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Votes Explicitly

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Abstract

This paper reports newly collected empirical data sets on explicitly contested voting at ministerial level in the Council of Ministers of the European Union. These data sets cover the period 1994-2004, with more detail for the years 1998-2004. They provide us with rather steady patterns of explicitly contested voting across the period in terms of: proportions of decisions taken where contested voting was recorded; the different levels of contestation by country; and the issue areas in which explicit voting occurred more often. The data sets draw on the material available on the Council's own website, but they have been supplemented by hand-collected data, in particular as regards issue areas and types of decision. Once arranged appropriately the data sets will be posted on the web, so that other researchers can have access to the material. The initial analysis of the data is reported in the second edition of Hayes-Renshaw and Wallace, *The Council of Ministers*, Palgrave, forthcoming, Chapter 10. The data show that explicit voting on agreed decisions at ministerial level is rather rare, that in nearly half the roll calls dissent is expressed only by singleton member states, that nearly half the cases concern 'technical' decisions on agriculture and fisheries, and that Germany more often votes 'no' or abstains than any other member state. The data confirm that ministers generally endorse collective decisions by consensus, even on the 70% or so cases where they could activate qualified majority voting (QMV). To the extent that voting takes place in these latter cases, it occurs implicitly rather than explicitly, operates mostly at the level of officials rather than ministers, and is not recorded systematically in publicly accessible form. These patterns are consistent with earlier accounts based on qualitative interview evidence.

Keywords

consensus; contestation; Council of Ministers; decision-making; voting; voting power; voting procedures

Introduction¹

This paper presents an overview of evidence of voting practice in the Council of Ministers of the European Union (EU) and its evolution over the years.² Its core purposes are to set out the available empirical evidence on explicitly contested voting and to suggest some of the potential explanations for the patterns that emerge from these data. It is our hope that the data which we have collated will be drawn on by others for more extended analysis.³

We provide a rather detailed picture for recent years (1998-2004), drawing on new data on recent practice, though we still lack details on previous periods and we have no systematic evidence on proposals not put up for decision because it was probable that they would fail to find a majority. Since 1999, however, the Council itself, under its transparency arrangements, has published on its website monthly summaries of Council Acts and minutes of individual Council sessions, showing decisions taken and noting some information about negative votes and abstentions. In addition it has published press releases since 1997 on each session of the Council, with some similar information. Our data build on these records and supplement them with additional details drawn from reports of individual Council sessions, as well as some interview material.

An Overview

The simple picture in the literature (in our view far too simplistic) is that, until the Single European Act (SEA) of 1986, decisions in the Council were mostly either formally subject to the unanimity rule or subject to the implicit acceptance of the right to veto, but that thereafter qualified majority voting (QMV) became not only the predominant rule but also the common practice, at least for the internal market and most of its legislative programme. However, this apparently well-defined transition from unanimity to the active use of QMV is not borne out by the evidence. On the details of practice it is certainly true that participants did not admit to voting very much before the mid-1980s. Records were kept within the Council, but were absolutely not publicly accessible, nor were they even widely distributed to member governments. Nonetheless, delegates from member states knew very well that votes could be and sometimes were taken, and they also knew on which issues votes were technically possible and thus might be solicited. Well-briefed national delegates were given guidance on the circumstances in which they could agree to the use of voting (since agreement on the procedure preceded substantive votes) and thus when they might want to uphold what they took to be their (or another member state's) rights under the Luxembourg Compromise.

In practice there has recurrently been heavy reliance on consensus-building on many topics for functional reasons. Figure 1 shows that some 30% of decisions are taken formally on the legal basis of unanimity and that some 75-80% of decisions technically subject to QMV are not explicitly contested at ministerial level in the Council. In a system which requires that decisions agreed are implemented in domestic law, consensus encourages compliance, and an outvoted government might evade compliance. The progressive strengthening of Community law may have begun to provide an alternative means of promoting guarantees against non-compliance. What is hard to judge under a

¹ The authors are enormously grateful to Hans Brunmayr and Gabrielle Weise of the Council Secretariat for their repeated kindness in providing complementary material and patient explanations.

² A preliminary version was presented at the EUSA-US Biennial Conference, Austin, Texas, 31 March–2 April 2005. Grateful thanks go to those who commented on that version either at the conference or directly to the authors. Data collection and collation, as well as statistical analysis, were carried out by Wim van Aken. The revised version here draws heavily on the second half of Chapter 10 of Hayes-Renshaw and Wallace (forthcoming) with the permission of Palgrave Macmillan.

³ Once put into cleaner form the data will be made available electronically to the research community.

system of implicit consensus is how often member governments, when isolated on an issue, chose not to block decisions, or where the ‘shadow of the vote’ (Golub 1999) settled the outcomes.

Over time, however, it became harder to invoke the Luxembourg Compromise, and the reasons for doing so became less persuasive (Palayret *et al.* forthcoming). Instead governments concerned about retaining the opportunity to block proposals that they did not like focused mainly on retaining the unanimity rule for those subjects. Now and again, however, on subjects already accepted under the QMV rule, one or other government has become nervous and insisted on including one or other form of protection against being over-ridden on a vote. Thus the Ioannina Compromise of 1994, and the ‘emergency brake’ provisions of the Treaty of Amsterdam (ToA) and the Treaty of Nice (ToN) were introduced as forms of reassurance – significantly, however, these have barely been activated. The few (predominantly failed) attempts to invoke the Ioannina Compromise have been mainly on technical issues, mirroring the case of Luxembourg Compromise where the reported instances have been concentrated on agricultural and fisheries topics.⁴ On the other side of the debate, those member governments that claim to be supportive of more active majority voting and of the opportunity to over-ride minorities have been instrumental in inserting into the treaties (especially the ToA and the ToN) provisions for ‘enhanced cooperation’ that would make it in theory easier to press ahead on specific issues. Significantly, again here, these provisions have so far remained largely theoretical rather than operational, with the important exception of the Eurozone.

The net result is that we observe – or at least have observed in the EU15 – a pattern which works at the ministerial level mostly by consensus, with rather few explicitly contested votes, and rather few efforts to circumvent the formal rules by activating the provisions or ‘informal’ (and operationally unclear) conventions for dealing with awkward minorities. This pattern has proved remarkably robust over the years. Though we have systematic data only over more or less the past decade, these are consistent with case-study and interview evidence from the previous decade or so. Heisenberg (2005) confirms our findings on the recent period. Whether or not this pattern will continue in the EU25 is, of course, another question. So far we have only rudimentary evidence with very few observations for the period since the enlargement of May 2004. In addition, we lack systematic empirical data of two kinds. First, we have no systematic data on failed decisions, in the form of proposals that were not adopted because there was no majority in their favour, typically issues that do not rise to the ministerial level of discussion. The published Council records do not report roll call votes on failed decisions. Second, we have no quantitative data that would enable us to substantiate either the extent or the patterns of implicit voting in the various meetings at the level of officials, although qualitative studies indicate that implicit voting is indeed a common practice in committees of officials. The nearest that we can get to this is via those decisions recorded in Council minutes as agreed ‘A’ points on the basis of explicit voting, but this too is something of an exception. In neither category of cases do we have detailed data on the ways in which ‘blocking minorities are constituted whether explicitly or implicitly.

The hard evidence

The data on contested votes that have emerged since late 1993, when the first figures started to become available, show the proportions of decisions agreed under QMV on which negative votes or abstentions were declared, the pattern of contestation by member states and by issue areas, and which member states tended to vote with each other on which issues. The data which we have used come from several sources: some early information released informally; the data collected by Mattila and Lane (2001); data collected by Mattila (2004); and data collated for this volume (eventually to be made electronically available to other researchers). For the period 1998-2004 we have checked records for individual Council sessions, which give us 564 instances or ‘roll call’ observations, and

⁴ For details see Hayes-Renshaw and Wallace (forthcoming), especially Chapter 10.

which produce 8460 observations of individual expressions by member governments of positive votes, negative votes or abstentions. We have disaggregated these instances into a broad categorisation of issue areas, to which further refinements can be made. Our records cover legislation adopted, including for some cases ‘political agreements’ (i.e. pre-final positions) and ‘common positions’ (i.e. within the co-decision procedure with the European Parliament), as well as some operational decisions, notably on the Council’s implementation of its own transparency provisions. Table 1 provides on a very provisional basis a breakdown by broad categories of types of decision. We have, however, not yet tried to sort the data by legal base. For further details of how our data sets were constructed and the techniques that have been used for its analysis see the Appendix. Further work is needed to pull these different data sets together and to link voting records to, on the one hand, types of decision and, on the other hand, issue areas.

Table 2 reproduces the simple information first released in 1995. This showed several clear points. Some 25% of those decisions agreed under QMV had been contested. Of these, almost half were on agriculture and fisheries, with a further quarter on internal market issues, the remainder being thinly spread across other areas. On these votes, the numbers of ‘nos’ and abstentions by definition fall short of blocking minorities and are there for the record to show the absence of approval for a given decision. The most frequently contesting states were Denmark, Germany, the Netherlands, and the UK. Mattila and Lane (2001:40-4) confirm that in 1995-98 25% or fewer decisions were contested each year under the QMV rule, that contestation continued to be more common on agriculture, internal market and transport (they do not separately identify fisheries) than on other issues, and that Sweden (which joined the EU in 1995) and Italy had joined the group of states more likely to contest decisions. We should, however, note that there were very particular reasons to do with agricultural policy and its financing which led the Swedish government in 1995 to cast a series of negative votes. One factor was the eurosceptic Minister of Agriculture, and another was the awkward interface between the common agricultural policy (CAP) and Swedish agricultural policy, forced by EU accession to unwind its recent modernisation. The pattern of voting by Sweden subsequently changed. Mattila (2004:38) in his revised data set extends the figures by country up to 2000, but not by issue area, and the same contesting member states are evident.

