

**London School of Economics and Political Science**

**Department of Government**

**Decision-Making in the European Union's**

**Council of Ministers**

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## Abstract

This thesis presents a theory of voting behaviour for the governments represented in the European Union's Council of Ministers and analyses a large original data set covering all legislation adopted by the EU from 1999 to 2004. It argues that the governments' voting behaviour is dominated by party political preferences rather than national preferences over EU integration issues. The already very elaborate EU policies and processes for adopting laws mean that most issues related to decisions on the degree of integration are solved outside the Council. Instead, decision-making in the Council is over actual policy content and the level of regulation. Consequently, the governments negotiate over possible policy outcomes along the traditional left/right political dimension.

In addition to presenting the actors in the Council as political parties rather than national representatives, the thesis argues that the governments act strategically rather than sincerely when deciding how best to pursue their policy preferences. The Council members consider their possibilities for influencing new legislation as dictated by their voting power, and voting behaviour is the result of strategic estimations of when support or disagreement needs to be voiced, and how. Empirically, the prediction is a difference between left- and right-wing governments and, within this policy space, between small- and large member states.

The theory is tested in a series of multivariate analyses and geometrical scaling methods. A range of alternative hypotheses from the literature is included in each of the empirical tests. The evidence supports the theory: Legislative politics in the Council take place within a one-dimensional policy space, and each of the Council members' ideal policy points are found to be aligned with their preferences over left/right political issues in the domestic sphere. Furthermore, the member states that experienced a change in government during this period similarly changed their voting behaviour in the Council, indicating that EU politics are indeed a party political matter. When taking into account also the governments' voting power, larger Council members in the opposition are generally more likely to oppose the majority than smaller members. However, smaller members frequently use the option of making formal statements following a vote as a mean of voicing disagreement. The findings are robust across different stages of the legislative process as well as most policy areas, although a variance in magnitude appears.



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## Introduction

Each year several hundred pieces of legislation affecting the lives of the citizens of the European Union (EU) member states come from the EU level rather than from the respective national governments. Yet, decision-making in the EU is a complex process and many issues around its functioning are still left unexplored by even the most committed EU analysts. For example, of the three legislative actors (the Council of Ministers, the Commission and the European Parliament) it is the Council of Ministers<sup>1</sup> which is the main decision-making body and is often referred to as the ‘government of the EU’. Nevertheless, due to the complexity and secrecy surrounding the institution, legislative processes in the Council have until recently been an almost neglected area of research within the study of EU politics. Yet, the last decade has seen an effort to create a more transparent EU political system, including the decision to make voting records and minutes from the Council meetings public. Therefore, an increased interest in Council decision-making has recently emerged within academia. As a contribution to the growing literature, this thesis analyses a large original data set covering all voting situations in the Council from 1999 to 2004. Combined with a series of interviews with practitioners involved in Council decision-making, its aim is to provide a rigorous analysis of when, how and why the governments decide.

The thesis has two ambitions: First, there is an empirical ambition of advancing the knowledge of Council decision-making by providing detailed facts about the members’ voting behaviour. The thesis reports on the level of contest and investigates apparent voting patterns across i) policy areas, ii) countries, iii) legislative procedures, and iv) the different stages of the decision process. Apparent differences in how voting and formal statements are used for voicing disagreement are also investigated. Second, building on rational choice theory and combining existing accounts of coalition formation and legislative bargaining, the thesis presents a theory of voting behaviour in the Council: Due to the already advanced level of EU integration as well as the institutional structures, coalition formations and policy outcomes are argued to reflect the governments’ party political preferences. Contrary to current research which makes somewhat similar claims, this thesis argues that the governments’ decision on whether to

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<sup>1</sup> Hereafter referred to as ‘the Council’.

support or oppose a proposal is strategic rather than sincere. Much like shareholders in private companies, Council members consider their possibility for influencing voting outcomes based on their vote shares. In sum, coalitions are therefore argued to be ‘weighted preference-connected’ groupings formed according to positions on the left/right political scale and dictated by the distribution of voting power.

### **Implications of the argument**

The theory and findings of this thesis challenge four key arguments often found in the current literature. First, negotiations in the EU in general and in the Council in particular are frequently described as consensual rather than competitive (e.g. Heisenberg 2004; Lewis 1998; Hayes-Renshaw and Wallace 2006). This thesis does not dispute the fact that a large proportion of decisions are taken by what is officially presented as a unanimous Council. However, contrary to the impression often given in the existing literature, the interpretation is here that ‘consensual’ means *compromise* based on bargaining rather than *homogeneity*. As will be evident from the empirical findings presented in the subsequent chapters, observing a unanimous vote can in many cases be more convincingly argued to be the product of institutional or political constraints rather than homogeneity of preferences. Therefore, the Council cannot be presented as a unitary actor.

Second, policy-making in the Council is often presented as a decision-process based on informal norms and, hence, it is frequently argued that preferences and policy outcomes cannot be appropriately accounted for based on minutes and voting records. If consensus is in fact the dominant mode of governance (e.g. Hayes-Renshaw and Wallace 2006; Lewis 1998) and informal norms dominate the members’ interactions, then voting or other formal rules would not be widely used for reaching agreements. In the minority of cases where voting would be used, a significant degree of disagreement would not be apparent as most issues would already be agreed upon in the preparatory stages and simply nodded through at the ministerial level (Moberg 2002). However, recent research as well as the empirical findings presented in this thesis makes it clear that voting in the Council certainly takes place (Hosli 1999; Mattila 2004; Mattila and Lane 2001). It has also been established that there are indeed winners and losers in Council decision-making

(Stokman et al. 2004). Hence, although a winning coalition in the Council may not exclude governments which are not necessary for meeting the threshold for adoption of an act (Riker 1962), the spoils of policy outcomes are found to be settled according to the distribution of core actors' policy positions. This makes the nature of the negotiations competitive rather than consensual and, as will be shown in the following chapters, has in fact resulted in more voting and observable conflicts than what most studies have reported so far.

Third, the Council, being the most intergovernmental institution in its organisational structure, has both in quantitative and qualitative studies been assumed to adopt legislation according to the level of cooperation acceptable to all member states. In other words, like other international decision-making bodies, it is commonly expected that Council decision-making have elements of attitude towards further integration as a significant determinant of agreements. Instead, the argument of this thesis is that left/right political bargaining is the dominant policy dimension. However, this is not to say that the issue of integration or other nation-based factors may not play a role for Council politics. Other empirical studies based on different data sources have found convincing evidence of national cleavages between the Council members (Mattila and Lane 2001; Mattila 2006; Zimmer, Schneider and Dobbins 2005; Naurin 2006; Hayes-Renshaw and Wallace 2006). Yet, much in line with the liberal intergovernmentalist literature (Moravcsik 1998), it is here recognised that policy issues which can result in divisive national cleavages - such as for example the level of integration within the broader policy fields - are often established either in the European Council or in preparatory meetings. Therefore, as agreements in the Council are concerned with negotiations over the distributional and regulatory implications of policy proposals, and since the governments are also representatives of political parties, this thesis' examination of minutes from individual Council meetings rather than also the preparatory process make party political differences a dominant point throughout the analysis (see also Mattila 2004).

Fourth, the argument that the Council members vote strategically rather than sincerely within the left/right policy space has implications for analyses of incentive structures and predictability of policy outcomes. A key determinant in the calculation of whether it pays off to oppose the majority is the vote share (e.g. Pentrose 1946; Shapley

and Shubik 1954; Banzhaf 1965). Little voting power means a small chance of influencing the final policy and hence, small and large countries base their voting behaviour on different calculations over how to manipulate a policy outcome. This argument has already been put forward by several scholars engaged with theoretical discussions of the usefulness of voting power indices in the context of the Council (e.g. Best 2000; Brams and Affuso 1985; Hosli 1996, 1999; König and Bräuninger 1998; Laruelle and Widgren 1998; Leech 2002; Machover and Felsenthal 1997, 2001; Moberg 1998; Pajala and Widgren 2004). However, this thesis finds that shareholder theory from the literature on corporate governance provides additional insights into the governments' incentives and preferences. The expectations from the current voting power literature applied to the Council setting - though mainly pursued at a theoretical level - are that primarily big member states have an opportunity to influence policy outcomes and, hence, also have incentives to actively oppose the majority when they are in disagreement. Small members should be more passive and simply follow the majority as their opposition in most cases will have no significant effect. However, the corporate governance literature explains – based also on empirical observations – that large shareholders have more power, yet, shares in the expected pay-offs similarly determine the level of participation as well as likelihood of going against the majority. Therefore, members with smaller voting shares may be very active in the negotiations and will indeed voice their positions if the issue in question goes against their preferences and is of salience to them. Though, since the corporate governance literature finds it extremely difficult to deduct any other permanent structures regarding shareholders' preferences than their interests in an increased revenue, it is established that voting behaviour must initially be studied solely on the basis of the distribution of voting power. Hereafter more empirical information can be added on an ad hoc basis in studies of individual corporate governance settings. These insights are useful also for the study of voting behaviour in the Council, though, since the preference configurations are usually more stable in a legislature, this thesis finds that a combination of the effects of the distribution of voting power with the findings of the preference structures in the Council is indeed feasible; taking into account both the distribution of voting power and the governments' preferences provides a useful analytical framework for how, when and why the Council members oppose or support the majority.



## **Relevance of the argument and findings for political science**

The theory and empirical findings of this thesis contribute to the wider political science literature in the following ways. First, the thesis presents a theory combining the effect of voting power and spatial analyses which is relevant also to the general study of legislatures. Second, it highlights the role of political parties in contexts other than national political legislatures. Third, it elaborates on the possibility for party coordination across institutions in bicameral systems. Each of these points are elaborated in the next three paragraphs.

The theory's assumptions regarding a combined effect of voting power and policy positions have implications also for other legislatures where actors possess an unequal distribution of vote shares and, hence, experience a difference in voting power. National parliaments are one such setting where the distribution of voting power between parties depends on the allocation of parliamentary seats and the voting rules for adoption of laws. Building on the theories of preference-connected coalitions (Axelrod 1970), the thesis argues that it is necessary to include the aspect of voting power in order to go beyond the mere identification of members of the winning majority. Voting power theory combined with the spatial location of actors can help to explain the individual member's incentive to oppose the majority in the Council. For example, actors in the Council who have more voting power and who find themselves in the opposition behave differently than actors with the same preferences, but who possess little voting power. In order to explain these tendencies it is necessary to investigate the effect of preference positions as well as incentives for opposing or supporting the majority. The combined theory takes a step in this direction and offers an analytical framework which goes beyond the mere classification of who is included and who is excluded from the winning majority<sup>2</sup>. The purpose is to explain and predict individual actors' behaviour both within a majority and amongst those in opposition, rather than only grouping members into the different coalitions.

Arguing that the Council members should be presented not only as national representatives but also as political parties means that party preferences rather than

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<sup>2</sup> In Chapter 2 it is explained that inclusion and exclusion of governments are rarely observed in the Council. However, minorities and majorities can still be identified when looking into the voting patterns across policy areas.

institutional affiliation may dictate behaviour. This hypothesis is often heard in relation to the Parliament (e.g. Hix et al. forthcoming 2006), yet, has only been applied to the Council to a limited extent in theoretical terms (Hix and Lord 1997; Hooghe and Marks 1999) and even less so in empirical analyses (Mattila 2004; Franchino and Rahming 2003). Nevertheless, the argument may also be relevant to test in other decision-making bodies consisting of national representatives, yet, where the political issues to be agreed upon are not necessarily of a national or state centric character. In other words, institutions at either the national, regional and international level could have similar preference configurations leading to policy outcomes which are not necessarily of an intergovernmental character. Within the EU's own geographical borders, the Nordic Council could be pointed to as one such example as many decisions are related to cooperation regarding environmental, educational, cultural and social standards without any serious differences in geo-political interests or other issues linked to state power. At the global level also national representatives in, for example, the United Nations' sectoral programmes<sup>3</sup> could be thought of as actors with party political policy platforms besides of being government delegates (cf. Reinalda 2001).

Lastly, the thesis' findings and theory have implications for legislative studies in general and bicameral systems in particular when it suggests that parties may benefit from coordinating their voting behaviour across the institutional divide between the Council and the Parliament. Policy outcomes in bicameral systems depend on the actions taken by representatives in both chambers. The collective position adopted by one chamber may influence representatives' behaviour in, and the collective position of, the other chamber (Buchanan and Tullock 1962). This phenomenon may be particularly important if the decision process is sequential rather than simultaneous, such as is the case in the EU's Co-decision procedure. Therefore, following the theory from this thesis that not only do the EP and the Council have the same preference structures (i.e. they do not have separate legislative cores; Tsebelis and Money 1997) but they are in fact composed by the same political parties, then each of these parties may seek to exploit the possibility for manipulating policy outcomes towards own policy preferences across the institutional divide. The conclusion elaborates on this argument in light of the findings from the empirical chapters, however, the general observation is that intra- and inter-

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<sup>3</sup> See <http://www.un.org/aboutun/chart.html> (accessed 01 October 2006) for an overview.

institutional power dynamics may differ quite significantly from what is traditionally reflected in the literature when party politics are considered also across the institutional divide.

In sum, the research presented in this thesis shows that Council decision-making can be understood as strategic negotiations between self-interested actors who vote according to their calculated possibility for influencing policy outcomes. It shows that left/right politics is the main dimension of contestation. And it clarifies patterns of voting behaviour at the aggregate level as well as how changes occur across policy fields and stages of the legislative process. All of these issues are of importance to both normative and positive evaluations of the Council and the EU system in general.

## **Plan of the thesis**

The thesis is divided into two parts. The first part evaluates and updates existing knowledge regarding negotiations in the Council, presents the theory and related empirical predictions, and describes the empirical material. The second part of the thesis is the empirical analyses and tests of a set of hypotheses derived from the theory. Each of the two parts consists of a number of chapters, structured as follows:

### Part I: Theory and Method

Part I begins with a discussion of the existing theoretical and empirical knowledge regarding legislative behaviour in the Council (Chapter 1). It is found that there is a pressing need to empirically confront some of the theoretical accounts, as well as clarify the somewhat contradictory evidence provided by different empirical analyses. The latter seems largely to be due to a difference in research methods and the existence of relatively few large-n quantitative analyses. Furthermore, the chapter finds it necessary to re-consider some of the key aspects from the existing accounts regarding the use of formal rules and procedures in the Council. One example is the findings regarding the use of ‘A’ and ‘B’ agenda points as an indicator of how controversial a proposal is when presented to the Council. Based on the empirical results from the data set, this thesis finds that ‘A’ agenda points have seen an increase in the level of contested decisions and, conversely,

'B' points are not always a matter of dispute. Practitioners in the Council have explained that the distinction is increasingly becoming a political signalling tool rather than merely the current literature's explanation of an organisational measure to ensure efficient decision-making. A last issue which is rarely addressed is a frequent use of formal statements included in the minutes as a mean to voice disagreement with a policy proposal.

Motivated by the discussions of the current literature in Chapter 1, Chapter 2 formulates and presents the theoretical argument of the thesis. The theory draws on lessons from three different sets of literature on decision-making when it argues that the Council of course still resembles an intergovernmental organisation due to the fact that membership is allocated to national political representatives and its reliance on unanimity in decisions related to transfers of power. Yet, aspects similar to other governing assemblies such as national legislatures and cooperatives are also present, and it is argued that the theoretical framework needs to accommodate both party political dynamics and 'shareholders'' incentives to vote in favour of or oppose a proposal. The presentation of the theoretical argument that voting behaviour is reflected in 'weighted preference-connected coalitions' makes it possible to derive a set of empirical predictions. These predictions are formulated and presented as hypotheses to be tested in the empirical chapters in Part II.

The first part of the thesis ends with Chapter 3, which presents the empirical material used for the tests of the hypotheses. The collection and coding of the Council minutes from which the data has been gathered are discussed in detail, and descriptive statistics are presented together with a range of variables to be used in the statistical models. The last section in the chapter summarises the expected effect of the variables as predicted by the theory as well as by alternative hypotheses from the literature.

## Part II: Empirical analyses

As the first empirical chapter of the thesis, Chapter 4 tests the first of the hypotheses derived from the theory. It states that the Council members are party political actors behaving according to policy preferences captured by the traditional left/right political dimension. The results presented in this chapter are generated by running the data with the recently developed scaling method technique *Optimal Classification* (OC). Contrary

to current accounts in the Council literature, which mostly rely on unobserved assumptions regarding the voting behaviour, coalition formation and preferences of the actors, this scaling method does exactly the opposite and provides a picture of the observed voting behaviour. Based on the results inferences can then be made regarding the legislators' voting behaviour and, ultimately, the policy space within which the Council members decide. The chapter finds that the governments act within a uni-dimensional policy space which, when compared with a range of exogenous measures, is found to correspond with their positions on left/right political issues in national politics. Government changes are also captured in the spatial maps, and the result of the rightward shift in many of the European governments is an apparent right-ward shift of these member states' voting behaviour in the Council. None of the theoretical alternatives from the current literature are found to correlate with the ideal point estimates. The findings are compared to another popular scaling method technique, NOMINATE, and to ideal point estimates obtained through a Bayesian approach.

Chapter 5 is an analysis of changes in voting behaviour across the different stages of the legislative process. Due to the party composition of the Council, a right-wing government was in 1999-2004 generally more inclined to oppose a policy proposal than a left-wing government, and this effect increases as the legislative process moves towards the final adoption stage. However, within this party political framework, big and small member states are also found to vote differently; especially small countries seem to vote strategically and primarily choose to voice their opposition at stages prior to the final adoption of an act. Again, this effect is most visible for governments which find themselves towards the opposite end of the policy spectrum than the majority. In sum, the conclusion from the empirical findings in this chapter is therefore that only when considering both left/right political preferences and the members' voting power is it possible to adequately capture the changes in voting behaviour across the different stages of the legislative process.

Chapter 6 presents a range of descriptive statistics on the level of contest in each policy field, country specific features as well as data on how each government has used either opposition through voting, abstentions or formal statements to voice their disagreement with a policy proposal. The chapter finds that there is great variance in the adoption rates and amount of recorded contest across the policy areas, both in absolute

and relative terms. When running the data from each policy area in a series of regressions, a government's position on the left/right political dimension is found to have a significant influence on the governments' voting behaviour. However, neither the magnitude nor direction of this effect is consistent across all areas: in the important areas of Agriculture & Fisheries, Economic & Financial Affairs and Justice & Home Affairs left-wing governments are more frequently found to oppose the majority than right-wing governments, whereas the reverse is true in all other policy areas. A difference between small and large Council members is also apparent and this effect is consistent across all areas. Interestingly, the decision rule only proves to have an effect on the frequency of oppositions in some policy areas, whereas the governments' positions in corresponding policy areas in national politics are significant in all of the Council's policy fields.

The conclusion summarises the findings and compares them with alternative propositions from the literature. In light of this comparison, further opportunities and challenges are discussed for research on legislative politics in the Council and the EU as a bicameral system.

## **Part I**

# **Chapter 1: Current and new knowledge about legislative politics in the Council of Ministers**

## **1.1 Introduction**

Almost every study of Council decision-making begins with the complaint that the large amount of legislation adopted by unanimity makes it difficult for outsiders to get a proper insight into the institution. The criticism is well grounded as it obviously makes the study of the Council less approachable when it is commonly found to unanimously adopt between 70%-95% of all legislation (cf. Hayes-Renshaw and Wallace 2006; Mattila 2006). However, such findings are the result of analyses of the Council members' behaviour at the very last adoption stage. Also, the data that provides those results is usually collected from the Council's monthly summaries, which stipulate only the title of the policy proposals together with the final conclusions of the negotiations. With this focus, other important sources of information are neglected. Therefore, this chapter will seek to briefly outline and discuss the existing theoretical and empirical knowledge about the rules and procedures for adopting legislation in the Council. Hereafter a description is given of what information is in fact available from the Council, and new empirical findings are presented regarding two issues: the level of conflict and the use of voting and formal statements for voicing disagreement. The data set which provides the new empirical results, and which also forms the basis for the empirical analyses in the rest of the thesis, is based on minutes from individual Council meetings. Hence, the new information presented in this chapter is derived from data which includes voting outcomes from not only the final adoption stage, but also from prior readings.

The chapter is structured as follows: The first section, Section 1.2, briefly outlines how the formal rules and procedures for adopting legislation in the Council are commonly described in the current literature. Section 1.3 subsequently discusses the existing theoretical accounts of how this institutional framework influences policy outcomes and Council members' behaviour. The finding is here that both the theoretical insights provided by the voting power literature and the theoretical arguments based on spatial models have been essential for understanding the Council decision processes. However, both sets of theories are still largely left unchallenged by direct empirical



testing. Section 1.4 then presents the existing empirical knowledge and evaluates to what degree the empirical accounts correspond with the expectations from the theories. The main conclusion is that within the empirical research, much of the current evidence seems rather contradictory. The reason is likely to be large differences in research methods, and the section hence calls for further large scale quantitative analyses in order to settle some of the disputes.

Motivated by each of the above observations, Section 1.5 describes what information is in fact available from the Council. Based on the information included in this thesis' data set, Section 1.6 subsequently presents new findings regarding how formal rules and procedures are used. Particularly three fundamental points are addressed: 1) the use of formal voting for adopting legislation; 2) the use of 'A' and 'B' agenda points as indications for how controversial a policy issue is; and 3) the general level of conflict recorded in the Council. Section 1.7 summarises the chapter and concludes that despite the recent attention from EU scholars, there is still a pressing need to advance the current empirical knowledge about legislative processes in the Council. Such empirical insights would also help to address the different theoretical views on how best to model legislative politics in the Council, and whether it is indeed a 'Council of Conflict' or a 'Council of Consensus'.

## **1.2 Legislative procedures**

Decision-making in the Council is a complicated matter. However, this section will seek to outline the main features of the legislative processes in order to provide a general overview over the institutional framework within which the Council members act.

During the almost four and a half years of decision-making investigated in this thesis (January 1999 - May 2004), the Council was first divided into 21 sectoral councils and then reduced to 9 in June 2002<sup>4</sup>. The reduction in Council formations has not similarly led to a reduction in policy areas or ministerial seats, and the Council meetings

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<sup>4</sup> The Trumpf and Piris (1999) report from the Council's legal service formed the basis for what became the Helsinki Conclusions of December 1999 and the Seville Conclusions of 2002. The conclusions stipulated a number of issues for how to make the Council's organisational structures more efficient, including the decision to reduce the number of Council formations.

are still held according to policy specialisation such that, for example, the ministers of environment meet independently of ministers from other policy areas<sup>5</sup>.

Each council formation has to adopt legislation according to a set of rules depending on the legal basis of the policy proposal in question. The Commission settles which of the decision-making procedures apply to a proposal before presenting it to the Council for negotiations, a decision which relies on the legal framework for the specific policy field as stipulated in the treaties. When a policy proposal has been initiated and presented to the Council it is usually first discussed in specialised working groups where officials from the member states and the Commission meet. Gradually, proposals advance through the preparatory bodies closer to the Council. The most senior of the preparatory committees are the Committees of Permanent Representatives (COREPER I and II) from where proposals are sent to the Council as either 'A' or 'B' agenda points. In previous descriptions of Council decision-making (e.g. Dinan 1999; Hayes-Renshaw and Wallace 2006; Sherrington 2000; Van Scendelen 1998) it has been explained that at this stage 'A' points are normally agreed upon already and therefore accepted without much discussion in the Council. The more controversial agenda items are categorised as 'B' points<sup>6</sup>.

When voting takes place, different rules apply depending on the policy area: unanimity is applied to certain matters affecting the members' fundamental sovereignty, and a weighted qualified majority system (QMV) to others. The key feature of the QMV system is that all members have a seat but that their respective number of votes varies, reflecting the differences in population shares (cf. Leech 2002). Table 1.1 shows the distributions and thresholds for the QMV systems throughout the EU's history.

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<sup>5</sup> For a recent analysis of the division into sectoral councils and the changes made since 2004 please refer to Van Schaik et al. (2006).

<sup>6</sup> Van Schendelen (1998) finds that more than half of all decisions made by the Council are categorised as 'A' points. The figures for the 1999-2004 time period are presented in Chapter 3.

**Table 1.1 QMV thresholds and distribution of votes in the Council**

Member state	1958-72	1973-80	1981-85	1986-94	1995-2001	Since 2001
Germany	4	10	10	10	10	29
France	-	10	10	10	10	29
UK	4	10	10	10	10	29
Italy	4	10	10	10	10	29
Spain	-	-	-	8	8	27
Poland	-	-	-	-	-	27
Netherlands	2	5	5	5	5	13
Greece	-	-	5	5	5	12
Belgium	2	5	5	5	5	12
Czech Rep.	-	-	-	-	-	12
Portugal	-	-	-	-	5	12
Hungary	-	-	-	-	-	12
Sweden	-	-	-	-	4	10
Austria	-	-	-	-	4	10
Slovakia	-	-	-	-	-	7
Denmark	-	3	3	3	3	7
Finland	-	-	-	-	3	7
Ireland	-	3	3	3	3	7
Lithuania	-	-	-	-	-	7
Latvia	-	-	-	-	-	4
Slovenia	-	-	-	-	-	4
Estonia	-	-	-	-	-	4
Cyprus	-	-	-	-	-	4
Luxembourg	1	2	2	2	2	4
Malta	-	-	-	-	-	3
<b>Total</b>	<b>17</b>	<b>58</b>	<b>63</b>	<b>76</b>	<b>87</b>	<b>321</b>
<b>QMV Threshold:</b>						
Voting weights	12	41	45	54	62	232
Population						62% (282.7 mio)
Member states						13

Source: [http://europa.eu.int/institutions/council/index\\_en.htm](http://europa.eu.int/institutions/council/index_en.htm)<sup>7</sup>.

Depending on the legislative procedure, the Council may be presented with a proposal and its various amendments several times during the process that leads to its final adoption or rejection. For example, in the Co-decision procedure, the Council may adopt a common position before the proposal goes to the European Parliament<sup>8</sup> for a next reading after which it may return to the Council once again<sup>9</sup>. The Co-operation Procedure

<sup>7</sup> Accessed 01 October 2006.

<sup>8</sup> Hereafter referred to as the 'Parliament'.

<sup>9</sup> Please refer to Hix (2005) for a description of the Co-decision procedure and Hörl et al. (2005) and Selck (2004) for recent literature reviews.

and Consultation Procedure may similarly include a few rounds of negotiations on the same proposal if an agreement is not reached immediately. However, the preparatory bodies make this scenario rather rare.

Despite the complex voting system reflected in Table 1.1, the Council does not always vote in the formal sense of raising hands (Westlake 1995:87). A proposal can be adopted by the Chairperson when she knows that there is a sufficient majority or unanimity in the Council. If the Council is not unanimous, the Chairperson takes into account the member states' positions and simply counts whether enough member states are on board to meet the threshold. In this way, it can be argued, although the votes are not explicitly in use, decisions are still made in 'the shadow of the vote' (Golub 1999). Yet, one important difference between the unanimity and QMV systems must be pointed out. When the decision rule is unanimity, abstentions are not counted as 'no' votes. This means that decisions can be made with few countries actually voting for the proposal, if none of the countries actively opposes it. The opposite is true for QMV, where the high threshold makes abstentions have the same effect as 'no' votes in practise. Furthermore, if a proposal is accepted, members who wish to oppose, abstain or who have serious concerns about the decision can record their views officially by making formal statements. Formal statements are usually made immediately after a decision has been adopted, yet, after the implementation of the Nice Treaty it has become possible to submit formal statements to the chairperson also in the days after a Council meeting. The deadline for submission is now until the minutes have been published and the adopted decision is turned into law. The formal statements are hence either included directly in the minutes from the meetings or posted separately on the Council website<sup>10</sup>.

### **1.3 Existing theoretical knowledge**

The theoretical accounts of how the formal institutional framework for adopting legislation influences the member states' voting behaviour and policy outcomes have been dominated by particularly by two distinct kinds of models<sup>11</sup>. The models have either

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<sup>10</sup> [http://europa.eu/documents/eu\\_council/index\\_en.htm](http://europa.eu/documents/eu_council/index_en.htm) (accessed 01 October 2006).

<sup>11</sup> It could be argued that there is another theoretical branch which is not included here, namely constructivist theories stressing the effects of culture, social norms and identities of actors. Please refer

been in the form of various voting power indices (e.g. Herne and Nurmi 1993; König and Bräuninger 1998; Raunio and Wiberg 1998; Hosli 1999; Machover and Felsenthal 2001, 2004) or by using spatial models (e.g. Crombez 1996; 1997; 2001; Moser 1997; Steunenbergh 1994; 1997; Tsebelis and Garrett 1997, 2000). From these studies the expectation has been a dominance by certain member states depending on such issues as the distribution of voting power, the position of the status quo vis-à-vis the members' preferred policy location or the preference of the agenda-setter. The next two sections briefly discuss the conclusions from each of these theoretical branches.

### ***1.3.1 Voting power indices***

The voting power index literature (e.g. Banzhaf 1965; Penrose 1946; Shapley and Shubik 1954) has at its core the considerations and calculations of each member state's frequency of being pivotal in voting outcomes across all logically possible combinations of votes. The purpose is to identify actors' possibilities for influencing policy in terms of highlighting the difference between voting power and voting weights. Two approaches are often used<sup>12</sup>: first, is the analysis of *relative* voting power of members within a given legislature using indices such as the popular normalised Banzhaf power index (Banzhaf 1965). Second, is the analysis of *absolute* voting power most commonly measured by using the Penrose index (Penrose 1946). Related hereto are also three indices proposed by Coleman (1971) which capture members' power to act, the power to prevent action and the power to initiate action. The former relative power analysis is useful for making comparisons of a priori voting power between members within a given voting body defined by weights and a specific decision rule. This form of analysis can hence also form as the basis for normative evaluations regarding, for example, the fairness of the distribution of votes. The latter is useful for comparisons across different institutions, and is frequently included in evaluations of efficiency. The empirical chapters will return to the former matter of voting power when analysing the governments' chance of influencing decision-making. Hence, Appendix A includes the definition of the popular

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to Kaeding and Selck (2005) and Lewis (2003) for a discussion between constructivist and rationalistic approaches to the studies of behaviour in the Council.

<sup>12</sup> See Leech 2002: 443ff for a more detailed explanation of the following argument.

normalised Banzhaf index in order to clarify the method for calculating the Council members' relative voting power<sup>13</sup>.

A classic example in the Council which illustrates the importance of applying considerations of voting power is when Luxembourg with its one vote in the first phase of the Council's history turned out to have absolutely no formal influence on decision-making. Since the threshold required to reach a decision was 12 votes during this period, it was mathematically impossible for Luxembourg's one vote to be decisive despite the disproportional representation of its population<sup>14</sup>. No matter how the five other countries voted, their combined total would never be equal to 11 (cf. Brams and Affuso 1985; Leech 2003). Similar situations are still possible, although perhaps in more complex versions (Felsenthal and Machover 2001). Hence, Table 1.2 compares the voting weights and voting power distribution in the 1999-2004 Council as calculated by the normalised Banzhaf index<sup>15</sup>.

**Table 1.2 Distribution of voting power 1999-2004**

<b>Member state</b>	<b>Population (in mio.)</b>	<b>Votes</b>	<b>Normalised Banzhaf Index</b>
Germany	82.4	10	11.16
France	60.2	10	11.16
UK	60.1	10	11.16
Italy	58	10	11.16
Spain	40.2	8	9.24
Netherlands	16.2	5	5.87
Greece	10.7	5	5.87
Belgium	10.3	5	5.87
Portugal	10.1	5	5.87
Sweden	9.9	4	4.79
Austria	8.2	4	4.79
Denmark	5.4	3	3.59
Finland	5.2	3	3.59
Ireland	3.9	3	3.59
Luxembourg	0.5	2	2.26
<b>Total</b>	<b>455.9</b>	<b>87</b>	<b>99.97</b>

*Source: Results generated by the POWERSLAVE (2002) programme.*

<sup>13</sup> Please refer to Leech (2002) and Machover et al. (2003) for a discussion of Council decision-making based on a comparison of different voting power indices as well conclusions regarding the indices' suitability for analyses of this legislative setting.

<sup>14</sup> Luxembourg had one vote for its 310.572,500 people whereas West Germany had one vote for every 13.572,500 people (Leech 2003:480).

<sup>15</sup> Many other indices could have been mentioned, yet, the Banzhaf index is widely recognised and by some theorists claimed to be the most suitable for the study of the Council. See for example Felsenthal and Machover (1998) for a discussion of this argument.

Voting power indices used in the context of Council decision-making have been subjected to considerable criticism with opponents of the approach often stating that the indices assume too little and too much at the same time to be useful for analysing the Council dynamics: too little in that they only include the constitutional aspects (votes and threshold), and too much in that they consider the probability of a voter voting 'Yes' or 'No' and any voter combination or permutation to be equally likely<sup>16</sup>. On the other hand, while it is correct that most of the indices do not include the preferences, affinities and disaffinities of the voters, this may in fact also be a strength of the voting power index method in this context. For example, the specific power which a Council member derives from the formal and informal institutions framing the Council bargaining is, inevitably, related to the bare decision rule. As explained in the previous section, qualitative accounts of Council meetings explain how a Council chairperson often counts votes – either formally or just by quick estimates – in order to establish whether a sufficient majority will support the proposal in question. Hence, although voting power theories applied to decision-making in the Council has only been compared with empirical evidence to a very limited extent (Pajala and Widgren 2004; Bailer 2004), the empirical study of voting behaviour in the Council should have as its basis a consideration of also the formal, a priori power distribution<sup>17</sup>. The theory in Chapter 2 will return to this point and builds on the insights from the voting power literature. However, to summarise the conclusions from this set of theoretical models, it is commonly agreed that the distribution of voting power dictates the possibilities for influencing policy outcomes. The behavioural expectations are hence that larger member states will dominate the legislative process, whereas smaller member states will actively seek to become members of a winning majority at any cost, as they otherwise have small chances of taking part in the construction of new policies.

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<sup>16</sup> For a recent discussion of the voting power indices see Garrett and Tsebelis (2001), Albert (2003, 2004) and Felsenthal et al. (2003).

<sup>17</sup> Furthermore, much in the same way as inequality indices have been used as baseline tools for normative as well as positive analyses of social standards (List 2004), voting power theory can be used for deriving empirically testable predictions.

### *1.3.2 Spatial modelling*

Conversely to the above power-focused analysis, the other set of theoretical models often used to analyse the institutional setup in the EU is focused on policy preferences. These theories are often based on standard spatial theory (Hotelling 1929; Black 1948, 1958; Downs 1957; Davis and Hinich 1966; Enelow and Hinich 1984; Plott 1967) which commonly present each actor,  $i$ , with a set of preferences which may be defined algebraically or geometrically in a single-dimensional or multidimensional, Euclidean policy space. A utility function  $u_i, x$  for each  $i$  is defined, and each  $i$  is furthermore assumed to have an ideal point,  $x_i$ , which maximizes her utility. The assumption of Euclidean symmetry implies that preferences are a decreasing function of the distance between the policy outcome and the agent's ideal point. In the geometric representation, this is reflected in the form of indifference curves. Each legislator's indifference curve consists of points such that for any point  $x$  on the curve, the utility can simply be compared to any other point: the outcome  $x$  equals exactly that associated with any other points  $x', x'' \dots$  on the curve. Points beyond the curve will be less preferred and points within the curve will be more preferred. In other words, starting at the ideal point, the utility declines monotonically in any given direction and, hence, a legislator will only be willing to accept a policy change which moves the status quo to a point closer to her preference point from where the status quo is currently located<sup>18</sup>.

Applying this logic to the EU context, Crombez (1997; 2001), Tsebelis (1994; 1997), Tsebelis and Garret (1997; 2000) and Steunenberg (1994; 1997) analyse the implications of the different legislative procedures implemented in the EU over the last decades. For example, the standard model (e.g. Steunenberg 1997; Tsebelis and Garrett 1997; 2000) used for analysing the EU's legislative procedures consists of 7 member states as well as the EP and the Commission positioned in a one-dimensional policy space according to their preferred level of integration. The EP and the Commission are usually presented as unitary outliers, preferring more integration than any of the member states. The weighted qualified majority requirement in the Council is the same as the coalition of 5 out of the 7 member states, and the status quo is assumed to be located at a lower point than the ideal point of any of the member states. As a consequence of this

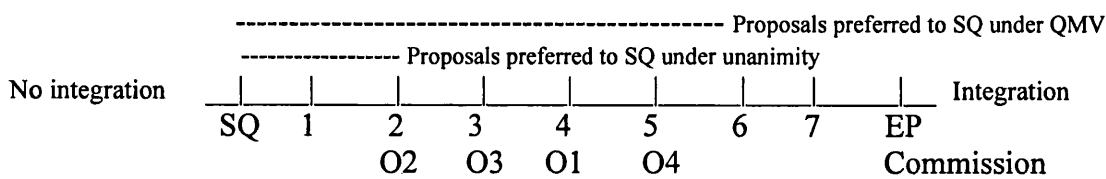
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<sup>18</sup> Please refer to McCarty and Meirowitz (2005) for a recent description of the use of spatial models in analyses of legislatures.



logic, the model can predict which member state will turn out to be pivotal as well as the location of new policy outcomes. Figure 1.1 shows a summarised version of the Tsebelis and Garrett (1997) model.

**Figure 1.1 Tsebelis-Garrett model of the effect of institutional rules**



- SQ = the current policy, the status quo
- O1 = Outcome under Cooperation
- O2 = Outcome under Consultation
- O3 = Outcome under Co-decision I
- O4 = Outcome under Co-decision II

The usefulness of the logic behind the model presented in Figure 1.1, and the similar versions presented in other analyses (e.g. Steunenberg 1994; Crombez 1996), is beyond doubt. However, the existing spatial models applied to the EU setting overlook a few key aspects related to both the inter-institutional bargaining as well the internal dynamics in both of the institutions. First, the prominent assumption that the preferences of the legislative actors are still best captured by the ‘supranational scenario’ in the Council (Garrett and Tsebelis 1996:280; Tsebelis 2000; Tsebelis and Garrett 2000: 366) must be challenged as the governments’ general attitude towards the EU may no longer play that important a role at the ministerial negotiation table (Mattila 2004; Van Schaik 2006). Tsebelis & Garrett (2000) have indeed considered the effect of both a two-dimensional policy space and the implications of assuming a left/right policy dimension to be present at the EU level. However, in their analysis it is concluded that a dominant left/right dimension would result in policy gridlock as the more centrally located status quo would make it difficult to mobilise a sufficient majority in favour of a policy change (Tsebelis and Garrett 2000; cf. Banks and Duggans 2006). However, as will be elaborated in Chapter 2, the fact that negotiations may take place within a single dimension does not exclude the possibility of introducing more than one policy *issue* in order to increase the

actors' winsets and in that way make a policy change possible. For example, two different policy proposals – say, one on an environmental issue and one on internal market - may be introduced simultaneously in order to make a policy change possible. Both of these two proposals can be settled according to the actors' policy preferences over general socio-economic matters (Lipset and Rokkan 1967) and, hence, both fall within the larger left/right political dimension. Therefore, instead of dismissing the left/right political dimension as a dominant bargaining continuum based on the Tsebelis and Garrett (2000) considerations, it may be beneficial to distinguish between multi-*issue* and multi-*dimensional* bargaining. As will be apparent later in this thesis, empirical research has not been able to falsify the left/right political trends – quite the contrary - and, hence, the recurring discussion of Council negotiations within a single pro-/anti EU dimension even in recent analyses (e.g. Hayes-Renshaw and Wallace 2006) seems somewhat problematic.

A second point of critique of the existing theoretical models from the spatial literature is that the possibility for preference coordination across the institutional divide is not considered in detail. For example, a party political division in the Council rather than merely the inter-governmental scenario opens up for an advantageous communication opportunity with party groups in the EP, particularly since the decision process is sequential rather than simultaneous. In addition, the current models neglect the fact that whereas the Council voting rule remains constant (the same QMV requirement has to be met at all stages for the Council to adopt policy), the pivotal voter in the EP is not the same across the readings. The shift in the EP from a simple majority at the first reading to adopt an opinion to an absolute majority at the second reading to amend the common position of the Council<sup>19</sup> means that the threshold is considerably higher for amending or rejecting the common position of the Council, than it is to draw up a proposal in the first reading. In other words, it is harder for the EP to amend or reject than to simply accept a proposal from the Council (Høyland and Hagemann 2006). The consequence is that, assuming the members in the Council are rational, self-interested actors, the models neglect the possibility of members' manipulation of policy outcomes based on not just speculations in the internal negotiations in the Council, but also

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<sup>19</sup> See the following link for the details and of the Co-decision procedure:  
<http://www.europarl.europa.eu/parliament/public/staticDisplay.do?id=46&pageRank=4&language=EN>  
(last accessed 01 October 2006).

calculations over the changes in the EP's preference configuration from the first to the second reading. Officials working at the national representations have explained that both sets of actors are fully aware of the potential of communication and preference alignment across the institutional divide<sup>20</sup>. As a consequence of the fact that the EP has become more influential in the legislative process, all national representations in Brussels now have a least one official fully dedicated to facilitate the coordination between the MEPs and the government's position in the Council. These are important considerations to include in any modelling of the Co-decision procedure, and may considerably alter the coalition formation process as well as the identity the pivotal parties.

Lastly, a third point of critique of the current spatial modelling of the formal rules is that neither of the models applied to the Council setting include explicit considerations of the difference in vote shares<sup>21</sup>. Effectively, this means that the pivotal member state 5 in Figure 1.1 becomes an arbitrary concept, and leaves the model with little empirical power in terms of predictability of both internal and inter-institutional preference aggregation outcomes. Therefore, in order to adequately analyse and predict possible coalition formation and policy outcomes, the spatial theories may benefit from also taking into account the difference in vote shares. Chapter 2 returns to this issue, however, together with the issues mentioned above, it appears as if several of the fundamental assumptions included in the spatial models may not fully correspond with the current Council dynamics. The next section outlines the existing empirical knowledge and looks into the degree to which the empirical evidence corresponds with the expectations from both the voting power literature and the arguments from the spatial approach.

#### **1.4 Existing empirical knowledge**

Although the last few years have seen an impressive increase in the empirical research on Council decision-making, the field is still very much in its infancy. As a consequence, it is clear from the outset that the above theoretical considerations of the impact of the formal institutional rules on behaviour and policy outcomes have only been empirically

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<sup>20</sup> Interview III, IX and XIV.

<sup>21</sup> Except for Crombez (1998) who includes the qualified majority pivot as the preference point of the Council vis-à-vis the EP. Yet, in his model the EP and Commission are still presented as unitary actors, and the changes from the absolute to the simple majority requirement in the EP is not taken into account.

addressed to a rather limited extent (cf. Hörl et al. 2005). Still, similarly to many other policy fields, the increasing number of empirical studies has started to part into groups distinguished by a reliance on either qualitative or quantitative research methods.

