptions of France and Spain, in general tend to contest Council decisions more often, if their interests are not accommodated.¹¹

The specificity of the German case has been explained by many researchers (see for example: Hayes Renshaw & Van Aken & Wallace, 2006: 171). The German federal system has its implications. "Basically there is no single decision-making centre but different levels interact in the decision-making process and compete for access and participation" (Maurer, 2003: 117) Its complex system of 'interwovenness' quite often leads to the policy which is incongruous and devoid of long-term planning. Because of its weak coordination system Germany quite often is unable to overcome the inborn weaknesses of a fragmented decision-making system. Faced with the lack of clear instructions, or worse with the conflicting ones, the federal ministers are quite often forced into abstaining or even voting against the majority in the Council.

The British and especially the Swedish behaviour can be explained by the domestic considerations – most importantly the electorate's lukewarm attitude towards integration (according to Eurobarometer Swedes are the most Eurosceptic of all EU citizens) and government's decidedly intergovernmental reflexes (see: Johansson, 2003: 369-387).¹² "Swedish officials have had difficulties adjusting to being a 'small state among others', frequently exhibiting old Swedish tendencies of exceptionalism with a "large state" mentality, trying to exert influence above their means (Eliasson, 2006:254). The Danish specificity is well-known. In this case the parliamentary scrutiny mechanisms seem to be even

International workshop
"Distribution of power and voting procedures in the European Union"
Natolin European Centre, Warsaw
October 12-13, 2007

more important than the attitudes of the public opinion. The Danish government cannot change the details of the negotiating mandate without the assent of the parliamentary committee. The Folketing exercises more control over European policy than any other national parliament in the EU (see: Laursen, 2003: 99, Einhorn & Erfer, 2006: 185-86).

As we can see from the data Matilla's (2004) predictions concerning the party cleavages (right wing parties voting more often against the majority) were not confirmed (see also: Thomson & Boerefijn & Stockman, 2004). Also his assertion that member states which stand to benefit financially from the EU are less likely to vote against the Council majority than net contributors seems not be entirely correct, although much more plausible. For our considerations it is more important that the date of accession (compare, say, Finland with Sweden) does not have any influence over the voting patterns.

Let's now take a closer look at the behaviour of the member states during the period of three years immediately preceding enlargement.

International workshop
"Distribution of power and voting procedures in the European Union"
 Natolin European Centre, Warsaw
 October 12-13, 2007

Table 3 - Contested voting in the Council of Ministers three years immediately before the enlargement (05.2001-04.2004)

Member state	Against	Abstentions
Sweden	19	8
Denmark	13	7
Germany	12	10
Austria	10	10
Spain	10	6
Italy	9	5
United Kingdom	8	14
Portugal	8	4
Luxembourg	8	3
Netherlands	7	2
Belgium	6	10
France	5	9
Ireland	5	1
Greece	5	1
Finland	4	3
Total	139	93

It turns out that the behaviour of most of the member states in that particular period was very similar. It is again Sweden, Denmark and big member states (again with an exception of France) which top the table.¹³

Do these trends change after enlargement? Let's look at the records:

International workshop
"Distribution of power and voting procedures in the European Union"
 Natolin European Centre, Warsaw
 October 12-13, 2007

Table 4 - Contested voting in the Council of Ministers three years immediately after the enlargement (05.2004-04.2007)

Member state	Against	Abstentions
Denmark	11	0
Sweden	10	3
Lithuania	7	2
Malta	6	0
Greece	4	4
Poland	4	4
Italy	4	3
Portugal	4	2
Netherlands	4	2
France	3	2
United Kingdom	3	2
Germany	2	6
Belgium	2	4
Slovakia	2	2
Austria	2	1
Hungary	2	1
Czech Republic	2	1
Ireland	1	1
Spain	1	1
Cyprus	1	1
Latvia	1	1
Finland	1	1
Estonia	0	2
Luxembourg	0	3
Slovenia	0	0
Total	77	51

International workshop
"Distribution of power and voting procedures in the European Union"
Natołin European Centre, Warsaw
October 12-13, 2007