The data very clearly show that some member governments rarely choose to vote ‘no’ or to abstain on proposals which are known to command a clear majority. Thus, for example, Belgium, Finland, Ireland and Luxembourg rarely do so. Table 3 and Figure 2 show the aggregate data on contested votes by member states in recent years. The picture remains very much in line with previous years. Thus some ‘northern’ countries, notably Germany, Denmark, the Netherlands and the UK, joined by Italy, are more likely to abstain or to vote ‘no’, a set which includes both older and newer members, and both the more integrationist by tradition and the more critical. Table 4 and Figure 3 show the picture by issue area and confirm the earlier picture of contested votes concentrated especially on agriculture, fisheries (where Spain becomes an active no-sayer on some points), some internal market and then public health, transport and environmental issues, and then a scattering in other areas. It should be noted that of the roll call of explicit Council votes 47% are contested by only a single (‘singleton’) member state, a further 19% by only two member states, and 18% by three member states, the remaining 16% being cases of more than three member states. In other words we find a very small n of explicit votes with several member states simultaneously recording their contestation.

France and Spain contest votes rather less often than the other larger member states. This may reflect one of two phenomena. Either these governments repeatedly succeed in getting their interests accommodated, or their political cultures lead them to prefer to appear at the final stage of decision on the side of the majority.

Our detailed data set of voting behaviour in 1998-2004 enables us to look at individual instances of voting and the issues at stake. Thus we learn that most contested votes are on detailed regulations (especially agriculture, where there are marketing arrangements and so forth that have to be renewed

annually) and directives (especially internal market, public health and food safety). The sources of contestation can generally be traced back to well-established differences of opinion among the member states. Sometimes these are on matters of social preferences, such as the authorisation of biotechnology or genetically modified foods or plants (Patterson 2000; Pollack and Shaffer 2005); contested decisions on tobacco controls are another example (Arregui 2004). Others are on matters of policy principle, such as the costs of particular agricultural market decisions, where we can observe net payers into the budget taking a stand against particular items of, or increases to, expenditure. Often the contested votes are on more detailed points that relate to a distinct national constituency or a different national practice that is in conflict with the emerging EU provisions. The instances of contested voting on public health, biotechnology, and food safety seem to fall into this category, being perhaps not coincidentally issues which prompt vocal advocacy groups in some member states. One possible explanation for contested voting may be that some member governments may not feel able to commit other levels of government in their own countries, particularly, for example, where the relevant policy has to be implemented by regionally or federally devolved levels of government. The pattern of contestation by Germany contains a number of issues subject to the competence of the *Länder* governments rather than the *Bund*. In other cases, such as the Danish, contestation may be linked to tight parliamentary negotiating mandates for ministers.

When contested voting takes place on issues where no prior EU rule exists, there is *prima facie* evidence to suggest that ‘no-saying’ correlates with subsequent poor or delayed compliance by those same member states. One pertinent example here is the legislation on the patenting of biotechnology products, where a controversial Directive was adopted in 1998, with abstentions from Belgium and Italy and a negative vote by the Netherlands, and scheduled for implementation by end of July 2000. As of November 2004 this had still to come into force in 11 member states, the European Court of Justice (ECJ) had declared 6 member states in breach of the law, including Belgium, with cases pending against a further three member states, including Italy and the Netherlands (*European Voice* 10-17 November 2004). Further research is needed in order to see how far contested voting correlates with subsequent non-compliance.

The data (as we saw in Table 3) also potentially shed light on Council votes on issues that are the subject of co-decision with the EP, where the rules provide opportunities for member governments to adjust their stances in response to parliamentary positions, although we have not followed this through in our data set. In addition there is a group of contested votes on the operation of the transparency provisions, where a recurrent grouping of Denmark, Finland, Netherlands and Sweden votes against Council decisions to release information (see Figure 4). The reason is that the Legal Service of the Council, typically supported by a majority of member states, holds that legal advice and opinions should not be released. The ‘no-sayers’ register their protest to show that they favour more generous release of information⁵.

In looking at the patterns of contested voting we note that some dogs do not appear to bark. In other words, there are issues which we know from case-study evidence to be deeply controversial, but which rarely appear as explicitly contested in the voting data. Two kinds of example stand out: trade issues and budgetary issues. As regards trade, our data cover both trade policy provisions under Article 133 (TEC) and anti-dumping provisions, but together these constitute only 6% of explicitly contested decisions, despite the fact that there is a recurrent cleavage in the EU between the more liberal and the more protectionist member states. This plays into negotiations on big trade issues, such as the positions to be adopted in international trade negotiations, notably within the World Trade Organisation (WTO). The tough debates on this take place mostly not in full Council meetings but in the Article 133 Committee of senior national trade officials, and exceptionally in ministerial

⁵ Note that a quantitative analysis of explicit voting in this regard without qualitative knowledge could easily swing the argument in the opposite direction and might give the impression that these countries were opposing more transparency in the Council.

sessions. Even then it seems to be the case that, once majorities for negotiating positions are established, those in a minority choose not to record negative votes or abstentions in the Council – and in any case, efforts are generally made to include in the package on the table elements that serve to bind in all of the member states.⁶ The same seems to be true of ‘micro’ decisions on trade issues, such as contingent protection and in particular decisions about whether to impose definitive anti-dumping duties (subject since the mid-1990s to simple majority voting, a change made to the Council regulation at the prompt of the French to increase the chances of imposing definitive duties). Here again there are lively arguments in the relevant Council working party, resolved often by implicit voting and in a context where which side is taken by each member government is sufficiently important for the procedural rule (under Council Regulation 461/2004, OJ L77/12, 13.3.2004) to have been adapted again on 8 March 2004. Thus now a ‘positive’ vote is required by a simple majority of those member states present and voting to resist any proposed imposition of definitive duties by the Commission.

The budgetary arena has somewhat different characteristics. Decisions on annual appropriations are framed by the multi-annual financial perspectives and are then expressed in an annual budgetary cycle (Laffan and Lindner 2005; Lindner 2005). Most of these details are handled in a rather routine way by the Council’s Budget Committee of national officials, and are then passed to the Budget Council, in a special session of Ecofin, which generally adopts its decisions by consensus and then interacts with the Commission and the EP in the annual cycle. We know from case studies and interview evidence that the Budget Committee regularly uses indicative voting to resolve differences, but again contested voting is not usually recorded in the ministerial sessions. The situation as regards the multi-annual financial perspectives is very different. These periodic packages always go to the European Council for resolution and always contain some items formally subject to unanimity voting, for example, the setting of the revenue targets and ceilings, and the ‘macro’ allocations under most of the spending programmes. In practice these packages therefore are resolved by negotiations that continue until the consent of all member governments has been delivered. Where budgetary concerns seem most to generate explicitly contested votes is on apparently quite technical agricultural issues which have budgetary consequences. Our data would allow this last point to be followed through in more detail.

In the context of budgetary decisions we note that the picture presented by Kauppi and Widgrén (2004) is somewhat misleading in its attempt to correlate voting power in the Council with the pattern of receipts from and contributions to the EU budget. They argue that the out-turns from the macro budgetary packages are better correlated with the relative political power of member states than with the relative economic needs and situations of member states. So far so good. However, there are two flaws in the analysis, which relate to the details of EU budgetary bargains. First, the authors segregate bargaining about EU budget receipts from bargaining about contributions, thus missing the increasingly central importance of ‘net contributions’ as a factor in governments’ positions. Second, they wrongly assume that bargains on receipts have been subject to QMV. On the contrary, this is a bargaining arena where the unanimity rule has so far applied, and hence any member state could block by withholding consent.⁷ While it may well be the case that ‘more powerful’ member states can be more extractive in conditioning their assent, the ‘less powerful’ member states (in terms of the criteria used by Kauppi and Widgrén) can also extract rewards in return for consenting to the package. Thus, although member governments have varying capacities to exercise power in these always tough and controversial negotiations, each member government has

⁶ Qualitative evidence suggests that the big trade policy packages, such as that to agree the Uruguay Round, are agreed in the Council under the shadow of the Luxembourg Compromise.

⁷ We should, however, note that the Treaty of Nice, in force since 2004, amended Article 161 of the Consolidated Treaty of European Union to enable decisions on the multiannual financial perspective to be taken by QMV, but only once the financial perspective for the period from January 2007 had been adopted, along with the corresponding Interinstitutional Agreement. This proviso was inserted by Spain.

an opportunity to press for specific benefits, in the absence of which it can impede agreement. For a classic illustration of this as regards the structural and cohesion funds, see Allen (2000). Hayes-Renshaw and Wallace (forthcoming) report in Chapter 10, Box 10.2 the appeals to the Ioannina Compromise, which also illustrates the pivotal role of Sweden in negotiations on a set of agri-monetary issues, in that instance subject to QMV contested voting. Zimmer *et al.* (2005) address some of these issues, argue the importance of the clash between what they call the ‘north’ and the ‘south’, and anticipate that new member states are likely to join the ‘southern’ grouping for reasons of subsidy dependence. However, we should note that the potential for net budgetary burdens on some new member states may lead to a different alignment of positions. The contentious discussion at the June 2005 European Council on this subject and the subsequent negotiations will clearly be a fruitful subject for further analysis.