#### ***1.4.1 Qualitative empirical research***

The above theoretical analyses predicted legislative behaviour to be dictated by either the distribution of voting power or by the member states' spatial distance to the status quo. Conversely to these accounts, where pareto-efficient outcomes are not always assumed to emerge and conflict may be observed, the group of scholars who have engaged in qualitative empirical research have adopted a more consensus-oriented view of Council decision-making. In fact, this branch of the empirical literature rejects most of the conclusions from both the spatial analyses and the voting power theories (e.g. Westlake 1995, Sherrington 2000, Lewis 1998), and often argues that decision-making processes and legislative outcomes must be accounted for through an 'empirical experience in the Council' (cf. Heisenberg 2005:66). Formal voting records and minutes do not capture the dynamics of informal bargaining, and hence do not adequately portray the political ambitions and behaviour by the member states, according to this line of thought. Instead of trying to predict the outcome of specific policy negotiations or make claims with regard to who dominates the bargaining process, the intention of this group of scholars has mainly been to provide a more qualitative insight into the daily-day decision-making, and describe the formal and informal institutions which shape the Council members' negotiations.

The main empirical findings by the group of scholars applying this approach have been that explicit voting on agreed decisions at ministerial level is rather rare and that when dissent is expressed, this is usually only by a single member state (Hayes-Renshaw and Wallace 2006:284; Naurin 2006). Ministers generally endorse collective decisions by consensus, even in those cases where they could activate qualified majority voting (QMV). Furthermore, when disagreement is apparent, this is in nearly half the cases related to 'technical' decisions, rather than political issues. To the extent that voting takes place, this even occurs implicitly rather than explicitly, operates mostly at the level of officials rather than ministers, and is not recorded systematically in publicly accessible

form (Hayes-Renshaw and Wallace 2006; cf. Heisenberg 2005). Therefore, it is argued, the Council can be understood only by analysing its informal as well as its formal operations, and the over-simplification by many theoretical accounts results in a neglect of the very reason why the complex Council system is even able to function: ‘corridor bargaining’, dynamics within working groups and committees as well as the importance of actors’ experience and personal negotiation skills must be qualitatively accounted for (e.g. Hayes-Renshaw and Wallace 2006:28). However, whereas the qualitative branch of the literature has indeed advanced the knowledge regarding each of these issues, their findings would benefit from being supported in quantitative studies of Council members’ behaviour at the aggregate level as well. The group of researchers presented below are partly motivated by this demand.

#### ***1.4.2 Quantitative empirical research***

The empirical studies which combine quantitative analyses with different theoretical takes on EU policy-making have sought to conclude on such issues as preference aggregation, voting behaviour and the consequences of the power distribution within different areas. Yet, so far this branch of the literature is still only starting to emerge and, as mentioned, only very sparse empirical evidence has been provided with regard to the general tendencies in the Council. Still, two groups using the quantitative research methods can be identified: one relies on information gathered from interviews with experts (Bailer 2004; Pajala and Widgren 2004; Thomson et al. 2006; Zimmer, Schneider and Dobbins 2005) and the other on voting records (Heisenberg 2005; Hosli 1999; Lane and Mattila 2001; Mattila 2004; Hayes-Renshaw and Wallace 2006<sup>22</sup>). Both groups attempt to identify underlying patterns of conflict in the Council by applying statistical models to quantitative data sets, in most cases for the purpose of testing theory-driven predictions<sup>23</sup>.

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<sup>22</sup> Although Wallace and Hayes-Renshaw (2006) use both interviews and council minutes for their work, the quantitative part of their analysis relies on a data set consisting of information from the Council’s monthly summaries.

<sup>23</sup> Many more projects engaged with the same issues at the general EU level could be mentioned. The ones which are included here are studies which are specifically concerned with the internal decision-making in the Council.

It is currently difficult to say if data from expert interviews or the Council minutes and voting records provide the best source of information regarding underlying conflict structures and preferences in the Council (König 2005:366). It is furthermore also difficult to evaluate which of the research projects, if any, actually present an accurate picture of the general dynamics in the Council; each of the current studies are restricted by important boundary specifications which in many cases makes it difficult to further generalise on the basis of the findings. This also explains why a few studies have produced contradicting results even though the purpose of the research has been to explain similar research questions<sup>24</sup>. Table 1.3 below summarises the findings, methods and scope from each of the existing quantitative research projects on governments' preferences and underlying conflict structures in the Council.

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<sup>24</sup> See for example the difference in the conclusions from Mattila (2004) and Zimmer, Schneider and Dobbins (2005).

**Table 1.3: Existing research on preferences and conflict structures in the Council based on quantitative analyses**

Author	Project	Type of Data	Voting Stage	Data	Method	Scope/limitations
Mattila and Lane (2001)	'Why unanimity in the Council? A Roll-Call Analysis of Council Voting'	Quantitative; based on Council minutes	Final vote	1381 pieces of legislation from 1994-1998.	Roll-call analysis	Stages prior to the final adoption stage are disregarded. Formal statements following the adoption of a decision are not included.
Franchino and Rahming (2003)	'Biased Ministers, Inefficiency and Control in Distributive Policies'	Quantitative; based on exogenous measures of parties' preferences in national politics and policy outcomes from a specific policy field	Adopted regulations	14 regulations	Document analysis, analysis with governments' preferences from national politics	Analysis is carried out within a single policy field.
Selck, T. (2004)	'On the Dimensionality of European Legislative Decision Making'	Quantitative; based on expert interviews (DEU data)	From proposal to adoption	66 Commission proposals; 162 issues on decrees, directives and decisions under Consultation and Codecision	Policy positions of legislators on a series of issues. Scales range from 0 to 100	Difficult to evaluate experts' aggregation of information and conclude on the locations of policy positions; not clear if the sample of proposals is representative for the whole population of decisions
Mattila (2004)	'Contested decisions: Empirical analysis of voting in the European Union Council of Ministers'	Quantitative; based on Council minutes	Final vote	180 observations (voting records for 15 member states for 12 half-year periods) from 1995-2000.	Roll-call analysis	Stages prior to the final adoption stage are disregarded. Formal statements following the adoption of a decision are not included.
Zimmer, Schneider, Dobbins (2005)	'The Contested Council: The Conflict Dimensions of an Intergovernmental Institution'	Quantitative; based on expert interviews (the DEU data set)	From proposal to adoption	70 Commission proposals; 174 issues on decrees, directives and decisions under Consultation and Codecision	Correspondence analysis based on the DEU data set.	Difficult to evaluate experts' aggregation of information and conclude on the locations of policy positions; not clear if the sample of proposals is representative for the whole population of decisions
Heisenberg (2005)	'The institution of consensus in the European Union: Formal versus informal decision-making in the Council'	Quantitative; base on Council minutes	Final votes	Recorded legislation from 1994-2002	Roll-call analysis	Stages prior to the final adoption stage are disregarded. Formal statements following the adoption of a decision are not included.

**Table 1.3: Existing research on preferences and conflict structures in the Council based on quantitative analyses (continued)**

Author	Project	Type of Data	Voting Stage	Data	Method	Scope/limitations
Thomson et al. (2006)	<i>The European Union Decides</i>	Quantitative; based on expert interviews (DEU data)	From proposal to adoption	66 Commission proposals; 162 issues on decrees, directives and decisions under Consultation and Codecision	Policy positions of legislators on a series of issues. Scales range from 0 to 100	Difficult to evaluate experts' aggregation of information and conclude on the locations of policy positions; not clear if the sample of proposals is representative for the whole population of decisions
Hayes-Renshaw and Wallace (2006)	<i>The Council of Ministers</i>	Quantitative; based on Council minutes	Final votes	Recorded legislation from 1994-2004	Expert interviews; document analysis	Difficult to make generalisations re. preferences and conflict structures as mostly descriptive statistics are presented. Data is confined to last stage formal voting.
Mattila (2006)	'Voting and coalitions in the Council two years after enlargement'	Quantitative; based on Council minutes	Final vote	805 legislative acts from May 2004 to April 2006.	Roll-call analysis	Stages prior to the final adoption stage are disregarded. Formal statements following the adoption of a decision are not included.



It should here be stressed that Table 1.3 is not meant as a critical assessment of individual research projects. In fact, each of these studies has provided extremely valuable and interesting insights into the Council's processes and member states' behaviour. Furthermore, most of the abovementioned scholars do not make any claims with regard to the general applicability of their findings for issues or areas other than those included in their analysis. They are, in most cases, careful to explain the specifications and limitations to their analyses and findings. This is also why it does not seem useful to critically address any of the studies in more detail here. However, the table is provided to give a precise and brief overview of what has already been done in the field, and what further possibilities and necessary steps are still left for future investigations. On this basis, the conclusion must be that there is, to say the least, room for much more research: First, it is essential to simply advance the empirical knowledge and get more detailed information on all of the Council's policy areas, across more stages of the legislative process and over longer time periods<sup>25</sup>. Second, it is imperative to make use of rigorous statistical methods in order to appropriately capture and analyse any emerging patterns in, for example, voting behaviour. One notable observation related hereto is that many exogenous measures are available on the Council members' characteristics<sup>26</sup>, and can be useful in the testing and interpretation of findings from the Council. Third, it is necessary to address some of the current theoretical disputes. A final conclusion must be drawn on the disagreement between those scholars who present the Council as a 'Council of Consensus' and the group which pictures it as 'Council of Conflict'. Each of these assumptions has direct implications for how to approach the analyses of both intra- and inter-institutional issues. If Council decision-making is indeed dominated by informal norms of consensus without de facto formal rules in place, then the findings and fundamental assumptions from the rational institutionalist literature must be re-evaluated as they make claims about not only the position of policy outcomes from the Council itself, but also about the relationship between the EP, the Commission and the Council

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<sup>25</sup> Hayes-Renshaw and Wallace's (2006) interesting data set mentioned in Table 1.3 consists of voting records from 1994 to 2004, and is hence the largest of the current data sets. However, as shown in Table 1, their data is restricted to the final voting stage and unfortunately stops short of any rigorous statistical analysis of the findings; their reporting is in the form of descriptive statistics.

<sup>26</sup> An example is the governments' political, social and economic positions as measured by Benoit and Laver (forthcoming, 2006).

based on the formal decision-making rules. Therefore, if consensus is predominant to the extent that Council decision-making cannot be characterised as a bargaining game between strategic, utility maximising actors, then any further research should be very careful to capture the complexity of the informal negotiations in order to account for policy processes and outcomes. On the other hand, if no convincing evidence is found that Council decision-making is characterised by consensus rather than conflicts, and that formal rules are only secondary when reaching agreements, then it could perhaps be beneficial to draw on the insights from traditional bargaining theory and use the models proposed in the rational choice literature. The task of settling these fundamental questions is of great importance and may not even be the enormous tasks that they appear to be at first glance. What is needed is simply convincing data sets.

### **1.5 Available information from the Council**

As mentioned above, the high percentage of legislation adopted by a – at least officially – unanimous Council is a great concern for most EU scholars. However, this observation may be somewhat over-emphasised in the current literature and this thesis finds that it does not reflect an entirely correct picture of how legislation is adopted in the Council. The current literature’s limitation to analyses of final stage voting records reported in the Council’s monthly summaries neglects particularly two important sources of information: First, decisions from earlier stages than the final adoption stage are now publicly accessible via the public register of the Council and/or the PreLex database available at the EU website<sup>27</sup>. This means that the restriction of studies of voting behaviour to last stage decisions is no longer necessary nor legitimate. At the final adoption stage the governments decide whether to accept or reject a proposal altogether, whereas the earlier stages consist of also negotiations over the content of the policy. Therefore, voting behaviour can be assumed to be different at the final adoption stage compared to prior

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<sup>27</sup> <http://www.europa.eu.int/prelex/apcnet.cfm?CL=en>. See also <http://www.europarl.eu.int/oeil/search.jsp> (both accessed 01 October 2006). In order to follow the policy through the various steps in the process it is sufficient to know the COM reference number of the initial Commission proposal for the PreLex database, the complete title of the proposal or the inter-institutional file number for the public register of the Council. The inter-institutional file number will provide all the documents linked to the same proposal/dossier (also from working groups) and can be found through PreLex (when the COM number is known) or on the top of the page of a Council document.

readings. Hence it becomes of great importance to include also decisions from earlier stages.

Second, the formal statements following the adoption of a proposal may reveal yet another level of contest in the Council. Formal statements indicate a country's (/ies') disagreement with a policy proposal, often even in cases where it may not have been expressed through formal voting. Or a formal statement can be included in the minutes in order to highlight country specific standards related to the policy which a member state wishes to bring to the attention of other Council members or to external actors. Hence, although the analysis of voting behaviour should be based on the official records of how votes are cast, including formal statements as another source of information may provide another step towards a more accurate picture of the preference configurations in the Council.

Taking into account all legislative stages as well as the formal statements will of course not solve all issues of transparency and provide full information of the Council members' ideal policy positions. The Council still adopts a large amount of decisions by a high degree of recorded consensus and the only formal accounts are the releases of the common position and related statements in the minutes from meetings held behind closed doors in the respective council formations. Hence, it is difficult to evaluate the effect of political signalling, vote trading or whether the outcomes are in fact a product of preference alignments. Nevertheless, the point is here that the picture drawn in the current literature does not show the full extent of what data is in fact available from Council documents; most scholars rather highlight what is *not* available.

So what information *is* accessible for studies on the Council members' behaviour and preferences? From the Council minutes it is usually possible to get information on the following issues related to the respective policy proposals:

- Procedure,
- Date of introduction,
- Date of adoption,
- A and B points,
- Policy area (as categorised by the General Secretariat, preparatory bodies and the Commission)
- Title of proposal,
- Details about the policy content,

- Inter-institutional reference number,
- Sectoral Council,
- The stage of the legislative process when the vote was taken,
- The stage of the legislative process when the proposal was adopted,
- Identity of the member holding the Presidency, and
- Each country's decision to
  - a. support,
  - b. abstain,
  - c. oppose, and/or
  - d. make a formal statement. Formal statements are either included in the minutes or posted separately on the Council's website.

Information on each of these points above is, as already mentioned, available across the legislative stages and Council formations. Combined with also the related information regarding, for example, voting outcomes in the Council's working groups or the EP's plenary<sup>28</sup>, the conclusion must be that data is indeed available on several important aspects of Council decision-making.

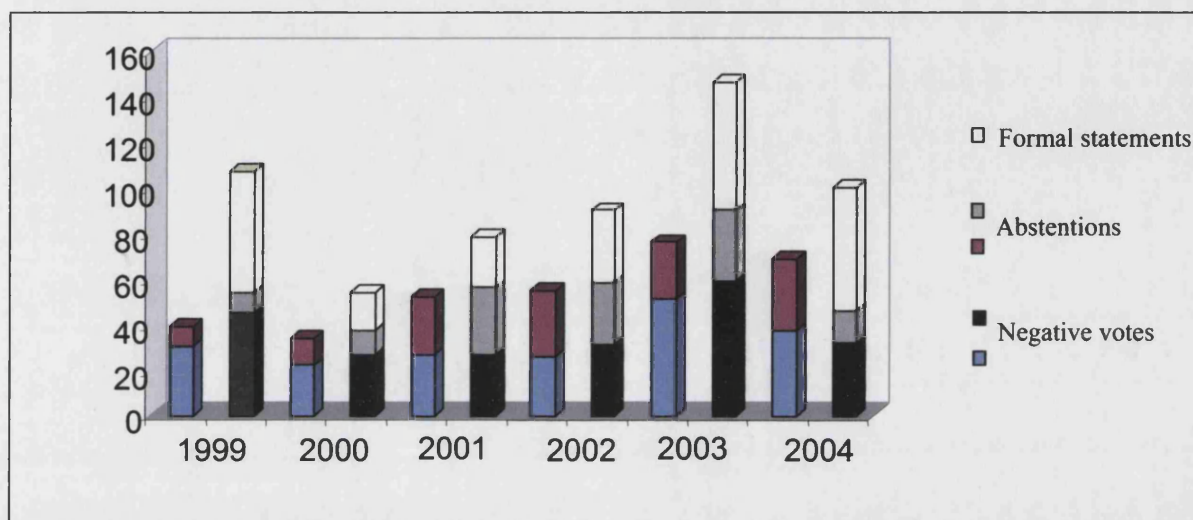
## **1.6 New empirical findings**

Comparing the results from the data collected for the purpose of this thesis with the current literature's description of the Council's decision-making processes outlined above, particularly three issues appear somewhat contradictory. First, formal rules are found to be used more frequently for reaching agreements than what is reported in the current literature. Though, from the data it appears as if it is not necessarily only formal voting which the member states rely on when voicing their disagreement with new legislation: In the 1999-2004 time period there has been a rather frequent use of formal statements immediately following the adoption of a policy proposal. Formal statements have traditionally been described in the literature as only being used in cases where a member state abstains or opposes the majority in a voting situation and wishes to make its reasons for doing so public. However, the data set and the interviews make it clear that this is no longer the only purpose of the formal statements. Instead, it shows that the member states actually use the formal statements to voice their opposition against a proposal, while there may be reasons for not doing so by voting. There are several

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<sup>28</sup> <http://www.europarl.eu.int/oeil/search.jsp> (accessed 01 October 2006).

**Table 1.4: Recorded oppositions in current literature compared to data in this thesis; last voting stages 1999-2004**



Red and blue columns are results reported in Hayes-Renshaw and Wallace (2006). Black, grey and white columns are findings from this thesis' data.

Figure 1.2 shows that the distribution of disagreements voiced through either formal statements or through voting and abstentions is rather varied across the Council members. Also, whereas the members who have opposed the least seem to consist mainly of medium and small member states, the group which has opposed the most includes Denmark and Sweden, and hence consists not only of larger member states. However, the intention here is not to investigate the patterns of opposition or support in the Council - that will be addressed in the empirical chapters - but rather to point out the difference in the results when including also the formal statements. The level of recorded oppositions is almost double as high for all countries when the statements are included, and it is clear when also comparing the findings with the results from the Hayes-Renshaw and Wallace (2006) data, that the inclusion of such information in this thesis must lead to different conclusions regarding the level of conflict in the Council<sup>29</sup>.

Another finding from the data set which is somewhat in contrast to the current literature's account of Council procedures is related to the distinction between 'A' and 'B' agenda points. Although it is true that the intention behind the 'A' and 'B' points has traditionally been to ease the workload at the ministerial level and lower the need for

<sup>29</sup> Please note that the columns in Table 1.4 for the year 2004 do not entirely correspond: The Hayes-Renshaw and Wallace (2006) data set covers the months until June 2004, whereas the columns representing the data from this thesis is until end of April 2004.

bargaining and formal voting at the last stage of the legislative process, the data shows here a very rare use of the 'B' point category which has traditionally been used for controversial agenda items only. The current literature often points to this categorisation as evidence that Council decision-making is institutionalised to a level where officials and other representatives are the ones to broker agreements, playing at least an equally important role as the ministers themselves. As a consequence, it is argued, this leads to a lack of transparency and the Council is often presented as a 'Council of Consensus' rather than 'Council of Conflict' as the ministers always seem to come to agreements with a super majority of members on board, even on 'B' agenda points. However, the data in this thesis shows that, for example, in 2003 the 'B' point category made up only 6,7% of the total amount of legislation adopted. This does not seem to correspond with the importance ascribed to the 'A' and 'B' distinction in the literature. Of course, this finding could be evidence that the member states are actually able to settle agreements without any disputes at the ministerial level. Yet, when taking an additional step and looking into the 'B' items, it is found that not all 'B' items are actually a basis for dispute. For example, in 2000 and 2001 there was only recorded disagreement on 9 out of 25 (36%) and 5 out of 15 (33%) of the 'B' points, respectively. Additionally, as will be evident from the empirical chapters, open disputes are increasingly accepted under 'A' points too. Hence, the difference between 'A' and 'B' items seem to be diminishing rather than the Council being increasingly able to pass legislation by consensus. Therefore, the literature's recurring focus on the distinction between the two forms of agenda points could be questioned with regard to the categorisation of controversial or uncontroversial policy proposals. Rather, as was explained in a series of interviews with officials and representatives working in the Council, the categories may instead be viewed as a means for political signalling to external actors or internally between bureaucrats and politicians<sup>30</sup>. Table 1.5 summarises the findings.

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<sup>30</sup> Interview I, III, V, VI.

**Table 1.5: Recorded disagreement in 'B' agenda points**

Year	Number of acts adopted	'B' points	Disagreement*/'B' points
1999	161	10 (6.2%)	7 (70%)
2000	169	25 (14.8%)	9 (36%)
2001	160	15 (9.3%)	5 (33%)
2002	163	17 (10.4%)	15 (88%)
2003	163	11 (6.7%)	9 (82%)
2004**	115	2 (1.7%)	2 (100%)

\* By disagreement it is meant that more than 2 countries opposed or abstained from voting under QMV.

\*\* The figure for 2004 only covers the January-May period.

A third finding largely unrecognised by the literature, yet, which in the data proves to deserve further attention, is the issue of how the Amsterdam Treaty has changed decision-making *within* the Council. Much attention has been given to the changes in the inter-institutional dynamics, yet it is apparent that important accommodations have also been made in the Council itself. After the reform of the Co-decision procedure in the Amsterdam Treaty, which came into effect in May 1999, more legislation falls within the Co-decision procedure and can now be adopted already in the first reading. In other words, it is currently possible to see Co-decision legislation adopted at either the first reading in the Council, the second reading in the EP, the second reading in the Council or in the Conciliation Committee<sup>31</sup>. The empirical findings related to this issue are presented in Table 1.6.

<sup>31</sup> For an explanation of the EU's inter-institutional legislative processes see Hix (2005).

**Table 1.6: Decision rules and adoption rates per year**

Year	Number of acts adopted	Council Voting Rule, Unanimity	Council Voting Rule, QMV	QMV legislation adopted in Council 1st reading
1999	161	85 (52.8%)	76 (47.2%)	41 (53.9%)
2000	169	80 (47.3%)	89 (52.7%)	52 (58.4%)
2001	160	58 (36.3%)	102 (63.8%)	32 (31.3%)
2002	163	66 (40.5%)	97 (59.5%)	35 (36.1%)
2003	164	103 (63.2%)	61 (36.8%)	35 (58.3%)
2004*	115	87 (75.7%)	28 (24.3%)	19 (67.8%)

(%) are row percentages.

\* The figure for 2004 only covers the January-May period.

Table 1.6 shows that each year has had an adoption rate of between 160 and 170 pieces of legislation. Yet, the ability to adopt legislation already at the 1<sup>st</sup> reading seem to be vary across the years, with the middle years having a lower adoption rate at the 1<sup>st</sup> reading than the early and late years. Of the adopted legislation, 52.8% fell under the unanimity requirement and 47.2% fell under the QMV system in 1999, whereas 40.5% and 63.2% fell under unanimity and 59.5% and 36.8% was adopted under QMV in 2002 and 2003, respectively. In other words, the rate of passing laws under the different rules varied considerably in these years, and whether the figures indicate that Council decision-making is becoming more efficient since legislation can be adopted also at earlier stages is still left for further research to explore<sup>32</sup>. However, a few descriptive studies suggest that due to time pressure and the fewer negotiation stages it is increasingly necessary to rely on quicker decisions in the meetings through the use of formal rules (e.g. Mammonas 2005; Lemp 2006)<sup>33</sup>. In either case, it seems relevant for future research to also address issues related hereto when further advancing the current literature's accounts of decision-making processes in the Council.

<sup>32</sup> Also, efficiency could of course be argued to be more related to time than to adoption stage.

<sup>33</sup> See also Dimitrakopoulos (2004) on the inter-institutional agreement between the EP and the Council on the intention to speed up and make the legislative process more efficient.



## 1.7 Summary

This chapter has described the legislative processes for adopting legislation in the Council and discussed the current theoretical and empirical accounts of the implications of the formal institutional framework. Based on a few indicative findings from the data set used in this thesis, 3 findings were presented and suggest that more information is in fact accessible and may allow for further analyses of voting behaviour and preferences structures than what is currently included in the literature: First, it was found that the reported level of disagreement in the Council may be underestimated or even somewhat skewed as quantitative studies have so far confined themselves to last stage voting records without taking into account decisions from earlier stages. Second, the Council members often make formal statements following the adoption of a proposal. These formal statements may reveal yet another level of contest in the Council as they include both statements which show direct disagreement with an adopted piece of legislation or a member state's serious concerns with a proposal. Third, the literature's recurring focus on the distinction between the two forms of agenda points, 'A' and 'B' points which are automatically presented as either controversial or uncontroversial policy proposals, must be re-evaluated. From the findings in this thesis' data it seems that 'B' agenda points are rarely used and actually do not seem to always include any noteworthy disputes. Also, 'A' agenda points are not – as will be apparent in the empirical chapters – always automatically 'nodded' though by the Ministers (Moberg 2002). Therefore, as has been suggested by Council representatives and officials, the categories may actually be a mean for political signalling rather than a sign of institutionalised bargaining.

The two first sections in this chapter showed that the existing theoretical and empirical literature has provided invaluable insights into the functioning of the Council. However, it was also made clear that the expectations from the theories and the findings in the empirical research do not allow for extensive and coherent conclusions to be made regarding legislative politics in the Council. So far no research project has fully explored the Council dynamics across legislative stages, policy areas or decision procedures. There are reasons to be cautious with making generalisations based on the current research, as each of the existing studies include important boundary specifications. Most specifications have been necessary due to the limited availability of data, and may also

explain why some research projects have resulted in contradicting evidence when addressing similar research questions. Though, the access to Council information has recently changed and although collection and coding of data is obviously a time consuming and less-interesting exercise than the analytical part itself, it seems to be the most convincing way forward from the current position. Research on legislative politics in the Council which combines theoretical knowledge and empirical analysis is indeed possible to an extent which still remains to be sufficiently explored.

## **Chapter 2: A theory of party politics and strategic behaviour in the Council of Ministers**

### **2.1 Introduction**

As discussed in the previous chapter, the current literature mainly presents the Council as an intergovernmental institution where decision-making is dependent on the distribution of voting power, the governments' preferences regarding further EU integration, their geographical or economic status, or other nation-based characteristics. A party political framework is still rarely applied in both theoretical and empirical investigations of intra-institutional dynamics in the Council, and is usually completely disregarded in analyses of inter-institutional bargaining between the Council and the Parliament.

This chapter draws on the insights from different sets of literature on decision-making and presents a theory of voting behaviour. The theory implies that the governments are not only national representatives, but also political parties who strategically calculate how to fulfil their preferences over policy content and the degree of regulation. The members of the Council have political ambitions explicitly stated in party manifestos. The consequences are that when the majority of governments are from a left-wing (right-wing) political background, this will also be reflected in the negotiations and new policy outcomes. The minority right-wing (left-wing) governments may in this scenario find themselves in opposition to the common position more often. However, this is not to argue that EU policy is generally not adopted according to the member states' preferences over EU integration. Proposals are most likely presented to the Council on the basis of estimations and prior agreements on the degree of EU harmonisation that is acceptable to the members. Once this level is established in the European Council and preparatory bodies, negotiations over a policy issue become a party political matter where attitudes towards the content and level of regulation are determined by the governments' party preferences.

Beside of presenting the governments as political parties, the theory argues that the Council members behave strategically in the pursuit of their ideal policy preferences. Due to the effects of the weighted voting system as well as the fact that the cost of being

in opposition is very high, voting cannot be interpreted in the strict form where those opposing will vote against and those in favour will support. The current literature usually interprets the results from a Council vote as an outcome which either 1) indicates a great degree of preference alignment or willingness to signal consensus vis-à-vis the other EU institutions, or 2) predicts the policy outcome to be the product of the QMV pivot's preferences. Contrary to this interpretation, the argument made here is that voting outcomes are not due to institutional solidarity, unconstrained sincere voting or based on considerations of Council versus EP powers. The Council members are assumed to have a defined set of sincere policy preferences which they may pursue in a strategic manner due to the constraints imposed by the weighted voting system. Hence, voting outcomes are the results of party political estimations by each government of when and how a policy proposal is best influenced, and when their disagreement needs to be heard.

The following sections present the theoretical arguments in a step-wise manner: Section 2.2 draws on three different sets of literature and compares the Council to other decision-making institutions. First, it is considered from an international perspective and compared to other multi-national assemblies. Second, it is compared to national legislatures with a particular focus on the debate within the political science literature on the consequences of legislative bargaining between actors driven by either policy- or office-seeking incentives. Third, the thesis draws on insights from the literature on corporate governance and explains how the voting system in many ways resembles that of shareholder voting in private companies.

Section 2.3 subsequently states and explains a set of assumptions about the governments' ability to make choices. The assumptions concern the rationality and cohesiveness of parties and governments, issues of information, implications of repeated bargaining as well as the location of the status quo.

The theoretical argument of the thesis is then presented in Section 2.4 and states that alliances are formed as 'weighted preference-connected coalitions'. As explained above, the theory implies that voting behaviour is a reflection of the governments' location in the policy space, as well as their strategic calculations over how to influence policy outcomes based on the voting power. Lastly, a set of testable hypotheses are derived from the theory. The hypotheses are related to the dimensionality of the policy

space within which the Council members decide as well as specific expectations to behaviour across policy areas and across the different stages of the legislative process.

## **2.2 Three sets of literature on decision-making**

The Council is a unique political entity. Yet, from a comparative perspective, the institution does have elements which resemble other legislative bodies in both its institutional setup and policy activities. This section discusses three different sets of literature which each provide valuable insights into voting behaviour and general dynamics in decision-making bodies. The three decision-making contexts considered are those of international institutions, national legislatures and corporate governance. Particularly the latter offers interesting findings with regard to strategic behaviour in weighted voting systems, yet has rarely – if ever – been considered in relation to the Council voting system. Theoretical models from the two former decision-making contexts usually provide the analytical tools for academic analyses of Council decision-making. A few of the conclusions from the discussions of these two decision-making contexts can therefore also be found in some of the existing research mentioned in the previous chapter. However, each of the three sets of literature brings fundamental elements to the theoretical argument presented in section 2.4, and therefore requires some elaboration before the theoretical ideas behind the ‘weighted preference-connected coalition’ argument are presented in detail.

### ***2.2.1 Lessons from studies of international institutions***

The definition of the EU, and in particular the Council of Ministers, as an international organisation is still very much apparent in the literature, especially within the field of International Relation (IR) studies (e.g. Hill and Smith 2005). Legally speaking, an international organisation must be established by a treaty providing it with legal recognition. International organisations established on this basis are subjects of international law, capable of entering into agreements among themselves or with states.

The EU is legally founded on the treaties adopted throughout the past six decades and resembles other international organisations in that power is formally possessed by the

member states. Decisions in the Council are made by unanimity or by the QMV system, which the governments have formally agreed to. Also, the preparatory bodies and working groups are all national representatives or independent appointees of the governments and possess – at least formally - merely advisory functions. However, unlike other international organisations, the Council activities cover all areas of public policy, from health and economy to foreign affairs and defence. The extent of its powers differs greatly between these areas, yet, the mere scope of policy cooperation makes the Council unique in the international context.

As the EU is therefore a great deal more complex than most international organisations, traditional IR theory is often argued to be ill fitted for the scrutiny of both daily EU politics and bargaining at International Governmental Conferences (IGCs) (Caporaso and Keeler 1995). Yet, Pierson (1996) explains how IR theory can still maintain its state actor perspective even within the complex EU context:

‘Despite significant internal disputes, the dominant paradigm in IR scholarship regards European Integration as the practice of ordinary diplomacy under conditions creating unusual opportunities for providing collective goods through highly institutionalised exchange. From this ‘intergovernmentalist’ perspective, the EC is essentially a forum for interstate bargaining. Member-states remain the only important actors at the European level. Societal actors exert influence only through the domestic political structures of member-states. Policy making is made through negotiation among member-states or through carefully circumscribed delegations of authority. Whether relying on negotiation or delegation [...] Chiefs of government are at the heart of the EC and each member-state seeks to maximise its own advantage.’ (Pierson 1996:124)

This fundamental theory of individual and collective preference aggregation between states is, indeed, not without consequences. Implicitly, the framework assumes that the primary political instrument by which popular will is translated into international action is the national government, which acts externally and as a unitary entity on behalf of its constituency (Archen 1995). However, it is on several occasions mentioned that this

assumption does not presuppose that states are also unitary in their internal politics (Moravcsik 1998:20). Rather, it merely maintains that once particular objectives arise out of the domestic competition, then states negotiate as unitary entities against/with other states. Therefore, state preferences need not necessarily be fixed, but may vary in response to changes in the economic, social or political environment (Moravcsik 1998:22f). Nevertheless, even if the state bargaining scenario is on this basis an easy assumption to adopt in relation to Council decision-making, two issues are problematic from this approach: Although the institution is a formal legislative body, where governments meet to solve problems of common concern and advance shared interests, the governments do not have a monopoly on political demands even at the EU level. Furthermore, the fact that the governments are also political parties is largely neglected, although this fact seems of great relevance when considering issues of interest representation.

Both of these observations regarding the institutional set-up and the political identity of the actors change the preference aggregation process considerably at the collective EU level as well as in the national sphere, compared to what is suggested by the state centrist theories within the IR literature. The IR argument that preferences are nation-based implies that there would be no significant changes at the EU level if one or more countries experience a change in government. Although Moravcsik (1998) argues that the state preferences need not be fixed, the governments are presented as representatives of the aggregated national interests, and are not themselves portrayed as actively promoting interests of their own. Hence, new governments would essentially pursue similar national preferences as their predecessors since they arise from the same basis of interests. Conversely, if the EU system is regarded as a democratic political system where political parties translate public needs and opinions into political action, and interest groups seek to influence this process by promoting specific interests according to their members' preferences (Hix 2005:7), then a change in government will have an effect also on EU decision-making. From this view, national representatives are not assumed to execute the same policy preferences as those held by their entire national constituencies. The governments would simply not be representative of the full set of

populations, and representatives in favour of alternative policy solutions should be observed.

The fact that the Council is merely one institution out of three in which the preferences of the EU citizens are either directly or indirectly represented<sup>34</sup>, and that many checks and balances are in place for scrutinizing the actions of the institution, support the critique of pure state-centric analyses. In addition, as the Council is a legislative institution where elected representatives bargain over preferences in a wide range of policy areas that are not directly related to geo-politically defined issues such as state power or security, makes it seem doubtful that a party political affiliation is entirely innocent in the legislative scenario. EU politics also calls for the actors to have standpoints on the regulatory functions and redistributive impact of legislation.

### ***2.2.2 Lessons from studies of national legislatures***

The Council members have different preferences and bargain over policy issues within a defined institutional framework, similarly to how the domestic political sphere is usually conceptualised in the political science literature (Hinich and Munger 1997). Therefore, this section moves on to a discussion of some of the key points from the political science literature on the function of political actors, representation of interests as well as actors' motivations for participating in political activities. The intention is, in other words, to consider some of the theoretical and methodological answers which are provided by the general political science literature on government, politics and processes. Through this approach it may be possible to address and capture the effect of different representations of interests in the Council, regardless of the content and nature of those interests.

Members of a national legislature usually consist of elected representatives from a standardized political system<sup>35</sup>, where the population shares a common understanding of the political platforms of the candidates. Hence, in most cases, the legislators are selected on the basis of their policy manifestos and receive an equal distribution of voting weights for adopting laws. In parliamentary systems the legislature appoints the executive,

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<sup>34</sup> Besides of having their interests represented in the EP (by direct elections) and in the Council (indirect elections) the citizens of the EU can also be said to influence the development and enforcement of EU law by taking legal action either in national courts or the European Court of Justice (Hix 2006:5).

<sup>35</sup> Though, not necessarily based on a common set of electoral rules (e.g. Spain).



whereas in presidential systems it is considered a power branch equal to, and independent of, the executive. Legislatures normally have the exclusive authority to raise taxes and adopt the budget, and its consent is required for the ratification of treaties and declarations of war.

The organisation of legislatures at the national level is characterised by political parties (e.g. Sartori 1976; Lijphart 1999; Mair 1997). Parties are collaborative devices for mutual gain (Strøm 2000:182. See also e.g. Cox and McCubbins 1993) and the literature usually points to three different political conditions which may generate incentives for party formation to occur: either parties emerge due to collective action issues, social choice problems or political ambitions (Aldrich 1995). The central functions of parties in government are to control policy-making, policy implementation and administration, and to take public responsibility for policy outcomes (Keys 1964). As democratic political systems always include more than one party group, voters can use the competition between parties as a mechanism for choosing between policy alternatives (e.g. Schumpeter 1943) and to reward or punish elected officials (e.g. Strøm 1990).<sup>36</sup>

Studies of coalition formation and party competition in national legislatures have traditionally relied on the assumption that legislators are either 'office-seekers' or 'policy-seekers'. Each of the two assumptions has direct implications for legislators' political behaviour and can be summarised as follows: The 'office-seeker' branch of the literature generally draws on the Median Voter Theorem developed by Black (1958). The Median Voter Theorem has at its core the idea that whoever controls the median is the pivotal voter under simple majority rules, capable of tipping a minority into a majority. The theorem supposes single-peaked preferences of voters in a uni-dimensional policy space, yet, does not take into account for example issues of agenda-manipulation or vote cycling (May 1952; McKelvey 1972; Riker 1982; Schofield 1978; Sen 1982; Shepsle 1979; Tullock 1981). Building on the median voter argument, Riker (1962) has explained how all multiparty systems will converge into two coalitions of almost equal size in the government formation process. Since the control of office at the national level is a zero-sum game, Riker's theory states that rational actors should only form minimum-winning

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<sup>36</sup> Though, refer to e.g. Schattschneider (1960) for a critique of parties' ability to accommodate voters' preferences, Sartori (1976) for the argument that parties only promotes one group of the population's interests, and also Katz and Mair (1995) for the argument that parties form 'cartels' in order to ensure their positions in office.

coalitions in order to ensure as large a share of the pay-off to each of the winning parties as possible (see also Von Neumann and Morgenstern 1953; Baron and Ferejohn 1989). Implicitly, the empirical consequence of the ‘minimum-winning coalition’ is that smaller parties are more likely to be included in the winning coalition than larger parties, as they are less costly at the stage where the distribution of the spoils of holding office are agreed. However, if a party finds itself in the position to be pivotal for turning a losing coalition into a winning coalition, it becomes powerful and can demand a disproportional share of the spoils. The voting power index approach described in Chapter 1 builds on these insights.

The ‘policy-seeking’ approach, on the other hand, argues that some coalitions are more likely to form than others dependent on ideological distance. That is, parties will only form coalitions with other parties close to their ideological preference points. Hence, the approach goes against the assumption that policies have no intrinsic value to a party’s leadership (Down 1957). The requirement that parties which are part of the same coalitions will be located near each other within a given ideological-issue dimension does not necessarily result in minimum-winning coalitions. However, forming a coalition entails bargaining among the potential coalition members and bargaining takes time. Therefore, since it is reasonable to assume that it is easier for fewer parties to form a coalition than for more, and in particular if they are situated close to one another along the policy continuum rather than far away, it can be expected that coalitions containing the smallest number of parties is the most likely to form (Lieserson 1966). Hence, Axelrod (1970) famously proposed that coalition formation would be in the form of ‘minimum-*connected* winning coalitions’<sup>37</sup>.

A debate is still present in the political science literature over whether the office-seeking or policy-seeking argument most adequately explains and predicts party formation and coalition processes at the national level. Several empirical studies have been carried out to settle the issue, and evidence has been provided by locating each party in a country along a left-right issue dimension and subsequently testing the theoretical arguments by looking into bargaining processes and coalition outcomes. For this purpose, scholars of European politics have relied on judgements by panels of experts, mass

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<sup>37</sup> See also De Swaan’s (1973) variation, which specifies how the minimum-winning coalition also should be of the smallest ideological *range*.

survey data, and content analysis of party manifestos<sup>38</sup>. Yet, the location of various parties in the policy space is a somewhat difficult matter and, hence, there is even disagreement over how well the empirical evidence supports either of the theories. Taylor and Laver (1973), De Swaan (1975), and De Swaan and Mokken (1980) claim that the minimum-connected winning coalition hypothesis provides the best explanation for the observed behaviour. Yet, Warwick (1994) finds that the minimum-connected winning coalition hypothesis adds no explanatory power to the predictions offered by the minimum-winning coalition hypothesis (Mueller 2003: 280-283). Laver and Schofield's (1990) later work also lends support to Warwick's findings.

Each of these considerations from the literature on the functionality of government and political ambitions of actors in the national political sphere can be applied to the Council scenario. The Council resembles a national level legislature in that it is one of two chambers which is elected on the basis of their policy positions and which debates and passes law. However, contrary to most bicameral systems, the Council is more powerful than the Parliament. In this way, it can be said to resemble the structure of previous political systems in many European countries, where an upper house, consisting of the Lords, ruled. Alternatively, one could also compare the EU political system to the US' division of power system, where different institutions have been allocated separate competences, and where some policy competences are anchored at the central level of government while others are attributed to the state level (Volden 2005). Nevertheless, similarly to party leaders at the national level, the political actors represented in the Council are connected to the national constituencies mainly through their party political basis, since this is the platform they are elected on, and since this is also the strongest mechanism for holding the governments accountable. However, party political identities are not only exported from the national level to the EU level, but have also emerged at the EU level itself, particularly within the Parliament (Hix et al. forthcoming, 2006). Here, the Parliament's party groups are found to behave much in line with observed government-opposition dynamics at the national level (Høyland 2005), and the fact that MEPs from governing parties are also represented in the Council seems to influence both

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<sup>38</sup> For a discussion and comparison of these research methods, please refer to Laver and Schofield (1990:245-265).

the internal dynamics in the Parliament and the inter-institutional bargaining in the Co-decision procedure (Høyland and Hagemann 2006).

If party politics is indeed present in the Council negotiations, then the lessons from the study of national legislatures would suggest two alternatives for which policies and political motivations governments are trying to pursue at the EU level:

- 1) Governments are primarily office-seekers at the domestic level and engage in EU decision-making on the basis that this will enable problem solving within the national sphere through collective action with other EU governments. Since the competition over office at the national level is about left-right policy positions of the electorate and parties, these are the policy positions that governments are most likely to care most about and emphasise also at the EU level.
- 2) Alternatively, one could assume that parties in government are policy-seekers at the domestic as well as at the EU level. Since their political identities are formed on the basis of preferences over left-right political issues in national politics as well as due to the present degree of co-operation within most EU policy areas, the policies that governments negotiate on are mainly of a left-right political nature (Hix and Lord 1997; cf. Hooghe and Marks 1999).

Researchers who have focused on power politics and have applied the ‘office-seeker’ approach to the Council setting predict that the size of a country in terms of its shares of votes determines the coalition formation and the likelihood of a country voting ‘Yes’ or ‘No’ to a proposal (e.g. Hosli 1999; Mattila 2004; Mattila 2006). The four largest countries (Germany, France, UK and Italy) have accordingly been found to have great agenda-setting powers (Felsenthal and Machover 2001<sup>39</sup>). However, medium countries (Spain, Netherlands, Greece, Belgium, Portugal) and smaller countries (Sweden, Austria, Denmark, Finland, Ireland and Luxembourg) may experience disproportionate power opportunities for influencing policies if they are located as a decisive actor.