Just as before enlargement ministers still endorse decisions by consensus, nearly half the roll calls dissent is expressed by a member state acting on his own. While comparing the actual number of situations in which any member state voted against a decision taken by QMV the proportion from both periods - before and after enlargement - are virtually identical. In the period of three years before enlargement 486 QMV decisions were taken and 128 individual votes against them were recorded. In the period of three years after enlargement 326 QMV decisions were taken and 77 individual votes against them were recorded. Contrary to certain predictions (see for example Kerremans, 1998) the voting in the Council is as rare as it used to be before enlargement. In both periods only in the case of one of out of four QMV decisions the dissenting voice was recorded.

What about the behaviour of the new member states? Do they contest decisions more often than the 'old guard'? Out of 77 votes against the QMV decisions 25 (33%) were submitted by the new member states, which constitute 37% of the number of all the member states and dispose of 26% of the sum of the weighted votes in the Council (in the Union of 25 member states). More importantly out of 64 contested decisions only in 8 cases the new member states were voting against a decision without the support of at least one old member states. Another words, even if enlargement did not take place 56 out of 64 decisions (88%) would have been contested anyhow. Poland voted alone against a decision concerning fishing quotas for cod in the Baltic Sea, as the reduction of the quota would lead to the deterioration of socio-economic situation of most of the Polish fishermen who rely on cod much more than the fishermen from other member states.¹⁴ Cyprus voiced its dissatisfaction with one of the rural development measures, Hungary protested against one of the decisions to introduce visas to some of the third country nationals and abstained when hydrochlorofluorocarbons quota was distributed, Lithuania voted alone against one of the fisheries measures, the Czech

International workshop
"Distribution of power and voting procedures in the European Union"
Natolin European Centre, Warsaw
October 12-13, 2007

Republic was not entirely happy with its hemp quota and thus abstained when the vote was taken, Latvia abstained when voluntary modulation of direct payments scheme was decided. Finally, the Polish and Czech governments objected to a visa reciprocity mechanism concerning the visa-free arrangements for third country nationals.

During the first three years after enlargement on average every member state voted 3 times against qualified majority decisions. As we can see from the table above only Lithuania, Malta and Poland expressed their reservations concerning the decisions taken under QMV more often. The Lithuanian and Maltese governments voiced their dissatisfaction primarily in three sectors: fisheries, research and trade. Poland objected to four measures. Besides the two described above, Poland (along with Latvia and Greece) expressed its dissatisfaction with the sugar quota. The Polish government (along with the governments of Lithuania, Malta, Austria and Slovakia) also voted against the 7th Framework research program, because the program allowed for the financing of research activities involving use of human embryonic stem cells or human embryos, which according to Warsaw constitute a departure from basic moral standards.

The Polish case is especially interesting. Whereas there is a growing perception that the Polish government is one of the most difficult and unpredictable partner in the EU, this has not yet been reflected in the Council QMV voting partners. Warsaw blocked certain unanimous decisions – on VAT tax and the opening of the negotiations concerning new partnership agreement with Russia. It was a difficult partner during the debate concerning the future of the constitutional treaty (especially when it come to the question of weighing of votes). Recently it also did not support the idea to set up a European day against death penalty. Such behaviour tends to support the widespread thesis that large countries are more likely to oppose the majority than the small ones. However, so far, contrary to widely held

International workshop
"Distribution of power and voting procedures in the European Union"
Natolin European Centre, Warsaw
October 12-13, 2007

beliefs, Poland has been a rather constructive member in the process of day to day decision-making in the Council.

The voting records are accompanied by the statements made by member states. Some of them simply state the reasons for voting against or abstaining a given decision, in others member states explain their reservations, even if they were not serious enough to prompt them to register a formal vote of dissent. The proclivity of a given state to issue such declaration also offers additional evidence of behaviour in the Council. Most importantly such declaration signal future problems with decision making.