There is an important recent new entrant into the records of contested voting, namely concerning the rules surrounding economic and monetary union (EMU) and the management of the euro. Heated discussions took place in 2002/3 over the Stability and Growth Pact (SGP), set up to impose discipline on member states as regards the stability targets.⁸ Interestingly a good many member governments were determined to vote publicly on one side of the argument or the other, in a highly politicised domain where the decisions clearly had to be taken at the level of ministers. This public positioning took on an extra dimension when the Council failed to find majorities in favour of disciplining France and Germany, whereas smaller member states, in this case especially Portugal, were much more vulnerable to tough conditionality and the threat of sanctions. The Council minutes for the Ecofin meeting of 25 November 2003 provides a rare record (to our knowledge the only case) of explicit voting on failure to reach agreement (see Table 5).

Coalition behaviour

A question that we might expect to be very important is whether the recorded roll calls show any identifiable coalitions of member states and on which issues. As we have already noted, however, this question may be less interesting than it appears, given that so many instances (47%) of contestation are by singleton member states. We are thus left with rather scattered evidence of clustered voting patterns. On an exploratory basis Figures 5-10, a series of dendrograms, show some preliminary impressions of the proximity of member states to each other in several issue areas. In this paper we report a selection from a wider collection of dendrograms that we have constructed. For the most part the coinciding negative votes and abstentions are rather more issue-specific than part of recurrent coalitions, and many negative votes seem to be country-specific, relating to a particular situation as regards a particular legislative proposal that would have a particular impact on a local economic sector or regulatory practice. This is especially true on single market issues. This is consistent with an accumulation of qualitative case study evidence on EU policy-making, which suggests that simultaneous contestation may often be the result of a mere coincidence of differently based objections, rather than evidence of shared motives for contestation. A similar conclusion is also reached by Zimmer *et al.* (2005).

In particular there is no systematic evidence of most big or most small member states voting together or of old or new members voting together. On the contrary, one important feature of recorded dissent seems rather to be linked to domestic political cultures and perhaps to the need to defend positions in national parliaments, in so far as (with the exception of Italy under the Berlusconi period of government) the member states concerned include most of those with the more systematic procedures of national parliamentary scrutiny. If we had more detailed evidence about position-taking at earlier stages in the Council, we could look for correlations with the use of ‘parliamentary scrutiny reserves’ by particular national delegations. Another possible correlation might be with the

⁸ See Hayes-Renshaw and Wallace (forthcoming), Chapter 10, for a summary of developments.

expression of subsidiarity concerns on particular issues. Evidence from our data set could be combined with relevant information about both specific issues and individual countries.

Contrary to the supposition of Mattila (2004) we find no evidence of traditional left/right cleavages in the patterns of explicit voting (Figure 5 and Figure 6). The pattern of contested voting on agriculture does not produce clearly recurrent cleavages (Figure 7), although on fisheries the apparent pattern deserves further exploration (Figure 8). As regards the budget in the explicit sense, our data set records only 3 roll calls, although some of the CAP roll calls involve issues of budgetary costs. There are signs of a broad cleavage between the more and less free-market minded member cases on single market (Figure 9) and trade issues (Fig 10) (as would probably also be clear if we had micro-level qualitative data on more of the external trade issues). The evidence on EMU and the SGP is an unusual case of a polarisation between larger and smaller member states (Table 5). In all cases, however, we should note some deviance from the patterns, since no member state is entirely consistent on these issues. Given the weight of these issues on the EU agenda these patterns are not surprising, although we should be a little cautious before resting an analysis on only the final level of ministerial discussion for which the recorded contested votes are few in number.

As we make clear in the Appendix, we deliberately used cluster analysis in order to scrutinise our voting data with no prior assumptions as to the patterns of simultaneous opposition and abstention. Of course the same data could be subjected to more stringent analysis and to the systematic exploration of alternative potential explanations. Our preliminary survey, however, suggests that any such further analysis needs to combine information on **both** member states **and** issue areas in order to get real traction on the data.

Problems of inclusion and exclusion

This leads us to the broader issue of whether the voting rules recurrently disadvantage or isolate particular countries. A distinction should be borne in mind here between an erratic pattern of isolated countries, varying considerably according to issues, and a repeated pattern as regards individual countries, groups of countries or kinds of issues. EU governance depends on legitimation through the member states and their obedience to Community law. There is a real issue of how to legitimate individual decisions for a state whose government voted against them, perhaps to signal in advance the improbability of its compliance. The more frequently a member government is outvoted and visibly unhappy about it, the larger the problem becomes, at least for the member state concerned and arguably for the system as a whole. We have not yet examined our data set to test for this or to identify instances where individual member states are 'outvoted' on issues where they are the primary 'stakeholders'.

Much depends on the degree of sympathy from other member governments and other institutions for the beleaguered minority and on how justified the minority position is considered to be. The situation has existed since the foundation of the EC, in both theory and practice, and a range of devices has developed over the years to correct such conflicts, with the Luxembourg Compromise, the Ioannina Compromise, or the 'emergency brake' as very much last resorts. Three particular practices have developed. First, perhaps the most obvious, is to put the onus on the Commission and the Council presidency to do their utmost to accommodate reasoned and apparently reasonable differences of position. Frequently, the accommodation is achieved through declarations in the Council minutes, and often attached to decisions taken in the end by consensus. The material available on the Council's website could be examined to explore this point further.

A second is to provide for a variety of formulations within the body of the relevant text for divergent interpretation or application of the relevant rules to particular member states. These may be differentiated rules, exceptions, derogations and longer or shorter time delays or transitions. This

history of accommodating special problems helps to explain why explicit voting remains relatively infrequent in the Council (Ehlermann 1984).

A third option has become markedly more prevalent over the past two decades, namely the formulation of more generic special arrangements in the form of protocols and declarations attached to the treaties in order to ring fence a possible minority position. Each of the EU treaties since the SEA has been accompanied by a mass of such devices, often to cater for highly idiosyncratic features of particular countries. Here the borderline between the objective and the subjective has already been crossed, as has the introduction of exceptions sought by particular and partisan governments, as distinct from points that could more plausibly be argued to be 'national interests'. Perhaps the most interesting example from the Treaty on European Union (TEU) was the insertion of the 'Irish abortion' clause, under the guise of the obscure Protocol 17, annexed to the TEU and to the Treaties establishing the European Communities (Cloos *et al.*, 1994: 335–7). The new Constitutional Treaty (CT) also has an interesting example, with the declaration from Belgium that in its case 'national parliaments' (relevant for establishing in which elections citizens of other member states can vote) should be taken to include both the two federal chambers and the several assemblies of the regions and communities. Thus we should retain as relevant factors the borderline between objective and subjective differences; the extent of sympathy for member states; the area of political judgement left to the Council, but with the ECJ hovering in the background; and the risk of the Council being implicated in partisan conflict within member states.

Relative power and voting rules

Behind many of the attempted analyses of voting behaviour and bargaining outcomes in the Council lie different ways of assessing the relative power of member states in the process. It is evident from the debates among practitioners that there are two rather different understandings of relative power. On one side lie the observations of the 'insider practitioners' (culled usually from qualitative interview evidence) that voting rules and voting weights matter, but to only a limited extent. Alongside these lie substantive preoccupations on specific issues, the skills and persuasiveness of the negotiators, and the opportunities provided by specific situations for one or other government to exercise leverage on bargains. On the other side lies the public debate among politicians, who engage in the treaty reform debates which examine options for changes to the voting rules, where stylised positions are often adopted which imply that relative power somehow should be correlated with formally assigned voting power. Thus enormous amounts of time and energy have been spent in successive Intergovernmental Conferences (IGCs) in arguing over proposed rule changes, although interestingly not the IGC leading to the SEA and its 'breakthrough' on extending the QMV rule, which was efficiently despatched in just over three months. Our data of contested voting and qualitative evidence from published case studies tend to give credence to the observations of the 'insider practitioners', rather than to the public political rhetoric.

The voting rules in the Council have recently changed with the application of the Treaty of Nice since May 2004. This introduces the new 'triple majority' system of: weighted votes; number of member states; and, if requested, with the percentage of the EU population. Table 6 shows the evolution of the voting rules over time. The Nice rules require negotiators in the Council to make the three calculations in order to gauge where potential majorities or blocking minorities may lie. These changes are too recent for us to be able to draw any inferences as to their impact. They have, however, led to at least some governments providing their officials with ready-reckoner spread sheets in order routinely to make the calculations during meetings.

In the scientific literature on the Council we also find two very different lines of analysis, one broadly qualitative, the other broadly quantitative. Studies based on one or other form of qualitative analysis by and large argue that relative power depends on some combination of the rules and procedural setting with the substance of the issues being decided. As regards the latter, member

governments exercise influence according to some combination of, on the one hand, their stake in the issue at hand (thus French voices count more on agriculture than British voices, just as clearly Spanish voices count much more than German voices on fisheries issues), and on the other, the persuasiveness of national positions *vis-à-vis* the proposals on the table. Thus practitioners cite many examples of instances in which a member government in a clear and isolated minority has succeeded in turning round an argument in the Council to its advantage. There is also a large literature on the relative impacts of member states as leaders or laggards, uploaders or downloaders in environmental negotiations (Jordan 2002; Lenschow 2005). Of course such qualitative case study material often does not lend itself to compelling generalisations, and hence the more promising developments in the literature are those which seek to combine qualitative and quantitative analyses (see, for example, Thomson *et al.* forthcoming).