Conversely, if the governments in the Council are policy-seekers rather than office-seekers, then coalitions may not be formed based on a bargaining game which is

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<sup>39</sup> Please refer to Romer and Rosenthal (1978) for the original setter-model.

focused on the inclusion or exclusion of members. Rather, it will be the aggregation of the individual members' preferences over a given policy proposal which determines the size of the coalitions, and no government should be expected to be excluded based on a calculation over the distribution of votes or policy spoils. Effectively, this may lead to a tendency of supermajority rule (Goodin and List 2006), particularly if preferences are generally located closer to rather than far away from each other. However, the dimensionality of the issues which the governments bargain over becomes important in this scenario: If one assumes that the policies that governments care about are mainly left-right issues, negotiations in the Council will be competitive between left-wing and right-wing governments regarding the location of the new status quo. The left/right axis is generally found to be the continuum along which parties compete (e.g. Poole and Rosenthal 1997), and also represents the differences in socio-economic interests which have caused parties to emerge in the first place (Lipset and Rokkan 1967). Negotiations may in this scenario be quite dynamic as parties seek to respond to current political demands and governments are replaced. In contrast, policies on European integration could divide actors along national lines rather than party lines and would possibly result in a more complicated and divisive negotiation process (Hix and Lord 1997; cf. Hooghe and Marks 1999). In the worst case scenario this could undermine the Council's own internal cohesion, and an interesting question hence arises if the Council members and bureaucracy can simply avoid issues of such a nature in order to ensure smooth and efficient decision-making.

Legislative politics in the Council are not about the spoils of holding office in the traditional manner considered by supporters of the office-seeking theory. The main reason is that coalition formation in the Council is not a zero-sum game where the exclusion of a member from a winning majority would result in an increase in the pay-off for the remaining coalition partners. In fact, member states may prefer to invite other governments into a coalition which they formally do not have to, yet politically need to accommodate due to future bargaining games or to signal political coherence to other EU institutions and the population. Consequently, the 'size principle' may not always be apparent in the Council's coalition formations in Riker's (1962) or Axelrod's (1970)

definitions<sup>40</sup>. Nevertheless, this does not indicate a less competitive bargaining scenario between the governments; the location of new policy can be assumed to be a highly contested issue which the governments seek to influence according to the policy preferences of their constituencies. Whether they do this in order to ensure the spoils of holding office at the national level or they are policy-seekers at both the EU-level and the national political sphere is an issue which will be returned to in Section 2.3 below. However, the observation made here is that the adoption of legislation rarely results in direct office spoils at the EU level. Hence, coalitions may be preference-connected, but cannot be expected to be minimum-winning or minimum-preference-connected.

Voting behaviour is in the political science literature often used as an indicator of legislators' preferences (Dowding 2002). Following the policy-seeking argument above, legislators that share the same preferences are expected to vote together and will be part of the same coalition. Implicitly, legislators with opposing preferences will be part of different coalitions and will not vote similarly on most policy issues. However, such expectations presuppose that the actors vote sincerely. This assumption is not necessarily shared by the supporters of the office-seeking theory. Due to the high costs related to opposing the majority in the Council, governments may have incentives to not always vote sincerely when they find themselves in disagreement with a policy proposal. The last issue to consider before formulating a theory of voting behaviour in the Council is therefore the extent and implications of this matter. The literature on corporate governance has provided important empirical findings with regard to how actors may respond to a weighted voting system by voting strategically. Hence, the next section will outline and discuss the insights from this set of literature on decision-making.

### ***2.2.3 Lessons from studies of corporate governance***

The literature on corporate governance is extensive and offers several interesting findings regarding the relationship between shareholders and delegates. It also provides rigorous analyses of the empirical implications of differences in voting power, and shareholders' considerations of direct pay-offs when deciding whether to actively participate in voting (Leech 1999). Therefore, although a comparison of the Council to a private corporation

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<sup>40</sup> See also Krehbiel 1998; Groschlose and Snyder 1996; Goodin and List 2006.

may at first seem to stretch the analysis beyond relevance, there are fundamental similarities and lessons to be learned also from such evaluations.

Thinking of the Council as a corporation, where the constituencies are the shareholders represented by their political delegates<sup>41</sup>, at least three findings from the corporate governance literature are directly applicable to the Council: 1) all but the very largest shareholders are regarded as too small to have any real voting power; yet, 2) all shareholders experience an incentive to participate in decision-making when there is a possibility for a change in their expected pay-offs by the adoption of a decision; 3) opposition to or support for a proposal is found to be determined by the shareholder's interest in the pay-off (in terms of absolute revenue), and the calculation of whether the shareholder's vote will have any influence on the outcome (i.e. the relative value of the vote).

Voting by shareholders in a company is about the making of a choice which is either directly or indirectly linked to the question of how the firm maximises profits. Though, this may also include more strategic matters such as the fundamental nature of the products, the choice of production function or perhaps even management issues. In such cases it is inappropriate to cast the problem facing the shareholders as a simple choice between present values of explicit, alternative profit outcomes. If a shareholder's vote is needed to decide on a matter, this is often because there is not unanimity among directors or investors. Or, the decision may be of such a magnitude that the shareholders' consent is needed either from a legalistic perspective or simply in order for the management of the company to share the burden of responsibility (Glynn et al. 2003:6). Furthermore, it might be the case that neither of the proposed alternatives to be decided upon can be unambiguously shown to be better. Therefore, the choice to be made by the shareholders may be of a rather complex nature, and can be regarded as quite similar to one presented to a legislature, where possible outcomes have to be evaluated without knowing the exact 'revenue'.

Decision-making by shareholders in corporations is commonly characterised by an unequal distribution of voting power, which in some cases is even further emphasised in a distinction between A- and B-shares (Leech 1988). In most cases B-shares are open

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<sup>41</sup> Here the comparison is made while disregarding who's interests are represented by the delegates.

to the public whereas A-shares are in the hands of the 'real' owners. These owners may be, for example, the founders or the founders' descendants. Nevertheless, the distinction between the two kinds of shares dictates a difference in the percentage of voting rights, such that B-shares count for ½ and A-shares for 2 in voting situations. It has in many big companies become a norm for A-share holders to have the - sometimes contradictory - privilege of casting their votes first (Skypala 2006). This may have great implications for how the B-shareholders cast their votes, as their vote can become completely irrelevant if their shares are small compared to the A-shareholders' proportion. Conversely, they may in fact become disproportionately important if they turn out to be pivotal based on the votes which have already been cast. In either case, the consequence is that some voters may find that they prefer to vote strategically rather than sincerely (*ibid*).

A key empirical insight from the corporate governance literature is that incentives to participate are usually in place regardless of the vote share, due to the shareholders' interests in the expected pay-off. For example, a shareholder who owns a 1% stake in the UK's 100<sup>th</sup> largest company – currently Smith Industries which is worth £29 million – still experiences a strong incentive to be active, and will most likely wish to use her voting power irrespective of the real possibility for influencing outcomes. Such interests may of course vary to a certain degree, and shareholders' behaviour is also found to change between issues which have fewer consequences for the revenue, and those which have more (Leech and Manjon 2003). However, this finding is made in parallel to the somewhat contradictory observation that opposition or support of an issue is closely related to the shareholders' possibility for influencing decision outcomes (Leech and Leech forthcoming, 2006). So although preferences over the voting result – defined by the expected pay-off - seem to dictate voting behaviour in the first example, voting behaviour is also found to be linked to the distribution of voting power (*ibid*). As a result, the corporate governance literature reaches a very strong conclusion regarding how to capture and analyse shareholders' voting behaviour: Although shareholders' preferences and the saliency of the vote (i.e. interest in absolute returns from the voting outcome) is in some cases found to be the primary explanatory variable for voting behaviour, these issues are argued to be necessary to study on an individual, case-by-case basis (Leech 1999). Analyses of the implications of an unequal distribution of voting power should –



at least initially – be studied separately, it is argued. This conclusion is drawn as no general assumptions can be made about the shareholders' preferences other than their interests in increasing the revenue (Leech 1999; Leech and Leech, forthcoming 2006). Therefore, analyses should instead address the unique role of voting power in a formal and systematic way. Based on such formal analyses of the consequences of voting power, more advanced and empirically informed models can then, if necessary, be constructed to provide more complete analyses in the individual decision contexts (Leech 1999; Leech and Manjon 2003).

These recommendations have fortunately also been carried out in empirical analyses. The main conclusion with regard to the implications of a weighted voting system is that larger shareholders dominate the decision-making. Although small shareholders are generally found to actively participate in voting due to the interests in the absolute returns, they do seem to take into account the positions of the larger owners (Leech and Manjon 2003). This is hardly surprising. However, it is still a useful observation to bear in mind, especially when considering the critique made by some theorists regarding the applicability of voting power indices also to other decision-making contexts (cf. Chapter 1). On the other hand, when empirical information has been added, this observation is reported to vary between issues which have fewer consequences for the revenue and those which have more. Indeed, the preferences or the saliency of the vote, to put it in political science terms, has a major impact on voting behaviour<sup>42</sup> and has in certain cases been found to be the dominant explanatory variable for shareholders' voting behaviour (Leech 2003). Nevertheless, due to the difficulty with making assumptions about shareholders' preferences a priori in a corporate governance scenario, the recommendations for studies of shareholder voting made above seem convincing: It may be beneficial to seek to capture the consequences of an unequal distribution of voting power in a formal and systematic way, and then subsequently empirically enrich such a basic model.

Unlike in the corporate governance literature, the consequences of the weighted voting system in the Council has been considered mainly in a theoretical manner,

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<sup>42</sup> A frequently made observation related to this point is that in a substantial proportion of companies a small group of leading shareholders are found to combine to produce a powerful, controlling block although they may only possess a minority of the shares (Leech and Leech forthcoming 2006).

presumably due to the sparse availability of empirical material<sup>43</sup>. Though, the evaluations of the voting system have in these studies been focused on much the same topics as what has been studied in the corporate governance literature: the incentives to participate in voting and the possibilities for influencing policy outcomes. It therefore seems of great relevance to try to learn from the above findings from the corporate governance literature. Yet, a few apparent differences between the two voting scenarios should be mentioned: In the Council, no formal rules are in place regarding who can cast their votes first and who will be allowed to hold back their decision. However, it would be interesting to investigate whether governments generally try to await others' decision in order to calculate the better strategy. Another differentiating issue is that vote shares cannot be sold in the Council, and in that way provide an exit for the 'owner'. Neither can a government maximise its influence in a single policy field or at the aggregate level by buying more shares<sup>44</sup>. Nevertheless, if one adopts the same conclusions to the Council setting as what has been found in the corporate governance literature, then two main expectations can be formulated regarding the Council members' voting behaviour within the weighted voting system: First, governments have an incentive to participate in decision-making regardless of their vote share. Council representatives, like large institutional investor agents, have to be present in negotiations at all times regardless of the policy issues. Since it can be assumed that these representatives aim to get the best "return" for their constituencies, incentives will always be in place for being involved in the decision process. When a decision is made on a policy proposal, the new status quo will most commonly apply to all member states, and involvement is therefore important also for the smaller Council members. Second, preferences over a decision-outcome and the unequal distribution of voting behaviour may similarly to the corporate governance setting be dominant variables for explaining the governments' voting behaviour. In the corporate governance literature the conclusion was that, since shareholders' preferences over the issues to be voted upon are not easily predicted, voting behaviour within this weighted voting system should be studied based on the distribution of voting power. It

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<sup>43</sup> Though, see for example Bailer (2004), Pajala and Widgren (2004); cf. Chapter 1.

<sup>44</sup> The only way something similar could be argued for in the Council is if one assumed an extensive use of vote trading as a government's method for increasing its vote share. However, as will be elaborated in the next section, vote trading does not seem to take place in the Council to a degree where it could be perceived as a permanent system for increasing influence

was argued that more empirically informed models can then subsequently be introduced in analyses of individual decision context. However, one important observation should be made here: the corporate governance literature's findings regarding the importance, yet also difficulty with, saliency and preferences may not prove quite as unpredictable and unstructured in the Council. Whereas the actors within the corporate governance setting can be assumed to be utility maximisers in terms of seeking to increase their absolute revenue from the company, they may each have completely different ideas regarding how such increases can and should be accomplished. The interest in the revenue may in fact be the only issue which they have in common. In other words, these actors may not share any wider sets of preferences and cannot be assumed to form stable coalitions across several voting situations, such as it is often observed in a legislature. It may well be that if the Council members' have more structured preferences, this will offer an additional possibility for predicting how they cast their votes. For example, building on the discussion from the previous sections, if the Council members form coalitions along the left-right political dimension at the same time as the weighted voting system influences how votes are cast, then several more specific predictions can be formulated than just the expectation that, for example, smaller governments would generally look to how large members cast their votes, or that left-wing governments will vote against right-wing governments. The next section presents a theoretical argument which takes into account both the assumptions of left-right politics in the Council as well as the effect of the weighted voting system.

### **2.3 Assumptions**

The previous sections have considered the contributions from different sets of literature on decision-making which can contribute to analysing the behaviour of the political actors represented in the Council. The main points to be extracted from those sections are that national parties are important actors in the Council, just as they are in the domestic sphere, and that these parties are affected by institutional constraints when deciding whether to voice their support or opposition of a proposal. This part of the chapter presents a theory of party politics and strategic voting in the Council. The theory draws

on the insights from each of the three different sets of literature discussed in the previous sections, as well as the spatial theories presented in Chapter 1. The core argument is that voting behaviour in the Council is reflected in the formations of ‘weighted preference-connected’ coalitions. The theory relies on a set of basic assumptions regarding the governments’ behaviour and ability to make choices. The assumptions are explained in this section after which the ‘weighted preference-connected coalition’ argument is presented in detail. The theory allows for specific predictions regarding the governments’ behaviour to be derived, and these are presented as testable hypotheses at the end of the chapter.

### ***2.3.1 Council members are rational actors***

A fundamental assumption underlying the theoretical argument presented in this thesis is that the Council members are rational actors capable of evaluating and choosing between policy alternatives. More specifically, in line with general rational choice theory and most of the existing theoretical models of EU actors’ behaviour described in Chapter 1, the governments are assumed to 1) have a clear set of preferences over all policy issues, and 2) behave as utility maximizers in any given situation. This means that Council members are in voting situations able to choose which policy alternative they prefer on proposals presented by the Commission. The governments then pursue the strategy which is most likely to result in their favoured policy outcome, and they are assumed to understand the consequences of their actions.

Such abilities are frequently questioned by organisational theorists (e.g. March and Olsen 1989), and the highly institutionalised and complex legislative processes in the Council provide these objections with some validity. However, it is in most cases better to model actors’ behaviour as if they are capable of making such calculations rather than if they are not. Only in cases where the limitations to an organisation’s cognitive capabilities are so severe that perfect randomness is an equally valid prediction as perfect rationality does it make real sense to reject the rationality assumption all together (Tsebelis 1990). Hence, when considering the implications of assuming the Council members to be rational compared to an assumption that they are not, the rational actor assumption is indeed the more convincing alternative.

### ***2.3.2 Council members are policy-seekers***

As discussed in Section 2.2.2, legislative politics in the Council are not about the spoils of holding office in the traditional manner considered by supporters of the theory that politicians are primarily driven by office-seeking incentives. Policy-making in the Council is not a zero-sum game and, hence, exclusions of governments who are interested in becoming a member of a coalition are rarely observed. In fact, over-sized majorities mostly prevail. Also the relatively modest pay-offs politicians can gain from participating in Council politics make the office-seeking argument seem unconvincing in this connection. However, office-seeking incentives could be argued to be present in an indirect manner: If governments are seen as office-seekers at the domestic level, their incentives to engage in EU decision-making is an opportunity to enable problem solving of collective action issues that they are faced with in national politics, as well as signal strong leadership to the home constituencies. In this case, since the competition over office at the national level is about left-right policies, these can also be assumed to be the issues that the governments care about at the EU level.

Alternatively, one could assume that the parties in government are policy-seekers both at the national and EU level. This thesis finds such an argument more convincing: The Ministers in the Council are partisan politicians who are elected based on policy platforms stipulating their social and economic ambitions for society as a whole, or with emphasis on special groups in the constituencies. The differences in socio-economic preferences are the reasons which have caused parties to emerge in the first place (Lipset and Rokkan 1967), and party elites have a wide range of preferences, but are primarily characterised by their preferences and actions related to the socio-economic issues, including taxing, spending and market regulation, as well as the role of the state in individual social and political relations. Research in comparative politics has found that an ‘amalgamated’ left-right dimension, which includes both the economic and the social/cultural variants of these party preferences, is the main dimension of political conflict in almost all democratic party systems (e.g. Budge et al. 2001; Huber and Gabel 2000; Benoit and Laver, forthcoming 2006). Following a rational choice institutionalist logic, such motivations can also explain the current level and nature of Council decision-making: if the governments are primarily motivated by their socio-economic policy

preferences, they should be mainly aligned along a generic left-right dimension and their preferences on institutional design issues - for example in terms of how power is allocated between the member states and the EU - are dependent on the type of socio-economic policies that will result from the design (Hix forthcoming, 2007). The advanced degree of current EU decision-making may therefore be interpreted as a reflection of the Council members' policy-centred ambitions, and does not correspond well with the office-seeking argument; it has long exceeded what the home constituencies monitor. In sum, the theory presented in this thesis therefore relies on the assumption that Council members are policy-seekers, and current EU decision-making is the result of, and further enables, the governments' motivations to pursue their policy aspirations also beyond the national political context.

### ***2.3.3 Council members possess perfect information***

The Council members are assumed to possess perfect information about own as well as others' positions and corresponding strategies. The perfect information assumption may in certain cases be implausible in a pure form, and would in most scenarios need to be somewhat relaxed in order to provide a useful framework for empirical analyses. However, the extensive preparatory work prior to the Council negotiations as well as the highly institutionalised nature of the bargaining makes an assumption of perfect information valid for the purpose of explaining Council bargaining in a theoretical - and hence simplified - manner.

### ***2.3.4 Repetitive negotiations***

This thesis assumptions about the sequences of negotiations in Council decision-making would in game theoretical terms be categorised as a repeated bargaining game, where no credible commitments for future negotiations are made. In other words, while the governments are involved in a series of bargaining sessions, this thesis does not assume the governments can commit to decisions in future decision rounds. This is both due to issues of time inconsistency, the division of labour between sectoral councils as well as general uncertainty regarding external political factors that can influence the

governments' ability to commit<sup>45</sup>. Although some vote trading has been reported within certain Council formations (Mammonas 2005), several of the officials interviewed for this thesis have stressed that these tendencies are not possible as a permanent form of bargaining<sup>46</sup>. There is simply too much uncertainty and too many external factors which influence the complex interaction from one decision-making scenario to the next.<sup>47</sup> Therefore, the theory assumes that decisions are constructed around the policy (or perhaps policy bundle) on the table; history or future negotiations may be considered, yet cannot be assumed to have a real impact on the final policy outcome.

### *2.3.5 Location of the status quo*

Lastly, most policy proposals in the EU are not adopted on the background of a blank past, but have by now some degree of regulatory standards as the default position. Therefore, the theory assumes that the status quo of a given policy will be located at an arbitrary point which is not at either of the extremes. In fact, the status quo is more likely to be somewhat centrally located due to the fact that previous legislation on the policy issue is unlikely to have produced an extreme outcome (Banks and Duggans 2006).

## **2.4 Behavioural predictions**

The combination of the above assumptions, as well as the considerations of the institutional setup from the three decision-making contexts in the first part of the chapter, form the basis for the theoretical argument: The governments are political parties with explicit policy preferences who take into account their possibilities for influencing new legislation when they decide whether to oppose or support a proposal. The possibilities for influencing policies are in the Council defined by the distribution of voting power. Therefore, the governments are assumed to act sincerely in their pursuit of their ideal

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<sup>45</sup> Both internal politics in the Parliament and domestic politics can be assumed to have an influence on the governments' ability to commit to future policy agreements.

<sup>46</sup> Interview I, VI, X, XI.

<sup>47</sup> This argument is in contrast to some existing accounts of Council decision-making (e.g. Bueno de Mesquita (2004)), which states that EU legislative bodies do not solely bargain over the legislative proposal at hand, but across legislative proposals in order to ensure gains from vote trading (Bueno de Mesquita 2004: 132-3). Though, as explained, this argument diminishes the uncertainty of decision-making and the complex interaction and shifting coalition patterns within each sectoral council.

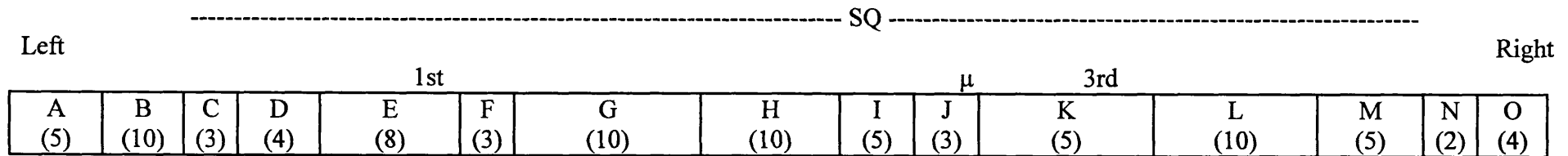
policy preferences, yet strategically – and based on their voting power - when calculating how best to satisfy these preferences. This means that Council decision-making can be understood as negotiations between policy-driven, self-interested actors who vote according to their calculated possibility for influencing policy outcomes. Negotiations based on such properties can be presented through various models. However, due to the emphasis on the party political identity of the actors and the content of the policies negotiated on, a spatial presentation of the argument may be particularly useful: Governments' estimate the distance between their ideal policy location and the status quo when choosing between policy alternatives. Governments whose preferences are located closer to the proposed policy change than the status quo will support the new legislation. Governments whose preferences are located further away are less likely to do so; in those cases the governments will consider whether it pays-off to voice their disagreement or not. Governments with more voting power will oppose more often than governments with less voting power. Though, contrary to existing suggestions (Mattila 2004; Hayes-Renshaw and Wallace 2006), this thesis' explanation for a difference in voting behaviour between large and small Council members is that larger governments have stronger incentives to signal their opposition to external and internal actors: They may wish to state their opposing position on a policy issue for the purpose of future negotiations or for the purpose of the implementation process. Smaller Council members may similarly have reasons to do so, however, as their possibilities for influencing legislation will be less than those of the larger members', their incentives to oppose are also fewer.

This behaviour translates into the coalition formation process such that governments will form into groupings based on the closeness of their party political preferences. The high threshold for adopting legislation together with the lack of explicit office-spoils does not encourage competition over the inclusion or exclusion of governments. However, since governments are policy driven, competition is assumed to exist over new policy locations. The spatial distance between the governments' ideal points as well as the distribution of voting power determine which members will vote together. Governments located towards one end of the policy spectrum will try to form coalitions with governments with similar preferences and who possess the necessary amount of voting power to meet the decision threshold. In other words, coalitions can be



said to be formed as ‘weighted preference-connected coalitions’, where the voting power ascribes the weights with which each of the Council members’ will be able to enact their preferences. Figure 2.1 illustrates the argument.

Figure 2.1: Weighted preference-connected coalitions in the Council



$\mu$  = Median

1<sup>st</sup> = Lower quartile

2<sup>nd</sup> = Upper quartile

A, B, ..., O = Individual governments

( ) = Random distribution of voting weights allocated according to 1999-2004 QMV rules.

--- SQ --- = Feasible area for status quo location.

Figure 2.1 simply ranks the governments according to an arbitrary party political preference distribution along the traditional left/right political axis. Each box represents a government and the numbers in parenthesis show the distribution of voting weights. The model shows that the status quo can be located anywhere but at the extremes. The ‘1<sup>st</sup>’ and ‘2<sup>nd</sup>’ marks above the boxes indicate the position of the lower and higher quartile. As a 2/3 of the votes is more or less equal to the QMV threshold<sup>48</sup>, a government located at either of these positions will be the pivotal member under this rule, depending of the direction of the proposed policy change as well as on which side of the centre the status quo is located.

Rejecting the traditional assumption that the status quo is located at an extreme point leaving all members better off from a policy change (Rubenstein 1982), and instead suggesting an arbitrary point located more centrally, has severe implications for the prediction of the feasible area for a policy change (Banks and Duggans 2006). However, the purpose of Figure 2.1 is not to predict the location of new policies<sup>49</sup>. Rather, it is to

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<sup>48</sup> As explained in Chapter 1, the threshold equals 62 votes out of 87.

<sup>49</sup> It is clear from Figure 2.1 that policy changes on existing EU law will be moderate when considering only bargaining on a single policy issue. For example, assume the status quo to be placed at L’s ideal point. Any policy change away from this position would under the QMV rule need the consent of at least the member states E-O, A-K or a coalition around the centre such as D-M or C-L. Since member states D-H will not accept anything to the right of K, status quo cannot be shifted in that direction. And a left-ward change is possible only until a point where either A-K, D-M or C-L accepts. Hence, the coalition A-K leaves room for the biggest left-ward policy change as M and L would oppose more left-ward changes than what K is willing to accept. The feasible area for the A-K coalition is the I-L area, so even under this coalition the room for change is still rather narrow. The same logic obviously applies to a situation where the status quo is positioned at the same distance, but to the left of the centre. However, consider also the example where the status quo is located even more centrally, say, at member H’s preference point. As is also concluded in Tsebelis and Garrett’s (2001) version of the model, this scenario cannot result in any policy change at all. Neither A-K, E-O, D-M or C-L would be able to agree on a shift in either direction as at least three of the governments (either E, F and G or I, J and K) would be worse off. This is more than the QMV threshold allows. Hence, in Tsebelis’ and Garrett’s (2001) analysis a complete policy gridlock is predicted within the Council if negotiations are over left-right political issues. However, this is not what can be observed in the Council. Extensive research has already uncovered that in most legislatures policy positions lie on a low-dimensional plane through all issue spaces, because attitudes across the issues are related to the legislators positions on one or two fundamental dimensions (Poole 2005). In fact, the most common finding is either a single dimension reflecting a left-right (/conservative-liberal) policy axis, or a two-dimensional policy space often including a second dimension which reflects a single-issue political matter, such as religion or environment (Cahoon, Hinich and Ordeshook 1976; Hinich and Pollard 1981; Enelow and Hinich 1984). The explanation is that a few underlying basic issues, such as liberal-conservative issues, generate overall policy stand points which can guide and determine also preferences over individual policy questions. Hereby the policy space is divided into two *spaces* – one with a few fundamental dimensions, and a second high-dimensional space representing all the distinct issues (Poole 2005:13). Therefore, although the illustration in Figure 2.1 makes it clear that policy changes are only possible within very constrained scenarios if bargaining is on single policy issues, the introduction of a new policy issue does not necessarily mean also the introduction of new policy dimensions in the Council.

capture the effects imposed on a policy-driven legislature by a weighted voting system in order to specify which coalitions are likely to form, and how individual members are likely to behave. With this objective in mind, the figure shows that three kinds of coalitions are possible under the QMV system: 1) a coalition consisting mainly of governments located towards the centre-left hand side of the policy spectrum and including the governments A to K; 2) a coalition formed around the centre of the policy axis and excluding both of the extremes such that the governments included are D-M or C-L; or 3) a centre-right positioned coalition of the governments E-O. In none of these cases will it be the governments located at the centre of the policy axis that will be in opposition to a policy change. Hence, the governments A-E or L-O are the ones which can be expected to voice their disagreements most frequently, depending on the composition of the Council. It is also apparent from Figure 2.1 that government changes may influence the coalitions to varying degrees: changes in a single or a few individual governments will in most cases change the location of the median, but will not necessarily change the identity of the pivotal member. However, combined with the dynamic legislative agenda - influenced by both national and EU level political matters - the location of the status quo may even within a relatively short time period shift to a different position compared to the distribution of governments' ideal positions than what was the case during the time when the policy was adopted. For example, if government E, F and G in Figure 2.1 over any given period of time were substituted with three centre-right governments at the same time as the general political demand has evolved towards a more right-leaning attitude, then a pressing need for policy change may prevail, and the identity of both the median and the pivotal member may have shifted from when the policy was initially adopted. Several more specific predictions regarding individual governments' voting behaviour can be derived in a similar manner from Figure 2.1, yet, before formulating such expectations, the basic hypothesis of the model must be tested:

#### Hypothesis 1:

*The main dimension of politics in the Council is the classic left/right political dimension.*

As discussed in Section 2.2, the definition of a left/right political dimension is often applied as a generic policy dimension which captures parties' economic and social/cultural preferences in an 'amalgamated' continuum (Budge et al. 2001; Gabel and Huber 2000). The initial meaning of a left/right political division, suggested by Lipset and Rokkan (1967) in their 'cleavage theory', may no longer be apparent to the same degree between the different social groups in Europe (Inglehart 1977, 1990; Ignazi 1992; Dalton et al. 1984; Franklin et al. 1992; Karvonen and Kuhnle 2001). However, the classic "party families" identified by Lipset and Rokkan's theory are still found to dominate the political picture in most Western democracies. This is partly due to the ability of parties, as organisations, to adapt to changing political circumstances, and partly due to the fact that many of the traditional conflicts over socio-economic issues are still appear in modern society (Bartolini and Mair 1990). Hence, the left/right political dimension still has substantive meaning, and in the contemporary variant adopted here, it is used to capture the two, interrelated, sets of political conflicts, namely economic and social (e.g. Kitschelt 1994). Such conflicts and the resulting party formations have – in the history of party politics - always been identified across geographical boundaries, and the organisation of parties is commonly defined according to functional rather than territorial interests (Bartolini 2000).

Expecting the main dimension in day-to-day EU politics to be over an aggregated left-right dimension, new legislation moves the status quo to the left or to the right depending on the composition of the Council. During the years 1999-2004, most of the governments in the Council represented social-democratic parties<sup>50</sup>. Hence, a new policy would mean a leftward shift away from the status quo. Therefore, regardless of the decision rule, the governments who are most likely to oppose a policy change are therefore the right-of-centre governments, since a left-ward policy shift in most cases would not be favourable to their preferred policy positions. Hence, Hypothesis 2 states the following:

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<sup>50</sup> Table 3.2 in Chapter 3 lists the parties in government in 1999-2004 as well as their affiliation with party groups in the Parliament.

### Hypotheses 2:

*A right-wing member state is more likely to oppose the majority than a left-wing member state.*

Furthermore, the assumptions about weighted preference configurations in the Council lead to the prediction that it is particularly large governments positioned towards either of the extremes which would be likely to actively oppose. In the illustration in Figure 2.1 it would hence be government B who would oppose if the direction of the policy shift is towards the right, followed by A and/or E, then C and D. In the opposite direction it would be government L, then M and K followed by N and O. As mentioned, several empirical studies have already established that larger member states are more often found in opposition to the majority than smaller countries (Mattila 2004; Mattila and Lane 2001). The explanation most often heard related hereto is that larger countries may be more likely to feel the need to voice their opinions more forcefully if they disagree; their electorates could find it very difficult to have their national interests overruled by EU decisions (Mattila 2004:33). The theory presented here suggests another explanation: that the governments act strategically and calculate the costs and benefits of voicing disagreement based on both internal factors within the Council and considerations about signals to external actors such as home offices and constituencies. Yet, the result will be similar in terms of voting behaviour:

### Hypothesis 3:

*A country with more voting power will oppose the majority more frequently than a country with less voting power.*

Though, there is one way to find out whether the suggestion that the difference in voting behaviour between large and small Council members is indeed due to strategic estimates of when and how it pays off to oppose the majority: Since voting at the final adoption stage can be assumed to be different to voting at earlier readings (Mattila 2004), any apparent changes across the legislative stages could either support or reject this assumption. Chapter 5 undertakes such an analysis.

Lastly, in order to test the interaction effect between the voting power distribution and the preference configurations Hypothesis 4 summarises the ‘weighted preference-connected coalition’ argument when it states that:

Hypotheses 4:

*Small (large) right-wing governments vote differently to small (large) left-wing governments.*

Each of the hypotheses are used in the empirical investigation in the second part of the thesis. However, as the intention is to first establish the dimensionality of the policy space and, based on the results hereof, look into the effects of the issues of party politics and voting power across the different stages of the legislative process as well as policy areas, the testing of the hypotheses are carried out in the following order: Chapter 4 applies scaling method techniques and a Bayesian simulation model to the data and in this way aims to conclude on the overall discussion on the dimensionality of politics in the Council. Hence, the analysis is a test of Hypothesis 1. Three ‘sub-hypotheses’ related to Hypothesis 1 are also tested. They state the following:

Hypothesis 1:

*The main dimension of politics in the Council is the classic left/right political dimension.*

Hypothesis 1a:

*A change in government means a change in the country’s ideal point estimate.*

Hypothesis 1b:

*A pro-/sceptic EU dimension could be secondary to the classic left/right political dimension.*

Hypothesis 1c:

*Other dimensions subsequent to the first dimension of contestation in the Council could be characterised by coalition building on individual issues and therefore cannot be interpreted by any distinct theory.*

Each of the sub-hypotheses will be elaborated in the empirical chapter. Chapter 5 and 6 then proceed on the background of the findings from Chapter 4 and test each of the remaining hypotheses across the legislative stages and the policy areas. In other words,

Chapter 5 looks into whether left- and right-wing and big and small Council members vary in their decisions to oppose the majority across the legislative process. Therefore, Hypothesis 2, 3 and 4 are in Chapter 5 extended to also include specific predictions for the changes across legislative stages in the following way:

Hypothesis 2:

*A right-wing government is more likely to oppose the majority than a left-wing Council member.*

Hypothesis 2a:

*A right-wing government is more likely to oppose the majority than a left-wing government at all voting stages.*

Hypothesis 3:

*A government with more voting power will oppose the majority more frequently than a government with less voting power.*

Hypothesis 3a:

*A government with more voting power will oppose the majority more frequently than a government with less voting power at the last voting stage.*

Hypothesis 3b:

*A government with less voting power will be more likely to oppose the majority at stages prior to the final adoption of a piece of legislation than at the last adoption stage.*

Hypotheses 4:

*Small (large) right-wing governments vote differently to small (large) left-wing governments.*

Hypotheses 4a:

*Small (large) right-wing governments vote differently to small (large) left-wing governments at all stages.*



Chapter 6 does a similar exercise, only here the analysis is carried out across policy areas.

Hence, the sub-hypotheses for Hypothesis 2, 3 and 4 are:

Hypothesis 2:

*A right-wing government is more likely to oppose the majority than a left-wing government.*

Hypothesis 2a:

*A right-wing government is more likely to oppose the majority than a left-wing government within most policy areas.*

Hypothesis 3:

*A government with more voting power will oppose the majority more frequently than a government with less voting power.*

Hypothesis 3a:

*A government with more voting power will oppose the majority more frequently than a government with less voting power within most policy areas.*

Hypotheses 4:

*Small (large) right-wing governments vote differently to small (large) left-wing governments.*

Hypotheses 4a:

*Small (large) right-wing governments vote differently to small (large) left-wing governments within most policy areas.*

## **2.5 Summary**

This chapter has discussed three sets of literature on decision-making and, based on the insights from these contributions, it has presented a theory of party politics and strategic behaviour in the Council. The argument is that coalitions will form as ‘weighted preference-connected coalitions’, in the way that voting behaviour and policy outcomes are dictated by the governments’ party political preferences and the distribution of voting power.

As such, the presentation of the ‘weighted preference-connected coalitions’ is not much different from the standard spatial models applied to the EU setting (e.g. Tsebelis and Garrett 1996, 2000; Crombez 2001). The only differences between the two versions of the model are the assumptions about the political identity of the actors as well as the explicit inclusion of voting power. These two issues change the predictions derived from the model considerably, yet, perhaps more importantly, it is clear that the intentions behind the models are also somewhat different: The common objective behind applying the current literature’s spatial models to the Council is to establish the possibilities for policy change and the identity of the pivotal member, assuming that voting is a strictly sincere act. In that way the governments can also be divided into winning and losing coalitions. Instead, the intention behind this thesis’ argument is to address the consequences of an unequal distribution of voting power in a policy-driven legislature for the voting behaviour. Taking into account that formal opposition to the majority is a very costly act, and hence may spur strategic considerations by the governments on when it pays off to voice disagreement, the distribution of voting power indicates which members are likely to oppose and which are not. In other words, governments are assumed to be sincere in their pursuit of their ideal policy preferences, yet may behave strategically when considering how to fulfil those preferences. The consequences are that small and large governments behave differently within the left/right policy space. Table 2.1 summarises the set of more specific hypotheses derived from the theory and shows in which chapters they will be addressed.

**Table 2.1: Summary of hypotheses**

<b>Chapter 4: Policy dimensions in the Council of Ministers</b>	
Hypothesis 1	The main dimension of politics in the Council is the classic left/right political dimension.
Hypothesis 1a	A change in government means a change in the country's ideal point estimate.
Hypothesis 1b	A pro-/sceptic EU dimension could be secondary to the classic left/right political dimension.
Hypothesis 1c	Other dimensions subsequent to the first dimension of contestation in the Council could be characterised by coalition building on individual issues and therefore cannot be interpreted by any distinct theory.
<b>Chapter 5: Changes in voting behaviour across the different stages of the legislative process</b>	
Hypothesis 2	A right-wing government is more likely to oppose the majority than a left-wing government.
Hypothesis 2a	A right-wing government is more likely to oppose the majority than a left-wing government at all voting stages.
Hypothesis 3	A government with more voting power will oppose the majority more frequently than a government with less voting power.
Hypothesis 3a	A government with more voting power will oppose the majority more frequently than a government with less voting power at the last voting stage.
Hypothesis 3b	A government with less voting power will be more likely to oppose the majority at stages prior to the final adoption of a piece of legislation than at the last adoption stage.
Hypothesis 4	Small (large) right-wing governments vote differently to small (large) left-wing governments.
Hypothesis 4a	Small (large) right-wing governments vote differently to small (large) left-wing governments at all decision stages.
<b>Chapter 6: Voting behaviour across policy areas</b>	
Hypothesis 2	A right-wing government is more likely to oppose the majority than a left-wing government.
Hypothesis 2a	A right-wing government is more likely to oppose the majority than a left-wing government within most policy areas.
Hypothesis 3	A government with more voting power will oppose the majority more frequently than a government with less voting power.
Hypothesis 3a	A government with more voting power will oppose the majority more frequently than a government with less voting power within most policy areas.
Hypothesis 4	Small (large) right-wing governments vote differently to small (large) left-wing governments.
Hypothesis 4a	Small (large) right-wing governments vote differently to small (large) left-wing governments within most policy areas.

## Chapter 3: Data and Measurement

### 3.1 Introduction

‘Knowledge rarely advances on the basis of one test of a single hypothesis. In fact, it is easy to get a distorted picture of the research process by focusing on a single research project that tests one hypothesis. Knowledge develops over time as researchers throughout the scientific community test many hypotheses. Each hypothesis represents an explanation of a dependent variable. If the evidence fails to support some hypotheses, they are gradually eliminated from consideration. Those that receive support remain in contention. Theorists and researchers constantly create new hypothesis to challenge those that have received support’ (Neumann 2000:129).

There are several ways of evaluating the empirical relevance of a theory. Yet, following the logic described above, that hypothesis testing can serve to either falsify or sustain a theoretical causal chain, this chapter describes how the hypotheses from the theory in Chapter 2 are operationalised in order to be tested in the empirical chapters. As discussed in Chapter 1, quantitative tests of theoretical predictions seem necessary in order to further advance the current position of research on Council decision-making. Such methods will, if carried out correctly, provide a high degree of certainty with regard to the empirical applicability of an argument. Therefore, the purpose of each of the empirical chapters in the second part of the thesis is to investigate whether there appears to be any statistical correlation between the actual, observed voting behaviour and the hypotheses from Chapter 2. Alternative theories from the existing literature which are either competing with or complementing the hypotheses are also included.

The chapter proceeds as follows: The first section, Section 3.2 explains how the data has been collected and presents some of the basic properties of the data set. It discusses the limitations to the data, and also explains how a series of interviews with different actors in the Council has helped to clarify certain elements of the results from the empirical analyses. Section 3.3 presents the dependent, independent and control

variables which are used in the three empirical chapters. Section 3.4 presents the descriptive statistics, and the last section summarises the predicted effect of the variables.

## **3.2 Empirical material**

The data used in each of the three empirical chapters includes information on all legislation adopted in the Council from 1999 to May 2004. However, the data set is used differently in each of the chapters due to a difference in the unit of analysis as well as differences in the analytical models. Hence, each chapter will explain the choice of statistical models as well as how the data is organised. This section will provide the basic description of the full data set and how it has been collected.

### **3.2.1 Data**

The complete data set consists of individual votes cast by each government on 932 pieces of legislation. Legislation which was initiated and voted upon in the Council, yet, not finally adopted in the period 1999 to May 2004 is not included in the analyses. However, of these 932 acts, 301 pieces were presented to the Council several times. A proposal which is voted upon X number of times is treated as X individual votes as behaviour in the Council can be assumed to change throughout the different stages of the legislative process (cf. Chapter 1; Mattila 2004; Mattila and Lane 1999). Furthermore, the data includes several cases where a single policy proposal presented to the Council had more than one issue to make a decision upon. For instance, a proposal on regulation of emission from vehicles may include several different levels of emission standards depending on the type of vehicle<sup>51</sup>. Votes may therefore be taken on each of these regulatory levels and are also included in the data as separate voting situations. In sum, the total number of voting situations in the 1999-2004 period amounts to 1.281 and, hence, results in  $(15 \times 1.281 =) 19.215$  individual votes.

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<sup>51</sup> See e.g. Council document number 8118/00: Decision of the European Parliament and of the Council establishing a scheme to monitor the average specific emissions of CO<sub>2</sub> from new passenger cars. Reference numbers are PE-CONS 3608/00 ENV 48 ENT 28 CODEC 145 + COR 1 and corresponding documents from meetings held in relation to this decision can be found based on these references through the PreLex database.

The data is collected from the minutes of individual Council meetings and includes information on the issues described in Chapter 1:

- Procedure,
- Date of introduction,
- Date of adoption,
- A and B points,
- Policy area (as categorised by the General Secretariat),
- Title of proposal,
- Details about the policy content,
- Inter-institutional reference number,
- Sectoral Council,
- Which stage of the legislative process the vote was taken,
- Which stage of the legislative process the proposal was adopted<sup>52</sup>,
- Identity of the member holding the Presidency, and
- Each country's decision to
  - support,
  - abstain,
  - oppose,
  - and/or make a formal statement. Formal statements are either included in the minutes or posted separately on the Council's website.

Each of these points of information has then been coded such that Procedure, Policy Area, Sectoral Council, Stage of Vote, Stage of Adoption, Presidency (i.e. nationality of the member holding the Presidency) are included as categorical variables. Date of Introduction and Date of Adoption are continuous variables, whereas A and B points and a country's decision to Support, Abstain, Oppose or make a Formal Statement are binominal.