Table 5 - Statements of the member states accompanying the voting records - three years after accession

Member state	No of statements
Great Britain	43
Germany	38
France	31
Sweden	28
Netherlands	20
Spain	20
Denmark	19
Portugal	18
Poland	17
Italy	12
Austria	12
Belgium	11
Greece	11
Lithuania	11
Ireland	10

International workshop
"Distribution of power and voting procedures in the European Union"
Natolin European Centre, Warsaw
October 12-13, 2007

Malta	7
Finland	6
Estonia	6
Latvia	6
Czech Rep	6
Cyprus	5
Luxembourg	5
Slovenia	5
Hungary	2
Slovakia	0
	249

In the first three years after enlargement 249 statements by individual member states¹⁵ were lodged with the Council Secretariat. On average every member state voiced its reservations ten times. Again, as the table clearly points out, the overall trend has been confirmed - it is the big "old" member states, along with Sweden, Denmark and the Netherlands which recorded their dissenting voice most often. Out of the new member states only Poland submitted more than the average number of statements -17.¹⁶

The data available in the monthly reports by the Council Secretariat in its monthly reports besides the roll calls concerning legislative acts also record certain votes taken in non-legislative fields (common positions, decisions). In the period between May 2004 until April 2007, the results of 91 votes on non-legislative measures were made public by the Council. We have decided to look at one, coherent category of those votes, namely the decisions concerning trade policy (mostly Council regulations concerning anti-dumping measures and

International workshop
"Distribution of power and voting procedures in the European Union"
 Natolin European Centre, Warsaw
 October 12-13, 2007

countervailing duties). In the said period the Council made public the voting on 51 of such occasions.

Table 6 - Contested voting in the Council of Ministers three years immediately after the enlargement – (05.2004-04.2007) - 51 non legislative trade measures (roll-calls made public)

Member state	Against	Abstentions
Sweden	22	3
Denmark	18	6
Netherlands	18	6
Finland	14	7
Estonia	12	8
Great Britain	12	6
Latvia	9	4
Lithuania	7	2
Portugal	5	3
Poland	4	9
Italy	4	6
Greece	4	5
Spain	4	2
Belgium	4	0
Czech Republic	3	9
Germany	3	6
France	3	3
Slovenia	2	5
Slovakia	2	4
Austria	1	3
Hungary	1	2
Ireland	1	1
Malta	0	3

International workshop
"Distribution of power and voting procedures in the European Union"
Natolin European Centre, Warsaw
October 12-13, 2007

Cyprus	0	1
Luxembourg	0	0
Total	153	103

The table shows that on average every member state voted against the trade decisions concerning the imposition or lifting of the anti-dumping measures and countervailing duties 6 times. The patterns of voting concerning trade measures differ somewhat from the legislative decisions. The majority of those decisions concern the imposition of anti-dumping duties on third countries. In general the more free-market friendly member states tend to vote against them, or abstain, hence the order of the list. The member states which are generally against protectionism – the Scandinavian countries, the Baltic States, UK, the Netherlands usually vote together against the imposition of duties on countries such as China, Korea or Japan.¹⁷ Such group is usually supported by Poland when it comes to anti-dumping duties concerning Russia, Belarus or Ukraine. As we can see the division here is clearly political and has little to do with enlargement. Out of the new member states only the Baltic States vote against the majority more often than average.

CONCLUSIONS

The question was asked whether the ‘big bang’ enlargement of 2004 will have a serious impact on the Council decision-making system. Most importantly, whether the effectiveness of the whole system would be impaired? It was also unclear whether the accession of the new member states would change the consensus-seeking nature of Council deliberations. So far the answer to both questions is bound to be negative. The data from the years 2004-2007 do

International workshop
"Distribution of power and voting procedures in the European Union"
Natalin European Centre, Warsaw
October 12-13, 2007

not confirm such fears. Three years after enlargement the EU legislates roughly with the same pace which shows that decision-making has not become more difficult.

The key thing is that contrary to widely held beliefs, the existing decision-making system has worked without any major disruptions (see for example: Dinan, 2006, or Milton 2007). Both observers and practitioners generally agree that any possible problems related to decision making in the enlargement context are caused by the sheer number of member states rather than by the peculiarity of the new member states or the Nice system of weighted votes. Some of those who take part in the Council meetings even say that, paradoxically, after the enlargement it is easier to make decisions – it is because member states often tend to give up giving long and fruitless presentations of their positions for the sake of finding real solutions to problems.