Conclusions

We can draw several broad conclusions about the practice of voting in the Council. First, of course rules matter and the patterns of bargaining behaviour are different depending on the voting rule that applies to any given issue or set of issues. Thus far the vigour of the arguments about changes to the rules is logically based, whether in the context of periodic IGCs or in the context of efforts to introduce special conventions, more or less formalised, as in the case of Luxembourg and Ioannina. However, irrespective of the rules to govern any decision, the predominant patterns of bargaining are aimed at either building consensus as far as possible in eventual decisions or preventing measures from getting to the ministerial level of negotiation until and unless there is more or less a consensus. To put this another way, the patterns that we observe do **not** correspond to typical roll call behaviour either in legislative bodies (national parliaments, regional or local councils and so forth) or in international organisations such as the United Nations.⁹

Second, relative power matters, but not in a way that can easily be quantified as regards the empirical data. Too few of the agreed decisions are submitted to explicit and public voting for us to have a secure overview of the patterns of decision-influencing, and in the recorded instances of contested voting the numbers are too small to support clear overarching assertions. Nonetheless the data on contested voting by and large confirm the results of qualitative case studies and give them extra nuance. Although the data over the period from 1993 are not entirely comparable in their origins, they also show a rather consistent pattern over the 11 years that they record. In essence explicitly contested votes are exceptional and are recorded only on issues (with the exception of the EMU case cited above) where it has been established in advance that a proposal will be agreed. This is because a ‘super-majority’ clearly favours the relevant proposal and the individual dissenters have decided not to push their dissent further. In other words, no blocking minority is present.

Third, the data show rather clearly that a very large proportion of decisions agreed are crucially framed and shaped well before the ministerial sessions. We have separately surveyed the proportions of decisions taken as ‘A’ and ‘B’ points in the Council over the three months October to December 2004, when out of a total of 626 decisions (operational as well as legislative) 411 were adopted as A points and 215 as B points requiring ministerial discussion. In these prior phases implicit voting – or position-taking that could be supported if necessary by explicit vote-taking – almost certainly plays an important part, as qualitative studies have generally argued. But then two different phenomena can be observed at the ministerial level. On the one hand, we see decisions that we know to be have been controversial earlier turn into widely endorsed outcomes. On the other hand, formal expressions of opposition by explicit voting may be directed at least as often at domestic constituencies as at other

⁹ One suggestion for the atypically high number of Swedish ‘no’ votes in the Council in 1995, the first year after accession, is that Swedish ministers were carrying over voting behaviour from the UN context. As one insider commented to us ‘they soon learned the difference’.

members of the Council. In other words member states are practising a form of ‘signalling’ either to each other or to outside audiences, indicating that they have some qualms about the decision being reached. Where we have to depend on qualitative case studies is for accounts of what persuades individual governments to switch votes from one side to the other in the case of closely fought decisions. Our data set could be used to investigate some cases of repeated roll calls on the same topic, in which individual member states have changed their positions over time, as well as to differentiate more thoroughly between different types of decision.

Fourthly, there are some rather clear differences between issue areas. In some fields, such as agriculture, fisheries and the internal market, explicit voting at ministerial level is clearly more usual and more routinised, while in others it is hardly observable. In yet other fields, as, for example, in the case of trade policy, the impact of implicit voting is played out at the level of officials. Our lack of detailed data from earlier periods makes it a little hard to draw hard and fast conclusions on this. Nonetheless it seems to be the case that routinised explicit voting at ministerial level or implicit voting at official level occurs more readily in those policy fields where there is a settled rhythm to EU decision-making, where the default position is that an existing agreement continues rather than that there is no agreement, where national positions are rather clear, and where habits of doing business together are rather well-established. In contrast, in fields which are rather newer for the EU the effort to broker agreement may be considerable, but once reached there is a reflex to state that there is a consensus even on issues which are subject to QMV. But of course, in newer and more controversial issue areas, unanimity is still generally the retained decision rule under the treaties.

Fifthly, further work is needed on how the shadow of the QMV rule influences behaviour, whether to encourage implicit voting or to flush out where the potential blocking minorities may impede an agreement. Insiders, as discerned by qualitative interview evidence, both our own and in case studies by others, mostly concur that the swing factor – in particular in the working parties and senior committee deliberations that precede ministerial sessions — is whether there is a determined blocking minority. If there is, the proposal is stalled. If there is not, then marginal dissenters tend to switch their efforts to extracting rewards/concessions in return for withdrawing their opposition. An unexplored dimension here is whether blocking minorities are mainly construed in a mechanical and numerical count of votes, or whether opposition from a ‘critical proportion’ of larger member states is functionally equivalent.

Finally, our data provide very slender evidence of active and organised coalition behaviour on contested votes. The statistics and the cluster analysis do not generate strongly significant patterns, although the dendograms hint at some of the dimensions of contestation. Here too we need ways of getting more traction on what happens at earlier phases of the Council’s deliberations, as well as on how national negotiating strategies and tactics are developed.

Appendix: Statistical Data and Analytical Techniques on Voting in the Council

This Appendix explains the data sets on explicit voting in the Council that have been used in this paper, as well as the techniques used to analyse them. In a further elaboration of the analysis, we have also carried out a cluster analysis of the data in order to get a better picture of which member governments vote together in the Council and on what issues.

The data sets

The data sets can be broken down into two categories according to their original source: (a) annual and monthly summary statistics of recorded votes per member state according to issue area and voting procedure collected by the Council Secretariat; and (b) roll call voting statistics of explicit voting per member state collated from the Council press releases and minutes of individual Council sessions. The latter differ from the former as they allow an in-depth exploration of the nature of the votes cast and the corresponding roll call votes without losing a general overview of the entire data sets.

1. Aggregate breakdown data set (1994-2004)

The sources for these data, aggregated for this volume, are:

- 1994 data from Hayes-Renshaw, F. and Wallace, H. (1997), *The Council of Ministers* (Basingstoke: Macmillan, p.54).
- 1995 data from Mattila, M. and Lane, J. E. (2001), 'Why Unanimity in the Council? Roll Call Analysis of Council Voting', *European Union Politics*, 2/1, pp.31-52. See the online database at <http://www.valt.helsinki.fi/staff/mmattila/council/>
- 1996-2004 data from the Council Secretariat.

Note: The totals from Mattila and Lane (2001) for 1995 and 1996 appear high (344 and 340 recorded respectively), relative to data in preceding and subsequent years, as well as data received from the Council Secretariat. No data are available from elsewhere for 1995.

2. Qualified Majority Voting (QMV) data set (1999-2004)

These data come from the Council Secretariat .

Note: No detailed data are available for 1994-1998.

3. Country breakdown data set (1994-2004)

The sources for these data are:

- 1994 data from Hayes-Renshaw and Wallace (1997), p. 54.
- 1995 data from Mattila and Lane *op. cit.*, online database as above.
- 1996-2004 data from the Council Secretariat .

Note: Austria, Finland and Sweden were not members of the EU in 1994. Sweden voted 'no' 34 times in 1995 (Matilla and Lane, *op. cit.*), the highest number of the entire dataset (see above).

4. Monthly Breakdown (1996-2004)

These data come from the Council Secretariat .

5. Issue Areas — 1 (1998-2004)

These data come from the Council Secretariat

6. Issue Areas — 2 (1998-2004)

These data were collected by searching detailed records of individual Council sessions on the Council website , in particular:

- Press releases at:
http://ue.eu.int/cms3_applications/applications/newsRoom/loadBook.asp?BID=76&LANG=1&cmsid=347
- Council minutes at:
http://ue.eu.int/cms3_applications/showPage.ASP?id=552&lang=en&mode=g

Note: Small discrepancies for some years appear to be related to some inconsistencies in the way that Council documents are formulated.

Our extended data set includes in text form identifying information about the subjects under negotiation, the nature of the intended decision outcome (e.g. common position, political agreement, final decision and so forth), and on a preliminary basis the nature of the relevant legal base and decision rule. Further refinement is needed to enable this text-based information to be consistent and fully searchable.

Statistical techniques

General descriptive statistics have been the main tool employed to analyse the data and to reach preliminary conclusions. The results allow for comparison between data sets along the lines of countries, issues areas, roll call votes and voting procedures, or a combination of two or more of these. Initially, summary statistics revealed discrepancies related to different voting records as well as to coding issues. To remedy disagreement between data sets and different sources, the individual data have been subject to thorough comparison. Where discrepancies between data sets were substantial and persistent, individual data points were triangulated by issue area, member state and timing of the vote, that is, by year or month. Differences depended largely on the type of roll calls and corresponding accounting methods used by the Council Secretariat and the authors. Only a very limited number of discrepancies continue to persist within a margin of error, and appear to be related to the availability of the voting records, a problem which has become increasingly rare as the Council has become more systematic in operating its transparency policy in recent years.

The data mining process has permitted the authors to build six internally and externally consistent data sets. The sets allow for detailed summary and descriptive statistics for a period of up to ten years (1994-2004), with annual and monthly voting records (detailing positive and negative votes and abstentions) per member state according to voting procedures, administrative sectors and type of roll call. They provide us with a rather comprehensive insight into explicit voting.

Coalition Formation and Cluster Analysis

The study of voting behaviour in the Council raises the issue of what are the patterns of group or coalition formation between member states over time. The pattern of coalitions or alliances among

EU member states is assumed to mirror the extent to which states have common voting practices and possibly common interests. Is it possible to distinguish groups or coalitions of member states that vote together and form recurrent coalitions, possibly revealing common preferences over issue areas? And do these voting patterns indicate the presence of recurrent cleavages over which member states unite in the Council? Studies attempting to pick up signs that provide a lead to the character of any structural cleavages within the Council generally depart from well defined hypotheses. Subsequently, several indicators compete in a race for explanatory power according to correlation and/or regression coefficients as regards the voting behaviour of the member states in the Council. These methods are fruitful and have contributed to our understanding of voting behaviour of member states in that they generally depart from a set of underlying assumptions.

Rarely have data on voting been explored with statistical tools that do not require pre-determined assumptions. We deliberately chose to follow this open-ended approach using cluster analysis in order to identify groups in the data without preconceptions.