The data is collected through the Council's website<sup>53</sup>, the inter-institutional data base PreLex<sup>54</sup> and from the Council's Access Service<sup>55</sup>. It has since 1999 been possible to trace back a legislative proposal through the public register of the Council and/or the PreLex database. For this purpose, it is sufficient to know the COM reference number of the initial Commission proposal, the title of the proposal or the inter-institutional file

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<sup>52</sup> As is discussed below, one problem with the information from the voting records and minutes is that legislation which is not adopted is not recorded either.

<sup>53</sup> [http://europa.eu/documents/eu\\_council/index\\_en.htm](http://europa.eu/documents/eu_council/index_en.htm)

<sup>54</sup> <http://ec.europa.eu/prelex/apcnet.cfm?CL=en>

<sup>55</sup> [access@consilium.eu.int](mailto:access@consilium.eu.int)

number. The inter-institutional file number will provide all the documents linked to the same proposal/dossier (also from working groups) and can be found through PreLex (when the COM number is known), or on the top of the page of the Council minutes.

Although it can hence be concluded that important information is indeed available from the Council, two important limitations to the data must be pointed out: First, and as was mentioned in Chapter 1, analyses of Council decision-making based on official documents often point out problems with the information that is *not* included in the minutes and voting records (e.g. Wallace and Hayes-Renshaw 2006). Only those decisions which result in a successful adoption are recorded, and, hence, the material used in this thesis includes an element of self-censorship which unfortunately cannot be controlled. Any legislative act which from the outset looks as though it will fail to be adopted will not be put on the Council agenda, but is rather sent back to the Commission ‘for further study’ (Heisenberg 2005:71). Furthermore, although it is rarely the case, it should also be noted that member states can still choose not to make their positions on a proposal public. If any member state makes the request that the positions should not be officially recorded, the minutes may simply state that ‘...the Council has adopted the above [regulation/directive/decision]’. In the period 1999-2004 it only happened 5 times that a member state asked for the minutes to not be made public. Yet, despite being rarely used, it may still play a role that the member states are at least aware of this possibility<sup>56</sup>.

The second limitation is related to the issue of vote trading. No final conclusion has been drawn with regard to the extent of vote trading in the Council, but indicative findings suggest that it does take place (Mammonas 2005). However, due to the lack of credible commitments over time and across sectoral councils, vote trading is so far mainly found to occur on the policy issues at the table. Negotiations rarely rely on future proposals or takes into account positions in previous decisions. In other words, vote trading might occur between legislation bundles on the agenda for the same meeting, but is seldom expected from one meeting to another, where it might not be the same representatives at the table<sup>57</sup>. Much research is still left to be done on this issue, and it is indeed crucial to gain further insight into particularly the extent of negotiations across policy areas. This will have direct implications also for questions of how to model the

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<sup>56</sup> This point will be returned to in Chapter 5.

<sup>57</sup> Interview I and VI.

legislative dynamics. However, in terms of the quantitative analyses undertaken in this thesis, the possible effects of vote trading are addressed by mainly focusing the empirical analyses on the reasons for voting 'No'. Again, a 'No' can be assumed to be a sign of sincere disapproval due to the high costs of opposing the majority, whereas a 'Yes' is more ambiguous to interpret. The results from the analyses should therefore in principle merely result in a downwards biased picture of the conflict structures, however, no claims will be made with regard to the applicability of the findings to behaviour which cannot be observed from the Council minutes.

### ***3.2.2 Interviews***

A series of interviews and informal talks with different national representatives and civil servants involved in Council activities were held in November and December 2005 and February 2006. All of the interviews and talks have been very helpful in clarifying the explanations for some of the statistical results. They have also provided useful insights into issues such as the difference in voting behaviour from the working groups to COREPER meetings, and from COREPER to the ministerial level. However, all of the people who were interviewed or who have provided information at an informal basis have asked not to be used for referencing or in other ways be named in this thesis. Therefore, no conclusions are drawn merely on the basis of these interviews or talks, but in certain cases interviews are mentioned if a person has given particularly valuable information about an issue. In those cases a number indicating the interview is mentioned, yet, the names and positions are withheld. A list of the details for the talks and interviews including both dates, names and positions is available to the examiners of this thesis in Appendix B and has been presented to the supervisor, Professor Simon Hix, and co-supervisor, Christian List.

## **3.3 Variables**

### ***3.3.1 Dependent variables***

Chapter 4 tests the first hypothesis which states that the dominant policy dimension in Council decision-making is the left/right political dimension. In the analysis in this



chapter the data is first run with the scaling method technique Optimal Classification (OC), which estimates legislators' ideal preference points by comparing the outcome of each legislator's vote with other legislators' votes on all policy proposals. The scaling method produces a set of points based on all the observations and lets the distance between each legislator be an indicator of how often – or rare – legislators vote together. Since the method is simply a 'mapping' of the voting behaviour rather than statistical testing, this first analysis in Chapter 4 does not include dependent or independent variables as such. However, after having obtained the scores for the ideal points of each government, the results are compared with exogenous measures of the governments' positions on a range of issues. The scores for the governments' ideal points only produce 24 observations since this is the number of individual governments which were members of the Council in the 1999-2004 period, when differentiating between two governments from the same country<sup>58</sup>. Therefore, since no reliable statistical exercises can be carried out with this low number of observations, the exogenous measures introduced for the interpretation of the spatial maps are simply compared to the distribution of ideal points in a series of scatter plots. Lastly, robustness checks of the OC findings themselves are conducted by running the data with another widely used scaling model, NOMINATE, as well as the governments scores obtained from running the data with in a Bayesian MCMC model<sup>59</sup>.

Chapter 5 tests Hypothesis 2, 3 and 4 across the different stages of the legislative process. The hypotheses concern the expectations to the governments' voting behaviour based on the 'weighted preference-connected coalition' argument, and will in this chapter be tested with regard to the likelihood of opposing the majority at different points in the legislative process. For this analysis it has been necessary to divide the data set into two, and distinguish between the last voting stage where legislation is finally adopted and prior decision stages. The dependent variables are hence the count variables of how often a government has formally opposed the majority, either through abstaining (under Co-decision), voting or in formal statements. The variable is coded 1 if a government opposed, and 0 if it did not.

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<sup>58</sup> For example, a government change in France means that France1 and France2 are estimated as two different governments although obviously from the same country.

<sup>59</sup> Both of the scaling method techniques and the Bayesian simulation method will be explained in Chapter 4.

Chapter 6 similarly tests Hypothesis 2, 3 and 4. Yet, here the unit of analysis is the differences in voting behaviour across policy areas. As in Chapter 5, the dependent variable is the count variable of how often a government has formally opposed the majority, though, here the data set is first pooled across all voting stages and then subsequently divided into the respective policy areas. A list of the policy areas is given below, however, after the descriptive results for each area have been presented in the first part of Chapter 5, it is necessary to group the areas with the smallest amount of adopted decisions for the further statistical analysis. The full list of policy areas is as follows:

- Agriculture & Fisheries,
- Economic & Financial Affairs,
- Justice & Home Affairs,
- Environment,
- Social Affairs,
- Education/Research,
- Transport,
- Internal Market,
- Development,
- Energy,
- Health,
- General Affairs,
- Industry,
- Consumer Affairs,
- Telecommunications,
- Culture,
- Aviation, and
- Administration.

The policy areas for the further statistical analysis in the second part of Chapter 5 are then grouped such that regressions are run on 8 categories: All policy areas, Agriculture & Fisheries, Environment, Social Affairs, Economic & Financial Affairs, Justice & Home Affairs, Transport and Others. As mentioned, the reason for the pooling of the last policy areas is statistical uncertainty as the individual groups include too few observations. Furthermore, it is worth noting here that the sectoral council in which a vote has been taken is not always an indicator of the policy area. For example, the

sectoral council for transport (TRANS)<sup>60</sup> may at times adopt legislation in the field of environment or social affairs. Similarly, the sectoral council for economics and financial affairs (ECOFIN) may decide on issues related to the internal market. The policy areas are therefore not identified based on who decides, but rather on the policy field stated in the title of the policy proposal, and most commonly identified by the chairperson from a preparatory working group.

### ***3.3.2 Independent variables***

The following variables are used as independent variables either in all of the three empirical chapters or only in one or two. They are all listed here with an explanation of the coding, however, the reasons for including them in the respective analyses are explained in the empirical chapters.

The first of the independent variables is used in all three of the empirical chapters and locates the governments' positions on the left-right political dimension in national politics. It is labelled 'Left/Right', and is measured with an index variable ranging from 0 to 20. Benoit and Laver (forthcoming, 2006) provide the values for each party in government on the left/right political scale, which is here then used to find a weighted average according to the number of ministerial posts held by each party<sup>61</sup>. The government that is furthest to the right has the value of 20 and the government that is furthest to the left has the value of 0.

Second, a variable 'EU' measures the governments' attitude towards EU integration. The variable is included and calculated similarly to the left/right variable above, such that a weighted average for each government is found based on the values for each party in government as reported in Benoit and Laver (forthcoming, 2006). The range is, as above, from 0 to 20 and a high score here indicates an attitude favourable to European integration and a low score indicates Euro-scepticism.

It is quite possible that an interaction effect exists between the two variables capturing the policy dimensions described above. For example, Euro-sceptical left-wing governments may behave differently to Euro-sceptical right-wing governments (Mattila

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<sup>60</sup> Now referred to as TTE (Transport, Telecommunications and Energy).

<sup>61</sup> Weighting the governments' positions according to parliamentary seats instead does not significantly alter the results in any of the analyses.

2004:41). Therefore, an interaction variable 'Left/Right x EU' is included to see if there is a significant impact of this combination on governments' voting behaviour (see also Hooghe and Marks 1999).

A variable measuring the member states' voting power in the Council is included and calculated on the basis of the normalised Banzhaf Index (Banzhaf 1965) by using the POWERSLAVE (2002) programme. Please refer to Appendix A for an explanation of the normalised Banzhaf Index and to Chapter 1, Section 1.3 for a list of the calculated voting power distribution.

A variable capturing the governments' geographical location is labelled 'Geo' and included as a categorical variable, where the category of Northern members receives the value of 0 and consists of Denmark, Finland, Ireland, Sweden and UK. Central European governments are allocated the value of 1 and include Belgium, Germany, Netherlands, Austria and Luxembourg. Southern governments have the value of 2 and consist of the remaining: France, Greece, Italy, Portugal and Spain.

Whether or not an EU member falls into the category of being a receiver or contributor to the EU budget is also often argued to affect the likelihood of being either in opposition or in favour of a proposal. Certain theorists even argue that EU politics in general is about the wealthier member states' pay-offs of poorer nations by means of subsidies (e.g. Carruba 1997; Hosli 1996). Therefore, the variable 'Budget' measures the effect of whether or not a government is a contributor to or receiver from the EU budget. The variable is included as a dummy variable based on figures obtained from the Commission's annual report on the budget (Commission 2003). Contributors have the value of 0, whereas receivers take the value of 1.

The variable 'ParDif' is used to investigate any possible effect of portfolio allocations (i.e. party differences) in national politics. Compared to the above variable on the weighted left/right positions of governments, this variable measures the effect of the difference in the left/right value of the individual party represented in the sectoral council in which a given decision has been made compared to the value for the entire government. For example, if a vote has been taken in the Council of Transport, then the value for each government representative in this variable is the difference between that of their national party position on the left/right political scale and the weighted average of

the entire government. In other words, if the Dutch Minister of Transport is from the Labour Party (PvdA), then the value included is the difference between the position of the Labour Party and the weighted average of the entire coalition government. Table 3.1 lists the 'Left/Right' as well as 'EU' values of all of the parties in government.

**Table 3.1: Governing parties' positions on the left/right and pro-/sceptic EU political scales**

Country	Party	Number of cabinet posts	Left/Right	EU
Germany	SPD	12	8.36	8.04
	Die Grünen	3	7.10	6.94
France1	PS	16	7.14	15.68
	PCF	2	3.14	5.70
	RPF	1	15.42	3.07
	Verts	1	5.14	14.63
France2	UMP	10	14.42	12.43
	UDF	1	12.86	17.53
	Independent	5	N/V	N/V
UK	Labour	24	10.95	10.02
Italy1	DS	8	5.98	5.12
	MARG	9	8.04	4.63
	UDR	3	10.00	11.82
	PDCI	2	3.33	8.41
	FV	2	4.02	5.67
	SDI	1	8.58	6.58
Italy2	FI	10	15.59	14.62
	AN	5	16.94	13.54
	LN	3	16.89	17.94
	CCD/CDU	2	12.39	8.25
	Independent	5	N/V	N/V
Spain	PP	14	16.99	12.61
Netherlands1	PvdA	5	8.57	7.47
	VVD	5	16.33	12.60
	D66	4	10.38	7.10
Netherlands2	CDA	8	13.57	9.70
	VVD	6	16.33	12.60
	LPF	2	17.62	15.83
Greece	PASOK	20	10.44	5.88
Belgium1	CVP(CD&V)	5	12.32	6.68
	PSC	2	10.65	6.76
	SP	3	6.64	8.41
	PS	5	4.40	8.05

**Table 3.1: National Party Positions (continued)**

Belgium2	VLD	5	14.50	8.10
	MR	3	12.70	8.24
	SP	3	6.64	8.41
	PS	3	4.40	8.05
	Ecolo	2	3.45	6.78
	Agalev	2	3.50	7.15
Portugal1	PS	14	8.67	6.70
Portugal2	PSD	14	13.86	9.40
	CDS/PP	3	16.90	15.40
Sweden	SAP	20	8.30	8.68
Austria1	SPÖ	7	8.75	9.33
	ÖVP	6	14.31	9.38
Austria2	ÖVP	8	14.31	9.38
	FPÖ	3	17.38	16.31
Denmark1	SD	15	7.58	8.25
	RV	4	9.35	6.58
Denmark2	V	12	15.08	5.88
	KF	7	15.19	7.50
Finland1	SDP	7	8.39	6.85
	KOK	5	15.58	7.61
	SFP	2	13.76	8.39
	VAS	2	4.45	11.91
	VIHR	1	7.52	8.94
Finland2	KESP	8	12.00	15.09
	SDP	8	8.39	6.85
	SFP	2	13.76	8.39
Ireland	FF	14	13.28	12.69
	PD	1	16.38	13.24
Luxembourg1	CSV	7	13.25	6.75
	PDL	6	7.25	7.50
Luxembourg2	CSV	8	13.25	6.75
	LSAP	8	13.50	9.25

Left/right = party position on the Left/Right dimension

Integration = party position on the Pro/Anti EU dimension

The variable 'Member' captures duration of membership by measuring whether there is any effect of the number of years a country has been part of the EU. The variable is hence a continuous variable ranging from 11 to 45.

A variable measuring whether there is an effect of holding the Presidency is also included. The literature concerning this matter is mostly descriptive (Tallberg 2003) and it has in many cases proven difficult to establish exactly what the consequences and opportunities are for a country holding this position. Here, the variable is included in order to at least establish what the consequences are for the voting behaviour. The

variable is included as a dummy variable where a country possessing this role gets the value of 1 and others have the value of 0.

A variable concerning the national party system, 'NatSys', is included and distinguishes between adversarial and non-adversarial governments. Austria, Belgium, Denmark, Finland, Ireland, Luxembourg, Netherlands and Sweden are categorised as non-adversarial political systems and have the value of 0, whereas the rest of the EU countries are adversarial and take the value of 1. UK, Greece and Spain are a bit different in this context, as they do not have a history of coalition governments. Yet, as they by definition are hence minimum winning, they are simply coded as having a strong norm of government alternation, and hence fall into the category of adversarial political system. Table 3.5 lists the governing parties.

**Table 3.2: Parties in government**

Country	1999	2000	2001	2002	2003	2004	Date of change	Political System
<b>Germany</b>	SPD + Die Grünen (PES)	SPD + Die Grünen (PES)	SPD + Die Grünen (PES)	SPD + Die Grünen (PES)	SPD + Die Grünen (PES)	SPD + Die Grünen (PES)	None	Adversarial
<b>France</b>	PS+PCF+PRS+MDC+Verts (PES)	PS+PCF+PRS+MDC+Verts (PES)	PS+PCF+PRS+MDC+Verts (PES)	PS+PCF+PRS+MDC+Verts	UMP+UDF+ind.s (EPP-ED)	UMP+UDF+ind.s (EPP-ED)	05/05/2002	Adversarial
<b>UK</b>	LP (PES)	LP (PES)	LP (PES)	LP (PES)	LP (PES)	LP (PES)	None	Adversarial
<b>Italy</b>	DS+PPI+RI+UDR+PDCI+FV+SDI (PES)	DS+PPI+RI+PDCI+FV+D+ Udeur (PES)	DS+PPI+RI+PDCI+FV+D+ Udeur (PES)	FI+AN+LN+CCD+C DU (EPP-ED)	FI+AN+LN+CCD+C DU (EPP-ED)	FI+AN+LN+CCD+C DU (EPP-ED)	13/05/2001	Adversarial
<b>Spain</b>	PP (EPP-ED)	PP (EPP-ED)	PP (EPP-ED)	PP (EPP-ED)	PP (EPP-ED)	PP (EPP-ED)	None	Adversarial
<b>Netherlands</b>	PvdA+VVD+D66 (PES)	PvdA+VVD+D66 (PES)	PvdA+VVD+D66 (PES)	PvdA+VVD+D66 (PES)	CDA+VVD+LPF (EPP-ED)	CDA+VVD+LPF (EPP-ED)	22/01/2003	Non-adversarial
<b>Greece</b>	PASOK (PES)	PASOK (PES)	PASOK (PES)	PASOK (PES)	PASOK (PES)	PASOK (PES)	None	Adversarial
<b>Belgium</b>	CVP+PSC+SP+ PS (PES/EPP-ED)	VLD+PRL/FDF+SP+ PS+ Ecolo+Agalev (ALDE)	VLD+PRL/FDF+SP+ PS+ Ecolo+Agalev (ALDE)	VLD+PRL/FDF+SP+ PS+ Ecolo+Agalev (ALDE)	VLD+PRL/FDF+SP+ PS+ Ecolo+Agalev (ALDE)	VLD+PRL/FDF+SP+ PS+ Ecolo+Agalev (ALDE)	13/06/1999	Non-adversarial
<b>Portugal</b>	PS (PES)	PS (PES)	PS (PES)	PS (PES)	PSD+CDS+PP (EPP-ED)	PSD+CDS+PP (EPP-ED)	17/03/2002	Adversarial
<b>Sweden</b>	SAP (PES)	SAP (PES)	SAP (PES)	SAP (PES)	SAP (PES)	SAP (PES)	None	Non-adversarial
<b>Austria</b>	SPÖ+ÖVP (EPP-ED)	SPÖ+ÖVP (EPP-ED)	ÖVP+FPÖ (EPP-ED)	ÖVP+FPÖ (EPP-ED)	ÖVP+FPÖ (EPP-ED)	ÖVP+FPÖ (EPP-ED)	05/02/2000	Non-adversarial
<b>Denmark</b>	SD+RV (PES)	SD+RV (PES)	SD+RV (PES)	V+KF (EPP-ED)	V+KF (EPP-ED)	V+KF (EPP-ED)	20/11/2001	Non-adversarial
<b>Finland</b>	SDP+KOK+SFP+VA S+VIHR (ALDE)	SDP+KOK+SFP+VA S+VIHR (ALDE)	SDP+KOK+SFP+VA S+VIHR (ALDE)	SDP+KOK+SFP+VA S+VIHR (ALDE)	SDP+KOK+SFP+VA S+VIHR (ALDE)	KESP+SDP+SFP (ALDE)	16/03/2003	Non-adversarial
<b>Ireland</b>	FF+PD (UEN)	FF+PD (UEN)	FF+PD (UEN)	FF+PD (UEN)	FF+PD (UEN)	FF+PD (UEN)	None	Non-adversarial
<b>Luxembourg</b>	CSV+LSAP (EPP-ED)	CSV+DP (EPP-ED)	CSV+DP (EPP-ED)	CSV+DP (EPP-ED)	CSV+DP (EPP-ED)	CSV+DP (EPP-ED)	13/06/1999	Non-adversarial

**Austria** SPÖ: Social Democratic Party of Austria; **ÖVP**: Austrian People's Party; **FPÖ**: Freedom Party of Austria **Belgium** Agalev: (Flemish) ecologists; **CVP**: (Flemish) Christian People's Party; **Ecolo**: (Walloon) ecologists; **FDF**: (Brussels) Democratic Front of Francophones; **PRL**: (Walloon) Liberal Reformist Party; **PS**: (Walloon) Socialist Party; **SP**: (Flemish) Socialist Party (from 2001, SP.A); **VLD**: Flemish Liberals and Democrats; **Denmark** **KF**: Conservative People's Party; **V**: Venstre, 'Left', or Liberal Party; **RV**: Radical (Left-Social) Liberal Party; **SD**: Social Democracy in Denmark; **Germany** **SPD**: Social Democratic Party; **Die Grünen**: The Greens **Finland** **KOK**: national Coalition Party; **SDP**: Finnish Social Democratic Party; **SFP**: Swedish People's Party in Finland; **VAS**: Left-Wing Alliance; **VIHR**: Green League **France** **PS**: Socialist Party; **UDF**: Union for the French Democracy (confederation to 1998; then single party); **RPR**: Rally for the Republic (disbanded 21 Sep 2002); **PCF**: French Communist Party; **PRS**: Radical Socialist Party (then PRG); **PRG**: Radical Party of the Left; **MDC**: Citizens Movement; **DL**: Liberal Democracy; **les Verts**: The Greens; **Greece** **PASOK**: Panhellenic Socialist Movement **Ireland** **FF**: Fianna Fáil; **PD**: Progressive Democrats; **Italy** **DC**: Christian Democracy; **FI**: Forward (Forza) Italy; **LN**: Northern League; **AN**: National Alliance; **CCD**: Christian Democratic Center; **CDU**: United Christian Democrats; **PPI**: Italian People's Party; **RI**: Italian Renewal; **UDR**: Democratic Union for the Republic; **FV**: Federation of Greens; **PDCI**: Party of the Italian Communists; **SDI**: Italian Democratic Socialists; **Udeur**: Union of the Democratic European Reformers; **Luxembourg** **CSV**: Christian Social People's Party; **LSAP**: Luxembourg Socialist Workers' Party; **DP**: Democratic Party **Netherlands** **CDA**: Christian Democratic Appeal; **PvdA**: Labour Party; **VVD**: People's Party for Freedom and Democracy; **D66**: Democrats 66; **LPF**: List Pim Fortuyn **Portugal** **PSD**: Social Democratic Party; **PS**: Socialist Party; **CDS-PP**: Social Democratic Center-Popular Party **Spain** **PP**: Partido Popular **Sweden** **SAP**: Social Democratic Labour Party **United Kingdom** **LP**: Labour Party. ( ) indicates affiliation with EP party group.



A series of policy specific variables are included for the analysis of voting behaviour across policy areas in chapter 6. Each of the following variables are adopted from Benoit and Laver (forthcoming, 2006) and are coded as categorical variables ranging from 1 to 20:

A variable 'Env' is included measuring a pro/anti-environment attitude. The value 1 is 'Supports protection of the environment even at the cost of economic growth' and 20 is 'Supports economic growth even at the cost of damage to the environment'.

A variable 'Soc' measures social attitude where 1 means 'Favours liberal policies on matters such as abortion, homosexuality and euthanasia' and 20 is 'Opposes liberal policies on matters such as abortion, homosexuality and euthanasia'.

'Tax' captures the attitude towards public expenditure vs. taxes. 1 means in favour of promoting raising taxes to increase public services and 20 means in favour of promoting cutting public services to cut taxes.

'Privat' measures attitude towards privatisation and defines the extremes as: 'Promotes maximum state ownership of business and industry' is 1, and 'Opposes all state ownership of business and industry' is 20.

'Lib' measures attitude towards civil liberties such that 1 is 'Promotes protection of civil liberties, even when this hampers efforts to fight crime and promote law and order', and 20 is 'Support tough measures to fight crime and promote law and order, even when this means curtailing civil liberties'.

A variable 'Agri' measures attitude towards support for agriculture and farmers. Unfortunately no data has been available for the parties in government for the 1999-2004 period on this issue. The parties' positions have therefore instead been obtained from the Budge et al. (2001) party manifesto data, which covers the parties' positions until 1945-1998. Each party in government has been allocated the value from the latest available years in that data set, i.e. values measured between 1994 and 1998. Hereafter the governments' positions are calculated on the basis of a weighted average depending on the allocation of cabinet posts (cf. Budge et al 2001:166).

'Dereg' estimates attitudes towards regulation and is included such that 1 means 'favours high levels of state regulation and control of the market', and 20 is 'favours deregulation of markets at any opportunity'.

Lastly, a dummy variable is included for the decision rule under the heading 'Rule'. Unanimity is allocated the value of 0, and QMV the value of 1.

### ***3.3.3 Control variables***

A range of variables are included in order to control for empirical irregularities or alternative explanations. The number of variables may seem a bit excessive at first, yet, due to the sparse empirical evidence across legislative stages as well as across policy areas in the current literature, it seems appropriate to control and test for as many different explanations for the voting behaviour as possible.

The first control variable is the number of decisions taken by the Council, 'Workload'. This is calculated as the natural logarithm of the total number of votes taken either within a specific policy area (Chapter 6) or at different points in the legislative process (Chapter 5). The variable is used to control for the possibility that whether or not a country is likely to be in opposition is affected by the total number of decisions made.

'Nation' is measured similarly to the above independent variables and ranges from 1 to 20, where 1 means 'Strongly promotes a cosmopolitan rather than a national consciousness, history and culture' and 20 is 'Strongly promotes a national rather than a cosmopolitan consciousness, history and culture'. As above, this variable is as a weighted average of the parties values as reported in Benoit and Laver (forthcoming, 2006). The rest of the control variables are also obtained from this data set.

Position on immigration issues 'Imm' is measured as 'favours policies designed to help asylum seekers and immigrants integrate into society' has the value of 1. 'Favours policies designed to help asylum seekers and immigrants return to their country of origin' has the value of 20.

A number of variables measure attitudes towards different EU competences are included as follows: 'Enlar' is 'Favours the extension of the EU to include new member states' is allocated a 1, and 'Opposes the extension of the EU to include new member states' is allocated the value of 20. EU strengthening, 'Strength' is measured such that 1 means 'Favours a more powerful and centralised EU', and 20 is 'Opposes a more powerful and centralised EU'. EU Peacekeeping, 'Peace', is captured by 1 meaning 'Favours involvement in European security and peacekeeping missions', and 20 is

'Opposes any involvement in European security and peacekeeping missions'. EU accountability, 'Account' has 1 as 'Promotes the direct accountability of the EU to citizens via institutions such as the European Parliament' and 20 as 'Promotes the indirect accountability of the EU to citizens via their own national governments. EU authority, 'Authority' is measured as 1 is 'Favours increasing the range of areas in which the EU can set policy', and 20 is 'Favours reducing the range of areas in which the EU can set policy'.

The last section of this chapter summarises the predicted effect of each of the variables in the respective empirical analyses carried out in Chapters 4, 5 and 6. The next section presents the descriptive statistics.

### **3.4 Descriptive statistics**

Table 3.3 and 3.4 present the descriptive statistics and correlations between the dependent, independent and the control variables when applied to the full data set. Beside of the expected correlations between the dependent variables and a range of the independent variables, Table 3.4 shows that a correlation between the left/right political positions obtained from the Benoit and Laver (forthcoming, 2006) data set and most of the policy specific variables which will be used in chapter 6 on voting behaviour across policy areas, also exists: For environment (Env) the correlation is .63, for attitude towards social policies (Soc) the correlation is .55, for attitude towards tax issues (Tax) the correlation is .77 and attitude towards regulation (Dereg) is correlated with a coefficient of .64. It is not surprising that these variables are correlated as extensive studies show that preferences over policy issues are often structured by an underlying dimension, such as the left/right political dimension (e.g. Poole and Rosenthal 1997). Though, interestingly, no correlation between the variable on positions on agricultural issues and the left/right variable appear. Also, the variables 'Account' and 'Authority' seem to measure the same phenomena as the 'EU' variable. In order to check for multicollinearity between any of the abovementioned variables, the analyses in the empirical chapters have been run both with and without the variables which could lead to problems of multicollinearity. That is, in Chapter 6 the regression models were run both with and without the Left/Right variable in the analyses of the specific policy areas and

the analyses in both Chapter 5 and 6 were tried with and without the 'Account' and 'Authority' variables. Each of the other variables which have indications that there might be problems of multicollinearity actually do not come out as significant in either of analyses in the empirical chapters, and they are all included as control variables. Hence, no further precautions should be necessary regarding this issue, however, the correlations between the variables are of course worth noting, and should be reported regardless.

**Table 3.3: Descriptive statistics of the data**

<b>Variable</b>	<b>Description of variable</b>	<b>Obs</b>	<b>Mean</b>	<b>St.dev</b>	<b>Min</b>	<b>Max</b>
OCd1	Governments' ideal point estimate as obtained by OC; 1st dim.	24	0.00	0.24	-0.350	0.461
OCd2	Governments ideal point estimate as obtained by OC; 2nd dim.	24	-0.04	0.22	-0.490	0.304
OCd3	Governments ideal point estimate as obtained by OC; 3rd dim.	24	0.02	0.27	-0.432	0.868
Opp/Sup	Indicates whether or not a government opposes or supports the majority. 0 =support, 1 = opposition	19215	0.62	0.50	0	1
Opp	Number of oppositions, abstentions and formal statements per government	19215	317	64	291	520
Left/Right	Index variable from 0 to 20. High score means a government is located towards the right and a low score indicates location towards the left	19215	11.29	3.13	6.938	16.987
EU	Measures the governments' attitude towards EU integration. A high score here indicates an attitude favourable to European integration and a low score indicates Euro-scepticism.	19215	9.43	2.55	5.875	14.209
Left/Right x EU	Interaction variable of the two variables above	19215	10.94	3.22	6.571	15.403
Power	Measures the governments' voting power based on the relative Banzhaf index	19215	6.66	3.12	2.26	11.16
Geo	A categorical variable indicating the government's geographical location. Northern members receives the value of 0 and consists of Denmark, Finland, Ireland, Sweden and UK. Central European governments are allocated the value of 1 and include Belgium, Germany, Netherlands, Austria and Luxembourg. Southern governments have the value of 2 and consist of the remaining: France, Greece, Italy, Portugal and Spain.	19215	0.467	0.516	0	1
Budget	Categorises members into receiver or contributors to the EU budget. Contributors take the value of 0, whereas receivers take the value of 1.	19215	0.416	0.291	0	1
ParDif	Gives the value on the left-right political axis of the individual party represented in the sectoral council in which a given decision has been made compared to the value for the entire government.	19215	0.477	0.395	0	3.488
Member	Measures the effect of the number of years a country has been a member of the EU.	19215	29.13	14.1263	11	45
Presidency	A country which holds the Presidency when a vote is taken is allocated the value of 1 whereas countries which do not hold the Presidency get the value of 0.	19215	0.067	0.250	0	1
NatSys	Distinguishes between adversarial and non-adversarial governments. Non-adversarial members have the value of 0, adversarial 1.	19215	0.467	0.516	0	1

**Table 3.3: Descriptive statistics of the data, continued**

Variable	Description of variable	Obs	Mean	St.dev	Min	Max
Env	Measures attitude towards the protection of the environment where the value 1 is 'Supports protection of the environment even at the cost of economic growth' and 20 is 'Supports economic growth even at the cost of damage to the environment'	19215	11.545	3.398	1.712	17.22
Soc	Measures positions on social policies. 1 means 'Favours liberal policies on matters such as abortion, homosexuality and euthanasia' and 20 is 'Opposes liberal policies on matters such as abortion, homosexuality and euthanasia'.	19215	10.922	4.184	1.761	19.571
Tax	Captures attitude towards public expenditure vs. taxes. 1 means in favour of promoting raising taxes to increase public services and 20 means in favour of promoting cutting public services to cut taxes	19215	12.691	3.028	6.147	17.856
Dereg	Measures attitude towards state regulation and defines the extremes as: Favours high levels of state ownership and regulation of the market (1) and Favours deregulation of the market at every opportunity (20).	19215	11.712	2.498	7.936	15.344
Lib	Measures attitude towards civil liberties. 1 means in favour of protecting civil liberties, 20 means Support tough measures to fight crime and promote law and order, even when this means curtailing civil liberties.	19215	10.205	3.937	5.241	16.712
Agri	Measures attitude towards Support for agriculture and farmers; any policy aimed specifically at benefiting these. Ranges from 0 to 20, where 0 is the most favourable towards agricultural policies.	19215	1.580	0.088	0.216	3.314
Rule	Indicates the decision rule. Unanimity is allocated the value of 0 and QMV the value of 1	19215	0.579	0.029	0	1
Workload	Total number of votes taken in each half-year period.	19215	2401.875	25.041	1335	2565
Nation	1 means 'Strongly promotes a cosmopolitan rather than a national consciousness, history and culture' and 20 is 'Strongly promotes a national rather than a cosmopolitan consciousness, history and culture'.	19215	12.042	0.904	9.867	14.072
Imm	Favours policies designed to help asylum seekers and immigrants integrate into society (1). Favours policies designed to help asylum seekers and immigrants return to their country of origin (20).	19215	15.637	4.293	7.382	18.455
Enlar	1= Favours the extension of the EU to include new member states; 20= Opposes the extension of the EU to include new member states.	19215	8.295	2.478	4.091	13.268
Strength	1 = Favours a more powerful and centralised EU, and 20 = Opposes a more powerful and centralised EU.	19215	8.509	3.119	5.248	14.172

**Table 3.3: Descriptive statistics of the data, continued**

Peace	1= Favours involvement in European security and peacekeeping missions, and 20 = Opposes any involvement in European security and peacekeeping missions.	19215	9.124	0.597	6.533	14.081
Account	1= Promotes the direct accountability of the EU to citizens via institutions such as the European Parliament; 20= Promotes the indirect accountability of the EU to citizens via their own national governments	19215	10.628	0.619	7.000	15.216
Authority	1 = Favours increasing the range of areas in which the EU can set policy, and 20 = Favours reducing the range of areas in which the EU can set policy.	19215	7.522	0.498	5.214	12.019

**Table 3.4: Correlations between variables**

	OCd1	OCd2	OCd3	Opp/Sup	Opp	Left/Right	EU	Left/Right x EU	Power	Geo	Budget	ParDif	Member	Presi	NatSys
OCd1	1														
OCd2	-0.141	1													
OCd3	-0.310	-0.386	1												
Opp/Sup	0.255***	0.089**	0.138	1											
Opp	0.267***	0.014*	0.177*	0.358***	1										
Left/Right	0.721***	0.068	-0.076	0.485***	0.413***	1									
EU	0.006	0.093	-0.010	0.087	0.127	0.036	1								
Left/Right x EU	0.141*	-0.005	-0.042	0.130*	0.228**	0.153*	0.084	1							
Power	0.473***	0.046	0.104	0.299**	0.536***	0.117	0.106	0.224	1						
Geo	-0.007	-0.034	0.058	0.039	-0.045	0.011	0.014	0.072	-0.059	1					
Budget	-0.038	0.026	0.091	0.082	-0.103	0.048	-0.201	-0.066	0.051	0.020	1				
ParDif	0.006	0.097	-0.008	-0.056	0.075	0.005	0.019	-0.047	-0.020	0.049	0.062	1			
Member	0.078	0.003	0.059	-0.014	-0.026	0.020	0.098	0.073	0.142	0.056	-0.023	-0.004	1		
Presi	0.024	-0.085	0.073	-0.299***	-0.351***	-0.074	0.001	-0.092	-0.018	0.074	0.098	-0.055	-0.023	1	
NatSys	0.093	0.042	0.069	-0.021	-0.057	0.022	0.049	0.092	0.027	0.012	-0.014	0.032	0.046	-0.102	1
Env	0.156**	-0.019	-0.037	0.131**	0.237***	0.628***	0.071	0.084	0.101	-0.032	0.009	-0.089	0.038	0.004	0.052
Soc	0.204***	0.028	0.041	0.617***	0.802***	0.549***	0.028	0.043	0.029	0.006	0.073	-0.061	-0.090	0.062	0.049
Tax	0.072**	0.045	0.002	0.099	0.092	0.765**	0.047	0.064	0.127*	-0.048	0.031	0.782	0.094	-0.031	-0.026
Dereg	0.402***	0.073	-0.044	0.618***	0.549***	0.642***	-0.058	0.002	0.034	0.011	-0.051	0.040	-0.019	-0.086	0.073
Lib	0.051	-0.049	0.084	0.306**	0.375***	0.804***	0.076	0.543***	-0.082	0.071	0.039	-0.021	0.002	0.045	0.059
Agri	-0.086	0.067	0.080	-0.086	-0.010	0.067	0.017	-0.340	0.023	-0.008	0.074	0.046	-0.067	0.034	0.015
Rule	-0.044	-0.031	-0.006	0.072	0.049	0.028	0.062	0.004	-0.095	0.023	0.058	-0.011	0.104	0.028	-0.043
Workload	0.034	0.027	-0.013	0.045	0.119	0.102	-0.058	-0.019	0.042	0.037	-0.049	-0.105	0.002	-0.046	-0.006
Nation	0.008	-0.092	0.062	0.097	-0.032	-0.014	0.029	0.087	-0.035	0.054	0.036	0.064	-0.093	0.021	0.064
Imm	-0.017	0.044	-0.081	0.026	0.082	0.100	-0.003	0.016	0.077	-0.142	0.065	0.024	-0.041	-0.088	0.057
Enlar	0.037	-0.069	0.075	0.099	-0.104	0.053	0.024	-0.012	0.090	0.066	0.020	-0.113	-0.005	0.069	0.034
Strength	-0.100	0.003	0.041	-0.022	0.067	0.004	0.421***	0.019	0.047	-0.029	-0.058	-0.045	0.021	0.013	0.002
Peace	-0.021	-0.097	0.082	0.091	0.043	0.076	0.062	-0.044	-0.008	-0.087	0.084	-0.091	0.032	-0.051	-0.047
Account	0.094	0.038	-0.063	0.095	-0.002	-0.041	0.109**	-0.021	0.033	0.029	0.062	0.006	0.017	-0.048	0.016
Authority	0.115	0.142	0.049	0.125	0.019	-0.028	0.816***	0.069	0.045	-0.009	0.051	-0.089	0.026	0.009	0.023

\*\*\* Correlation significant at .01, \*\* Correlation significant at .05, \* Correlation significant at .1



**Table 3.4: Correlations between variables, continued**

	Env	Soc	Tax	Dereg	Lib	Agri	Rule	Workload	Nation	Imm	Enlar	Strength	Peace	Account	Authority
Env	1														
Soc	0.113*	1													
Tax	-0.199**	0.539***	1												
Dereg	0.047	0.095**	0.303***	1											
Lib	0.041	0.338***	0.106**	0.258***	1										
Agri	0.013	0.069	0.054	0.048	0.010	1									
Rule	0.022	-0.061	0.015	0.079	0.052	0.063	1								
Workload	0.010	-0.039	-0.004	0.018	0.023	0.048	0.034	1							
Nation	-0.034	0.006	-0.051	0.074	-0.056	-0.029	0.018	-0.061	1						
Imm	0.081	0.052**	0.017	-0.033	0.002	0.073	-0.044	-0.025	0.004	1					
Enlar	0.024	-0.005	0.029	-0.061	0.010	0.104	0.012	0.037	0.013	0.039	1				
Strength	0.051	-0.037	-0.049	0.024	-0.042	0.051	0.006	0.011	-0.094	0.043	0.411**	1			
Peace	0.068	0.041	0.055	0.019	0.039	-0.004	0.082	0.045	0.058	0.037	-0.057	0.047	1		
Account	0.049	0.089	-0.031	0.092	0.068	0.096	0.019	-0.017	0.067	0.006	0.021	-0.096*	0.061	1	
Authority	-0.062	-0.061	-0.025	0.054	0.033	0.057	-0.048	0.061	0.044	-0.051	0.016	0.128***	0.0114	0.761***	1

\*\*\* Correlation significant at .01, \*\* Correlation significant at .05, \* Correlation significant at .1

### 3.5 Summary

This chapter has described the empirical material used to test the theory. It consists of all legislation adopted in the Council from 1999 to May 2004 across all legislative stages and across all policy areas. An underlying argument throughout the presentation of the empirical material has been that, although the Council records and minutes leave a lot to wish for in terms of detailed descriptions of the negotiations and decisions, much information is still included. It is possible to extract facts on several aspects related to the individual member state's position on a policy issue. All decisions – also those adopted by unanimity – are recorded in the minutes from the meetings, and formal statements can be made by the member states even on decisions which have been adopted by unanimity. Therefore, if one does not simply confine the analysis to last stage voting records, but also include minutes from meetings at prior readings as well as the formal statements, a convincing basis does seem to exist for rigorous quantitative analyses.

In Chapter 4 the analysis is concerned with the dimensionality of the policy space. The results from running the data with spatial scaling models and a Bayesian simulation model will make it possible to observe the governments' voting behaviour and make inferences about the conflict structures apparent in voting situations. The expectation is that the governments' voting behaviour is correlated with their party political preferences as captured by the traditional left/right political dimension.

Chapter 5 analyses the assumed differences in voting behaviour between small/large left-wing governments and small/large right-wing governments at the different stages of the legislative process. The expectation is that right-wing governments will generally oppose the majority more frequently than left-wing governments due to the composition of the Council in 1999-2004. However, small- and large governments may use different strategies for voicing their opposition. Hence, the prediction is that a variance in the effect of the voting power variable will be observed from the earlier readings to the final adoption stage.

In Chapter 6 the analysis is focused on changes in voting behaviour across policy areas. The expectation is that the Left/Right variable is still significant within the respective policy fields, and that voting power and positions on corresponding policy issues from the national level also affects a government's decision to either support or oppose a proposal.

The predicted effect of each of the variables will be further elaborated upon in the respective empirical chapters. However, Table 3.6 summarises the expectations and how the predicted effects may change from one empirical chapter to another.