Regardless of objective differences the new member states do not contest Council decision-making more often than the old ones. After enlargement there is no systematic evidence of old and new member states voting together, just as there is no clear behavioural distinction between older and newer member states (just as predicted by Hayes-Renshaw & Wallace, 2006: 58). The voting behaviour may of course change with time, however, with the time, through the process of socialisation, the new member states are bound to be progressively more and more acculturated to the norms of the Council decision-making. Even though the ability to do package-deals or more explicitly bartering concessions on the issues which are of secondary importance for the given member state comes with time, it seems that the new member states are quickly learning the rules of the game.

Where it comes to predicting the future two trends should be mentioned. Firstly, all of the spatial analyses of coalition formation point out that the North-South divide is the only cleavage which is repeatedly manifested in the Council (see for example: Thomson &

International workshop
"Distribution of power and voting procedures in the European Union"
Natolin European Centre, Warsaw
October 12-13, 2007

Boerefijn & Stockman, 2004:257). The Northerners tend to oppose the solutions which have an excessively regulatory flavour to them and support the market-based orientations. Most new member states would fall into this category (with possible exceptions of Malta and Cyprus)¹⁸ and could be expected to be against too much regulation. The number of 'free-marketers' in the enlarged Union, however, is such that it seems they will no longer be relegated to small minority forced to abstain or vote against decisions. Secondly, the roll-call data seems to suggest that net-receivers are in general less likely to contest the majority. Interestingly even the new Polish government, which is seen by many as unpredictable, in a day to day decision-making under QMV is behaving rather constructively. If it were to change its behaviour in the coming years it would simply find itself among the big member states most of which tend to contest decision-making more often than the others.

International workshop
"Distribution of power and voting procedures in the European Union"
Natolin European Centre, Warsaw
October 12-13, 2007

BIBLIOGRAPHY

- R.E BALDWIN, E. BERGLOF, F. GIAVAZZI, M. WIDGRÉN, *Nice Try: Should the Treaty of Nice be Ratified?*, Center for European Policy Reform, Monitoring European Integration, June 2001.
- D. DINAN, *Governance and Institutional Developments: In the Shadow of the Constitutional Treaty*, "Journal of Common Market Studies", Annual Review 2006, 44.
- E.S. EINHORN, J. ERFER, *Denmark: Euro-Pragmatism in practice*, in: E. ZEFF, E. PIRRO, ed., *The European Union and the Member States*, Boulder, London, 2006.
- J. ELIASSON, *Sweden: adaptation and Resistance*, in: E. ZEFF, E. PIRRO, ed., *The European Union and the Member States*, Boulder, London, 2006.
- J. GOLUB, *In the Shadow of the Vote? Decision-Making in the European Community*, "International Organisation" 1999, 53 (4), pp. 733-764.
- S. HAGEMANN, *Applying Ideal Point Estimation Methods to the Council of Ministers*, "European Union Politics" 2007, 8 (2), pp. 279-288.
- F. HAYES-RENSHAW, H. WALLACE, *The Council of Ministers*, 1st ed., MacMillan, London, 1997.
- F. HAYES-RENSHAW, H. WALLACE, *The Council of Ministers*, 2nd ed., Palgrave, London, 2006.
- F. HAYES-RENSHAW, W. VAN AKEN, H. WALLACE, *When and Why the EU Council of Minister Votes Explicitly*, "Journal of Common Market Studies" 2006, 44(1), pp. 161-194.
- D. HEISENBERG, *The Institution of "Consensus" in the European Union: Formal Versus Informal Decision-Making in the Council*, "European Journal of Political Research" 2005, 44, pp. 65-90.

International workshop
"Distribution of power and voting procedures in the European Union"
Natolin European Centre, Warsaw
October 12-13, 2007

M. HOSLI, 1999a, *The Netherlands and Coalition Formation in the Council of the European Union*, "Acta Politica" 1999, 34 (1), pp. 67-91.