1. Clusters

Cluster analysis endeavours to detect group formation in such a way that objects in the same group are similar to each other, whereas objects in different groups are as dissimilar as possible. The assumption underlying cluster analysis in the present context is then: the closer the member states are in casting their votes in the voting arena, the more likely they will be grouped together in a cluster. In addition, the closer a set of states are in casting their votes in a specific policy space the closer their revealed policy position and the more likely that they will cluster together over issues areas. In contrast, the further apart that two states are in casting their votes, including in a particular policy space, the more dissimilar their voting behaviour and the less likely they will group together. The goal of cluster analysis on the dataset 'Issue Areas Two' (1998-2004) is then explore to group formation for all votes cast. Cluster analysis does not distinguish between votes cast over time.

2. Variables

Different applications for cluster analysis make use of different data types, such as discrete variables present in our data set with algorithms working according similarities and dissimilarities. Our data consists of discrete variables (0=positive vote; 1=negative votes; 2=abstention). Because cluster analysis is problematic for discrete variables but reliably applicable to interval and binary variables, our data were transformed into binary variables.

Abstentions and negative votes were re-coded into the similar variables (0=positive vote, 1=negative vote or abstention). Binary variables have only two possible outcomes (or states), such as voting yes/no on a particular issue. Often '1' means that a certain attribute is present (i.e. a negative vote or abstention), whereas 0 indicates its absence. Hence, the binary variable 'vote' possesses the possible states 'yes' and 'no +abstention'. There is no preference as to which outcome should be coded as 0 and which as 1 since our variable is symmetric, i.e. the result does not change when some or all variables are coded differently. Therefore, variables 0 and 1 play a similar role in the analysis. One looks for coefficients that depend only on the number of agreements ($a+d$) and the number of disagreements ($b+c$) between the objects i and j that are being compared. In addition, it is assumed that casting a negative vote or abstaining sends a similar signal, i.e. disapproval of the corresponding decision. Since all roll call votes are on definitive legislative acts or type of roll calls that were agreed, re-coding does not have any significant impact on the outcome of the vote and the nature of the data for our purposes. Abstentions are assumed to imply that member states disapprove of the decision taken.

3. Clustering algorithm and robustness

Given the binary nature of the data hierarchical clustering methods were judged to be the most appropriate. Within hierarchical clustering methods two types of hierarchical techniques exist: agglomerative and divisive. They construct their hierarchy in opposite directions. Agglomerative methods start when all objects are apart. Then at each step two clusters are merged until only one is left. Hierarchical cluster analysis makes use of several clustering algorithms. Generally, the choice of the clustering algorithm depends both on the type of data and on the particular purpose. Several algorithms are applicable and *a priori* arguments may not suffice to narrow down the choice to a single method. Therefore the data were tested according to several algorithms present in the application and graphic results were compared accordingly. Preliminary results according to 'Between Group Linkage', 'Nearest Neighbour', 'Furthest Neighbour' and 'Centroid' cluster methods, applying 'Squared Euclidian distance', appeared relatively robust without any significant changes between the results. This has largely to do with the nature of our binary data sets. At the end one standard method has been used, i.e. 'Average Linkage Between Groups' (or hierarchical agglomerative average linkage cluster analysis) for binary data measuring 'Squared Euclidean distance' for the entire data set and data per issue area. The resulting formed clusters are based on the variables (i.e. member states) rather than the cases (i.e. the roll call votes), since the focus is on groups of countries.

The interpretation of these results must then be based on insights into the meaning of the original data, together with some experience with the algorithm used. As mentioned earlier, it is important to note that cluster analysis is mostly used as a descriptive or explanatory tool, in contrast with statistical tests which are carried out for inferential or confirmatory purposes. Our main purpose is to see what the data are trying to tell us.

4. Representation and Dendrograms

The graphic representation of hierarchical cluster analysis usually follows the structure of an evolutionary tree or dendrogram. Dendrograms are used to assess the cohesiveness of the clusters formed and provide information about the appropriate number of clusters to keep. In other words, the dendrogram provides information about the most appropriate number of clusters or groups and the cohesiveness within the groups.

For the dendrograms in this paper (cf. Figure 5-10) we did not set *a priori* specified number of clusters (k) and have allowed the algorithm to construct a tree-like hierarchy which implicitly contains all values k . At the one end of this hierarchy, there are n clusters each containing a single object, and on the other end there is only one cluster containing all n objects.

Tables

Table 1: Roll Call Votes According to Type of Decision, 1998-2004

Type of decision	Freq.	Percent	Cum.
agreement	11	1.95	1.95
commission proposal	1	0.18	2.13
commission recommendation	4	0.71	2.84
common position decision	71	12.59	15.43
directive	55	9.75	25.18
draft regulation	57	10.11	35.28
general approach	1	0.18	35.46
political agreement	4	0.71	36.17
programme proposal	86	15.25	51.42
recommendation	2	0.35	51.77
reform of CAP	11	1.95	53.72
reform of CFP	6	1.06	54.79
regulation	2	0.35	55.14
reply	1	0.18	55.32
	151	26.77	82.09
	101	17.91	100
Total	564	100	

Source: data compiled from the Council Press Releases (1998-2004)

Table 2: Voting in the Council (6 December 1993-31 December 1994)

Sector	Contested Votes	All decisions	B		DK		Fr		Ger		Gr		Ire		It		L		N		P		Sp		UK		Negative votes	Abstentions
			N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A		
Agriculture	22	98	2	4			2	3	2	2					1	2			3	1	2				4	7	23	12
Fisheries	9	49									1	1							1	1				5	1	2	4	8
Int. Market	16	47			3		1	1	3	3					1	1	2			2	2	1		2	1	4	16	11
Environment	5	9			2				2						1					1					1	1	7	1
Transport	3	7				1									1					1							0	3
Social Affairs	2	3												1	1							1	1				0	4
Research	2	27								1										1							1	1
Education	1	4												1								1	1				0	3
Citizenship	1	2																				1					0	1
Consumer Pro.	1	1					1		1																		2	0
Transparency	2	2			2						1								2								5	0
Others	0	12																									0	0
TOTAL	64	261	2	0	11	1	2	3	9	6	4	0	1	2	3	3	4	0	10	5	3	3	2	7	7	14	58	44

Note: N = negative vote; A = abstention

Of the 64 contested votes, 28 were abstentions only, and of these 26 by only one member state. Of the remaining 36 contested votes: 11 were with only one MS opposing, 9 with one opposing and one absence, and 9 with two opposing leaving 5 encountering resistance from three or four member states.

Source: data released informally from the Council to the authors

Table 3: Aggregate Data on Contested Votes by Member State, 1994-2004

Year	A		B		DK		Fin		Fr		Ger		Gr		Ire		It		L		N		P		Sp		Sw		UK		TOTAL	
	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A
1994			2	0	11	1			2	3	9	6	4	0	1	2	3	3	4	0	10	5	3	3	2	7			7	14	58	44
1995	2	0	0	1	5	1	1	1	0	3	8	3	0	1	2	0	4	2	1	0	5	0	5	2	1	2	34	1	10	9	78	26
1996	2	1	5	1	2	0	1	0	3	1	14	4	2	0	2	0	6	1	0	2	2	2	1	2	4	0	4	0	7	0	55	14
1997	2	1	0	1	6	1	4	0	3	3	9	2	4	0	1	1	6	1	1	1	2	0	2	2	2	1	7	0	7	3	56	17
1998	3	0	4	3	7	1	0	0	3	2	11	7	2	2	2	0	8	5	0	2	12	1	2	4	1	7	3	0	2	0	60	34
1999	1	0	2	0	4	0	0	0	3	0	2	1	1	0	1	0	8	1	2	0	4	1	1	1	1	2	0	0	0	3	30	9
2000	2	0	1	5	3	2	1	1	1	0	4	0	3	0	0	0	1	2	0	0	2	1	0	0	0	0	2	0	2	1	22	12
2001	1	4	2	1	3	1	1	0	3	3	3	5	1	0	1	0	2	3	0	2	1	1	0	1	3	2	4	0	2	2	27	25
2002	1	0	0	1	2	3	2	2	0	6	2	3	2	0	0	0	2	0	1	1	5	1	1	3	1	1	6	4	1	4	26	29
2003	5	2	0	3	6	2	1	0	3	1	5	1	2	1	3	1	3	2	3	1	0	1	6	0	5	2	5	3	4	5	51	25
2004	4	4	5	5	2	5	5	0	3	4	1	1	1	0	0	3	2	3	2	0	4	2	2	0	2	0	3	2	1	3	37	32
TOTAL	23	12	21	21	51	17	16	4	24	26	68	33	22	4	13	7	45	23	14	9	47	15	23	18	22	24	68	10	43	44	500	267

Note: N = negative vote; A = abstention

Source: 1994 data released informally from the Council to the authors; 1995 data from Mattila (2001), supported by online database at <http://www.valt.helsinki.fi/staff/mmattila/julkaisu.htm>; 1996 data from Secretariat of the Council