**Table 3.5 Predictions of variables' effect in the empirical analyses**

<b>Variables</b>	<b>Chapter 4: Dimensionality</b>	<b>Chapter 5: Across legislative stages</b>	<b>Chapter 6: Across policy areas</b>
Left/Right	Positive	Positive	Positive
EU	No effect	No effect	No effect
Left/Right x EU	Positive	Positive	Positive
Power	No effect	Positive	Positive
Geo	No effect	No effect	No effect
Budget	No effect	No effect	No effect
ParDif	-	No effect	No effect
Member	No effect	No effect	No effect
Presi	-	Negative	Negative
NatSys	-	No effect	No effect
National Policy	-	-	Positive
Rule	-	Positive	Positive
Workload	-	No effect	No effect
Nationalism	-	No effect	No effect
Immigration	-	No effect	No effect
EU Enlargement	-	No effect	No effect
EU Strengthening	-	No effect	No effect
EU Peacekeeping	-	No effect	No effect
EU Accountability	-	No effect	No effect
EU Authority	-	No effect	No effect

## **Part II**

## Chapter 4: Policy dimensions in the Council of Ministers

### 4.1 Introduction

Researchers across the social sciences have undertaken a plethora of efforts to put the measurement of individuals' preferences on firm grounding. The reason for why it is important to find an appropriate method for estimating actors' ideal points is that the distribution of ideal points indicates how legislators behave, and which cleavages shape the policy space within which the legislators act (cf. Hinich and Munger 1994; 1997; McCarty, Poole and Rosenthal 2001; Clinton, Jackman and Rivers 2004). Applying a party political rather than a nation-centred analytical framework to legislative politics in the Council suggests a certain set of expectations to the distribution of governments' preferences, behaviour, policy outcomes and, ultimately, the policy space. As was discussed in Chapter 2, if the Council members are mostly concerned with negotiations over the level of integration and institutional balance with the EP, it might be possible to analyse the institution as an 'ordinary' intergovernmental organisation. However, if the policy space is characterised by left/right preferences, then the identity of the pivotal member, the coalition formation process as well as the policy outcomes are likely to be different from those in a purely intergovernmental setting.

This first empirical chapter tests the fundamental assumption derived from the theory that voting behaviour in the Council is dominated by the governments' party political preferences as captured by the traditional left/right political dimension (Hypothesis 1). There is, as such, not one final answer as to which method provides the most appropriate framework for analyses of a legislature's policy space. However, by applying two different methods for the measurements of actors' ideal points in the Council, this chapter intends to provide sound evidence of the governments' observed voting behaviour. The findings can then subsequently serve as a basis for further testing of the existing predictions regarding the governments' actions and preferences. The two methods consist of the recently developed scaling method techniques Optimal Classification (OC) and NOMINATE. The results obtained from these scaling methods are furthermore compared to the findings from using a Bayesian Monte Carlo Markov

Chain (MCMC) estimation of the Council members' ideal points. Based on each of these measures it is possible to specify the Council members' revealed preferences relative to each other, and, subsequently, interpret the dimensionality of the policy space.

The findings from each of the methods show that Council decision-making is dominated by a single dimension. Whereas the first dimension clearly shows a left-right divide as known from the domestic political sphere, none of the additional dimensions can be interpreted by a similarly distinct theory. Furthermore, whereas the first dimension is specified with high certainty by each of the methods, the estimates in the subsequent dimensions are characterised by large standard errors. Government changes are also apparent in the observed voting behaviour: the right-ward shift in many of the EU countries results in a right-ward shift in the respective member state's voting behaviour in the Council. Therefore, after having also compared the observed voting behaviour with a set of exogenous measures of the governments' position on a range of policy issues, the analysis concludes that the Council is more than an inter-governmental institution; party political preferences are easily detected when mapping the policy space.

The chapter proceeds as follows: The next section, Section 4.2, briefly discusses the competing propositions from the literature regarding the policy space within which the Council members decide. Section 4.3 then explains how the hypothesis from the theory and alternative suggestions from the literature are operationalised and tested. This section hence includes also a description of the scaling method techniques and the Bayesian MCMC measurement tool. Subsequently, the results from applying the OC model to the data are presented and analysed in Section 4.4. Exogenous measures of the governments' positions on a range of policy issues as well as country specific characteristics are used for the interpretation of the OC results. Section 4.5 then presents the results of conducting the same analysis by using the NOMINATE scaling method. Also, the results from the analysis are here furthermore compared to the governments' ideal point estimates as measured by MCMC. The intention behind this section is, in other words, to check that the results produced by OC and interpreted in the previous sections are not skewed due to methodological issues. Lastly, Section 4.6 concludes by summarising the findings and suggests how to further develop analyses of preferences and conflict structures in the Council.

## 4.2 The policy space

Several propositions have been made with regard to the complex political space within which the member states act. However, in Chapter 2 it was argued that it may be beneficial to distinguish between preferences over specific policy *issues* and preferences captured by larger policy *dimensions* when analysing preferences and voting behaviour in Council politics. This distinction can also be applied when trying to categorise the current literature's suggestions and findings regarding which factors shape the political space. However, no distinction currently exists within the literature itself between policy dimensions and other variables which may affect voting behaviour. For example, it is often heard that the EU can be categorised according to a North/South divide, and that this policy 'dimension' largely corresponds with whether a country is a net beneficiary of or contributor to the EU budget (e.g. Zimmer, Schneider and Dobbins 2005; Naurin 2006). Yet, a categorisation based on geographical or economic status may not be entirely comparable to preferences over, for example, the degree of integration or left/right political issues. The former are descriptive characteristics of the actors, and the latter are political continuums. It is true that certain characteristics such as for example the geographical location in one way or the other may influence the governments' decisions and preferences, also in ways that can be considered permanent cleavages of conflict. However, these characteristics are ultimately linked to specific policy issues which fall within the larger political dimensions. Therefore, although it is of course of general importance to identify each of the observable cleavages of conflict in the Council, it may be beneficial to separate what can be categorised as underlying policy dimensions and the effect of specific characteristics of the member states. As a result, the following brief outline and discussion of the existing knowledge focuses on the political dimensions that are often mentioned in the literature. Thereafter a range of other variables which may have an effect on the Council members' voting behaviour are also presented. Both the literature's suggestions regarding policy dimensions and single issue variables will be included in the subsequent empirical analysis.

Three distinct theories related to the dimensionality of the policy space within which the governments decide can be identified (Zimmer, Schneider and Dobbins 2005. See also Marks and Steenbergen 2002, 2004; Hooghe and Marks 1999). Each of these theories has in some form or another already been mentioned in the previous chapters.

However, in order to make the categorisation explicit for the further analysis, each theory's predictions regarding the dimensionality of the policy space should be summarised here.

The first set of theories is of an intergovernmental nature and relies on the argument discussed in Chapter 1 that European actors negotiate on a more/less integration dimension. This cleavage does not, according to the supporters of the theory, coincide with the conflicts that erupt along the left-right dimension in debates on domestic issues. However, two different views can be identified within this group. One view can be traced back to the realist contributions as formulated by Hoffmann (1966), yet, has also within the last decade seen a revival in Moravcsik's (1998), 'liberal intergovernmentalism'. The argument is here that European integration is a function of controlled and deliberate actions taken by the member states. Conversely, the other view – to be found in the neofunctionalist literature (Haas 1958) - interprets EU politics as a 'spill-over effect' initiated, but not further controlled, by the member states. Though, the common basis for both groups is the opinion that a crucial division in EU political bargaining lies between supranationalists and nationalists. This argument also serves as the basis for some of the spatial models mentioned in Chapter 1.

The second set of theories has already been discussed at length in the previous chapters and presents the argument that left/right politics matter also in EU politics. As explained, this theoretical framework is only starting to appear in studies of Council decision-making, but has been present in empirical studies of voting behaviour in the Parliament for some time (e.g. Hix and Lord 1997; Kreppel and Tsebelis 1999; Hix 1999, 2001; Hix et al forthcoming, 2006; Noury 2002; Noury and Roland 2002). The left/right political dimension is in the Parliament seen as either placed orthogonally upon the more/less integration dimension (Hix 1999), merged with it (Hooghe and Marks 1999) or thought to replace it (Tsebelis and Garrett 2000). As mentioned in Chapter 1, the findings from existing analyses of roll call votes in the Council suggest that the governments' positions on the left-right political scale do indeed have an impact on their voting behaviour (Mattila and Lane 2001; Mattila 2004). However, it is difficult to conclude whether the significance of these findings means that the political space in the Council is indeed dominated by left-right politics as in the Parliament, or whether the findings



suggest that left-right politics is one of many variables which has an impact on the governments' voting behaviour (cf. Mattila 2006).

As a third, yet not as clearly defined, option is the proposition that crosscutting coalitions of interests occur between functional and territorial groups. Since coalition building in the Council is argued to be both unpredictable and time-consuming (Peters and Wright 2001:160), member states are not necessarily thought to build permanent alliances. Rather, it is the common interests on individual issues that bind them together (Nugent 1999:474). Indeed, EU politics is a continuously evolving matter and could lead to the assumption that the general EU policy space may not be a fixed framework<sup>62</sup>. However, since multi-dimensional decision-making results in great transaction costs, and as stable results are only possible in one- or two-dimensional spaces (Hinich and Munger 1997), it is in the interest of all actors participating in repetitive negotiations to limit the dimensionality of the conflict space (Zimmer, Schneider and Dobbins 2005: 407). Therefore, the theoretical argument presented by this group of scholars that Council negotiations are mostly of an ad hoc nature is considered highly implausible by most scholars from each of the other branches.

As should hopefully be apparent by now, the theory of this thesis is in line with the second model. EU politics can be expected to be primarily fought along the traditional left/right dimension. Surely, EU politics is made up by a combination of national-level and EU-level political affairs, however, as explained, the already elaborate cooperation between the member states has turned the political picture into a reflection of functional, socio-economic interests rather than purely intergovernmental affairs. Together with the organisational structures, where the European Council and preparatory meetings are in place to establish the overall framework, this makes the assumption that party political preferences will be apparent in the Council's decision-making seem credible. Thus, Hypothesis 1 can be recalled:

#### Hypothesis 1:

*The main dimension of politics in the Council is the classic left/right political dimension.*

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<sup>62</sup> For recent articles debating which interests the EU member states should continue to pursue as a collective entity, as well as several ministers' statements please refer to <http://www.euractiv.com/en/constitution> (last accessed 01 October 2006).

A key part of the test to establish whether a left/right political dimension is indeed apparent in Council decision-making is to look into not only the governments' ideal policy positions vis-à-vis each other, but also to investigate the effect of government changes on voting behaviour. If the party position of a government matters, then a change in government should also matter. For example, the right-ward shift in several of the countries in the 1999-2004 time period should be reflected in not just the general voting patterns but also in the respective countries' voting behaviour. Thus, Hypothesis 1 is followed by a second prediction:

Hypothesis 1a:

*A change in government means a change in the country's ideal point estimate.*

Whether or not several dimensions of conflict can be detected rather than merely a single-dimensional policy space is obviously also a possibility which must be considered. Studies of other legislatures have in a few cases resulted in the finding that not one, but two or three separate policy dimensions can dominate legislators' voting behaviour (Poole, Sowell and Spear 1992). Hence, Hypothesis 1b considers the commonly assumed possibility of a pro-/sceptic EU dimension, yet, maintains that the parties' preferences over left/right political issues will be dominant. The governments' main concern with socio-economic policy matters means that attitude towards the EU is dependent on whether these preferences are also fulfilled in EU decision-making:

Hypothesis 1b:

*A pro-/sceptic EU dimension could be secondary to the classic left/right political dimension.*

Furthermore, Hypothesis 1c suggests that it is possible that certain patterns of coalition building exist in the Council which may not be completely compatible with any of the dimensions suggested in the literature. For example, although this cannot be assumed to be the dominant policy dimension, ad hoc coalition building may be the best description

of any of the additional policy dimensions when the left/right dimension has been considered.

Hypothesis 1c:

*Other dimensions subsequent to the first dimension of contestation in the Council could be characterised by coalition building on individual issues and therefore cannot be interpreted by any distinct theory.*

In sum, and conversely to the dominant view on Council decision-making, the left/right political positions is expected to explain most of the voting behaviour in the Council, and national preferences regarding the degree of integration are not expected to appear from the results. If ad hoc coalition building does indeed take place in the Council, such dynamics cannot be captured by the ideal point estimations. In either case, such dynamics are not suspected to dominate the governments' voting behaviour. The three hypotheses will be tested in turn in Section 4.4 and 4.5 by applying the methodology explained in the next section.

### **4.3 Operationalisation**

The analysis in this chapter is conducted in a step-wise manner, and the methods used in each step are here explained in order of appearance: First, is the application of the OC scaling method to the data set. Second, is the interpretation of the results by using exogenous measures of the Council members' positions on a number of policy issues. Third, is the robustness check of the OC results by using the other popular scaling method technique NOMINATE, and by comparing the results to ideal point estimates using a Bayesian simulation approach.

Chapter 1 described how standard spatial theory is often used to analyse the institutional setup in the Council or the EU in general (e.g. Tsebelis 2002). However, whereas the conclusions from this form of analysis relies on a set of *unobserved* assumptions regarding the voting behaviour and coalition formation between the member states, scaling method techniques such as the recently developed Optimal Classification Method (OC) and NOMINATE do exactly the opposite: They provide a picture of the observed voting behaviour. Based hereon inferences can then be made regarding the

incentives for the legislators' voting behaviour and, ultimately, the dimensionality of the policy space.

OC is useful for analyses of voting behaviour in the Council in that it provides both the ideal point estimates on each policy dimension for all the governments, as well as it summarises these ideal points into spatial 'maps'. By letting each government being represented by one point and each roll call being represented by two points – one for 'Yes' and one for 'No' – the summary of all the roll calls forms a picture, or a spatial map, where the distance between the governments show how similar their voting records are. To explain the method in a very simplified manner, OC pairs off each legislator's decision to either vote 'Yes' or 'No' on each individual policy proposal. Based on an agreement score matrix a set of *cutting planes*, which divides the 'Yes' voters from the 'No' voters on each policy proposal, legislators' ideal points are calculated in turn such that an optimal classification (hence the name!) for each legislative choice is achieved. No further assumptions are made other than that the legislators' preferences are symmetric and single-peaked, and that the likelihood of voting for or against a particular proposal is determined by the distance of their ideal point from the 'cutting lines' dividing the 'Yes' and 'No camps'. Please refer to Poole (2005) for the currently most detailed explanation of the OC method<sup>63</sup>.

Scaling method techniques like the OC method have lately been successfully applied to a number of decision-making bodies and assemblies (Poole and Rosenthal 1997; Voeten 2000; Schonhardt-Bailey 2003; Morgenstern 2004; Rosenthal and Voeten 2004; Poole 2005; Hix et al. forthcoming, 2006;). However, as mentioned, the picture produced by OC does not in itself explain anything about the dimensions of political bargaining, but merely reflects how often the countries vote together or not on different policy issues. Therefore, in order to interpret the spatial maps and identify the content of the dimensions, one is required to either possess a priori knowledge of politics in the Council, or interpret the results by comparison with other measures. Researchers who in other contexts have used the OC or similar scaling methods usually carry out the interpretation without explicit methodological tools other than their own expert reading of the spatial maps. Fortunately, there is still a great degree of certainty from these

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<sup>63</sup> However, please also refer to Clinton, Jackman and Rivers (2004) or Martin and Quinn (2002) for a critique of the method.

analyses since the researchers' prior knowledge of the legislatures have been of an extremely sophisticated standard. However, Hix et al. (forthcoming, 2006) nevertheless suggest to overcome any possible weaknesses of inductive scaling methods by relying on statistical techniques and instead use a range of exogenous measures for the explanation of the substantive content of the spatial maps. Following these recommendations, this chapter subsequently compares the results from the Council 1999-2004 data set obtained by OC with a set of exogenous measures in order to verify whether the interpretation of the results are indeed correct. However, only 24 individual governments were represented in the Council when including all government changes from 1999 to 2004 and, hence, the OC estimates result in a very low number of observations for the further interpretative analysis. Instead, simple scatterplot matrices are presented in support of the interpretation. The scatterplots show the comparisons of the governments' positions as produced by OC and the exogenous measures of their positions on policy issues which in the literature are often argued to dominate the Council policy space. Although more detailed statistical insights could perhaps be sought for in future research when it will be possible to apply scaling method analyses to a larger number of individual governments, such correlation matrices can still help to confirm whether any of the factors captured by the variables do indeed have an influence on voting behaviour in the Council.

As mentioned, the last part of the analysis in this chapter is a robustness check of the OC results by running the data with NOMINATE as well as by comparing the results to Markov Chain Monte Carlo (MCMC) scores. NOMINATE builds on much the same logic as OC, however, the methods differ in their assumptions about the distribution of actors' utility functions as well as the calculations of starting values for the ideal points and cutting planes. In brief, whereas NOMINATE is essentially a *probabilistic* measure, OC instead maximizes the correct classification of legislative choices. Also, an important conclusion from studies of the suitability of the scaling methods techniques is that the OC method is generally found to produce more reliable results even with fairly small data sets. In fact, Monte Carlo tests show that the OC method accurately recovers the legislator ideal points and the roll cutting planes at high levels of error and missing data in one to ten dimensions also for data sets of the size used in this thesis<sup>64</sup> (Rosenthal and

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<sup>64</sup> Please also note that Rosenthal and Voeten (2004) also find that OC is generally the best performing model.

Voeten 2004; Poole 2000). NOMINATE usually requires larger data sets including higher numbers of both individual observations and legislators (Poole 2005, chapter 3 and [www.voteview.com](http://www.voteview.com))<sup>65</sup>. Please refer to Poole and Rosenthal (1997) for a detailed explanation of NOMINATE, and Poole (2005, chapter 4) for a discussion and empirical comparison of the differences between OC and NOMINATE.

However, at the same time as OC and NOMINATE are being applied to more and more empirical data sets, it is also becoming increasingly apparent that these methods suffer from a few statistical and theoretical shortages (Poole and Lewis 2003; Clinton, Jackman and Rivers 2004). The main point of critique is that the standard errors are extremely questionable in both NOMINATE and OC, and makes it difficult to conclude on the variance around the estimates. Consequently, a concern arises regarding whether the estimates are indeed consistent and provide fully reliable results (Poole and Rosenthal 1997; Lewis and Poole 2003; Jackman 2000). Although it has very recently become possible to include standard errors in the spatial maps produced by OC, the accuracy of these are still somewhat doubtful. Therefore, the OC results are in the last part of the empirical analysis also compared to MCMC scores, which include both actors' ideal points and standard errors. Details of the Bayesian simulation procedure can be found in e.g. Clinton, Jackman and Rivers (2004) but a brief, non-technical explanation would be as follows: The fundamental difficulty in roll call analysis is that everything other than the votes is unobservable. The ideal points, bill parameters, and utilities are unknowns. But if it was possible to impute values to the bill parameters and utilities, then the ideal points could be estimated by regression. By the same logic, if it was possible to impute values for the ideal points and utilities, the bill parameters could also be estimated by regression. The MCMC algorithm repeatedly performs these imputations and regressions, starting from an arbitrary point and alternating between simulation of the ideal points, bill parameters, and utilities. Under a wide set of conditions (e.g. Tierney 1996) MCMC algorithms are guaranteed to generate samples from the posterior density of the model parameters, regardless of where in the parameter space the algorithm is initialized (Clinton, Jackman and Rivers 2004: 357). Furthermore, an advantage of an MCMC model is that it allows to subsequently include more complex behavioural assumptions

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<sup>65</sup> Most of the studies which have made use of NOMINATE include more than 50.000 individual votes. The Council data set used in this thesis is hence considerably smaller than any of these data.

such as the issue to be voted upon, apparent coalitions, determinants of legislator preferences or the evolution of the legislative agenda. This latter point will not be addressed in any detail here, yet, may be of great interest for future research on the complex decision-making process in the Council. The conclusion hence finishes the chapter by making specific suggestions on how to further extend the model and let also other sources of information help to advance analyses of voting behaviour the Council.

#### **4.3.1 Data**

The data set used for the OC analysis and following investigations in this chapter is the full data set described in Chapter 3. That is, 19,215 individual votes are used for the scaling exercise resulting in 24 separate ideal point estimates for the governments. Again, it should be reminded that the reason for the 24 observations is that some countries had two different governments, and each government has its own entry in the analysis. The pooling of all the data of course means that the estimates represent the governments' ideal points across all policy areas as well as without distinguishing between votes cast at different times in the legislative process. Whether any of the apparent patterns from this analysis are hence biased by the pooling of the data will be investigated in the subsequent analyses in Chapter 5 and 6. Everything needed to run the OC programme is available from <http://k7moa.com/dwnl.htm>, and NOMINATE can be found on <http://voteview.com/w-nominate.htm>. The MCMC results are calculated and compared to the OC estimates in R, which is available from <http://www.r-project.org/>. The data from the Council which produces the results presented here is available upon request from [s.hagemann@lse.ac.uk](mailto:s.hagemann@lse.ac.uk), as are also the instructions to replicate the analyses.

#### **4.3.2 Variables**

Since the scaling method techniques used to estimate the governments' ideal points are based merely on the governments' observed voting behaviour, it is of no relevance to discuss the use of variables in the first part of the analysis. However, in order to support the interpretation of the OC results, scatterplot matrices are, as explained, introduced with comparisons of the ideal point estimates and exogenous measures of the governments' position on a range of issues. The exogenous measures consist of governments' values on

most of the issues described in Section 3.3 under 'independent variables'. The only exceptions are that the variables 'ParDif', 'Presidency', and 'Rule' are not included in the analysis here. 'ParDif' is the possible difference in left/right values between an individual party and the entire government. 'Presidency' measures the effect of a government holding the Presidency for its frequency of opposing the majority. 'Rule' distinguishes between legislation adopted by QMV and unanimity. Neither of these three variables are relevant for the interpretation of the dimensionality of the policy space<sup>66</sup>. Hence, the full list of exogenous measures compared to the OC ideal point estimates in Section 4.4 comes to:

- 1) The governments' positions on the left/right political dimension as measured in the domestic sphere ('Left/Right');
- 2) The governments' positions on the pro/anti-EU dimension ('Pro/Anti-EU');
- 3) The distribution of voting power as calculated on the basis of the relative Banzhaf index by using the POWERSLAVE (2002) programme ('Power');
- 4) Geographical location, distinguishing between North, Central and South Europe ('Geo');
- 5) Whether or not a Council member is a receiver or contributor to the EU budget ('Budget');
- 6) The amount of time a government has been an EU member ('Member');
- 7) The national political system from which the government comes from ('NatSys').

All of the control variables listed in Section 3.3 have also been compared to the OC results, yet, the resulting long list of comparisons with the variables will not be reported below since none of these variables turned out to have any correlation with the OC results at all. In fact, following the theory in Chapter 2, the expectations to the correlations reflected in the scatterplot matrices are that only the values measuring the governments' position on the left/right political scale should produce a somewhat linear picture when compared to the OC estimates. The other exogenous measures listed above should produce dispersed pictures showing no direct relationship according to the theory.

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<sup>66</sup> 'ParDif' is not relevant as it is not possible to distinguish the individual party positions in the spatial maps from the entire government. 'Presidency' is not relevant as it only distinguishes between the government holding the Presidency and those which do not, and hence cannot be expected to dictate behaviour for all governments throughout the entire time period. 'Rule' would only be relevant to include if the spatial maps produced two coherent and distinctive groups of observations, and a binary explanation like the decision rule could be the reason.



Though, the results from each of these comparisons will be presented in order to substantiate the interpretation.

#### 4.4 Findings

Table 4.1 below shows the goodness-of-fit of using the OC method with the data set. The Aggregate Proportional Reduction of Error (APRE) values report that the OC model is suitable for the classification of votes from the data set: APRE varies from zero to one. When APRE is equal to zero, the model explains nothing. When it is equal to one, perfect classification has been achieved. Hence, a score of 0.692 reflects a convincing robustness of the votes classified at the 1<sup>st</sup> dimension. However, in the subsequent dimensions the certainty varies: in the 2<sup>nd</sup> dimension the APRE score is 0.543, whereas the 3<sup>rd</sup> is somewhat questionable with only 0.411. The 4<sup>th</sup> dimension shows an increase to 0.635, whereas the 5<sup>th</sup> is again down at 0.478, and so on and so forth.

**Table 4.1: Council voting explained by OC**

Dimension	Cumulative % Explained	APRE
1	61.5	0.692
2	73.0	0.543
3	78.4	0.411
4	83.4	0.635
5	86.9	0.478
6	89.0	0.485
8	90.1	0.265
9	91.1	0.502
10	91.1	0.427

Besides of presenting the goodness-of-fit of using OC with the data set, Table 4.1. also shows the accumulated percentage of votes explained by each dimension. As discussed in Chapter 2, studies of voting behaviour in national legislatures have generally found the policy space to be characterised by low dimensionality. Therefore, the figures shown here should not be of any greater surprise: OC appears to explain a very high percentage of the votes already at a very low number of dimensions. The first dimension explains almost 62% of the votes, the second dimension an additional 11.5%, the third dimension 5.4% etc. etc. In other words, when the first dimension has been estimated, the decrease in

votes explained is extremely rapid, indicating that Council decision-making evolves around only very few policy dimensions.

Although the OC method hence seems both suitable and as if it can produce interesting results based on the Council data set, the figures from the first few dimensions in Table 4.1 appear lower when comparing the percentage of votes successfully estimated to other studies using similar methods. For instance, in a study of the European Parliament, the first dimension of conflict is found to explain between 86% and 90% of all votes in each new parliament since 1979 (Hix forthcoming, 2006). Similarly, studies of other legislatures have reported between 88% and 92% of votes being captured by a 1<sup>st</sup> dimension (Poole 2005; Poole and Rosenthal 1997; Rosenthal and Voeten 2004; Schonhardt-Bailey 2003; Voeten 2000). Nevertheless, a classification of almost 62% of the votes is still a convincingly high number for the 1<sup>st</sup> dimension estimates, and hence suggests that Council decision-making is dominated by a single dimension. However, the fact that Table 4.1 shows that the second dimension adds another 11.5% to the amount of votes correctly estimated means that the policy space may be more than one dimensional. A figure of 11.5% for the 2<sup>nd</sup> is rather high, particularly when compared to results obtained for the 2<sup>nd</sup> dimensions measured in the above mentioned other scaling studies<sup>67</sup>. Including also the 3<sup>rd</sup> dimension increases the accumulated percentage even more, from 73% to 78% of all votes explained. Though, whether this dimension significantly adds to the analysis is difficult to judge at this point. Yet, it is clear from the table that each of the following dimensions contributes only marginally to the percentage level of votes explained. In sum, Table 4.1 hence indicates that voting in the Council is characterised by a maximum of three dimensions<sup>68</sup>. The next section will present the spatial maps of the governments' ideal point estimates in these three dimensions.

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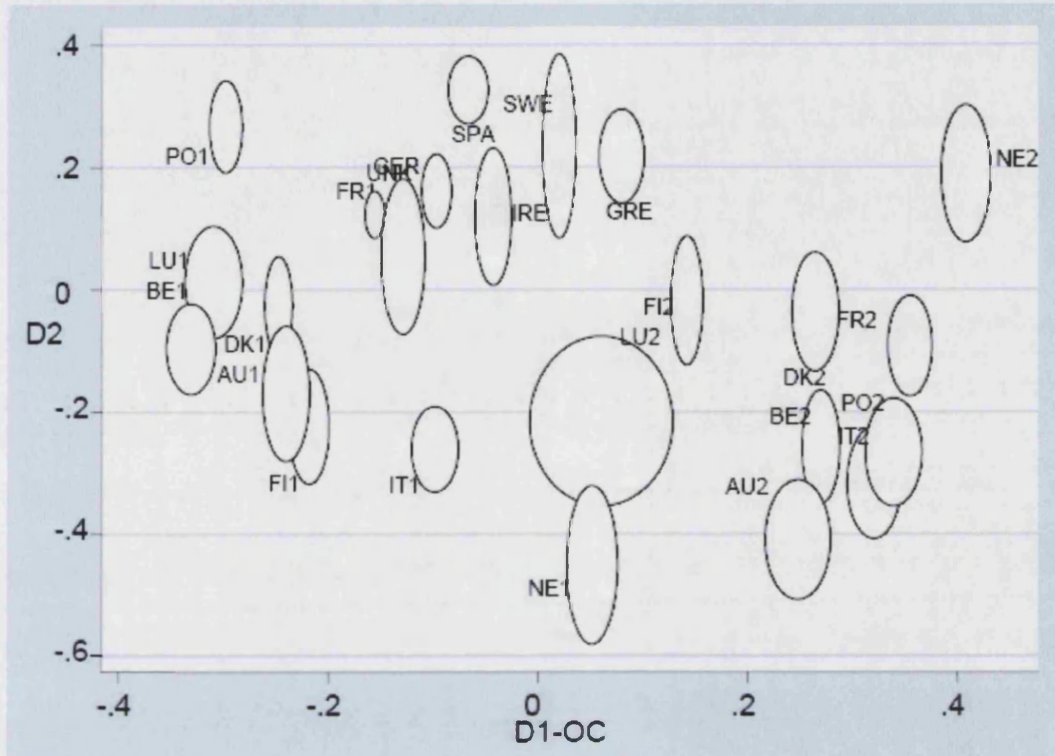
<sup>67</sup> Though, Hix et al. (forthcoming, 2006) also finds a relatively high additional percentage of votes to be explained by a second dimension in the Parliament.

<sup>68</sup> Each of the following steps in the analysis has been carried out on all 10 dimensions from the OC results. However, none of the dimensions above the first 3 showed any patterns in the spatial maps or any correlations in the comparisons with the exogenous measures. As will also be apparent from the NOMINATE and MCMC results below, these dimensions do not appear to add any significant level to the share of votes explained in these other estimation methods used either. Hence, the last 7 of the dimensions are not included in rest of the chapter.

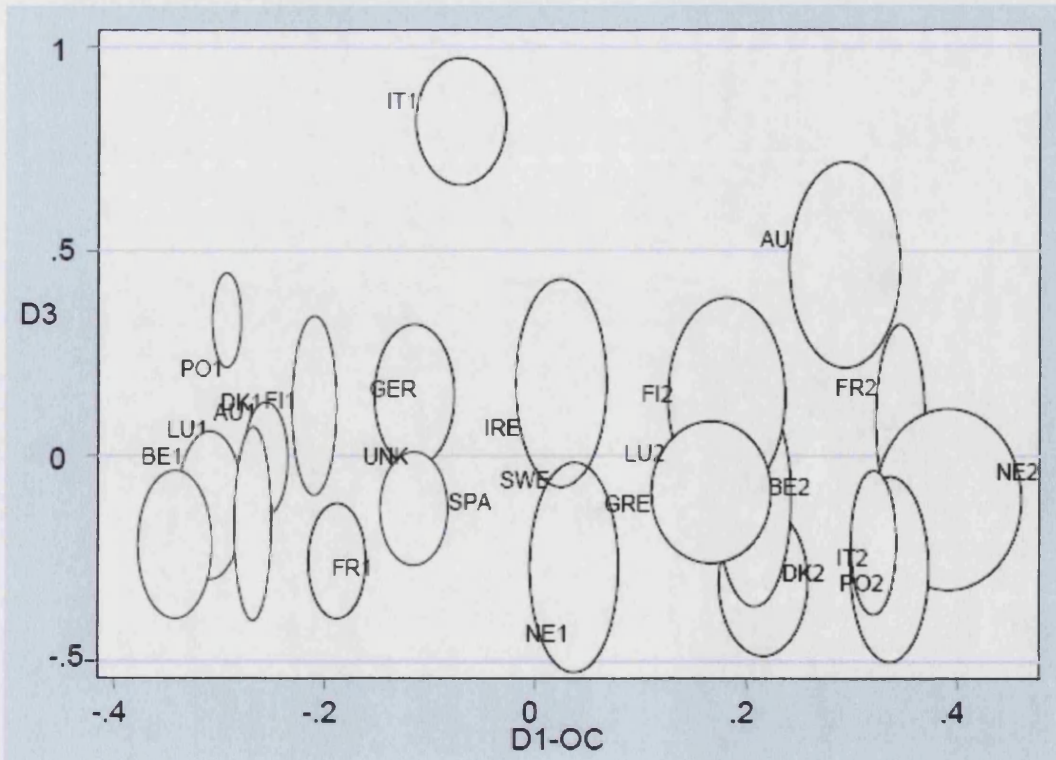
#### ***4.4.1 Spatial maps of voting behaviour in the Council***

Figure 4.1 shows a spatial map of the governments' voting behaviour in the first two dimensions and Figure 4.2 shows a similar spatial map for the first and third dimension. Rather than simple dots for each government's ideal point, the figures show the confidence intervals around each estimate. In other words, each circle represents a government, such that the centre of a circle is the government's ideal point estimate as also listed in Table 4.2, and the area covered by the rest of the circle shows the precision with which the ideal point was estimated (i.e. standard errors). Each of the governments are shown by its acronym as explained below the figures, and, as some countries have had more than one government in this period, the number 1 or 2 following an acronym refers to whether it is the first or second government in the years 1999-2004.

**Figure 4.1: Governments' ideal point estimates in the 1<sup>st</sup> and 2<sup>nd</sup> dimensions**



**Figure 4.2: Governments' ideal point estimates in the 1<sup>st</sup> and 3<sup>rd</sup> dimensions**



**Table 4.2: OC scores, Governments' positions  
in 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> dimension**

<b>Government</b>	<b>Dim1</b>	<b>Dim2</b>	<b>Dim3</b>
AU1	-0.281	-0.138	0.107
AU2	0.221	-0.330	0.519
BE1	-0.350	0.000	0.000
BE2	0.245	-0.207	-0.076
DK1	-0.275	-0.087	0.129
DK2	0.258	-0.143	-0.287
FI1	-0.238	-0.315	0.135
FI2	0.120	-0.069	0.152
FR1	-0.169	0.160	-0.270
FR2	0.308	-0.051	0.168
GER	-0.131	0.202	0.163
GRE	0.092	0.127	-0.116
IRE	-0.027	0.112	0.068
IT1	-0.123	-0.319	0.868
IT2	0.305	-0.238	-0.246
LU1	-0.350	0.000	0.000
LU2	0.108	-0.076	0.007
NE1	0.016	-0.490	-0.432
NE2	0.461	0.214	-0.039
PO1	-0.303	0.238	0.143
PO2	0.314	-0.184	-0.308
SPA	-0.057	0.255	-0.113
SWE	-0.005	0.304	-0.059
UNK	-0.138	0.190	0.000

The first observation to make from Figure 4.1 and 4.2 is that the distribution of governments along the 1<sup>st</sup> and 2<sup>nd</sup> dimension is rather dispersed, whereas the governments are more closely located on the 3<sup>rd</sup> dimension. Since the distance between the governments indicates how often they have voted together, this observation suggests that a noteworthy degree of disagreement must have been recorded on decisions falling under those two first dimensions. Otherwise, if no disagreement had existed, the picture would not have been so dispersed.

A second observation from Figure 4.1 and 4.2 is that the confidence intervals around the estimates differ considerably across the dimensions. Whereas the circles are generally smaller in Figure 4.1 than in Figure 4.2, it is also clear when only looking at Figure 4.1 that the estimates are much more precise in the 1<sup>st</sup> dimension than in the 2<sup>nd</sup> dimension; the very oval shape of each circle means a much higher standard deviation in the 2<sup>nd</sup> dimension than in the 1<sup>st</sup>. In Figure 4.2 the circles become much larger, particularly towards the right hand side of the picture. The confidence intervals show, in

other words, that although the precision of the estimates vary also within the 1<sup>st</sup> dimension, this dimension is the most accurately calculated, whereas the precision increases in the 2<sup>nd</sup> dimension and ultimately results in overlapping estimates in the 3<sup>rd</sup> dimension.

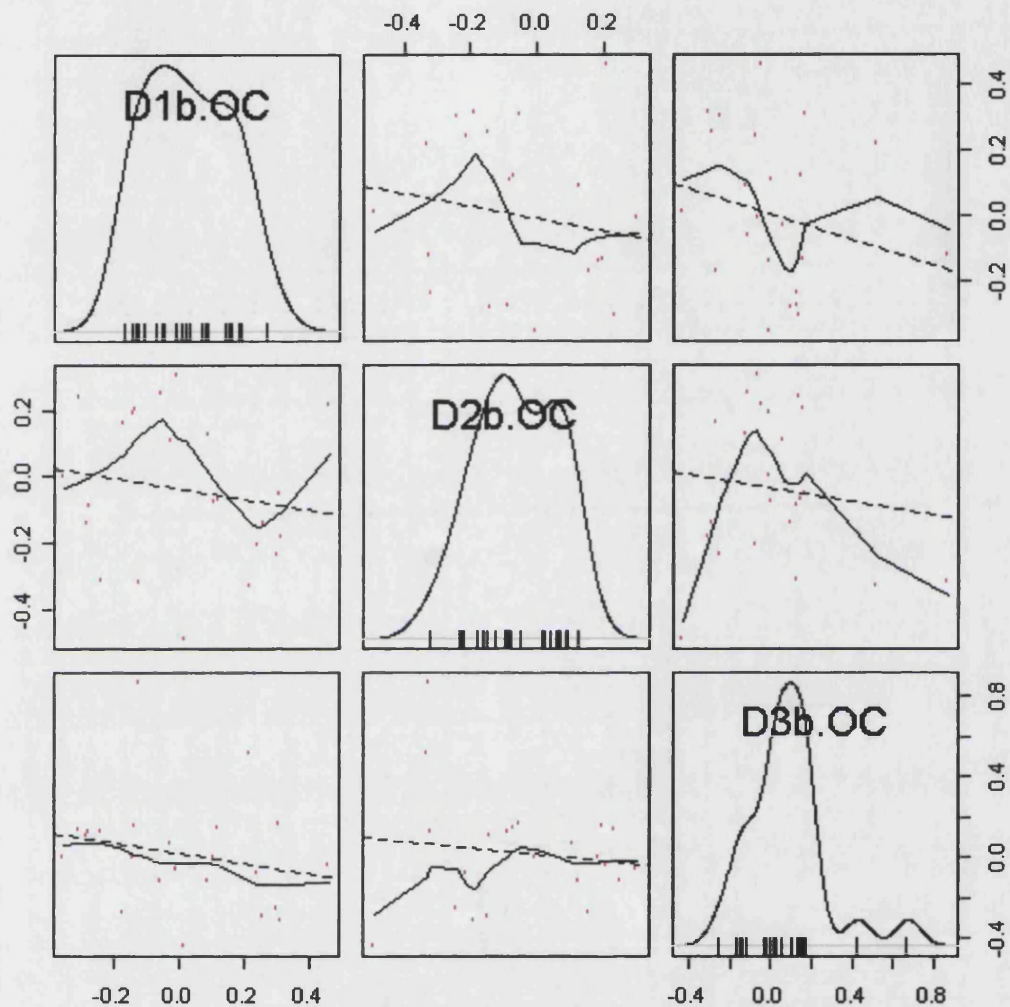
The third immediate observation to make from Figure 4.1 and 4.2 is of great importance to the theory and directly addresses Hypothesis 1b<sup>69</sup>: It is clear from both of the OC pictures that in the 1<sup>st</sup> dimension a change in government means a change in a country's ideal point estimate. In fact, a change in government means quite a drastic change in voting behaviour for all of the countries which experienced a government turnover: Each of the governments followed by a 1 after their acronym are in the 1<sup>st</sup> dimension placed on the left hand side of the spatial maps, whereas all of the governments followed by a 2 are to be found on the right. This observation corresponds nicely with the right-ward shift in many of the European governments in 1999-2004. However, before jumping to any immature conclusions about the content of this policy dimension, a more cautious, yet still significant, conclusion can be drawn: the Council members cannot be voting primarily according to geographically defined preferences in this dimension, as this would have meant a consistent position also across the government changes. The observed change in the voting behaviour shows that a change in government means a change in preferences in the Council.

The 2<sup>nd</sup> and 3<sup>rd</sup> dimensions do not reflect the same change in voting behaviour when there has been a government turnover. In fact, the 3<sup>rd</sup> dimension does not show much difference even between the countries, and it may therefore not be very useful to engage in any in-depth analysis of this policy dimension, since the preferences do not seem to be very coherent. Also the overlapping confidence intervals further indicate that it has not been possible to capture the voting behaviour of the governments very precisely in this dimension. Though, before dismissing this third dimension from the rest of the analysis, Figure 4.3 shows a scatterplot matrix of the first 3 dimensions in order to ensure that any possible relationship between the values in the 3<sup>rd</sup> dimension and any of the other dimensions is not overlooked. It would be a mistake to exclude this dimension if the distribution appears to be skewed due to estimations in any of the other dimensions.

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<sup>69</sup> Hypothesis 1b: *A pro-/sceptic EU dimension could be secondary to the classic left/right political dimension.*

**Figure 4.3: Correlations between the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> dimension, OC**



The scatterplot matrices in Figure 4.3 show that no linear relationship between the three dimensions exists. So it appears as if the 3<sup>rd</sup> dimension cannot add anything to the further analysis. Hence, this dimension will be disregarded in the rest of the chapter, although each of the steps in the analysis carried out below have also been applied to this dimension. The results from doing the analysis of the 3<sup>rd</sup> dimension clearly show that no patterns or correlations with the exogenous measures exist. Therefore, the reporting of the findings does not seem of any relevance to the further investigations and will not be included here.

Having dismissed the 3<sup>rd</sup> dimension, it is necessary to return to the spatial map in Figure 4.1 and comment on another observation before turning to the actual interpretation

of the content of the policy dimensions: In the figure it appears as if the governments which are located centrally at the first dimension take up more extreme positions on the second dimension. Conversely, most of the governments located at the extremes on the 1<sup>st</sup> dimension appear to be quite centrally located on the 2<sup>nd</sup> dimension. In other words, there almost seems to be a reverse order of the dimensions in terms of the governments' locations at the extremes and towards the centre. However, it is difficult to tell from the spatial map in Figure 4.1 on its own whether this pattern is indeed of significance. Also, a few cases do not correspond entirely with the trend: the first Portuguese government (PO1) and the second Dutch government (NE2) are located at the extremes in both the 1<sup>st</sup> and the 2<sup>nd</sup> dimensions. Again, the scatterplot matrix in Figure 4.3 can help to address this question: since no relationship exists between the 1<sup>st</sup> and the 2<sup>nd</sup> dimension reflected in the upper middle picture of Figure 4.3, the change in the governments' location from the 1<sup>st</sup> to the 2<sup>nd</sup> dimension does not appear to follow any specific pattern. In other words, the impression of a change from the centre to the extreme - and vice versa - is not significant according to the matrix.

As a last point it could be argued that three cluster tendencies can be detected in the spatial map in Figure 4.1. Starting from the left side of the first dimension, one clustering of countries includes the first governments in Belgium, Luxembourg, Denmark and Austria, respectively. This group is located between the values of  $-0.281$  and  $-0.350$  on the first dimension, and  $0$  and  $-0.138$  on the second dimension. In other words, this group of governments is located quite far left on the first dimension, yet, centrally on the second dimension. The second group of governments which seems to have voted together is placed in the upper middle part of the picture, between  $-0.169$  and  $-0.005$  on the first dimension<sup>70</sup> and  $0.304$  and  $0.112$  on the second dimension. This group includes the first governments in France, and the governments of UK, Germany, Spain and Sweden. As a third group it is interesting to see that some of the same countries represented as in the first group are also to be found together in this group, yet, this time the new governments have moved towards the lower right corner. The group is located between the values of  $0.221$  and  $0.314$  on the first dimension and  $-0.330$  and  $-0.069$  on the second, and includes the second government in each of the following countries: Austria, Belgium, Denmark, Italy, France and Portugal. Hence, the government changes in those countries

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<sup>70</sup> One could also include Greece in this group, which has a score of  $0.092$ .



had more or less the same effect for their voting behaviour in the Council. They all moved from one area on the left side of the 1<sup>st</sup> axis to another area on the right side of the axis.