M. HOSLI, 1999b, *Power, Connected Coalitions and Efficiency: Challenges to the Council of the European Union*, "International Political Science Review" 1999, 20 (4), pp. 371-391.

M. HOSLI, A. VAN DEEMEN, *Effects of Enlargement on Efficiency and Coalition Formation in the Council of the European Union*, in: M. HOSLI, A. VAN DEEMEN, M. WIDGRÉN, ed., *Institutional Challenges in the EU*, London, 2002.

K.M. JOHANSEN, *Sweden: another awkward partner*, in: W. WESSELS, A. MAURER, J. MITTAG, ed., *Fifteen into One? The European Union and Its Member States*, Manchester University Press, 2003.

C. JONSSON, M. STROMVIK, *Negotiations in networks*, in: C. JONSSON, O. ELGSTROM, ed., *European Union Negotiations. Processes. Networks and Institutions*, Routledge, 2005.

B. KERREMANS, *The Political and Institutional Consequences of Widening: Capacity and Control in an Enlarged Council*, in: M. MARESCEAU, P-H. LAURENT, ed., *The State of the EU – Deepening and Widening*, London, 1998.

F. LAURSEN, *Denmark: in pursuit of influence and legitimacy*, in: W. WESSELS, A. MAURER, J. MITTAG, ed., *Fifteen into One? The European Union and Its Member States*, Manchester University Press, 2003.

J. LEWIS, *Is the 'Hard Bargaining' Image of the Council Misleading? The Committee of Permanent Representatives and the Local Elections Directive*, "Journal of Common Market Studies" 1998, 36 (4), pp. 479-504.

J. LEWIS, *The Methods of Community in EU Decision-Making and Administrative Rivalry in the Council's Infrastructure*, "Journal of European Public Policy" 2007, pp.261-89.

International workshop
"Distribution of power and voting procedures in the European Union"
Natolin European Centre, Warsaw
October 12-13, 2007

- J. LEWIS, *National Interests: Coreper*, in: J. PETERSON, M. SHACKLETON, *The Institutions of the European Union*, Oxford University Press, 2002.
- J. LEWIS, *Institutional Environments and Everyday EU Decision Making. Rationalist or Constructivist?*, "Comparative Political Studies" 2003, 36 (1-2), pp. 97-124.
- J. LEWIS, *Is the Council Becoming an Upper House?* in: D. JABKO, C. PARSONS, ed. *The State of the European Union, Vol 7., With US or Against US? European Trends in American Perspective*, Oxford, 2006, pp. 155-157.
- E.J. KIRCHNER, *Decision-making in the European Community. The Council Presidency and European Integration*, Manchester University Press, 1992.
- M. MATILLA, J. LANE, *Why Unanimity in the Council, A Roll Call Analysis of Council Voting*, "European Union Politics" 2001, 2 (1), pp. 31-52.
- M. MATILLA, *Contested Decisions. Empirical Analysis of Voting in the Council of Ministers*, "European Journal of Political Research" 2004, 43 (1).
- A. MAURER, (2003) 'Germany: Fragmented structures in a complex system, in: W. WESSELS, A. MAURER, J. MITTAG, ed., *Fifteen into One? The European Union and Its Member States*, Manchester University Press, 2003.
- A. MAURER, *How Does the Council Work (or Not)?*, in: G. DURAND, ed., *After the Annus Horribilis: a Review of the EU Institutions, EPC Working Paper 22*, 2006, pp. 40-46.
- G. MILTON, *Wpływ rozszerzenia Unii Europejskiej na Radę*, "Nowa Europa. Przegląd Natoliński" 2007, 1(6).
- J. PETERSON, E. BOMBERG, *Decision-Making in the European Union*, Macmillan, London, 1999.