Table 4: Aggregate Data on Contested Vote by Issue Area, 1998-2004

Sector	General Affairs		Finance Economy		Justice		Employment		Social Policy		Health Consumer		Industry		Research		Internal Market		Transport		Telecoms		Energy		Agriculture		Fisheries		Environment		Culture Youth		
	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	
Country																																	
A	1	0	1	0	0	0	0	0	0	0	0	2	1	0	0	1	0	1	1	2	3	0	0	0	1	8	2	0	0	0	3	0	0
B	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0	6	4	4	3	0	0	0	0	2	4	2	3	0	0	0	0
DK	1	0	0	1	0	0	1	0	1	0	4	1	2	0	0	0	0	0	0	2	0	0	0	1	17	5	1	0	1	0	0	0	
Fin	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	1	0	0	0	0	0	3	2	0	0	0	1	0	0	
Fr	0	0	1	0	0	0	0	0	0	0	1	1	0	1	0	0	2	3	0	1	0	0	0	1	6	0	3	3	1	3	0	0	
Ger	0	0	2	0	0	0	0	0	0	0	3	5	0	0	0	2	3	1	1	2	1	0	0	2	12	7	5	1	1	1	1	1	
Gr	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	4	2	2	3	0	1	0	0		
Ire	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	1	0	3	0	1	0	0	0		
It	1	0	1	0	0	0	0	0	0	1	0	0	0	0	1	0	6	3	0	0	1	0	0	0	11	5	3	3	2	4	0	0	
L	0	0	1	1	0	0	0	0	0	0	1	4	0	0	0	0	0	0	4	0	1	0	0	0	3	2	0	1	0	0	0	0	
N	0	0	1	0	0	0	0	0	0	0	3	1	2	0	0	0	5	2	0	0	0	0	0	12	3	2	0	1	0	2	0	0	
P	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	2	0	0	0	0	2	0	0	6	5	1	1	2	0	0	0	
Sp	1	0	1	0	0	1	0	0	0	0	1	1	0	0	0	0	2	3	1	0	0	0	0	5	9	2	3	0	1	0	0	0	
Sw	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	1	0	0	1	0	0	0	1	14	7	4	1	2	0	0	0	
UK	0	0	1	0	0	0	0	0	0	0	2	0	1	0	0	0	1	2	1	1	0	1	0	0	8	9	1	1	0	1	0	0	
TOTAL	5	1	12	2	0	1	1	0	1	1	17	18	9	1	3	3	31	21	16	13	3	3	0	6	112	62	29	20	11	15	3	1	

Note: N = negative vote; A = abstention

Source: Data from the Council Secretariat (1998-2004)

Table 5: Member State Voting Behaviour on the Implementation of the Growth and Stability Pact by France and Germany, 25 November 2003

		Ger	A	B	DK	Sp	Fin	Fr	Gr	Ire	It	L	N	P	UK	Sw	Total
104(8)	France		1	1	1	1	1		1				1			1	8
104(9)	France		1	1		1			1				1				5
104(8)	Germany		1	1	1	1	1		1				1			1	8
104(9)	Germany		1	1		1	1		1				1				6

Notes: - by exception positive votes were recorded: 1=positive vote; empty cell=negative vote or abstention

-104(8)=public rebuke (countries voting in favour, hence the absence of a QM, hence decision was not adopted. Only countries which have adopted the euro, i.e. the Euro-group, are allowed to vote on Decisions on the Article 104(9) of the Treaty.

-104(9)=possible sanction (countries voting in favour, hence the absence of a QM, hence decision was not adopted)

Source: Council Press Releases (2546 Council Ecofin, Press 320 Nr 14492/1/03, 25/11/2003)

Table 6: Voting Weights, Population and Majority Thresholds

	ECSC		EEC-Euratom	ESF	EC - EU								Pop. ('000s) **
	6 MS	15 MS	6 MS	6 MS	1973> 9 MS	1981> 10 MS	1986> 12 MS	1995> 15 MS	2004>				
									25 MS		27 MS		
									01/05/04-31/10/04	Nice 01/11/04>	Nice 01/01/2007> *	Constitutional Treaty	
Belgium									5	12	12	1	10,396
France									10	29	29	1	61,685
Germany	1	1	4	32	10	10	10	10	10	29	29	1	82,532
Italy	1	1	4	20	10	10	10	10	10	29	29	1	57,888
Luxembourg	1	1	1	1	2	2	2	2	2	3	3	1	452
Netherlands	1	1	2	7	5	5	5	5	5	13	13	1	16,258
Denmark		1			3	3	3	3	3	7	7	1	5,398
Ireland		1			3	3	3	3	3	7	7	1	4,028
UK		1			10	10	10	10	10	29	29	1	59,652
Greece		1				5	5	5	5	12	12	1	11,041
Portugal		1					5	5	5	12	12	1	10,475
Spain		1					8	8	8	27	27	1	42,345
Austria		1						4	4	10	10	1	8,114
Finland		1						3	3	7	7	1	5,220
Sweden		1						4	4	10	10	1	8,976
Cyprus									2	3	3	1	730
Czech Rep.									5	12	12	1	10,212
Estonia									3	4	4	1	1,351
Hungary									5	12	12	1	10,117
Latvia									3	4	4	1	2,319
Lithuania									3	7	7	1	3,444
Malta									2	3	3	1	400
Poland									8	27	27	1	38,191
Slovakia									3	7	7	1	5,380
Slovenia									3	4	4	1	1,996
Bulgaria											10	1	7,965
Romania											14	1	22,300
Qualified Majority	inc 1 MS with 1/6 pr	inc 2 MS with 1/9 pr	12/17	67/90	41/58	45/63	54/76	62/87	88/124	232/321 with 13 MS 62% pop	255/345 with 14 MS 62% pop	at least 15 MS 55% MS 65% pop	Total population ('000s) EU-25 458,602
Super-qualified majority	inc 2 MS with 1/6 pr	inc 3 MS with 1/9 pr	4/6 MS	--	6/9 MS	7/10 MS	8/12 MS	10/15 MS	--	--	--	--	EU-27 488,867

Notes: Czech Rep. = Czech Republic; MS = member state; pr = share of production of coal and steel; UK = United Kingdom

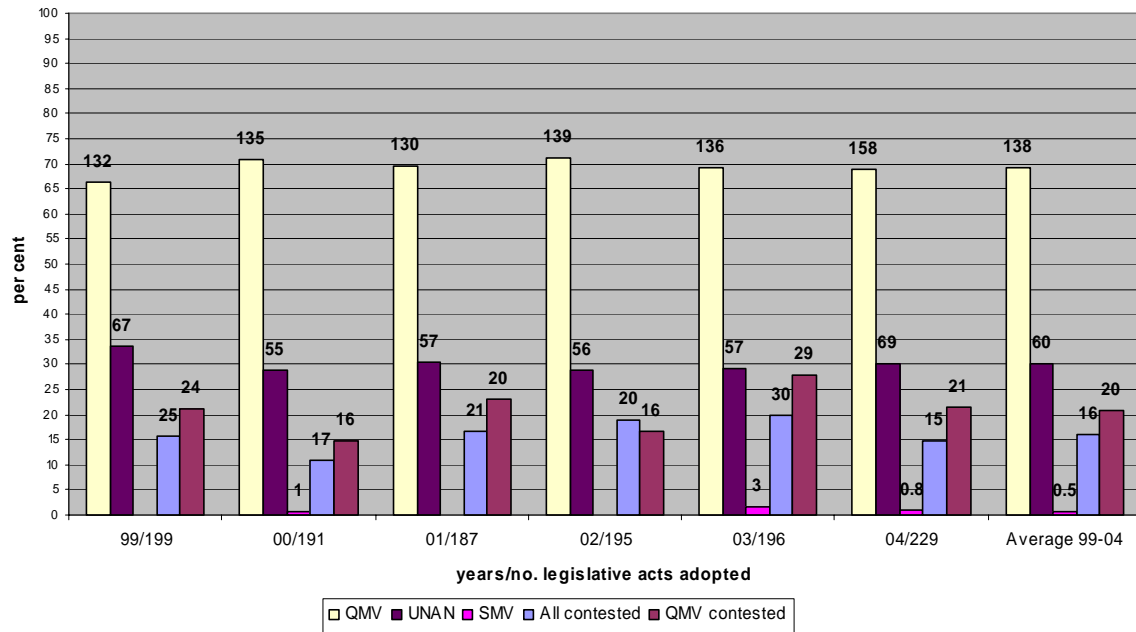
* Proposed but not (at time of writing) definite date for the accession of Bulgaria and Romania

** EU-25 figures are for 2004; figures for Bulgaria and Romania are from 2002 (see sources)

Sources: The (rounded-up) population data for EU-25 were obtained from a Council Decision amending the Council's Rules of Procedure (Council document 12712/04 of 8 October 2004, available from the register on the Council website (www.consilium.eu.int)). This Decision established the total population of each member state for the period 1/11/2004 to 31/12/2005, and is subject to annual revision. The population data for Bulgaria and Romania were obtained from the World Bank's World Development Indicators 2002.