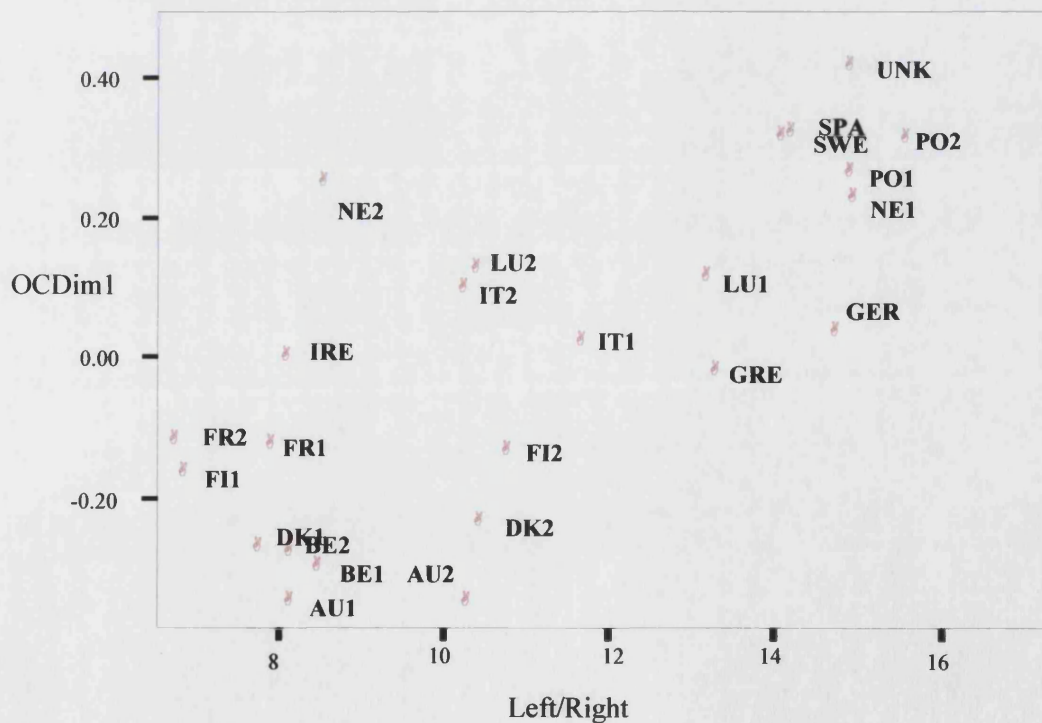
#### ***4.4.2 Interpretation of the dimensions***

Clearly, all of the observations made so far indicate something about what structures the governments' voting behaviour: the location of the governments' ideal points on the 1<sup>st</sup> dimension in Figure 4.1 immediately suggests that the governments' preferences on the classic left/right political scale as known from the domestic political level also drive the voting behaviour in the Council. Almost all of the governments are placed as one would expect with even a limited knowledge of the political picture in Europe: the centre-left governments are placed in the centre-left side of Figure 4.1, whereas the centre-right part consists of the more liberal and conservative governments. The only two slightly odd results in this regard are that the second government in the Netherlands is located at the most extreme right, and that Spain's centre-right government is found just left of the centre. However, despite these two cases, each of the rest of the 24 governments are placed much in line with what could be expected from the parties' positions at the national level. Additionally, the radical changes in the position of those countries which experienced a change in their governments also support the immediate impression that the first dimension is a left/right political axis. All of the government changes in the EU countries in this period involved a substitution of a centre-left or left-wing government with a centre-right or right-wing government (see Table 3.5 in Chapter 3), which is also what the spatial maps indicates.

Moving on to the second dimension, however, the reading of the figure becomes more difficult. No immediate explanation comes to mind with regard to the distribution on this dimension, and it is hard to come to any other conclusion than that this distribution is simply 'noise'. A pro-/anti EU division is definitely not detectable, and neither does a geographical cleavage, division according to political systems, market economy or any of the other proposed characteristics seem to explain this dimension. Furthermore, since it was reported in Table 4.1 that this second dimension captures another 11.5% of the votes after the 1<sup>st</sup> dimension has been estimated, this distribution cannot be interpreted as the ad hoc coalition formation suggested by some theorists

either. Ad hoc coalitions would have meant that no patterns could be detected and, hence, OC would not have been able to specify the ideal points in this dimension. True, it could be argued that the larger areas covered by the confidence intervals suggest that OC actually have not been able to calculate the estimates very precisely, and that this could be due to ad hoc dynamics. However, the pattern which is detectable in this distribution of the estimates should still not be apparent at all in a purely ad hoc scenario. Therefore, the conclusion from a first reading of the second dimension must be that either the distribution reflects a cleavage in the Council which has not yet been captured by any theories, or else the dimension is simply ‘noise’ as suggested above.

**Figure 4.4: Correlations between the governments’ positions on the left/right political dimension and the ideal point estimates (OC)**

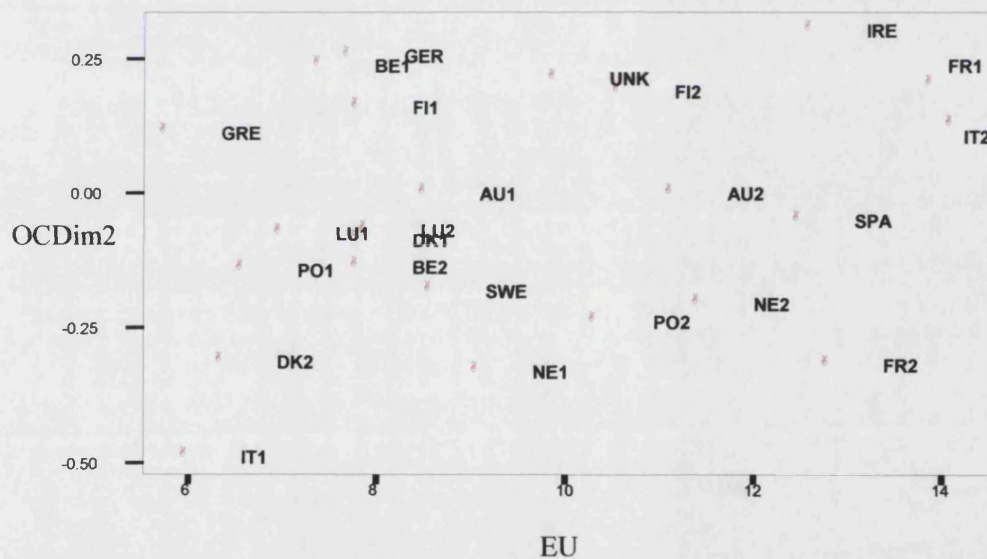


In order to check if this interpretation of the spatial maps is correct, Figure 4 compares the results from the first dimension produced by the OC method with the values for the governments’ positions on the left/right political dimension as found in the Benoit and Laver (forthcoming, 2006) data set. These values are defined on a scale which assesses the ‘.. [p]osition on a general left/right dimension, taking all aspects of party policy into

account' from 1 to 20, where the extreme left gets the value of 1, and the extreme right gets the value of 20.

The scatter plot in Figure 4.4 indicates that the main observed dimension of conflict in the Council is the left/right political dimension similarly to that of party competition at the national level. The positive and relatively concentrated slope suggests that there is a moderately to strong relationship between the OC results from the first dimension and the governments' position on the left/right political scale. The  $R^2$  value of .617 further confirms this.

**Figure 4.5: Correlations between the government's position on the pro-/sceptic EU political dimension and the ideal point estimates (OC)**



Similarly to Figure 4.4, Figure 4.5 presents the results of comparing the second dimension values from the OC model with the governments' position on a pro-/anti EU scale. The exogenous pro-/anti EU values are obtained from the same data set as above, and also range from 1 to 20. Here, 1 means 'Favours increasing the range of areas in which the EU can set policy', and 20 indicates 'Favours reducing the range of areas in which the EU can set policy'. Conversely to Figure 4.4, the picture produced here does not suggest any correlation; the governments' ideal point estimates are scattered across the whole matrix. The figure thereby supports the above reading of the spatial maps that the second dimension is not dictated by the governments' attitude towards the EU.

Appendix C includes the scatterplot matrices from doing the same comparisons of the OC estimates from the 1<sup>st</sup> and 2<sup>nd</sup> dimensions with each of the rest of the exogenous measures listed in Section 4.3. However, none of the values from either of these measures appear to be correlated with the governments' ideal point estimates produced by OC, and are therefore merely included in the appendix. Taking into account the number of ideal point estimates, the correlation matrices provide the best alternative when trying to avoid the limitations from a mere subjective interpretation. Also, the exogenous measures are widely recognised as convincing indicators for the respective government characteristics they estimate. Therefore, it should here be safe to draw the following three conclusions from the above findings: 1) governments in the Council vote according to the rule of preference-connectedness, such that a government will vote together with the governments lying next to it in a uni-dimensional policy space. 2) The distribution of the governments' ideal point estimates corresponds with their positions along the traditional left/right political axis as measured at the domestic political level. 3) Government changes result in changes in voting behaviour in the Council. In other words, and as was predicted by the spatial theories, preference-connectedness is an apparent feature in the governments' voting behaviour, yet, this connectedness is of a party political nature rather than the commonly assumed nation-centred definition. Whether these findings are exhaustive as explanations for the governments' voting behaviour will be investigated in the following chapters. However, what has been presented so far should be conclusive regarding the dimensionality of the policy space; the question is if other government characteristics or single issues can also have an influence on the decision to either oppose or support the majority. Yet, such factors cannot, as discussed in the first part of the chapter, be assumed to shape the policy space within which the governments act. They may on the other hand explain something about the constraints under which the governments pursue their political ambitions as captured by the left/right political dimension.

#### 4.5 Robustness check with NOMINATE and MCMC

Whereas most other studies which apply scaling method techniques to voting data usually adopt the NOMINATE scaling model<sup>71</sup>, this thesis has chosen to rely mainly on the results produced by the OC method. As explained in Section 4.3, this is due to several reasons. First, whereas NOMINATE is essentially a probabilistic measure, OC instead maximizes the correct classification of legislative choices. Second, and related hereto, the size of the data set makes OC the more appropriate method: the OC method produces reliable results even with fairly small data sets and hence became the natural choice for scaling the Council members' decision outcomes<sup>72</sup>. In fact, Monte Carlo tests show that the OC method accurately recovers the legislator ideal points and the roll cutting planes at high levels of error and missing data in one to ten dimensions also for data sets of the size used in this thesis<sup>73</sup> (Poole and Rosenthal 1997; Poole 2000). However, in order to check that the results are not skewed due to a reliance on the OC method, this section runs a robustness check with NOMINATE which, although less accurate with this data set, should still produce reliable results. Subsequently, the OC results are also compared to ideal point estimates as calculated by an MCMC model.

Table 4.3 shows the percentages of the votes explained in each dimension produced by NOMINATE. Both the percentage of votes explained and the APRE scores are lower in this table than the results reported in the previous section from applying the OC method to the data. Here, the 1<sup>st</sup> dimension explains almost 54% of the votes, whereas the 2<sup>nd</sup> dimension adds another 4.6%, the 3<sup>rd</sup> dimension 4%, etc. etc. Hence, although NOMINATE cannot successfully explain as high a level of the votes as the OC can, it still quite accurately captures more than 53% of the votes already by the first dimension.

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<sup>71</sup> For studies of behaviour in parliaments please refer to Rosenthal and Voeten, (2004); Schonhardt-Bailey (2003); Hix et al. (forthcoming, 2006). For studies of behaviour in international assemblies such as UN General Assembly please refer to Voeten (2000).

<sup>72</sup> Most of the studies which have made use of NOMINATE include more than 50.000 individual votes. The Council data set used in this thesis is hence considerably smaller than any of these data.

<sup>73</sup> Please also note that Rosenthal and Voeten (2004) also find that OC is generally the best performing model.

**Table 4.3: Council votes explained by NOMINATE**

Dimension	cumulative % explained	APRE
1	53.499	0.611
2	58.128	0.442
3	62.043	0.463
4	66.837	0.679
5	67.593	0.628
6	69.239	0.702
8	71.082	0.641
9	72.735	0.502
10	73.844	0.546

When further comparing the results from the first 3 dimensions from the OC and NOMINATE methods, Table 4.4 shows that the ideal point estimates in the 1<sup>st</sup> dimensions from each of the models are indeed highly correlated. However, the estimates in the 2<sup>nd</sup> and 3<sup>rd</sup> dimensions in one model do not directly replicate the estimates from these same dimensions in the other model. Hence, the interpretation in the previous sections of the OC results may in fact be confirmed in this table. There it was concluded that the 2<sup>nd</sup> and 3<sup>rd</sup> dimensions do not actually capture additional policy dimensions once the 1<sup>st</sup> dimension has been estimated. Since the estimates do not correspond, it is therefore likely that the results in the 2<sup>nd</sup> and 3<sup>rd</sup> dimensions are merely ‘noise’, as argued above.

**Table 4.4: Correlation between ideal point estimates obtained by OC and NOMINATE**

	NOMd1	NOMd2	NOMd3	OCd1	OCd2	OCd3
NOMd1						
NOMd2	0.096086					
NOMd3	-0.00934	0.003847				
OCd1	0.892632	0.033335	-0.03946			
OCd2	-0.14943	-0.08528	0.085538	-0.14166		
OCd3	-0.20963	0.073217	-0.21548	-0.31076	-0.38687	

Table 4.5, Figure 4.6 and Figure 4.7 below report the results obtained with NOMINATE. NOMINATE does unfortunately not produce the significance intervals similarly to what was reported in the spatial maps produced by OC. Therefore, the governments’ ideal point estimates are in Figure 4.6 and 4.7 presented as single dots. Again, the governments

are represented by their country's acronym followed by a 1 or 2 if there was more than one government from 1999 to 2004.

Figure 4.6 shows a slightly more dispersed picture of the first and second dimensions than what was reported by OC. It is not possible to detect any clustering of governments as such, and although the first governments in Luxembourg and Belgium are now placed as the only governments towards the extreme left on the first dimension, this spatial map shows a more scattered distribution of the ideal points in both the first and second dimension. Conversely, Figure 4.7 resembles the distribution in the spatial map of the first and third dimension produced by OC: Besides of the first governments of Luxembourg and Belgium, most of the governments are located in the lower part of the picture, with more governments located towards the centre-half part of the x-axis than towards the extremes.

**Table 4.5: NOMINATE Scores**

<b>Legislator</b>	<b>D1</b>	<b>D2</b>	<b>D3</b>
BE1	-0.941	0.338	0.732
LU1	-0.941	0.338	0.552
FR1	-0.200	0.215	-0.126
AU1	-0.398	-0.389	-0.389
GE	-0.186	0.922	-0.271
DK1	-0.353	-0.528	0.027
SW	-0.342	-0.241	-0.441
DK2	0.236	-0.417	-0.417
PO1	-0.623	0.075	0.075
UK	-0.035	-0.624	-0.624
SP	-0.021	-0.305	-0.305
FI1	-0.331	0.008	0.008
AU2	0.309	0.615	-0.215
IR	0.225	0.224	0.024
NE1	-0.299	-0.519	-0.519
LU2	0.349	0.101	0.101
GR	0.387	0.309	0.009
FI2	0.414	-0.148	-0.278
IT1	-0.269	0.724	0.124
BE2	0.760	-0.205	-0.205
IT2	0.809	-0.515	-0.515
PO2	0.814	0.580	-0.580
FR2	0.995	0.018	-0.418

Figure 4.6 Governments' ideal points in 1<sup>st</sup> and 2<sup>nd</sup> dimension; NOMINATE

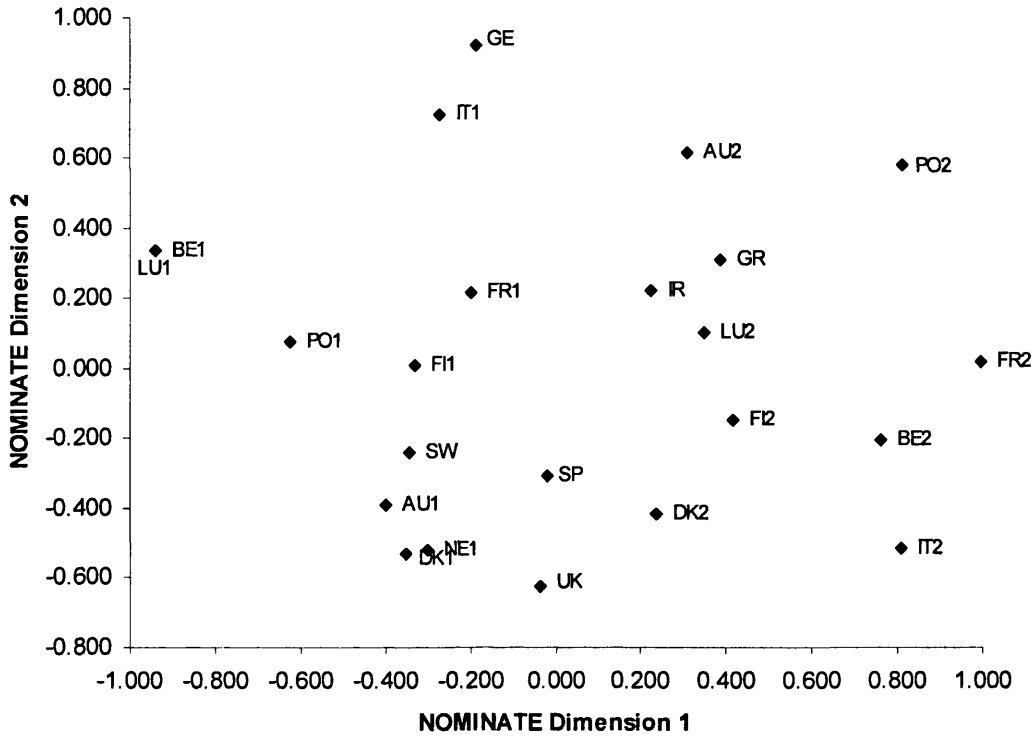
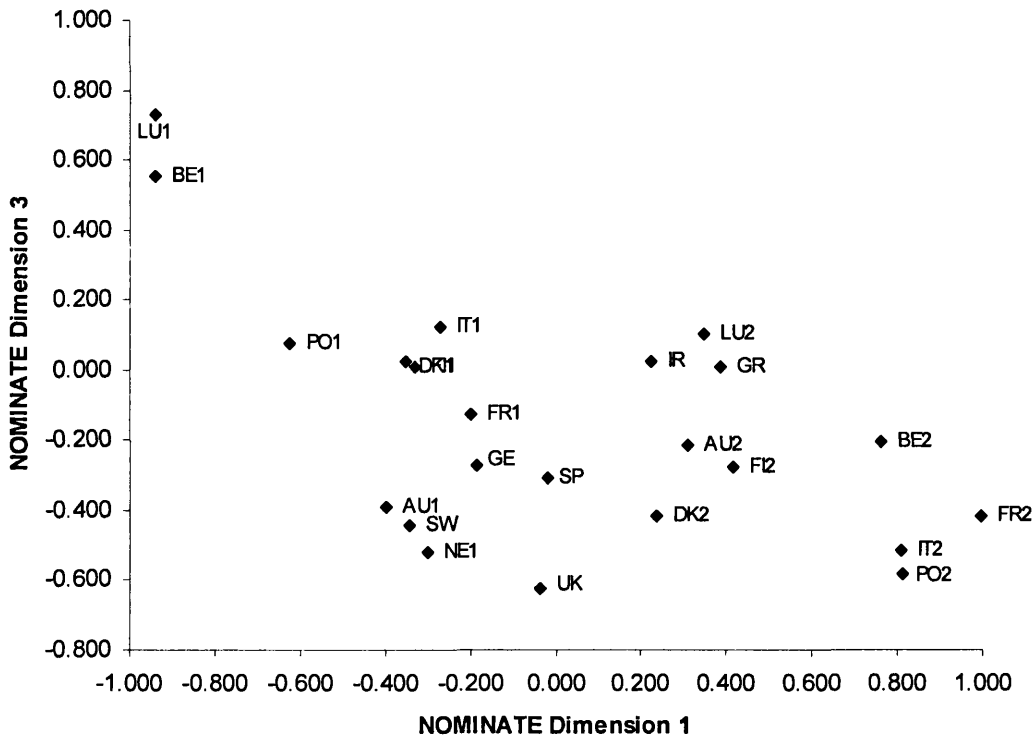


Figure 4.7 Governments' ideal points in 1<sup>st</sup> and 3<sup>rd</sup> dimension; NOMINATE





The conclusion from Figure 4.6 and 4.7 must be that running the data with NOMINATE essentially reflects the same dynamics in the voting behaviour as measured by the OC method. The NOMINATE results show a distinctive left/right divide in the 1<sup>st</sup> dimension, and also the significant changes in voting behaviour when there has been a government change are apparent along the first dimension's axis. Similarly to the OC result, the 2<sup>nd</sup> and 3<sup>rd</sup> dimensions in the NOMINATE figures do seem to suggest any clear patterns either. However, the individual values for the governments' ideal points in the 2<sup>nd</sup> and 3<sup>rd</sup> dimensions come out differently from the corresponding dimensions obtained with the OC method, and the interpretation of the results should therefore not be assumed to be possible as a complete repetition of the OC results. Hence, similarly to the analysis of the OC results, the NOMINATE estimates have also been correlated in scatterplot matrices with the exogenous measures of the governments values on the policy issues highlighted in the literature as having an influence on the preference configurations. However, except for an apparent linear relationship between the estimates on the first dimension from the NOMINATE results and the governments' left/right political positions, none of the exogenous measures are found to be correlated with the NOMINATE values. Therefore, since the results do not add any new information to the analysis, these matrices will not be included here.

The very last robustness check of the OC results is conducted by comparing the governments' estimates to the ideal point scores calculated by a Bayesian Monte Carlo Markov Chain simulation. As explained in Section 4.3, MCMC has the advantage that it produces the parameter estimates and their standard errors in one process. However, whereas the MCMC scores themselves are reported in Appendix D, Figure 4.8 simply shows the comparison of the MCMC scores and the ideal point estimates from the first dimension of the OC results. Interestingly, whereas the MCMC scores reflect a clear left/right political divide, a second or third dimension does not appear in the MCMC calculations of the ideal points. In fact, the MCMC method does not even produce an output for these dimensions, showing that the specifications are not possible above the first dimension.

**Figure 4.8: Comparison of MCMC and OC ideal point estimates**

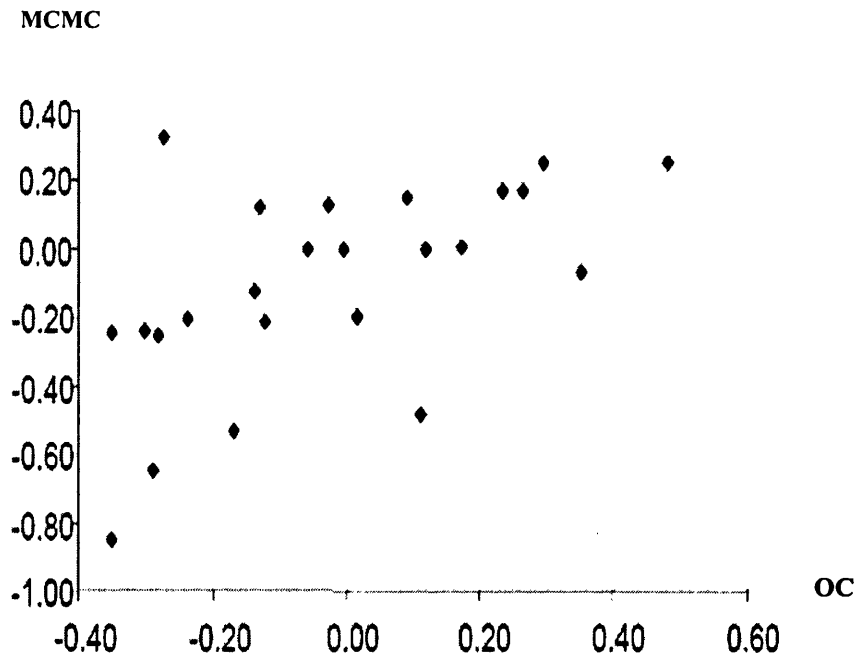


Figure 4.8 shows a moderate to strong relationship between the governments' revealed preferences as estimated by the MCMC scores and the ideal point estimates from the first dimension from the OC method. Hence, although there is some apparent variation between the two methods, also the findings from the MCMC method lend support to the OC estimations. It should therefore now be safe to conclude that the picture produced by OC does indeed capture the dominant trends in the governments' voting behaviour. This observed voting behaviour leaves little doubt that the governments are influenced by their party political preferences when adopting legislation in the Council: The dominant first dimension shows a distribution of the governments' ideal point estimates much in line with their positions along the traditional left/right political continuum in national politics. None of the other dimensions produced by OC can be interpreted by a similarly distinct theory.

#### **4.6 Summary**

The purpose of this chapter has been to investigate the dimensionality of the policy space in the Council. The reason for such analysis is an ambition of capturing the dynamics

which can explain the Council members' voting behaviour, and hereby conclude on the governments' preference configurations and potential coalition formations. By applying scaling method techniques to the data it is possible to obtain a set of ideal point estimates and spatially map the observed voting behaviour. Based hereon inferences can be made regarding the content of the policy space.

The findings showed that the governments vote much in line with what is predicted by coalition theories and standard spatial models such that a government will vote together with other governments located next to it the policy space. In the Council, this policy space is found to be uni-dimensional and in line with the governments' position on the traditional left/right political scale as measured at the domestic political level. None of the additional dimensions can be estimated with a similar precision as the first dimension, and neither do they reflect distinct patterns which could also be interpreted by the literature's theories of decision-making in the Council. Government changes are also apparent in the observed voting behaviour: the right-ward shift in many of the EU countries results in a right-ward shift in the respective member state's voting behaviour in the Council. Therefore, after having made sure that the results are also robust across different methods for estimating ideal point estimates, the analysis concludes that Hypothesis 1 is supported. The Council is more than an inter-governmental institution; party political preferences are easily detected when mapping the policy space.

However, two important points should be made in relation to the conclusion from these findings: First, as discussed in Chapter 2, the left/right political scale is merely a common scale used in relation to party politics, and does not, as such, indicate anything about the content of the specific policy issues. It does – as observed in the findings -give structure to the voting behaviour much in line with what has traditionally been characterised as preferences over socio-economic standards, however, whether this meaning of the left/right axis still remains is disputed (e.g. Karvonen and Kuhnle (2001)). Nevertheless, the patterns in the Council members' voting behaviour largely corresponds with the distribution along this left/right political axis, which is still a convenient and commonly acknowledged measure to categorise and distinguish between political parties and political preferences. Second, it should be noted that spatial theory and measurements driven by spatial assumptions are limited in a way which is somewhat

related to the distinction made in this thesis between policy dimensions and other variables which may have an influence on voting behaviour. Therefore, the following chapters will based on other methods continue to explore whether the findings are indeed robust also across policy areas and across the different stages of the legislative process, as well as whether other characteristics which cannot be captured in a spatial manner also influence Council decision-making.

## **Chapter 5: Changes in voting behaviour across the different stages of the legislative process**

### **5.1 Introduction**

This chapter tests Hypothesis 2,3 and 4 and investigates whether there is any significant difference in how the Council members vote at the last voting stage compared to stages prior to the final adoption of a proposal. Last stage voting records do not necessarily mirror the real conflict structure in the Council (Lane and Mattila 2001; Mattila 2004:35; Zimmer, Schneider and Dobbins 2005:6), and since it has been possible to obtain information from minutes also from earlier readings of a policy proposal, it will be interesting to see if the countries change their decisions to support or oppose a proposal across the legislative process.

The empirical results support the hypotheses derived from the theory. Council members vote according to their party political preferences at both the last decision stage and stages prior to the final adoption: left-wing governments are much less inclined to oppose the majority than right-wing governments. In fact, the more a government moves towards the extreme right the more likely it is to oppose, whereas the more a government moves towards the left the less likely it is to do so. However, this tendency varies across the stages for the governments depending on their voting power. Small member states are more willing to show disagreement at earlier stages than at the final adoption stage, whereas larger member states are almost equally likely to do so across the decision process. When combining the interaction of these two findings, the results are hence that whereas both small and large right-wing governments more frequently oppose the majority than left-wing governments, the difference in voting behaviour across the legislative stages between small and large governments on the right-wing side of the spectrum is much smaller than the difference between small and large left-wing governments. Hence, the findings suggest that only when considering both left/right political preferences and the members' voting power is it possible to adequately capture the changes in voting behaviour across the different stages of the legislative process.

## 5.2 Voting at the final adoption stage and prior readings

So far no empirical investigations have been presented regarding a possible change in voting behaviour across the different stages of the legislative processes in the Council. However, most researchers (Mattila 2004; Lane and Mattila 2001; Heisenberg 2005; Hayes-Renshaw and Wallace 2006) acknowledge that there may be reasons why the last votes are different to the earlier readings, not just under the Co-decision procedure but also under the Consultation and Cooperation procedures.

Changes in voting behaviour across different stages of the legislative processes in the Council can be a sign of one of four alternatives: 1) either there is a substantial difference in the content of the policy proposal from one reading to another, 2) the governments change their positions due to a change in preferences, 3) the change can be interpreted as a sign of strategic voting, or 4) the members consider the final vote where it is decided whether to accept or reject the proposal different to the earlier negotiations. Having looked into the substance of the adopted proposals which included the most changes from the earlier readings to the final adoption, this thesis finds the first alternative highly unlikely. Other researchers (Cini 1996:147) have also estimated that the final proposals accepted by the Council contain at least 80% of the original draft. This corresponds with what was also explained in the interviews for this thesis<sup>74</sup>, that if any major changes to a proposal are requested during the first reading in the Council, the Commission normally withdraws the policy in order to introduce it all over again in a revised and more acceptable version.

Since the theory assumes that the governments have stable preferences over the same policy alternatives<sup>75</sup>, the second alternative can also be dismissed. The governments do not change their voting behaviour because they change their preferences over the content of a policy proposal. This leaves the last two of the four possibilities outlined above: A change in voting behaviour could be an act of strategic voting or because the members consider the vote on whether to accept or reject the legislation all together different to the previous negotiation rounds. These two options are not necessarily mutually exclusive, and it is unfortunately not possible to distinguish in the analysis

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<sup>74</sup> Interview I, V, VI, XIV.

<sup>75</sup> Again, it should be reminded that a change in government has been treated as a change in the identity of the member and, hence, the assumption is related to the stability of individual governments' preferences.

whether an apparent change in the governments' behaviour is in fact a sign of one alternative or the other. Nevertheless, the following considerations regarding the incentives to vote strategically may be useful for the analysis of the empirical results.

As explained in Chapter 2, strategic voting is the calculations of how best to influence voting outcomes (Farquaharson 1969). The reason suggested in this thesis for why large countries vote against the majority more often than smaller countries at the last stage of the legislative procedure (Mattila and Lane 2001; Mattila 2004), is that larger governments have stronger incentives to signal their opposition to external and internal actors: They may wish to state their opposing position on a policy issue for the purpose of future negotiations or for the purpose of the implementation process. Smaller Council members may similarly have reasons to do so, however, as their possibilities for influencing legislation will be less than those of the larger members', their incentives to oppose are also fewer. In other words, smaller countries may acknowledge their limited resources and abilities to influence every decision made by the EU. Thus, they restrict their attention to issues that they consider especially important, or they may seek to influence legislation earlier in the process than the last voting situation. If this example is true, it can be expected that mainly the large member states should oppose in the analysis of the last possible votes. Yet, when voting situations prior to the last votes are analysed, small and big member states should be equally likely to be in opposition; or at least the smaller member states should be more willing to show their disagreement than they were before. Therefore, as explained in Chapter 3, Hypothesis 2, 3 and 4 which were derived from the theory can now be extended to also include predictions across the different decision stages:

Hypothesis 2:

*A right-wing member state is more likely to oppose the majority than a left-wing member state.*

Hypothesis 2a:

*A right-wing government is more likely to oppose the majority than a left-wing government at all voting stages.*

Hypothesis 3:

*A country with more voting power will oppose the majority more frequently than a country with less voting power.*

Hypothesis 3a:

*A country with more voting power will oppose the majority more frequently than a country with less voting power at the last voting stage.*

Hypothesis 3b:

*A country with less voting power will be more likely to oppose the majority at stages prior to the final adoption of a piece of legislation than at the last adoption stage.*

Hypotheses 4:

*Small (large) right-wing governments vote differently to small (large) left-wing governments.*

Hypotheses 4a:

*Small (large) right-wing governments vote differently to small (large) left-wing governments at all stages.*

### **5.3 Operationalisation**

Due to the high costs of opposing the majority, the most interesting point to investigate regarding the Council members' voting behaviour is which factors influence a government's decision to formally voice disagreement. The dependent variable in the tests of the above hypotheses is therefore the frequency of a government's opposition, which is here defined as both opposition through voting, abstentions (under Co-decision) and in the form of formal statements. Though, applying a linear regression model to such data could lead to inefficient, inconsistent and biased estimates. A Poisson regression model, on the other hand, is specifically designed for such purposes (Long 1997:218). The defining characteristic of the basic Poisson regression model is that the conditional mean of the outcome is equal to the conditional variance. However, in practice the conditional variance often exceeds the conditional mean, and dealing with this problem has led to also the introduction of the negative binomial regression model which allows the variance to exceed the mean. Furthermore, a common problem is that the number of zeros may exceed the number predicted by either the basic Poisson model or the negative binomial regression model. Zero modified count models explicitly model the number of



predicted zeros and also allow the variance to differ from the mean. However, each of these three models are based on the Poisson distribution, which has the following properties (cf. Long and Freese 2003: 245ff. See also Cameron and Trivedi 1998 and Long 1997): Let  $\mu$  be the rate of occurrence or the expected number of times an event will occur over a given period of time. Let  $y$  be a random variable indicating the number of times an event did occur. Sometimes the event will occur fewer times than the average rate, and other times it will occur more often. The relationship between the expected count  $\mu$  and the probability of observing any observed count  $y$  is specified by the Poisson distribution

$$\Pr(y | \mu) = \frac{e^{-\mu} \mu^y}{y!} \quad \text{for } y = 0, 1, 2, \dots$$

Where  $\mu > 0$  is the sole parameter defining the distribution and where  $\mu = e^{x\beta}$ ,  $x\beta$  is a vector of all the independent variables  $x$ , times their effect  $\beta$ . For the further definitions and comparisons of each of the different models for count outcomes please refer to Long (1997), Long and Freese (2003) or Cameron and Trivedi (1998). The results from running the data with each of the models will be presented in Section 5.4. However, it can already at this stage be assumed that the most appropriate model for the analyses in this chapter is a negative fixed effect Poisson model: The conditional variance does exceed the conditional mean (the reason for the negative binomial choice), and the results are confined to explaining the data analysed without making any inferences to a larger population (the reason for the fixed effect version rather than a random effect model) (Cameron and Trivedi 1998:291).

### 5.3.1 Data

The data set is divided into two for the purpose of the empirical tests in this chapter. The first data set includes all legislation adopted between 1999 and 2004 and has a total of 932 pieces of legislation. It consists of the last possible votes on each proposal, that is, the decisions where it is determined whether a final proposal is adopted or rejected. In other words, votes from earlier readings are excluded from this data set and the total of

the individual votes hence amounts to 13,980 rather than the 19,215 included in the previous chapter. The second data set consists of votes taken on a sample of the same legislation as in the first data set, but includes only the votes from earlier readings. The number of legislation which had more than one voting situation is 'only' 349 pieces of legislation, and is therefore considerably smaller than the first data set. This is partly due to the fact that not all of the legislation falls within the Co-decision procedure and therefore often do not include several readings. As explained in Chapter 3, although the data is not restricted to Co-decision legislation only, the biggest proportion of proposals which are presented to the Council several times falls within the Co-decision procedure. Furthermore, one of the consequences from the Amsterdam treaty is that legislation can now also be adopted already after the first reading under the Co-decision legislation. In the time period analysed here 214 acts were already adopted after the first reading and therefore have only one recorded voting situation. However, the total number of observations in this second data set still amounts to 5.235 (15 x 349) and will be sufficient for the statistical methods applied here.

### ***5.3.2 Variables***

The analysis of the two data sets from the last voting stage and the prior readings will be presented simultaneously in order to make the direct comparison between the results. As mentioned, the dependent variable is in both analyses the frequency of a government's opposition to the majority through either voting, abstentions or formal statements. The following independent variables are included in both analyses:

The 'Left/Right' variable is included and since a high score indicates a government is located towards the right end of the political spectrum, the prediction from Hypothesis 2 and 2a is that the variable will be significant and positive in the analysis of both the final adoption stage and the prior readings.

The 'EU' variable is included to measure whether there is an effect of the governments' attitude towards the EU at either the last decision stage or the earlier readings. Besides of often assuming that this is the dominant policy dimension in the Council, the current literature has also suggested that a media effect at the last adoption stage could encourage more EU sceptical governments to vote against legislation more

frequently at this point in the legislative process (e.g. Mattila 2004). It may therefore be relevant to see whether such an effect indeed appears when distinguishing between the different legislative stages. However, as the theory presented here does not consider it likely that a pro-/sceptic EU effect will be present in the Council members' voting at any of the stages, it is here predicted that the variable will not come out as significant in either of the analyses in this chapter.

Although the 'EU' variable is not expected to come out as significant in the tests, it is still quite possible that an interaction effect exists between the 'Left/Right' and the 'EU' variables. As explained earlier, Euro-sceptical left-wing governments may behave differently to Euro-sceptical right-wing governments. Therefore, the interaction variable 'Left/Right x EU' is included in the analysis of both the last stage voting data and the data from the earlier decision-stages to see if there is a significant impact of this combination on governments' voting behaviour (see also Hooghe and Marks 1999). The expectation is that the variable will come out as significant and positive.

As in the previous chapter, the variable 'Power' measures the member states voting power and is included to test Hypothesis 3a and 3b. The prediction for this variable is hence that it will appear significant and positive at the last voting stage, where larger members are expected to oppose more frequently than smaller members. Yet, the variable may not be significant at the earlier decision stages since the smaller members are here expected to be more willing to oppose the majority than at the following final adoption. The variable is calculated as described in Section 3.3.

The 'Geo' variable is included to see if a geographical divide is indeed apparent at any of the voting stages as found by other studies based on different research methods and data (e.g. Mattila 2006; Zimmer, Schneider and Dobbins 2005). Following the discussion and findings in Chapter 4, the variable is not expected to be significant in any of the empirical tests in this chapter.

Although the variable 'Budget' did not seem to explain any of the voting patterns in the previous chapter, it is here included to see if a differentiation between members who are either receivers or contributors to the EU budget has an effect when the data has been divided into the last stage voting data and data from prior readings. As mentioned, the existing literature has often argued that this may have an affect on the likelihood of being either in opposition or in favour of a proposal. Some theorists have even argued

that EU politics is in general about the wealthier member states' pay-offs of poorer nations by means of subsidies (Carruba 1997; Hosli 1996). Therefore, although the theory in this thesis does not find this pattern likely, and although the findings from Chapter 4 do not seem to support this view either, the variable is included in order to investigate whether an effect could nevertheless appear at some point during the legislative process.

The 'Member' variable measuring the number of years a country has been a member of the EU is also included in the analysis in this chapter. Yet, as in the previous chapter, the variable is not expected to come out as significant in either of the regression analyses.

'Presidency' is included to measure whether there is an effect of a country holding the Presidency for its decision to support or oppose a proposal. The variable is included as a dummy variable, and it is predicted that whether or not a country is holding the Presidency does affect its likelihood of opposing the majority. Countries holding the Presidency will generally wish to send a signal of consensus when they hold the Presidency (Tallberg 2003) and therefore deliberately do not oppose the majority. Hence, the variable is predicted to be significant and negative. However, it could be that there is a variance in this behaviour across the different legislative stages if the signal of 'neutral' broker is primarily aimed at external actors or the public. In that case it might be that the country holding the Presidency is mostly concerned with the attention at the last adoption stage, and hence still decides to oppose at earlier readings. However, this thesis will still regard this option as rather unlikely, but the possibility is certainly interesting to investigate.

The variable concerning the national party system, 'NatSys', is also included as is also 'ParDiF', which captures the difference between the left/right value of the entire government and the party represented in the sectoral Council where a given vote was taken.

The control variables included in this chapter are the variable capturing the decision rule ('Rule'), the workload of the Council ('Workload'), and each of the control variables from the Benoit and Laver (2006, forthcoming) data set: 'Nationalism', 'Immigration', 'EU enlargement', 'EU strengthening', 'EU Peacekeeping', 'EU accountability', and 'EU authority'. As can be recalled from Chapter 3, these variables

range from 1 to 20, where 1 is highly in favour of the issue in question, whereas 20 is highly sceptical.

Table 5.1 summarises the predicted effect of each of the variables in the data from the final adoption stage and the decision stages prior to the final adoption, respectively.

**Table 5.1: Predictions of variables' effect on frequency of opposing the majority; earlier readings and last voting stage**

Variable	Predicted effect, Earlier readings	Predicted effect, Last vote
Left/Right	+	+
EU	No Effect	No effect
Left/Right x EU	+	+
Power	+	+
Geo	No effect	No effect
Budget	No effect	No effect
Member	No effect	No effect
Presidency	-	-
NatSys	No effect	No effect
ParDif	No effect	No effect
Workload	No effect	No effect
Nationalism	No effect	No effect
Immigration	No effect	No effect
EU Enlargement	No effect	No effect
EU Strengthening	No effect	No effect
EU Peacekeeping	No effect	No effect
EU accountability	No effect	No effect
EU Authority	No effect	No effect

+ indicates a positive effect.

- indicates a negative effect.

## 5.4 Findings

Table 5.2 and 5.3 below show the frequency of votes cast in favour, opposition, the use of formal statements and abstentions per country. As was described also in Chapter 1, it is clear from the tables that including voting from the stages prior to the final adoption stage as well as the formal statements does of course not result in a completely different picture of the degree of contested decisions in the Council. The largest proportion of legislation is still adopted as a recorded unanimous decision. However, as in the previous chapters, Table 5.2 and 5.3 show that the inclusion of the formal statements and the prior readings does indeed elevate the level of recorded disagreement. So although the amount of votes cast in favour of legislation in 1999-2004 still exceeds the frequencies of oppositions, abstentions and formal statements by many times, a significant number of votes is here found to be cast in opposition rather than in favour of the new policies.