International workshop
"Distribution of power and voting procedures in the European Union"
Natolin European Centre, Warsaw
October 12-13, 2007

- A. SANNERSTEDT, *Negotiations in the European Union Committees*, in: C. JONSSON, O. ELGSTROM, ed., *European Union Negotiations. Processes. Networks and Institutions*, Routledge, 2005.
- P. SHERRINGTON, *The Council of Ministers. Political Authority in the European Union*, London: Pinter, 2000.
- R. THOMSON, J. BOEREFIJN, F. STOCKMAN, *Actor Alignment in the European Union Decision Making*, "European Journal of Political Research" 2004, 43, pp. 237-261.
- S. WEBER, H. WIESMETH, *Issue linkage in the European Community*, "Journal of Common Market Studies" 1991, 29, pp. 255-267.
- W. WESSELS, *The EC Council: The Community's Decision-making Center*, in: R.O. KEOHANE, S. HOFFMANN, ed., *The New European Community, Decision-making and Institutional Change*, Oxford, 1991.
- M. WESTLAKE, D. GALLOWAY, *The Council of the European Union*, 3rd ed., London: John Harper Publishing, 2004.
- CH. ZIMMER, G. SCHNEIDER, M. DOBBINS, *The Contested Council: Conflict Dimensions of an Intergovernmental EU Institution*, "Political Studies" 2005, 53, pp. 403-422.

¹ Even though it should be said that during the initial stage (in the working groups) the member states voice formal reservations concerning a given proposal because of different reasons. Sometimes the reservations are substantive - they are put forward as a ploy in the bargaining tactics to exert pressure or to signal genuine problems to partners (or sometimes to domestic audience), sometimes the motivation is much more down to earth - member states want to prolong discussion because they wait for instructions or are not happy with the

International workshop
"Distribution of power and voting procedures in the European Union"
Natolin European Centre, Warsaw
October 12-13, 2007

linguistic formulation. It would be methodologically difficult to differentiate between the two types of motivation. It seems that the reasons behind an abstention or veto are much at the last stage of the decision-making process are much more uniform in character and thus easier to gauge.

² Sometimes for years, see the example of the 1993 working time directive, described by Lewis (2003: 115-120), where even though there was a clear majority in favour of the decision as early as 1991 the negotiations continued for nearly another 2 years to accommodate the British reservations.

³ In many cases some member states even if in principle they agree with a given decision would prefer to abstain or vote against because of purely domestic considerations. (see for example: J.Lewis 2002: 277-297)

⁴ Even though the continuous expansion of co-decision did not slow down the decision-making process much further, as most proposals are now adopted in the first reading.

⁵ Including the years 1996-2000 as researched by D.Heisenberg (2005).

⁶ Even though at the beginning of the Nineties the Council was taking much more decisions, for example in 1994 - 261 decisions were taken, out of which roughly 15% were contested (Hosli, 1999).

⁷ Progressively co-decision is also being introduced in a completely new area, namely Justice and Home Affairs, where the legislative activity is more and more robust (15 new J&HA measures in 2006).

⁸ The data concerning the negative votes from the years 1993-1996 confirms these findings – with Sweden, Germany, UK, Italy, Netherlands and Denmark most often voting against legislative decisions (Hosli, 1999; Mattilla & Lane 2001).

⁹ Although here the case of Italy presents us with an anomaly.

¹⁰ Also compare: Zimmer & Schneider & Dobbins (2005:414).

¹¹ The behaviour in the Council also seems to be positively correlated with the EU law implementation record.

¹² The Dutch specificity is best described by Hosli (1999a).

¹³ The only difference is a relatively high placement of Austria.

¹⁴ Signalling a problem which has resurfaced again as one of the bones of contention between Poland and the EU in September/October 2007.

¹⁵ The number of actual statements is less than 200, because some of them were signed jointly by 2,3 or even more member states.

¹⁶ Although it should be pointed out that as time progresses Poland is submitting its reservations more often, 12 out of 17 in 2006 alone.

International workshop
"Distribution of power and voting procedures in the European Union"
Natolin European Centre, Warsaw
October 12-13, 2007

¹⁷ In most such casus there are 10 to 13 member states voting against or abstaining.

¹⁸ Although there will be a significant difference between, say, Hungary and Estonia.