Figures

Figure 1: Share in % of Contested and Uncontested Votes and of Different Voting Rules, 1998-2004



Legend: QMV: share of total Definitive Legislative Acts that have a Legal Base for QMV

UNAN: share of total Definitive Legislative Acts that have a Legal Base for Unanimity

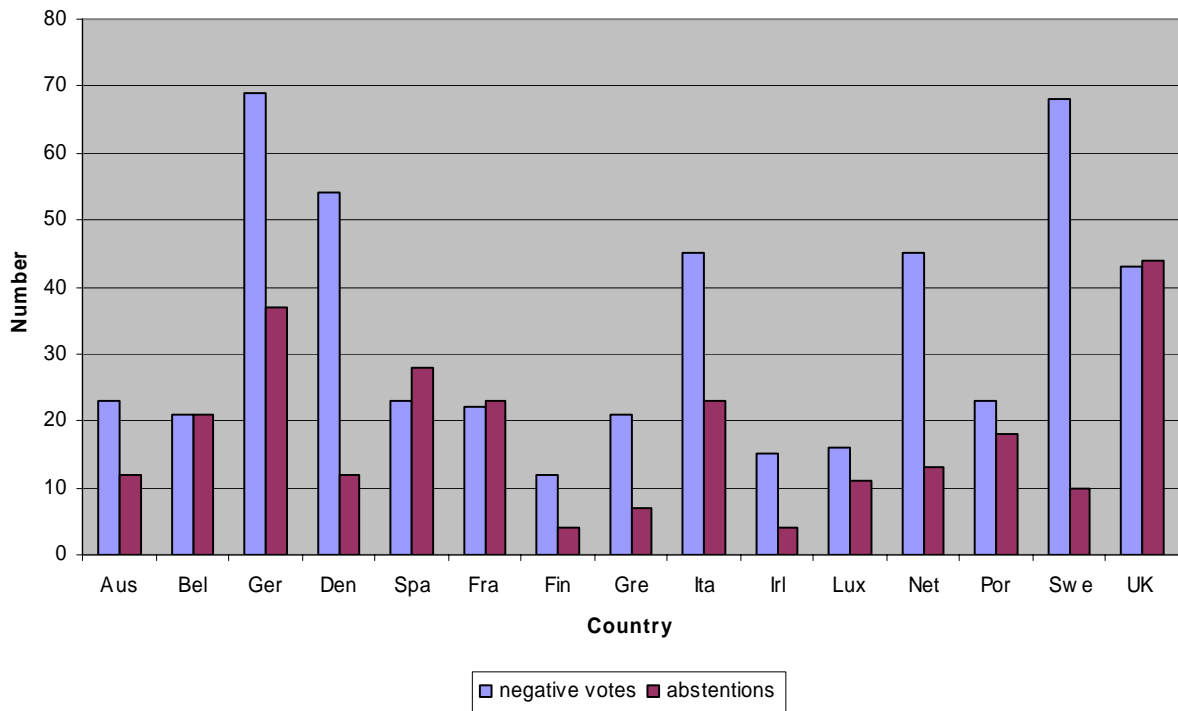
SMV: share of Simple Majority of total definitive legislative acts

All contested: contested votes as share of all decisions on definitive legislative acts under all voting rules

QMV contested: contested votes as share of all decisions on definitive legislative acts under legal basis QMV

Source: data from Secretariat of the Council

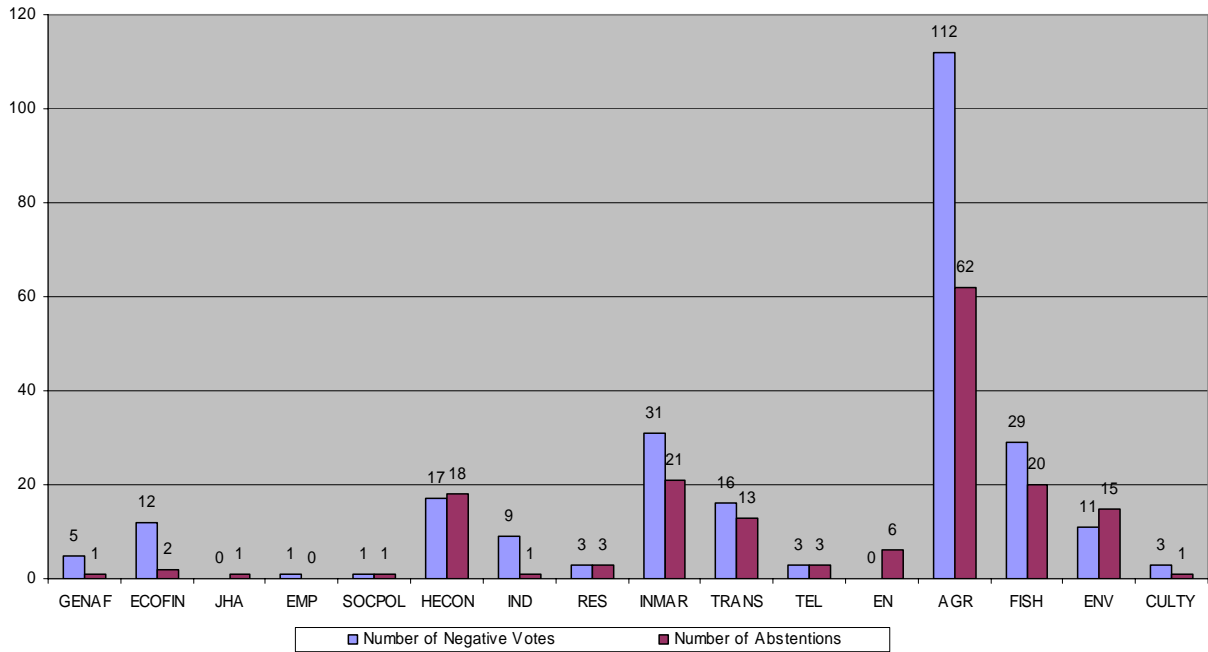
Figure 2: Voting Behaviour Member States, 1994-2004



Note: data for Austria, Sweden, Denmark starts in 1995

Sources: 1994 data released informally from the Council to the authors; 1995 data from Mattila (2001), supported by online database at <http://www.valt.helsinki.fi/staff/mmattila/julkaisu.htm>; 1996-2004 data from Secretariat of the Council

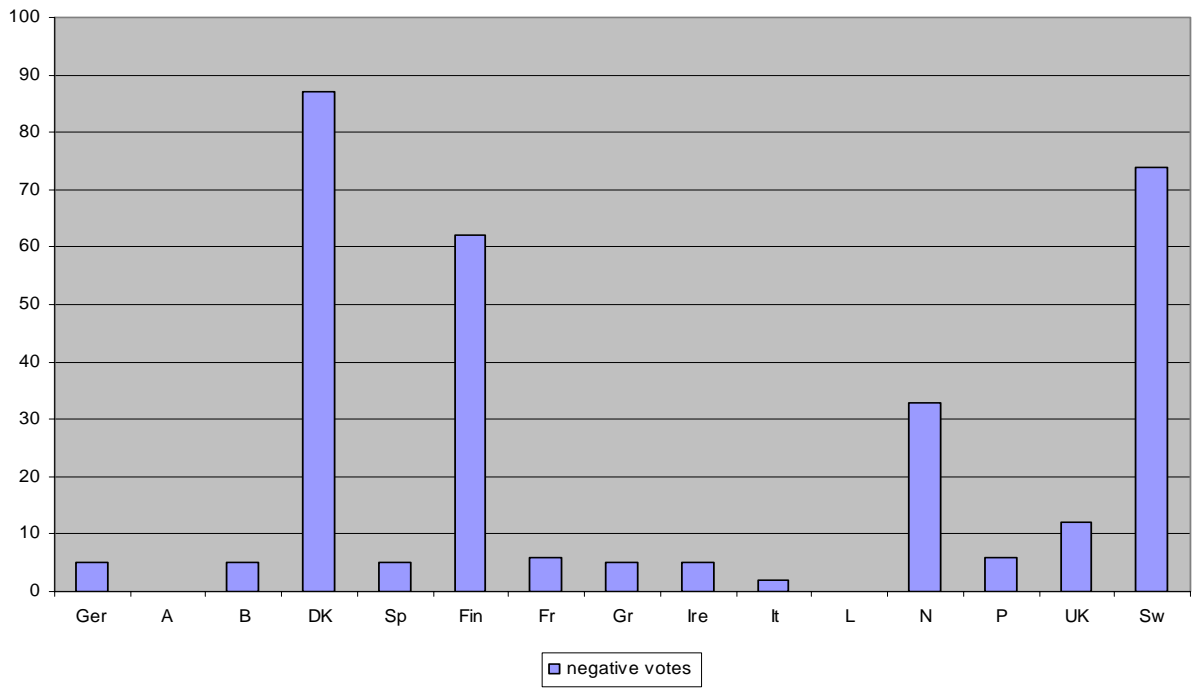
Figure 3: Voting Behaviour Member States by Issue Area, 1998-2004



Note: **GENAF**= General Affairs; **ECOFIN**=Economy and Finance; **JHA**=Justice and Home Affairs; **EMP**=Employment; **SOCPOL**=Social Policy; **HECON**: Health and Consumer Affairs; **IND**= Industry; **RES**=Research; **INMAR**=Internal Market; **TRANS**=Transport; **TEL**= Telecommunications; **EN**=Energy; **AGR**=Agriculture; **FISH**=Fisheries; **ENV**=Environment; **CULTY**=Culture and Youth Affairs

Source: data from the Council Secretariat (1998-2004)

Figure 4: Voting Behaviour by Member States on Issues Related to Access to Council Documents, 1998-2004



Note: with the exception of Finland (1999) all recorded votes were either in favour or against

Source: data compiled from the Council Press Releases (1998-2004)

Figure 5: Hierarchical Cluster Analysis
Negative votes and abstentions without roll call votes on transparency, 1998-2004

Dendrogram using Average Linkage (Between Groups)