When looking into the distributions in the two tables, it is immediately apparent that the largest member states generally abstain or oppose the majority more often than the smallest member states (column 2 in both tables). However, small member states show their dissatisfaction through the use of formal statements to a much greater extent than the large member states when compared to their share of oppositions through voting. For example, at the last voting stage the four smallest members oppose the majority in the formal statements with an average of 15.75 times, whereas they only chose to do so 6.5 times by voting. Conversely, the four largest member states abstain or oppose the majority through voting by an average of 30.5 times, whereas they only make formal statements 16.75 times on average. Furthermore, a remarkable finding from the stages prior to the final adoption in Table 5.3 is that, although the number of legislation has made a considerable drop from 931 to 349, the frequency of opposing, abstaining or making formal statements has not decreased to a similar extent. The four largest countries still chose to oppose or abstain from voting in 17, 11, 21 and 22 cases, respectively. It hence appears as if the Council members are willing to oppose the majority at the earlier readings at a much higher percentage level of the amount of legislation voted upon. In addition, there is a similar tendency in Table 5.3 as in Table 5.2 with regard to the larger Council members having the greatest share of oppositions or abstentions. Yet again, the use of formal statements does not have the same dramatic decrease: both small- and

medium sized countries often make their opposition explicit through the use of formal statements, and here it is to an even greater extent than at the final adoption stage.

**Table 5.2: Votes cast per country; Final votes**

Country	In favour	Oppose or abstain	Formal Statements	Opp., abst. and statements in total
Germany	864	41	16	57
France	892	32	7	39
UK	846	27	18	45
Italy	873	22	26	48
Spain	884	22	19	41
Netherlands	890	19	17	36
Greece	904	15	12	27
Belgium	891	9	14	23
Portugal	892	11	38	49
Sweden	885	9	27	36
Austria	891	5	16	21
Denmark	884	11	32	43
Finland	912	4	15	19
Ireland	907	8	7	15
Luxembourg	912	3	9	12

**Table 5.3: Votes cast per country; Earlier votes**

Country	In favour	Oppose or abstain	Formal statements	Opp., abst. and statements in total
Germany	313	17	19	36
France	327	11	11	22
UK	295	21	33	54
Italy	313	22	14	36
Spain	318	14	17	31
Netherlands	329	8	11	19
Greece	319	11	18	29
Belgium	337	4	8	12
Portugal	314	9	19	28
Sweden	312	4	26	30
Austria	342	4	3	7
Denmark	307	11	31	42
Finland	337	2	14	16
Ireland	338	6	5	11
Luxembourg	340	2	7	9

Table 5.2 and 5.3 therefore show that 1) when taking into account the number of legislation analysed, a higher percentage of disagreement is apparent at readings prior to the final adoption of a policy proposal than at the last voting stage; and 2) although the largest member states have the biggest share of oppositions, abstentions and formal statements, there seems to be a difference in the means by which small and large member states show their discontent. Small member states are more willing to oppose at the earlier stages compared to their share of oppositions at the last stage, and more often chose to do so through formal statements than through voting. The big member states seem to rely on both measures and do not vary to the same extent as the small member states across the different stages.

Next, it is necessary to turn to the question of *why* a country may chose to oppose the majority. The easy answer would of course be that the individual government only chooses to do so when it does not find that a proposal can sufficiently satisfy its policy preferences. Yet, as discussed above, other factors may also play a role and could prove to affect the voting patterns. Therefore, Table 5.4 takes the analysis a step further and presents the results of the regressions run with the variables described above. It should be recalled that the dependent variable in each of the regressions in the table is the frequency of opposing the majority, that is, the sum of abstentions, formal statements and votes cast against the majority in the Council. The results are generated by using a negative fixed-effect binominal regression model, a fixed effect Poisson model and a basic Poisson regression model, respectively.



**Table 5.4: Regression analyses of voting behaviour, last voting stage and earlier votes**

Variable	Fixed effect negative binominal		Fixed effect		Poisson	
	Final votes	Earlier votes	Final votes	Earlier votes	Final votes	Earlier votes
Left/Right	0.524***	0.302***	0.517***	0.296***	0.472***	0.202***
EU	-0.010	-0.012	0.007	-0.063	0.007	0.027
Left/Right x EU	0.187**	0.115**	0.104**	0.074**	0.120**	0.231***
Power	0.287***	0.145***	0.261***	0.104***	0.228***	0.207***
Geo	0.009	0.281	0.078	0.172	0.051	0.193
Budget	-0.182	-0.019	0.102	-0.050	0.068	-0.101
Member	0.206	0.004	0.093	0.084	0.100	0.086
Presidency	-0.417**	-0.273***	-0.318***	-0.261***	-0.302***	-0.154***
NatSys	0.029	0.151	0.092	-0.017	0.084	0.242
ParDif	0.013	-0.081	0.104	-0.066	0.104	-0.211
Workload	-0.372	0.271	-0.359	0.302	-0.352	0.352
Nationalism	0.044	0.007	-0.139	0.014	-0.130	0.088
Imm	0.301	-0.162	0.276	-0.173	0.291	-0.071
EU Enlargement	-0.053	-0.297	-0.184	-0.256	-0.174	-0.262
EU Strengthening	-0.619	0.009	-0.471	0.034	-0.462	0.038
EU Peacekeeping	-0.302	0.198	-0.239	0.298	-0.239	0.304
EU accountability	0.117	-0.063	0.281	-0.115	0.281	-0.179
EU Authority	0.085	-0.041	0.137	-0.137	0.132	-0.155
Constant	-2.921***	-2.017***	-1.835***	-1.844***	-1.770***	-1.728***
Log likelihood	-111.53	-103.56	-122.85	-128.74	-120.76	-114.06
R <sup>2</sup>	.710	.622	.435	.426	.411	.358
N	13,1980	5,235	13,1980	5,235	13,1980	5,235

\*\*\*indicates p<0.001, \*\* indicates p<0.01, \* indicates p<0.05

The overall fit of the negative fixed-effect regression model in Table 5.4 is good. The  $R^2$ -value is very high both for the last stage voting data (.710) and for the votes cast at prior readings (.622), and also the degrees of freedom increases dramatically when choosing this model over the others. Therefore, although the log-likelihood scores do not improve to any noteworthy degree, nor do the coefficients change dramatically between the three models, the negative fixed-effect model appears to be the best alternative<sup>76</sup>.

Interestingly, it is the same four variables which are of significance from both data sets: Only a government's voting power, its left/right policy position, the interaction term 'Left/Right x EU' and whether or not it is holding the Presidency affect the expected number of times the government will oppose the majority. This means that the variance in the voting behaviour across the different stages which was reflected in the descriptive statistics in Table 5.2 and 5.3 is not to be found in a difference between which factors have an influence at the respective stages, but must instead be due to a difference in the magnitude of the effects of the very same variables. However, as the regressions presented here do not make it possible to establish the scale of each of the significant variables' effect, the next section will provide a more useful measure for this purpose below. Yet, the results from Table 5.4 do indeed give an interesting first insight into which of the variables influence a country's choice to oppose the majority, and therefore similarly deserve a careful examination: First, and in support of also the findings from Chapter 4, it can be concluded that a government's position on the left/right political scale certainly has an impact on the frequency of opposing the majority. The left/right variable is positive and significant at the 0.001 level in both of the negative fixed-effect regressions in Table 5.4, and the coefficients indicate that being a right-wing government increases the expected number of votes against the Council majority by a factor of 1.69 ( $= e^{.524}$ ) at the last adoption stage. At readings prior to the final adoption this value is somewhat smaller, yet, still comes to 1.35 ( $= e^{.302}$ ), holding all other variables constant. Conversely, the 'EU' variable is not significant in any of the regressions, however, the interaction variable 'Left/Right x EU' comes out as significant and increases the expected

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<sup>76</sup> The zero-inflated model does not perform very well with the data: the correlation between the predicted values using the zero-inflated model and the actual frequency of opposition is very low and not significant even at the .01 level. Hence the reason for not reporting the results from this version of the Poisson model in this chapter.

number of votes against the Council majority by a factor of 1.12 ( $= e^{.115}$ ) at the earlier readings. The last voting stage sees an increase by 1.21 ( $= e^{.187}$ ), holding everything else constant. One interpretation of these last mentioned results could be that preferences over EU integration do not affect the governments' voting behaviour in a simple, linear way, but rather that the effect of attitude towards the EU is contingent on also the governments' position on the left-right dimension<sup>77</sup>. However, it is difficult to reach a completely certain conclusion regarding this matter since Chapter 3 reported that the 'Left/Right' and the 'Left/Right x EU' variables are indeed correlated<sup>78</sup>. Nevertheless, together the results from the 'Left/Right', the 'EU' and the 'Left/Right x EU' variables in Table 5.4 call into question the traditional intergovernmentalist view, yet support the theory from this thesis as well as other research projects which maintain that the EU integration dimension is no longer the only policy dimension that matters in EU politics.

In addition to the findings from the first three variables in the regressions, another interesting result from Table 5.4 is that the variable measuring the effect of a country's voting power on the decision to oppose the majority also comes out as significant. The positive results in both regressions indicate that countries possessing more voting power oppose the majority more frequently than countries with less voting power. This finding corresponds with most expectations from the literature, yet, which have only been confirmed in a few empirical studies of voting behaviour in the Council (e.g. Heisenberg 2005; Mattila 2004; 2006; Hayes-Renshaw and Wallace 2006). The implications of this finding will be returned to in more detail below, however, it should be mentioned here that, besides of providing useful empirical knowledge, the significance of the voting power variable in the Table 5.4 answers another highly disputed point in the literature: whether voting power indices are useful for the analysis of decision-making in the Council (e.g. Albert 2003, 2004; Felsenthal et al. 2003). The findings indicate that, although voting power indices are confined to the a priori power distribution as defined by the formal distribution of voting weights, the indices do possess an important explanatory value and cannot be dismissed due to lack of a more exhaustive empirical foundation (cf. Bailer 2004).

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<sup>77</sup> This conclusion also corresponds with Mattila's (2004) results.

<sup>78</sup> Though, the effect of the 'Left/Right' variable does not change to any noteworthy degree when the 'Left/Right X EU' variable is omitted from the regressions.

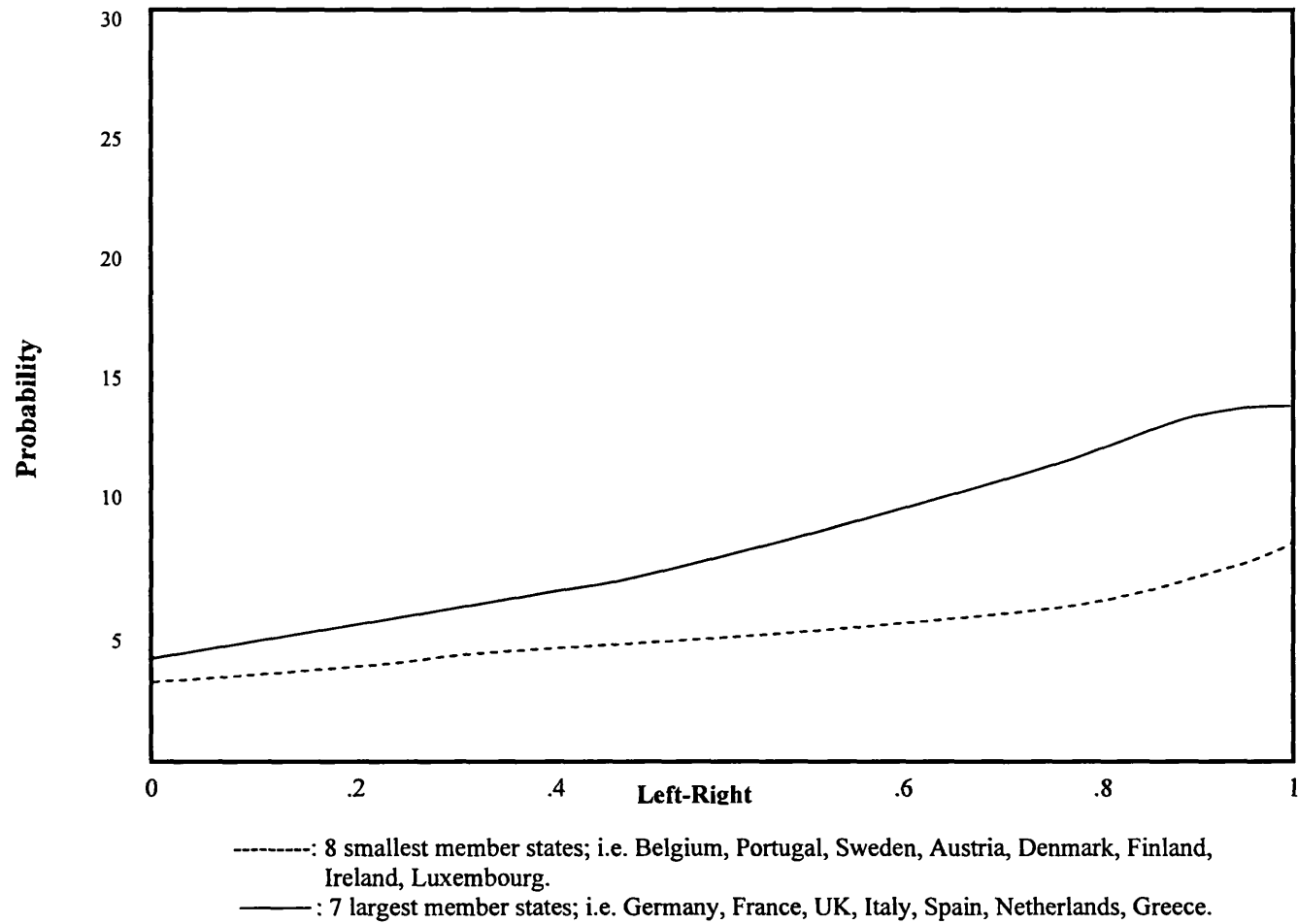
As expected, countries that hold the EU Presidency generally oppose the majority less frequently than other member states. The effect of this variable is 0.76 ( $= e^{-.273}$ ) for votes prior to the final adoption and 0.66 ( $= e^{-.417}$ ) for the final votes. Further research hence seems to be needed to address questions such as 1) whether or not the member state holding the Presidency do enjoy significant agenda-setting powers, and therefore does not find it necessary to oppose the majority (Tallberg 2003), or 2) whether the result presented here reflects a wish to send a signal of political consensus, and hence makes the country restrain itself and not vote according to its true preferences. In any case, the findings presented here show that not only do the governments not oppose nearly as much when they possess this role, but there is also a considerable change in the magnitude of this effect across the legislative stages. Whereas the effect is quite strong at the earlier readings, it increases to an even higher level at the final adoption stage.

The 'Budget' variable capturing the effect of whether a government's status as either a contributor or beneficiary to the EU budget has an influence on its decision to oppose the majority does not prove to be significant in any of the regressions. These results therefore question the often heard contention that the Council is divided into either a North/South divide (Zimmer, Schneider and Dobbins 2005; Mattila 2006; Naurin 2006) or that politics from the comparatively small amount of policies with a direct subsidiary effect dominate also the general political picture for Council decision-making.

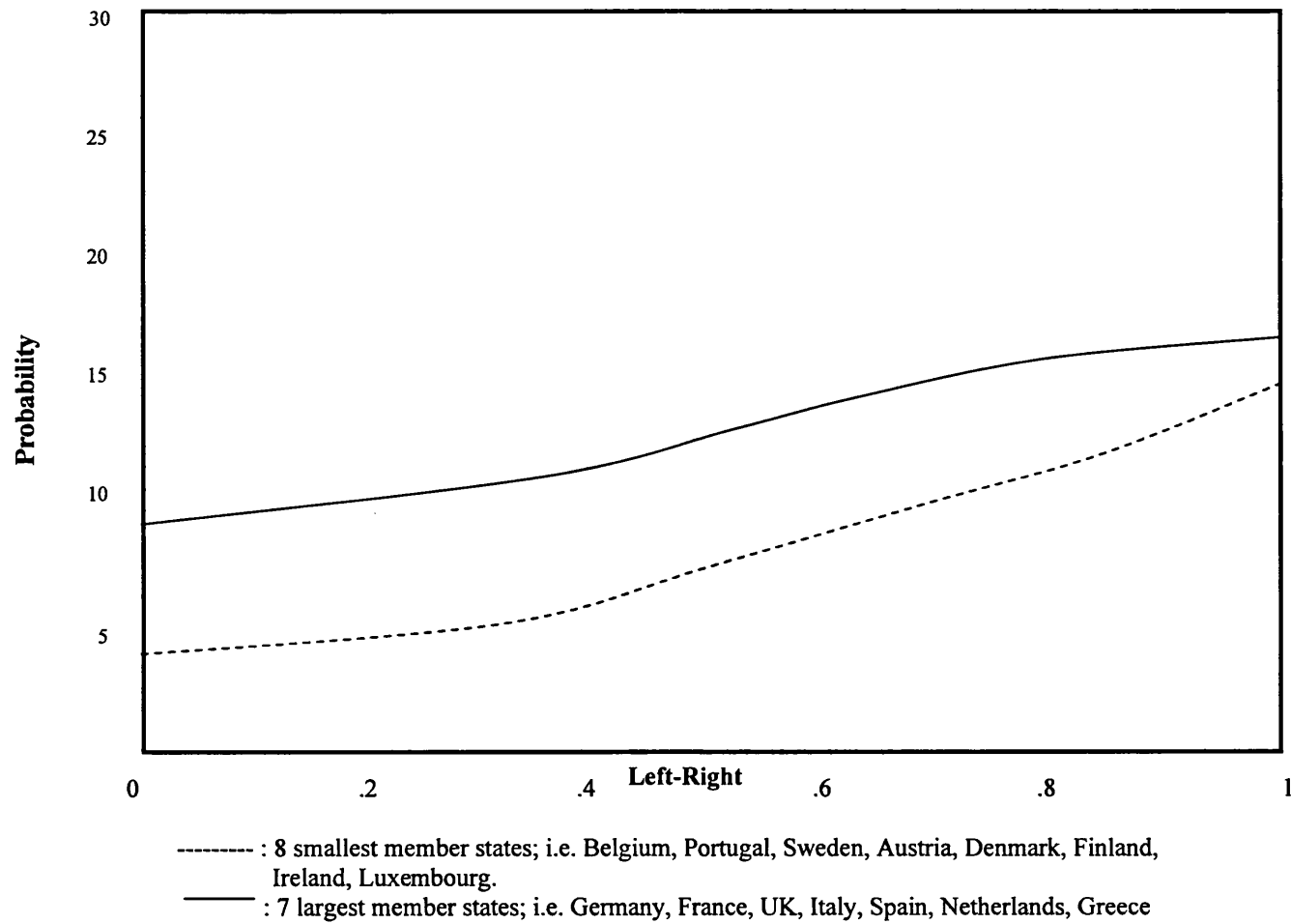
The rest of the variables in Table 5.4 were included mainly to control for different characteristics which in some cases could be hypothesised to be of importance to the analysis. However, as expected, none of these variables appear significant and no further elaboration on these issues seems of relevance here. Instead, moving on to a general conclusion based on the findings so far, it is possible to characterise the countries which are most likely and least likely to be found in opposition to the majority: a large, right-wing government which currently does not hold the Presidency can be expected to oppose the majority the most, whereas a small left-wing government which has the role of the Presidency is the one least likely to oppose. Furthermore, from the descriptive statistics in the first part of the chapter it was also clear that whereas a smaller member state would prefer to voice its opposition by the use of formal statements, larger member states may equally chose to do so through voting.

As a final point, and in order to further investigate into the scale of the effect of the left/right and voting power variables, Figure 5.1 and Figure 5.2 are included below. The figures graphically show the probabilities of opposing the majority as a function of the position on the left/right dimension for small and large member states at the last voting stage and at stages prior to the final adoption, respectively. The dotted graphs depict the 7 smallest countries, and the continuous lines refer to the 8 largest.

**Figure 5.1: Probabilities of opposing the majority for small and large Council members along the left/right political dimension; Final votes**



**Figure 5.2: Voting behaviour for small and big member states along the left/right political dimension at voting stages prior to the final adoption.**



Both Figure 5.1 and 5.2 support the results from the regressions, that there is a great effect of a government's left-right position on the likelihood of opposing the majority. In general, the more a government moves towards the extreme right, the more it is inclined to oppose the majority, whereas the more a government moves towards the left, the less it is likely to do so. In Figure 5.1 this is most notable for the large countries although an effect is also easy to detect for the smaller countries. A small right-wing government is indeed more likely to oppose the majority than a small left-wing government, however, the difference is not as profound as reflected in the graph for the large countries.

Figure 5.2 is interesting for several reasons. First, it is shown that, although there is still a significant difference between small and large member states' likelihood of opposing the majority, this difference appears to vary across the political preferences. The difference between small and large right-wing governments is not nearly as great as between small and large left-wing governments, indicating that also small right-wing governments are now willing to formally show their discontent when policy proposals do not fulfil their preferences. Secondly, Figure 5.2 confirms the hypothesis that the member states change their voting behaviour across the different legislative stages when comparing it to the findings from Figure 5.1. Particularly small members seem to adapt their decision to oppose the majority according to which stage of the legislative process the vote is taken. The party political effect is still apparent such that the more a small government moves towards the right the more it is inclined to oppose. Yet, the magnitude of this effect is significantly higher in Figure 5.2 than in Figure 5.1, showing that particularly the smaller right-wing governments are more willing to show their discontent at the earlier stages than at the final adoption stage. Larger right-wing governments appear to be consistent in their likelihood of opposing, whereas the larger left-wing governments have a slightly higher probability of opposing the majority at the earlier readings than at the final adoption stage. In sum, Figure 5.1 and 5.2 therefore suggest that both the left/right political positions and the distribution of voting power must be taken into account when analysing voting behaviour in the Council; small and large left-wing governments behave differently to small and large right-wing



governments and the magnitude of these effects vary across the different stages of the legislative process.

## **5.5 Summary**

This chapter has tested Hypothesis 2, 3 and 4 and their related sub-hypotheses, stating how voting behaviour is expected to differ between large/small left- and large/small right-wing governments. The hypotheses were tested on two different sub-sets of the data, consisting of votes cast at the final adoption stage of the legislative process and at earlier readings, respectively. Though, two curious findings appeared from the presentation of the descriptive statistics before the data was run in the statistical analyses. First, a higher percentage of disagreement is apparent at readings prior to the final adoption of a policy proposal than at the last voting stage relative to how much legislation is voted upon. Second, although the largest member states have the biggest share of oppositions, abstentions and formal statements, there seems to be a difference in how small and large member states show their discontent. Small member states are more willing to oppose at the earlier stages compared to their share of oppositions at the last stage, and more often chose to do so through formal statements than through voting. When further investigating the findings through regression analyses it is found that other variable than size (and thereby voting power) also have an effect on a government's decision to oppose the majority: A government's position on the left/right political scale, whether or not it holds the Presidency and the interaction variable between the left/right position and attitude towards the EU all prove to be significant both at the final voting stage and at readings prior to the last decision round. In other words, the findings support the hypotheses, and the results even show that the more a government moves towards the extreme right the more likely it is to oppose. Conversely, the more a government moves towards the left the less likely it is to do so. However, although the three mentioned variables are significant in both data sets, it is clear that the magnitude of the effect of the left/right variable varies across the stages for the governments depending on their voting power. The results are that whereas both small and large right-wing governments

more frequently oppose the majority than left-wing governments, the difference in voting behaviour between small and large governments on this side of the spectrum is much smaller than the difference between small and large left-wing governments. Hence, only when considering both left/right political preferences and the members' voting power is it possible to adequately capture the changes in voting behaviour across the different stages of the legislative process.

## **Chapter 6: Changes in voting behaviour across policy areas**

### **6.1 Introduction**

Does the level of contest over policy proposals vary from the policy area of agriculture to transport? Is it possible that certain governments are more likely to oppose legislation within a specific policy field compared to others? And, if so, how is this variance best explained? This chapter provides a range of empirical findings regarding the member states' voting behaviour across the different policy areas and investigates whether any of the results from the previous chapters may be driven by behavioural trends in only some policy fields rather than all. Furthermore, the chapter investigates whether the observed patterns in the respective policy areas correlate with the governing parties' positions in the corresponding policy areas at the domestic level.

The findings show that there is a great variance in both the adoption rate and level of contest across the policy areas; this latter variation is apparent in the absolute figures as well as relative to how much legislation is adopted in the specific policy field. As in the previous chapters, a government's likelihood of opposing the majority is found to be highly correlated with its position on the general left/right political dimension. However, the left/right political measure is not consistent in its effect throughout all policy areas: Whereas the previous chapters found that right-wing governments generally voted against the majority more frequently than left-wing governments in 1999-2004, it here becomes apparent that the governing parties' likelihood of opposing changes across the different policy areas. Right-wing governments are still more likely to oppose in most of the larger policy areas, however, in the important areas of Agriculture & Fisheries, Economic & Financial Affairs and Justice & Home Affairs the effect of party affiliation changes such that left-wing governments oppose the majority more often. A government's decision to oppose or support new legislation is furthermore also related to its position in the corresponding policy areas at the national level, its voting power and whether or not it holds the Presidency. Attitude towards

the EU cannot explain voting behaviour in any of the policy fields, nor does geographical location or differences between the positions of individual parties compared to that of the entire government appear significant. Lastly, it is found that the decision rule influences the frequency of recorded oppositions in most policy areas. In those cases legislation adopted by QMV makes it more likely that oppositions are recorded than when the formal adoption rule is unanimity. Though, this distinction between QMV and unanimity does, interestingly, not appear to have an effect in the areas of Environment, Economic & Financial Affairs and Justice & Home Affairs.

The chapter proceeds as follows: The next section discusses the division of labour between the sectoral Councils and reflects on the expectations from existing research in light of a few indicative findings from the data. Section 6.3 then explains how Hypothesis 2, 3 and 4 and the related 'sub-hypotheses' are operationalised, and how the empirical analysis is carried out. Section 6.4 presents the empirical findings from each of the policy areas and analyses the results. The chapter is finished with a summary of the findings.

## **6.2 Division of labour between Council formations**

As explained in Chapter 1, the Council's activities was in the beginning of the 1999-2004 period formally divided between 21 sectoral councils, which after the Helsinki 1999 Conclusions and Seville 2002 Conclusions were reduced to only 9 Council formations. The representation of national ministers is allocated according to specialisation, such that ministers of finance are members of the Council of Economic and Financial Ministers (EcoFin), ministers of environment are in the Council of Environment Ministers (ENV) and so forth. This has in various contexts raised a question of whether the division of labour in the Council also results in biased policies favouring only one group in the electorate rather than the population as a whole (e.g. Franchino and Rahming 2003; Henning 2001; Van Schaik 2006). However, at the same time as it is of great importance to investigate such implications of the organisational structures, it is also possible that these tendencies are more likely to appear within some policy fields than others. The level of integration within the

various policy areas differs considerably, both in terms of the scope ('widening') and content ('deepening'). Hence, it may be that the political dynamics between different interests are also played out to varying degrees. Table 6.1 below lists the amount of legislation adopted in each policy area, and indicates the differences in the level of activity across policy areas.

**Table 6.1: Amount of legislation passed and individual votes cast per policy area**

<b>Policy area</b>	<b>Pieces of legislation</b>	<b>Legislation in % of total adopted</b>	<b>Individual observations</b>
Agriculture & Fisheries	325	34.9	8565
Economic & Financial Affairs	137	14.7	2055
Justice & Home Affairs	104	11.2	1560
Environment	78	8.4	1290
Social Affairs	44	4.7	1140
Education/Research	40	4.3	810
Transport	40	4.3	930
Internal Market	29	3.1	465
Development	20	2.1	375
Energy	20	2.1	465
Health	16	1.7	280
General Affairs	15	1.6	225
Industry	15	1.6	270
Consumer Affairs	12	1.3	180
Telecommunications	11	1.2	165
Culture	10	1.1	180
Aviation	9	1	135
Administration	7	0.8	125
<b>Total</b>	<b>932</b>	<b>100</b>	<b>19,215</b>

Table 6.1 shows that Agriculture & Fisheries is by far the biggest category in terms of legislation adopted. The total amount of legislation passed in 1999-2004 comes to 325 pieces and includes 8565 individual votes cast. Although it only includes less than half of that amount, Economic & Financial Affairs follows as the second policy area, after which Justice and Home Affairs (JHA) and Environment come next. The policy areas with the least legislation are Aviation (9 pieces of legislation and 135 individual votes) and Administration

(7 pieces and 125 votes). Similarly to the findings in the previous chapters, the fact that the last column Table 6.1 in several cases include a higher figure than what would be the results if the governments had only voted once on each piece of legislation (15 x the absolute numbers shown in column 2) indicates that a considerable amount of legislation was presented to the respective sectoral Councils more than once. However, this finding varies from one policy area to another: Agriculture & Fisheries has a recorded number of individual votes which is 1.8 times<sup>79</sup> the number of votes that could be expected if each piece of legislation was only presented to the Council once, and if only one vote could be cast per legislation. Environment, on the other hand, shows an excess of votes casts of 1.1 times, Internal Market only 1.07, and General Affairs does not include any more voting at all than what could be expected if the proposals were only presented and voted upon once.

Besides of the great difference in policy activity, the list of policy areas in Table 6.1 is much like what can be observed in most West European democracies. Seen from this perspective, the only missing policy area is a separate category for defence policies. Though, the allocation of Council seats according to this policy specialisation has, as mentioned above, been questioned with regard to the optimisation of the common good or promotion of special interests (e.g. Franchino and Rahming 2003). The ministers from different parties will have different core electorates and, consequently, a policy proposal adopted in one policy field may be beneficial to one governing party group, but can at the same time impose a loss to another group's electorate (Hix 2005:80). Hence, the division of labour between different ministries based on interest representation of single policy areas such as agriculture, transport, environment etc. can spur conflict between the respective Council formations. Instead of calculating benefits and losses for their national constituencies, minister in the respective Councils compare the overall good of the population with a possible gain or loss in their own policy field. This argument is very much in line with the theory of this thesis. However, as suggested above, it could be argued that a unifying theory of this kind may not be suitable for the study of behaviour within all policy fields in the Council. For example, it

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<sup>79</sup> The 325 pieces of legislation could be expected to have 4,875 individual votes recorded if only a single vote was cast by the 15 member states per legislation.

could be argued that not all policy fields can be assumed to have reached a degree of integration where party political preferences can be detected. Furthermore, some scholars have argued that there are certain policy issues which are intrinsically state centric, such as Justice & Home Affairs and negotiations over contributions to the budget (Economic & Financial Affairs). Such possibilities within a few specific areas could not be captured from the analyses in the previous chapters. Yet, it is indeed necessary to investigate into this matter in order to establish whether this thesis' theoretical argument actually provides a suitable analytical framework across all policy areas rather than just a few. Therefore, Hypothesis 2, 3 and 4 and their respective 'sub-hypotheses' will be tested across policy areas by applying the method explained in the next section. Here, it should be recalled that the hypotheses state the following:

Hypothesis 2:

*A right-wing member state is more likely to oppose the majority than a left-wing member state.*

Hypothesis 2a:

*A right-wing government is more likely to oppose the majority than a left-wing government within most policy areas.*

Hypothesis 3:

*A country with more voting power will oppose the majority more frequently than a country with less voting power.*

Hypothesis 3a:

*A country with more voting power will oppose the majority more frequently than a country with less voting power within most policy areas.*

#### Hypotheses 4:

*Small (large) right-wing governments vote differently to small (large) left-wing governments.*

#### Hypotheses 4a:

*Small (large) right-wing governments vote differently to small (large) left-wing governments within most policy areas.*

### **6.3 Operationalisation**

In order to test each of the above hypotheses a range of descriptive statistics is first presented to give an overview of adoption rates and degree of contest across all policy areas. After describing both the absolute and relative figures within each policy area, the countries are then grouped together in tables and figures presenting the descriptive statistics according to geographical location (North/Central/South), a categorisation according to size (Big, Medium, Small), according to attitude towards the EU (Pro/Anti-EU), as well as according to positions on the left/right political scale. The findings based on these groupings call for further exploration, and the next step is hence rigorous regression analyses of the data.

The regression analysis in this chapter is conducted similarly to that in chapter 5, although here the data will be divided according to policy areas. However, as the dependent variable within each policy area analysed is still the frequency of the member states' 'Yes' and 'No' votes, the most appropriate model is, as explained in the previous chapter, a Poisson regression. Here, a negative fixed effect Poisson model is again found to fit the data best when comparing the degrees of freedom and log-likelihood scores with those from fitting a basic Poisson regression, a random effect version of the model, or a zero-inflated model<sup>80</sup>. The correlations between the predicted values based on the negative fixed-effect

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<sup>80</sup> As was explained in chapter 3, the standard Poisson regression assumes that the conditional variance is equal to the conditional mean. If the conditional variance is greater than the conditional mean, the Poisson regression model will be consistent but inefficient, with standard errors biased downwards. This might result in rejection of the null hypothesis in cases where it should not be rejected. The negative binomial regression model allows for the conditional variance to exceed the conditional mean, by estimating the conditional mean as a random



model and the actual voting outcomes vary between .653 and .764 and are highly significant beyond the .001 level in all of the 8 policy categories analysed. Though, unlike Chapter 5, only the negative fixed-effect model will be reported in this chapter as the separation of the data into the different policy areas already results in a large number of regression results. Including the findings from each model would therefore greatly increase the complexity of the presentation of the results without adding further information to the analysis.

### **6.3.1 Data**

As mentioned, the analysis in this chapter will be carried out by dividing the data into the different policy areas and investigate any apparent patterns within each of these areas. However, for this purpose it is necessary to make a few choices regarding the categorisation of the data: As was clear from Table 6.1, some of the policy areas have had a rather low number of legislation adopted in the years 1999-2004. Therefore, it is simply not possible to run any convincing statistical models with the observations from all policy areas. One solution to the problem is to investigate as many of the respective policy areas as is statistically possible and then pool the remaining, smaller policy areas into one. The policy area of Transport is the best statistical cut-off point in this case, as it is the smallest policy area which still includes a suitable number of observations for robust statistical analysis. Choosing Transport as the last separate policy area before pooling the remaining areas also means that enough separate policy areas are identified for the analysis to provide interesting information about changes across each of the largest policy areas. The policy area of Transport has a total of 930 individual observations (62 voting situations by 15 member states based on 40 different policy proposals), and using this as the cut-off category results in the following 8 policy areas to be used in the statistical analysis:

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variable consisting of the independent variables and a random disturbance term. The random disturbance term has the effect of allowing for variance on the dependent variable for observations with the same values on the independent variables. Therefore, the process that generates zero counts may be modelled separately, as a binary logistic model where after a decision can be made regarding the suitability of either a standard or a zero-inflated Poisson regression. Please refer to Long (1997: 217–50) for a further explanation. The substantive interpretation of the results is enhanced if one use the `spost` STATA commands developed by Long and Freese (2003).

- All policy areas,
- Agriculture & Fisheries,
- Environment,
- Economic & Financial Affairs,
- Social Affairs,
- Justice & Home Affairs (JHA),
- Transport, and
- Other.

### **6.3.2 Variables**

The independent variables used in this chapter consist of each of the independent variables used in Chapter 4 and 5 as well as additional variables capturing the governing parties' positions on the policy issues at the national level which correspond with the policy fields analysed here. Also a variable 'ParDif' has been included to investigate any possible effect of portfolio allocations in national politics on voting behaviour in the Council. Compared to the 'Left/Right' variable this variable measures the effect of the difference between the value of the individual party represented in a sectoral council with that of the entire government. The full list of independent variables which were also used in the previous chapters are the following: The variable measuring the governments' position on the left/right political scale ('Left/Right'), their attitude towards the EU ('EU'), the interaction variable 'Left/Right x EU', the governments' voting power ('Power'), geographical location ('Geo'), whether or not an EU member falls into the category of receiver or contributor to the EU budget ('Budget'), duration of a country's membership ('Member'), 'Presidency' which captures whether there is an effect of holding the Presidency, and 'NatSys' which distinguishes between adversarial and non-adversarial governments.

As mentioned above, the new variable 'ParDif' differentiates between the weighted left/right positions of governments and the individual party represented in a sectoral council. Furthermore, a range of additional variables are included in order to investigate whether there is any effect of the governments' position in a given policy area at the domestic level on its position in the corresponding policy area at the EU level. Each of these variables are only included in the analysis of the respective policy field they correspond with. For

example, the variable measuring the governments' positions on agricultural issues at the national level is only included in the analysis of voting behaviour in the Council's policy area Agriculture & Fisheries, the one measuring the governments' positions on national environmental issues is only included in the area of environment, and so on and so forth. The effect of each of these policy variables are then reported for the respective policy fields in the regressions under the heading 'National Policy'. The variables are defined as follows:

For the area of environment, a variable 'Env' is included measuring the attitude towards the protection of the environment. The value 1 corresponds to 'Supports protection of the environment even at the cost of economic growth', and 20 is 'Supports economic growth even at the cost of damage to the environment'. This variable is a weighted average of the governing parties' positions as reported in Benoit and Laver (forthcoming, 2006). Each of the variables in the next three policy fields have similarly been found in this data set.

For social policy, a variable 'Soc' measures social attitude, where 1 means 'Favours liberal policies on matters such as abortion, homosexuality and euthanasia' and 20 is 'Opposes liberal policies on matters such as abortion, homosexuality and euthanasia'.

Two variables are included for the area Economic & Financial Affairs. The first is 'Tax' which captures the attitude towards public expenditure vs. taxes. 1 means in favour of promoting raising taxes to increase public services and 20 means in favour of promoting cutting public services to cut taxes. The second is 'Private' and defines the extremes as: Promotes maximum state ownership of business and industry (1) Opposes all state ownership of business and industry (20).

For Justice & Home Affairs, a variable measures attitude towards civil liberties, labelled 'Lib', as: Promotes protection of civil liberties, even when this hampers efforts to fight crime and promote law and order (1); and Support tough measures to fight crime and promote law and order, even when this means curtailing civil liberties (20).

For the policy area of Agriculture & Fisheries a variable 'Agri' measures attitude towards support for agriculture and farmers. Yet, unfortunately no data has been available in this specific policy area for the parties in government from 1999 to 2004. The parties' positions have therefore instead been estimated from the Budge et al. (2001) party manifesto

data, which does provide the respective parties' positions in the area of agriculture, yet, which covers the years 1945-1998. Each party in government has simply been allocated the values from the latest available years in this data set, i.e. values measured between 1994 and 1998. Hereafter the governments' positions are calculated in the same fashion as the rest of the policy variables by estimating a weighted average according to the allocation of cabinet posts in each government (cf. Budge et al. 2001:166).

The policy area of Transport poses an even greater challenge in terms of establishing the governing parties' position in this policy field at the national level. It has simply not been possible to obtain any convincing measure for positions within transport policies, and hence, the best possible solution seems to be to analyse the voting behaviour within this policy area by using a measure of the governments' general attitudes towards regulation. This variable will of course be in addition to the general left/right variable and the rest of the variables defined above, however, it must be concluded that a very specific measurement of the effect of national politics is unfortunately not possible in this case. Nevertheless, deregulation ('Dereg') is measured on a scale from 1 to 20 where 1 means a government favours high levels of state regulation and control of the market, and 20 means it favours deregulation of markets at any opportunity.

A dummy variable is included for the decision rule under the heading 'Rule'. The variable is included to investigate whether there is a difference in the level of recorded disagreement when the decision rule is QMV compared to when legislation is adopted by unanimity. The literature has made different suggestions regarding this matter, and particularly when also including abstentions and formal statements in the analysis, it will be interesting to see if governments are in fact influenced by the formal decision rule.

Lastly, and as in the previous chapters, a number of control variables are furthermore included in order to control for empirical irregularities and for alternative explanations. These control variables are 'Workload', 'Nationalism', positions on immigration issues 'Imm', attitude towards EU enlargement ('Enlar'), 'EU strengthening', 'EU Peacekeeping' 'EU accountability' and 'EU authority'. Table 6.2 summarises the effect of all of the variables as predicted by the hypotheses.

**Table 6.2: Predictions of variables' effects across policy areas**

<b>Variable</b>	<b>Effect (theory)</b>	<b>Effect (literature)</b>
<b>Left/Right</b>	+	+ / no effect
<b>EU</b>	No effect	+
<b>Left/Right x</b>	+	+ / no effect
<b>Power</b>	+	+
<b>Geo</b>	No effect	+
<b>Budget</b>	No effect	+
<b>ParDif</b>	+	+ / not considered
<b>Member</b>	No effect	+
<b>Presi</b>	-	-
<b>NatSys</b>	No effect	Not considered
<b>National Policy</b>	+	Not considered
<b>Rule</b>	+	+ / no effect
<b>Workload</b>	No effect	No effect
<b>Nationalism</b>	No effect	+ / no effect
<b>Imm</b>	No effect	No effect
<b>Enlar</b>	No effect	+ / no effect
<b>EU Strength</b>	No effect	+
<b>EU Peace</b>	No effect	No effect
<b>EU Account</b>	No effect	+
<b>EU Authority</b>	No effect	+

+ indicates a positive effect.

- indicates a negative effect.

#### **6.4 Findings**

Figure 6.1 below provides a general overview over the amount of opposition through voting, abstentions, formal statements and total oppositions per policy area. Two findings appear from the figure: First, and as also shown in Table 6.1 above, it seems that there is a considerable difference in the level of contest across the respective policy areas. Secondly, the figure shows that the different possibilities for voicing discontent are also used differently across policy areas. For example, whereas Agriculture & Fisheries experienced that a total of 204 oppositions were recorded, only 29 of these came in the form of direct votes against the majority. Abstentions happened on 62 acts adopted within this policy area,

and formal statements were recorded 113 times. Similarly, Environment has the second largest number of total oppositions, yet, only 43 times was this through formal voting, whereas formal statements were made 217 times and abstentions 71 times. However, in some of the other policy fields the tendency is completely opposite: in Transport, for example, the total of all oppositions came to 72 and the majority of these were through direct voting. In this policy field formal statements were only given on 24 occasions and abstentions on 11. Hence, the option of using formal statements as a means of opposing the majority is not always the dominant alternative, although it definitely does seem to be popular within the majority of policy areas.