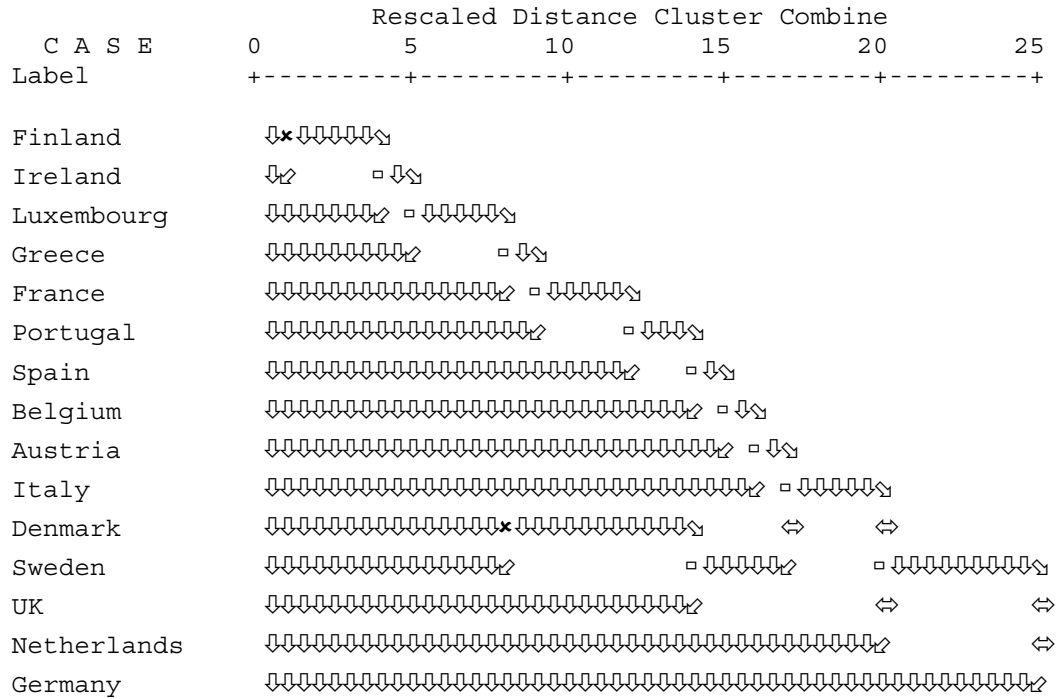
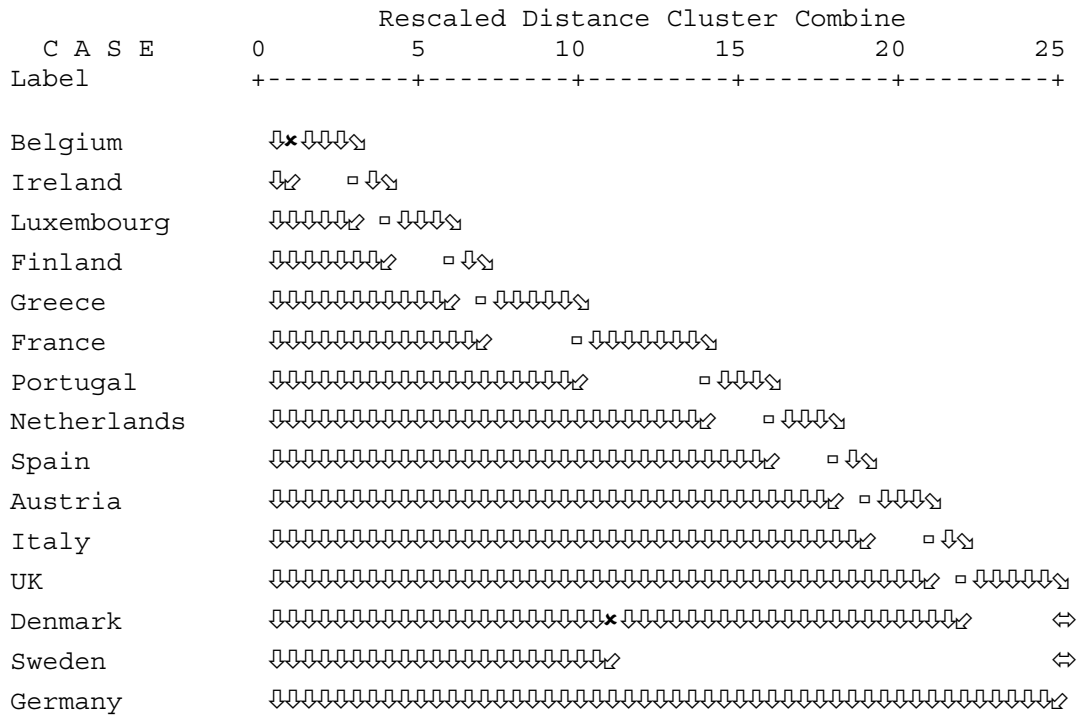


Figure 7: Hierarchical Cluster Analysis
Negative votes and abstentions on agriculture, 1998-2004

Dendrogram using Average Linkage (Between Groups)

Negative votes and abstentions on agriculture



**Figure 9: Hierarchical Cluster Analysis
Negative votes and abstentions on internal market, 1998-2004**

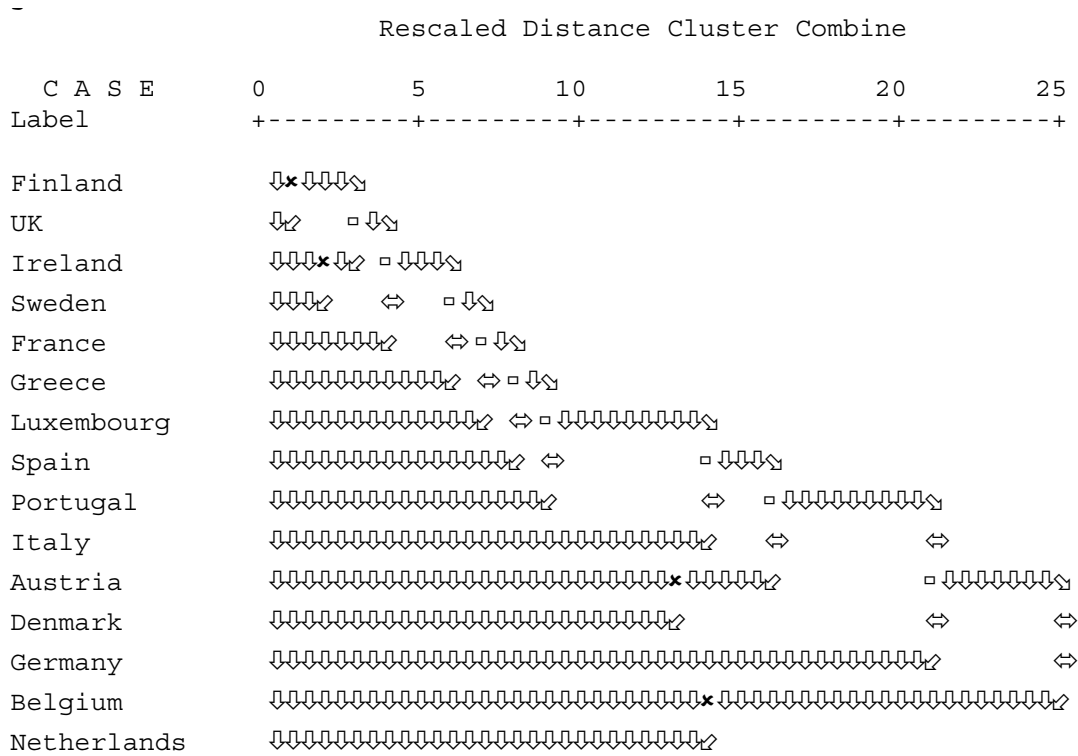
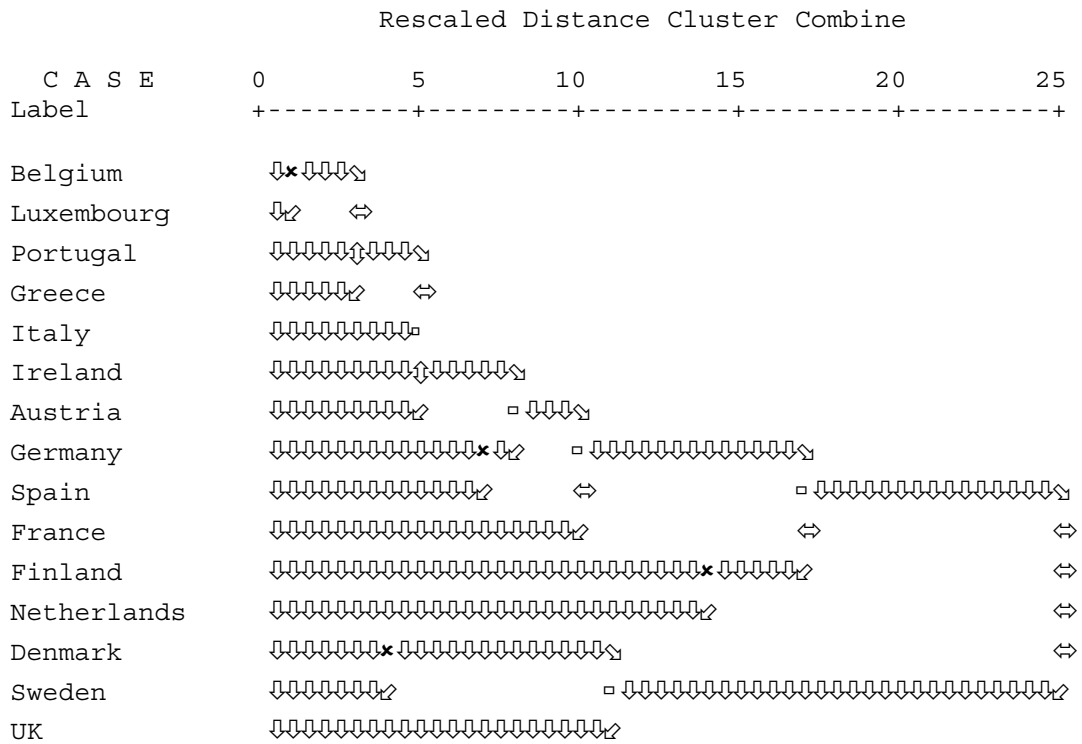


Figure 10: Hierarchical Cluster Analysis
Negative votes and abstentions on trade and anti-dumping, 1998-2004



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