**Figure 6.1: Oppositions, abstentions and formal statements per policy area**

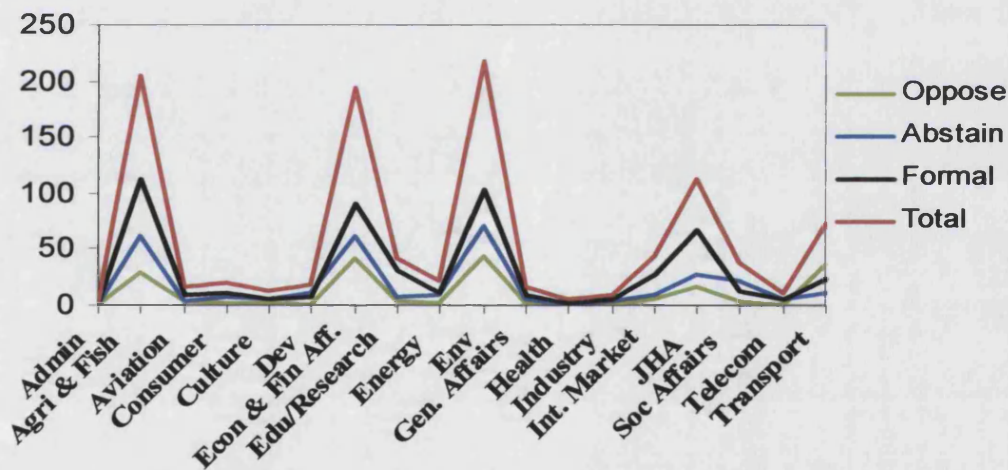


Table 6.2 further divides the oppositions per policy area to also include also divisions per country. Two interesting findings are apparent from Table 6.3, and become even clearer when the results in the table are turned into a graphical picture as in Figure 6.2: Although there is quite some variation in the Council members' frequency of opposing within the respective policy fields, it is apparent that the governments all tend to oppose within certain policy fields and refrain from opposing in others. The previous chapters suggested that this tendency would probably be correlated with the amount of legislation adopted within the respective areas, since the policy areas with most policy activity are also the ones with the

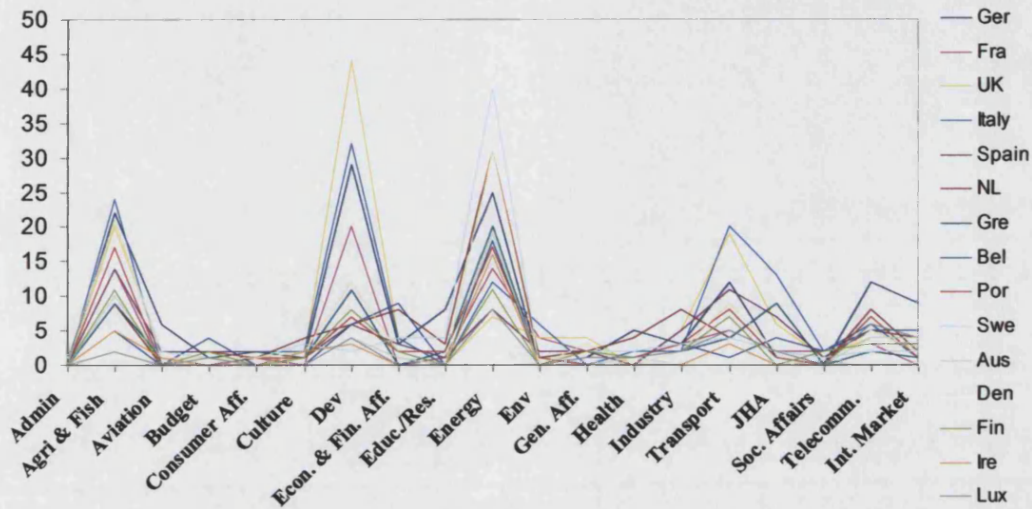
highest amount of legislation with recorded opposition. Although Figure 6.2 is perhaps not too useful for further and more detailed interpretations, the other immediate observation from the results is the changes in the colours across the different policy areas in this figure: None of the countries seem to consistently dominate throughout all policy areas in terms of recorded opposition. In other words, none of the Council members are found to be opposing in all areas, and all countries seem to generally vary somewhat in how they are located on the scale of frequency of oppositions throughout the policy fields. Hence, it appears as if some of the conclusions in the current literature regarding certain countries' continuous dominance as frequent opposers at the last voting stage could perhaps benefit from further elaboration. One example is that Hayes-Renshaw & Wallace (2006:283) find that Germany and Denmark is always in the top of opposing countries. Here, this appears to only hold within Agriculture & Fisheries, Economic & Financial Affairs and Social Affairs.

**Table 6.3: Recorded oppositions per country, per policy area**

Policy area	GER	FRA	UK	ITA	SPA	NEL	GRE	BEL	POR	SWE	AUS	DEN	FIN	IRE	LUX	Total
Administration	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Agri & Fisheries	22	14	20	24	14	9	9	5	17	21	10	21	11	5	2	204
Aviation	6	0	2	0	2	0	1	0	0	2	1	1	0	1	0	16
Consumer Affairs	1	0	1	2	2	2	1	4	2	1	0	1	2	0	1	20
Culture	0	1	1	2	2	1	2	0	1	1	0	1	0	0	0	12
Development	1	0	1	2	1	4	1	0	1	3	0	2	1	2	0	19
Econ. & Fin. Affairs	29	20	44	32	6	6	11	6	7	2	4	12	8	3	4	194
Educ./Res.	3	0	4	4	3	8	0	9	2	4	1	2	2	0	0	42
Energy	8	1	0	0	1	3	2	0	2	4	0	0	0	0	0	21
Environment	25	14	7	12	8	31	20	18	17	40	19	31	11	16	8	277
General Affairs	0	4	4	6	2	1	0	0	1	0	0	0	0	0	0	18
Health	1	2	4	0	2	2	1	2	0	2	0	3	2	0	1	22
Industry	5	2	0	2	0	4	1	2	1	2	1	0	1	0	1	22
Internal Market	3	3	5	2	5	8	2	3	3	3	0	2	2	0	2	43
Justice and Home Affairs	12	5	19	20	11	4	4	1	8	4	0	9	7	3	5	112
Social Affairs	1	2	6	13	7	2	9	4	1	2	0	2	0	0	2	51
Telecomm.	0	2	1	2	1	0	0	2	0	1	0	0	2	0	0	11
Transport	12	3	4	6	5	8	2	5	7	2	4	5	3	0	6	72

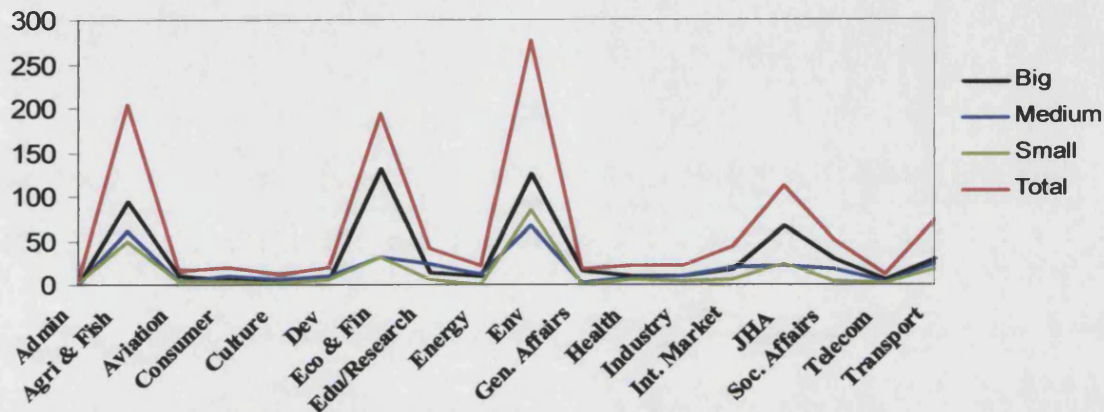


**Figure 6.2: Frequency of oppositions per country, per policy area**



In order to further identify any immediate patterns in the respective policy fields, it may be easier to get a better overview by dividing the countries into different groups. The groupings are here done according to 1) population size, 2) geographical location, 3) attitude towards the EU, and 4) the governments' positions on the general left/right political continuum. As discussed in the previous chapters, many more groupings are of course possible, however, for now the analysis will be limited to these most popular divisions suggested in the literature. Other possible cleavages will be investigated in the statistical analyses in the subsequent sections.

**Figure 6.3: Frequency of oppositions for big, medium and small Council members**



Big: Germany, UK, France, Italy, Spain  
 Medium: Netherlands, Greece, Belgium, Portugal, Sweden  
 Small: Austria, Denmark, Finland, Ireland, Luxembourg

From Figure 6.3 it is clear that the big Council members certainly oppose more than both medium and small members. Whether the difference between the largest of the governments and the smaller and medium sized members are also as big as could be expected from the current literature can be debated. However, the previous chapter made it clear that findings such as the ones presented in Figure 6.3 may disguise the differences in how and when oppositions are voiced. Although the results presented in Chapter 5 were therefore generally more informative regarding the effect of the governments' sizes than what can be deducted from this figure, it is here interesting to see these aggregated differences distributed across policy areas: Besides of the largest Council members being the ones which oppose most frequently across the majority of policy areas, it appears as if smaller and medium members do not differ much in the level of disagreement voiced in any of the policy fields.

**Figure 6.4: Frequency of oppositions according to geographical location**

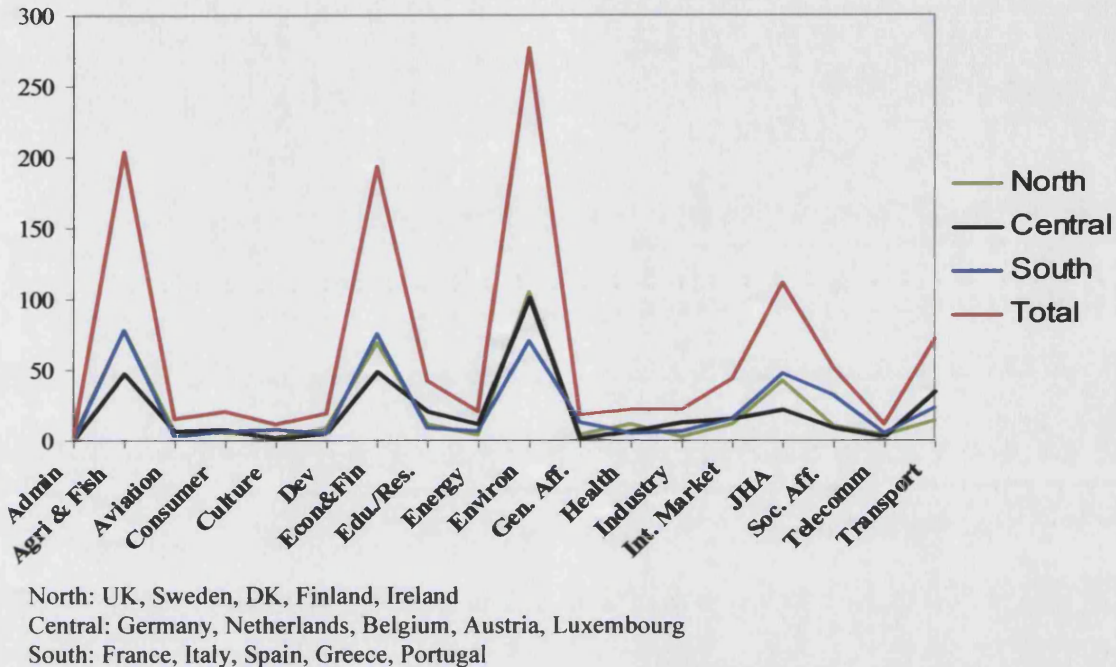
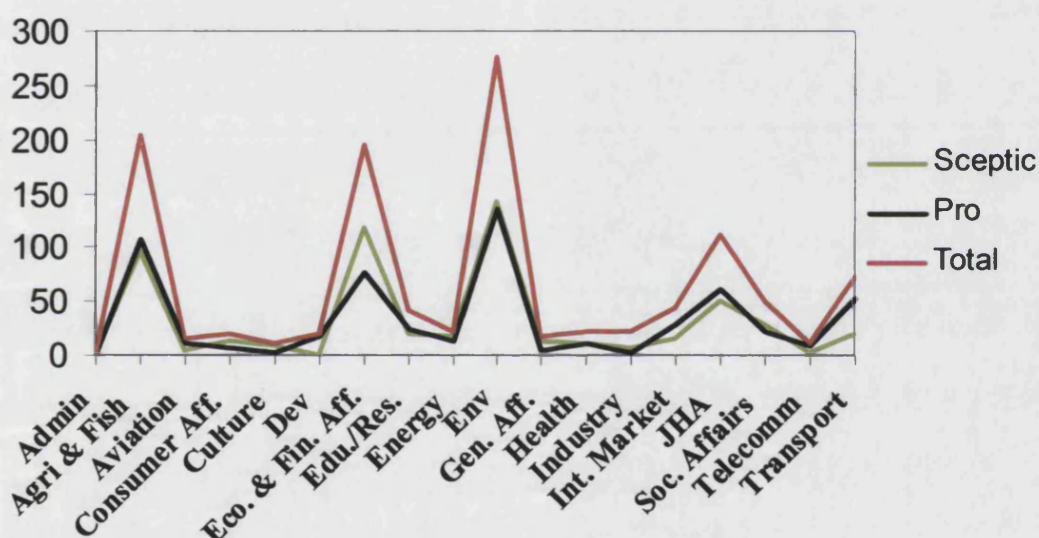


Figure 6.4 presents the frequency of oppositions according to geographical location. Interestingly, there does seem to be some difference between the categories within the largest policy fields. However, this difference is not a consistent North/South divide such as is often argued in the literature (e.g. Hayes-Renshaw and Wallace 2006; Naurin 2006). In fact, the apparent differences between the categories vary considerably across the policy fields: In Agriculture & Fisheries Southern members have opposed more than both Central and Northern members, whereas Northern and Southern members interestingly appear to have almost the same high level of recorded oppositions in Economic & Financial Affairs. Here, the Central members have much less recorded oppositions than the two other categories. This pattern is also apparent in Justice & Home Affairs, though, in Environment, Social Affairs and Transport the distribution is changed again. In Environment and Social Affairs the Northern and Central governments have the same level of recorded oppositions, whereas all three categories have different degrees of recorded oppositions in the area of Transport. Then, what does this suggest? First, it seems as if these results could perhaps explain why a



North/South divide is often found in the current literature. The aggregate results across all of these policy areas could maybe lead to a conclusion of a North/South divide. Second, and in contrast to such a conclusion, the findings show that a difference between the different geographical categories may in fact exist when analysing the individual policy areas, however, the possible effect of this categorisation is not consistent across the different fields. The regression results below will establish whether the distinction is indeed of significance.

**Figure 6.5: Frequency of oppositions according to attitude towards the EU**

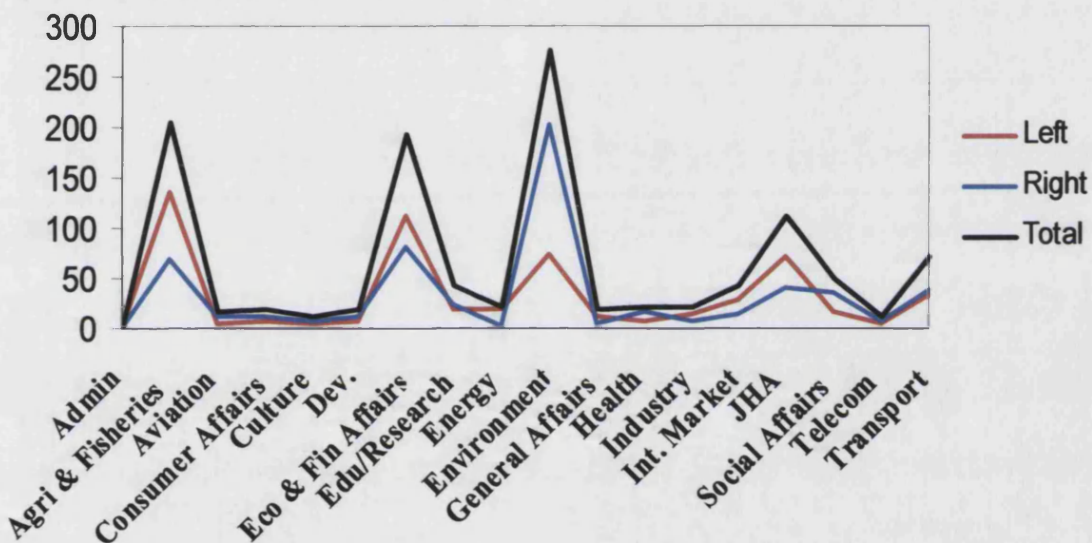


Pro: Germany, France1, UK, Italy1, Netherlands1, Greece, Belgium1, Belgium2, Portugal1, Sweden, Austria1, Denmark1, Denmark2, Finland1, Luxembourg1, Luxembourg2  
 Anti: France2, Italy2, Spain, Netherlands2, Portugal2, Austria2, Finland2, Ireland

In Figure 6.5 it has been necessary to distinguish not just between countries, but also between the different governments which held office during 1999-2004. The figure differentiates between governments which are generally in favour of the EU and governments that are sceptical. The result is clear: except for the area of Economic & Financial Affairs, no significant differences can be observed between the two groups. It could be hypothesised that the reason for the apparent division in Economic & Financial Affairs is due to fact that this policy field includes the issue of who are contributors and beneficiaries from the EU budget. Recipients are generally assumed to be more pro-EU than

contributors (e.g. Carruba 1997; Hosli 1996), and if this distinction should be detected in any policy area, Economic & Financial Affairs would be the area most likely to show the difference.

**Figure 6.6: Frequency of oppositions for centre-left and centre-right governments**



Left: Germany, France1, Italy1, Belgium1, Belgium2, Portugal1, Sweden, Denmark1, Finland1.

Right: France1, UK, Italy2, Spain, Netherlands1, Netherlands2, Greece, Portugal1, Austria1, Austria2, Denmark2, Finland2, Ireland, Luxembourg1, Luxembourg2

In Figure 6.6 the distinction between governments in office has been made similarly as in Figure 6.5. However, here the grouping is according to party political affiliation, such that centre-left wing governments are defined by the red line and centre-right governments by the blue. A difference is apparent between the two categories in each of the largest policy areas, but, as above, it is difficult to conclude on the rest of the policy categories in the figure. However, the effect of party affiliation does not appear consistent such that either left- or right-wing governments are always in opposition. Chapter 5 showed that right-wing governments generally opposed the majority more frequently than left-wing governments.

However, from Figure 6.6 it becomes clear that certain policy areas deviate from this trend. In fact, in the area of Agriculture & Fisheries left-wing governments oppose almost double as much as right-wing governments, and in Economic & Financial Affairs as well as Justice and Home Affairs, left-wing governments are also somewhat higher on the scale than right-wing members. Though, the findings from Chapter 5 are certainly confirmed in the area of Environment, where the right-wing governments have opposed almost four times as much as the left-wing governments. Also in Social Affairs and some of the smaller policy areas the finding of right-wing governments as more frequent opposers seems to hold. Hence, Figure 6.6 seem to indicate that a difference between left- and right-wing governments does exist as concluded in the previous chapters, however, the effect of the party affiliation is not consistent throughout the policy areas. Left-wing actually seem to oppose more within certain fields than what could be assumed based on the findings in the previous chapters, and it could be that particularly the area of Environment has somewhat driven the results so far. However, there is one extremely precautionary note to make with regard to Figure 6.5 and Figure 6.6: The groupings of the governments may have the consequence that the results in some of the policy areas are somewhat biased. Since for example Portugal 1 and Portugal 2 were not in government at the same time, and therefore did not vote on the same policy proposals, it is a bit misleading to compare all the governments' voting behaviour simultaneously. The regression analysis in the following sections overcome this problem, and the general findings from the two figures are still relevant to bear in mind in the further analysis: Pro- and sceptic EU members do not differ in their voting behaviour except for in the area of Economic & Financial Affairs, yet, a difference is apparent between left- and right-wing governments. However, this difference varies greatly across policy areas, and the findings from the previous chapters may therefore benefit from a further investigation into the effect of this distinction within each policy field. The next step is hence to present the results from running the data from each area in a fixed-effect Poisson regression.

**Table 6.4: Fixed effect negative Poisson regression analysis of voting behaviour across policy areas**

	All	Agri & Fish	Soc. Affairs	Env	Econ & Fin Aff.	JHA	Trans	Other
<b>Left/right</b>	.402***	-.246***	.077***	.143***	-.174**	-.192***	.205***	.418**
EU	0.062	0.005	0.081	-0.004	0.062	0.081	0.023	0.019
<b>Left/right x EU</b>	.107***	-.076***	.093**	.129***	-.007	-.072**	.064**	.191***
<b>Power</b>	.523***	.219***	.072**	.097***	.292***	.358***	.115***	.618***
<b>Geo</b>	0.004	0.023	-0.039	-0.005	0.017	-0.138	-0.104	0.079
<b>Budget</b>	0.116	-0.681	-0.326	0.054	-0.093	-0.137	0.079	0.094
<b>ParDif</b>		0.029	0.007	0.175	0.186	0.095	-0.004	
<b>Presidency</b>	-.364***	-.193***	-.080***	-.194***	-.329***	-.462***	-.118*	-.174***
<b>NatSys</b>	0.093	0.075	0.163	0.132	0.056	0.107	0.006	0.042
<b>National Policy<sup>o</sup></b>		.242***	.198***	.086***	.071**	.089**	.244***	
<b>Rule</b>	.245**	.092***	.237***	0.146	0.057	0.112	.192***	.157**
<b>Constant</b>	1.812***	1.099***	0.917**	1.814***	1.193***	1.017***	1.443***	1.814***
<b>Log likelihood</b>	-109.57	-122.57	-116.72	-130.01	-199.32	-109.57	-125.44	109.57
<b>Pseudo R-Sq.</b>	.561	.689	.453	.671	.655	.602	.521	.693
<b>N</b>	19215	8565	1140	1291	2055	1560	930	2945

\*\*\*indicates  $p < 0.001$ , \*\* indicates  $p < 0.01$ , \* indicates  $p < 0.05$

<sup>o</sup> Please recall that this variable measures the effect of the positions within the respective policy fields at the national level. Hence, for the policy area of Environment the variable includes the estimates of the governing parties' position on national environmental positions, in Social Affairs it measures the governing parties' positions on national social policies etc. See Section 6.3 for the complete explanation.

Table 6.4 shows that the overall fit of the regression model is very good across all policy areas. The pseudo  $R^2$  is .561 for the pooled data and varies between .453 and .693 in each of the other categories. The table has four blank spaces where the variables ParDif and National Policy could not be measured. The reason is that neither of these variables have estimates which could be used in the analysis of the policy categories 'All' and 'Other'.

A first finding to notice from the table is that although the first variable measuring the effect of the governments' position on the left/right political scale is highly significant in all of the policy fields, the variable changes direction. This is clear evidence in favour of the theory of party politics, however, provides only partial support for Hypothesis 2. Right-wing governments are not always more inclined to oppose the majority than left-wing governments. In fact, in the areas of Agriculture & Fisheries, Economic & Financial Affairs and Justice & Home Affairs the effect of being a right-wing government decreases the likelihood of opposing the majority with a factor of .78, .84 and .83, respectively, when holding all other variables constant<sup>81</sup>. Though, in each of the other policy areas the effect of being a right-wing government significantly increases the frequencies of oppositions. In sum, the regression results therefore confirm that party political affiliation does indeed have an influence on voting behaviour in the Council, however, the consequences of this effect must be considered in context of the respective policy areas.

The interaction variable Left/Right x EU is also highly significant in all policy areas, except for Economic & Financial Affairs. The EU variable on its own, on the other hand, does not come out as having an effect in any of the policy areas. Therefore, the finding from the descriptive statistics presented above, that a difference could exist between pro-/sceptic EU members in the area of Economic & Financial Affairs, does not hold in the more rigorous analysis presented here.

As explained, the groupings in the descriptive statistics may have disguised a certain degree of bias as the governments were then compared without taking into account the fact that some of them were not in government at the same time. Also, some governments were only in office for rather short periods during the years 1999-2004, whereas others were in government throughout the whole period. The regression results do not include such a possible bias since the analysis is here the effect of the independent

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<sup>81</sup> The factor change is calculated by taking the  $e^{(x)}$  of the coefficient.



variables on each governments' frequency of opposing the majority rather than merely a comparison between the governments' frequencies. In short, although a difference in the voting behaviour between the pro- and sceptic- EU governments was apparent in the descriptive statistics, the regression results in Table 6.4 captures the effects more correctly; here it is clear that the distinction between governments based on their attitudes towards the EU is not of significance for the voting behaviour.

Voting power is similarly to the results in the previous chapters also highly significant throughout the policy areas, whereas neither a division between North, Central and South Europe ('Geo'), contributors or receivers ('Budget'), national political systems ('NatSys'), nor a difference between party positions and government positions ('Party Position') prove to have any effect. However, an effect can be found from whether or not a country is holding the Presidency and also from the governments' positions in the corresponding policy areas in national politics (the 'National Policy' variable). In other words, a government's position in social policies at the national level is highly correlated to its voting behaviour in the EU policy area Social Affairs. Similar patterns are also confirmed in each of the other policy fields and could be read as an indication that the political dynamics increasingly resemble those observed in the domestic political sphere.

Lastly, the table shows that there is an effect of the decision rule only in some of the policy areas. In the categories All, Agriculture & Fisheries, Social Affairs, Transport and Other it matters for the frequency of oppositions whether the decision rule is QMV or unanimity. In these areas QMV results in a higher proportion of legislation being adopted with recorded disagreement than unanimity. However, in the areas of Environment, Economic & Financial Affairs and Justice & Home Affairs this effect does not appear as significant. Interestingly, the decision rule hence does not seem to have an influence on the governments' decision to oppose the majority in all policy areas<sup>82</sup>.

Unfortunately, Table 6.4 does not allow for interpretations regarding the magnitude of the effect of the results. Nor is it possible to compare the results from variables across the different data sets. Hence, in order to make such comparisons and further comment on the effect of the different variables, Table 6.5 presents the odds ratios for the variables for each policy area.

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<sup>82</sup> This finding may appear partly due to the inclusion of formal statements. A comparison of the findings presented here with results from an analysis without the formal statements will be further investigated in a planned forthcoming paper.

**Table 6.5: Odds ratios for opposing the majority across policy areas**

Variable	All Areas	Agri & Fisheries	Soc. Affairs	Env	Econ. & Fin. Affairs	JHA	Transport	Other
Left/Right	1.481	0.917	1.493	1.619	0.905	0.971	1.652	1.477
EU	-	-	-	-	-	-	-	-
Left/Right x EU	1.394	1.126	1.428	1.456	1.581	1.423	1.484	1.399
Power	1.443	1.399	1.326	1.151	1.322	1.396	1.221	1.602
Presidency	0.601	0.493	0.804	0.698	0.473	0.641	0.791	0.835
National Policy Rule	1.316	1.298	1.304	-	-	-	1.398	1.442

Only the variables which were significant in the regression variable have been included in Table 6.5, and the results are presented as a variance around 1, such that anything above 1 is positive and anything below is negative. In other words, the result 1.481 from the Left/Right variable in the category ‘All Areas’ means that a one unit increase in the Left/Right variable results in a 48% increase in the likelihood of opposing the majority. Conversely, the finding that the Presidency variable shows a score of 0.493 in the area of Agriculture & Fisheries means that the likelihood of opposing the majority in this field decreases by 51% when a government holds the Presidency.

The findings regarding the significance of the Left/Right variable from the regression analysis is elaborated further in this table by the finding that the effect of party political affiliation is extremely strong in the areas of Environment and Transport. Yet, also the categories All Areas, Social Affairs and the remaining policy areas pooled into the category Other show strong increases in the effect of a governments positions on the left/right political scale. For each of these policy areas a one unit change in the position towards the right extreme of the policy spectrum means an increase of between 48% and 65% in the likelihood of opposing the majority. So the effect of this variable is clearly of great influence in these cases. Conversely, the effect of policy location in the fields of Agriculture & Fisheries, Economic & Financial Affairs as well as Justice & Home Affairs is not nearly as strong. Here, a right-ward move of one unit along the political axis means a decrease in the likelihood of opposing the majority by 8%, 10% and 3%, respectively. Hence, the effect of the variable is in those cases much less than in the other policy areas, although also highly significant in the regression results.

The magnitude of the effect of the voting power variable also varies across the different policy areas. Here, the highest scores are in the categories Other, Justice & Home Affairs and Agriculture & Fisheries. The lowest recorded effects are in Transport and Environment.

The effect of the Presidency variable is beyond doubt in all of the policy areas, however, particularly the areas of Agriculture & Fisheries and Economic & Financial Affairs are in Table 6.5 shown to include a great effect of this role. Governments holding the Presidency in either of these policy areas experience a decrease of more than 50% in their likelihood of opposing the majority.

The variable measuring the governments' positions in the respective policy fields at the national level vary a lot in the magnitude of the effect. Whereas Justice & Home Affairs 'only' sees an increase of 19% per one unit in the scale from the national positions, Agriculture & Fisheries and Environment increases by around 60%. Though, as mentioned above, it is clear from the table as well as from the regression results in Table 6.4 that the positions in national politics certainly have some explanatory power also for decision-making in the Council.

Whether a policy proposal falls under QMV or unanimity only matters for a government's decision to oppose the majority in the areas of All, Agriculture & Fisheries, Social Affairs, Transport and the pooled group of the remaining policy areas, Other. As was found in the regression results, the decision rule is not of significance in either Environment, Economic & Financial Affairs nor Justice & Home Affairs. However, the effect of the variable in the first mentioned categories is quite consistent across the policy areas, and shows an effect of between 30% and 40% in the increase of the likelihood of oppositions when the decision rule is QMV rather than unanimity.

## **6.5 Summary**

3 remarkable findings appeared in this chapter: First, although the level of disagreement varies considerably across policy areas, it is still the governments' position on the left/right political spectrum, the distribution of voting power and whether or not a government is holding the Presidency which explains the voting behaviour within each of the policy categories analysed. However, the effect of the left/right political positions is

not consistent across all policy areas. In the areas of Agriculture & Fisheries, Economic & Financial Affairs and Justice & Home Affairs left-wing governments are more often found to oppose than right-wing governments, whereas the picture is opposite in all of the rest of the policy fields. Second, when including variables on the governments' positions in the corresponding policy areas from the national political sphere, it is evident that these positions also have some explanatory power when the governments are acting at the EU level. Third, portfolio allocation at the EU level does not seem to alter agency drifts by individual council formations in terms of voting behaviour: The party composition in the respective sectoral councils does not produce a better explanation for voting behaviour than the composition of governments in the entire Council. In sum, governments can in this way therefore be argued to act rather unitarily across policy areas, however, this conclusion is here of course drawn without taking into account issues of agenda-setting or the actual policy content of the legislation adopted. Also, as the unity of the governments is here measured with regard to coherence of policy preferences rather than nation-based interests, this finding does not hold across government changes as well. As was shown in Chapter 4, a change in government means a change in policy positions.

## Conclusion

This thesis has argued that the representatives in the EU's Council of Ministers behave much like members in a national legislature when voting on policy proposals. Governments represented in the Council are political parties with explicit preferences over the content and degree of regulation as well as the extent of direct or in-direct redistribution of goods in the population. Once an acceptable level of cooperation within a policy field has been agreed in the European Council or in the Council's preparatory bodies, decision-making within the Council itself becomes a party political matter. Hence, this thesis has argued that the Council members' preferences fall within the traditional left/right political dimension, rather than the commonly argued pro-/sceptic EU dimension.

Party political assumptions have been applied to the Council context also by other researchers (e.g. Franchino and Rahming 2003; Hix and Lord 1997; Hooghe and Marks 1999; Mattila 2004). However, contrary to previous accounts, this thesis has suggested that the governments are rational actors who behave strategically rather than sincerely within the left/right policy space. The argument is that, although left-wing and right-wing governments are expected to form coalitions as predicted by standard spatial theory, voting behaviour in the Council cannot be interpreted in the strict form where actors who have opposing preferences to a proposal will vote 'No', and actors who favour the proposal will vote 'Yes'. Opposition to the majority is simply too costly an act, as members in this case are generally excluded from participating in negotiations on the policy issue in question. Therefore, only members who find themselves in strong disagreement with a proposal, and who find it necessary to signal this disagreement to internal or external actors, will oppose the majority. Calculations of when disagreement should be voiced are in this thesis summarised to be a combination of two factors, namely 1) the distance between a Council member's ideal policy position and the status quo, and 2) the member's relative voting power. In empirical terms this means that, first, the further away a government is located along the policy spectrum from where the majority of governments are situated, the more likely it is to voice disagreement. Second, for these governments in the minority, larger member states will be more inclined to oppose the majority through formal voting than smaller member states. In political

science terms, the combination of the hypotheses of left/right dynamics and the consequences of the actors' strategic calculations over the distribution of voting power can hence be summarised as a theory of 'weighted preference-connected coalitions'. Small/large left-wing governments vote differently to small/large right-wing governments, and when the majority of governments is from one side of the spectrum, then the largest of the member states from the opposing side will be the ones most likely to actively disagree.

### **Summary of the empirical findings**

Existing quantitative studies have already identified left/right political trends in Council decision-making (e.g. Franchino and Rahming 2003; Lane and Mattila 2001; Mattila 2004). However, no conclusion has so far been reached with regard to whether the left/right political findings should be interpreted as one variable out of several which can explain the governments' behaviour (Mattila 2006), or if left/right politics is in fact a dominant policy dimension. The distribution of preferences in the policy space has consequences for the predictability of possible coalition formations, pivotal member(s) and, as a result, the location of new legislation. Therefore, since the content of the policy space is of great importance for the further empirical analyses of the Council members' voting behaviour, this fundamental issue was addressed in the first of the empirical chapters, Chapter 4.

The evidence supports the theory: When comparing the results produced by the geometrical scaling method technique Optimal Classification (OC) with exogenous measures of the governments' positions on a range of policy areas, it becomes apparent that the observed pattern on the first dimension *is* the amalgamated left/right political dimension. Left-wing governments are generally located on the left-hand side of the spatial 'maps' produced by OC, and right-wing governments are located towards the right. Additionally, the right-ward change in many of the European national governments during the 1999-2004 period is also reflected in the OC results: for example, the social democratic governments of Denmark, Austria and Finland voted together with other centre-left wing governments in the first period of the 1999-2004 years, whereas the government changes to centre-right governments in all of these countries led to voting

behaviour which was more in line with how votes were cast by other centre-right governments. Hence, apart from the relative location of the governments vis-à-vis each other, the apparent changes in voting behaviour indicate that voting behaviour in the Council is indeed of a party political nature. No evidence can be found for other similarly distinct theories, and, to be specific, patterns in support of a pro-/sceptic EU dimension or North/South division do not appear from the findings. A robustness check of the findings was conducted by comparing the OC results with results from repeating the analysis with another popular scaling method, NOMINATE, and a Bayesian MCMC model.

The second empirical test was carried out in Chapter 5 and explored changes in voting behaviour across the legislative stages in the policy process. Hypotheses 2, 3, and 4 state that there is a difference between left- and right-wing governments' likelihood of opposing the majority, and within the left/right division also between large and small governments. These hypotheses were tested on votes cast at the final adoption stage, and votes cast at reading prior to the final vote, respectively.

The findings in Chapter 5 support the hypotheses, yet, also provide additional information about the voting behaviour across the legislative stages. First, the results make it clear that the same variables have an effect on a government's likelihood of opposing the majority at all voting stages. A government's location on the left/right political scale, its voting power and whether or not it is holding the Presidency all influence the frequency with which the governments oppose the majority. Leaving the Presidency variable momentarily aside, the results showed that, during the period under investigation, the more a government moved towards the extreme right, the more it was inclined to oppose the majority. Conversely, the more a government moved towards the left, the less it was likely to do so. Furthermore, the distribution of voting power had a strong influence such that governments with more voting power would oppose more frequently than governments with less voting power. Combined with the policy location it then became evident that large right-wing governments were generally the ones most likely to voice disagreement in 1999-2004, a period where left-wing governments dominated the Council. However, the magnitude of these effects was found to differ considerably across the legislative stages: Whereas the last voting stage saw a very strong division between the large and small governments, this difference was not as profound at stages prior to the final adoption. Particularly the difference between small and large

right-wing governments was found to decrease at the earlier readings. In sum, the variance across the legislative stages seems to indicate that Council members take into account whether a vote is at an early reading or the final adoption of legislation. Particularly governments with a smaller share of voting power change their behaviour considerably across the different legislative stages, though, the left/right dynamics are still dominant in either scenario.

Chapter 6 included the third empirical analysis and investigated possible changes in voting behaviour across policy areas. The hypotheses tested in this chapter are replications of the ones investigated in Chapter 5 regarding the differences in voting behaviour between small/large left- and small/large right-wing governments. However, here the sub-hypotheses accommodated expectations to how these differences may be apparent across the different policy areas.

The findings in Chapter 6 were that there is a great variance in both the adoption rate and the level of contest across the policy areas in absolute figures as well as relative to how much legislation is adopted in the respective areas. As in Chapter 5, whether a government decides to oppose the majority in each of the policy areas is highly correlated with the position on the general left-right policy dimension, its voting power and whether or not it holds the Presidency. However, in this chapter the left/right variable is found to vary across the areas, not just in magnitude but also in direction: Right-wing governments are generally found more inclined to oppose the majority than left-wing governments, though, in the important areas of Agriculture & Fisheries, Economic & Financial Affairs and Justice & Home Affairs the variable comes out as negative, meaning that the further to the left a government is located on the left/right political axis, the more it is inclined to oppose. The magnitude of these findings are strongest for policy fields where the right-wing governments are more frequently in opposition, although the results are significant beyond the .001 level in all areas. In addition, attitude towards EU integration is not found to explain voting behaviour in any of the policy fields, yet, the position of the governments on policy-related areas from national politics is found to have a significant impact. Lastly, the analyses of the different policy areas show a difference between legislation adopted by unanimity and QMV. In the categories 'All Policy Areas', 'Agriculture & Fisheries', 'Social Affairs', 'Transport' and the pooled category of 'Others' it is more likely that legislation will include recorded opposition



when the decision rule is QMV than when it is unanimity. However, in the areas of 'Environment', 'Economic & Financial Affairs' and 'Justice & Home Affairs' this distinction does not appear; the difference between QMV and unanimity cannot explain the frequency with which the governments voice disagreement in those areas.

In addition to the empirical tests of each of the hypotheses derived from the theory, another important intention behind this thesis has been to provide empirical evidence which may help to generally advance the current knowledge of Council decision-making. Hence, descriptive statistics have been presented in each of the empirical chapters, and Chapter 1 pointed out three key findings from the data set which are in contrast to existing accounts of the use of rules and procedures in the Council. First, it was shown that if analyses of voting behaviour are not restricted to final stage voting outcomes, but also include stages prior to the final adoption, then the degree of recorded disagreement increases considerably. Inclusion of formal statements following the adoption of a decision provide an additional source of information and can, if included in analyses of formal decision documents, further elevate the recorded level of conflict. Second, the findings presented in this thesis regarding the use of 'A' and 'B' points do not correspond very well with the current literature's description of the Council's use of formal rules for adopting legislation. 'A' points are commonly described to be nodded through at the ministerial level without much discussion, whereas 'B' points are controversial policy proposals that frequently result in 'contested' decisions (e.g. Hayes-Renshaw and Wallace 2006:183). In contrast, the results from the data used in this thesis show that 'B' agenda points in many cases do not appear more controversial than 'A' points in terms of recorded disagreement. Neither do they seem to be used to the extent that would be expected from the current literature's focus on the issue. When asked about this contradiction, several Council practitioners have instead explained that another use of the distinction between the 'A' and 'B' agenda points is in place: the distinction is increasingly a political signalling tool rather than merely an institutional measure to ensure more efficient negotiations. The third of the findings regarding the rules and procedures was that the changes in the legislative procedures after the Amsterdam Treaty seem to require some attention with regard to the effect for the internal decision-making in the Council. As the data showed that a considerable amount of legislation is adopted already at the Council's 1<sup>st</sup> reading, it seems necessary to

investigate whether a consequence hereof is also an increase in explicit voting and use of formal statements in the long term in order to ensure quicker adoptions. Such trends have not been detected in this thesis' data, however, practitioners and qualitative studies have suggested that it may be on the increase in the post-enlargement era (Mammonas 2005; Lemmp 2006).

In sum, the evidence supports the theory presented in this thesis that party politics dominate governments' voting behaviour in the Council. However, it should be stressed once again that this does not indicate that policy outcomes from the Council may not also be settled according to the member states' preferences over the level of integration and according to their general attitude towards the EU. Yet, any such factors cannot be expected to be apparent in the voting behaviour and have not been possible to trace in any of the empirical analyses in this thesis. A logical explanation for this may be that the European Council as well as the extensive preparatory negotiations prior to the Council's meetings leave only an insignificant proportion of the legislation debated and adopted in the Council to be a matter of integration or nation-based interests. The largest proportion of policies is over the degree of regulation or technical specifications within already existing EU policy areas. Hence, voting behaviour on these issues does not reflect nation-based preferences as such. Although national preferences may play a role in the definition of the larger strategic decision-making on EU cooperation, this thesis has shown that EU legislation is certainly dependent also on which political parties are in government; voting behaviour within the EU's most important legislative institution is influenced by party affiliations, and members of the Council cannot be studied merely as national representatives.

### **Comparison of empirical findings with existing research**

Chapter 3 explained how each of the hypotheses deducted from the theory would be tested in each of the empirical chapters. However, as has been made clear throughout the thesis, several other propositions have been presented in the literature. Hence, in order to also evaluate the support for some of the alternative explanations, Table 7.1 below summarises the findings from the empirical analyses and compare them with the

predictions from the theoretical argument presented in this thesis as well as the alternative explanations from the literature.

The table shows that some of the predictions from the existing literature are supported, while others are questioned. The ones that are supported are the current studies' arguments and findings that 1) there is an effect of the governments' party political affiliation on their voting behaviour in the Council, 2) an interaction effect between governments' left/right political preferences and their general attitude towards the EU can be detected in their voting behaviour in the Council (or, in other words, that right-wing EU sceptical governments vote differently to left-wing EU-sceptical governments), 3) there is a difference in behaviour between small and large Council members, and 4) holding the Presidency has an effect on a government's frequency of opposing the majority.

On the other hand, the assumptions from the literature which are not supported are 1) that governments' attitude towards EU integration has an effect on its legislative behaviour, 2) that geographical location may affect decisions to oppose legislation, 3) that individual ministers' behave differently in voting situations than their entire government would<sup>83</sup>, 4) that duration of a government's EU membership has an effect on support or opposition to the majority, and 5) that it is of no importance whether legislation is adopted by unanimity or QMV, since most decisions are recorded as having been passed by a unanimous Council.

The mixed support for the arguments from the existing literature should be further clarified by noting that research on Council decision-making does not - as of yet - share a common analytical framework. Hence, as was also described in Chapter 1, Table 7.1's summary of the predictions from the current literature is also a summary of several different theoretical views on how best to capture legislative dynamics within the Council. While the evidence on this basis shows partial support for the existing literature, it provides strong support for the behavioural predictions derived from this thesis' theory. Each of the key predictions were substantially and significantly supported, with the only exception was that the left/right variable changed direction in three of the policy areas

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<sup>83</sup> As discussed in Chapter 6, this finding does on the other hand not show if the content of the policies is biased due to the preferences of the sectoral ministers.

analysed in Chapter 6. The last section of this thesis discusses the implications of the findings for the study of political bargaining in the EU's bicameral structure.

**Table 7.1: Comparison of predictions and findings**

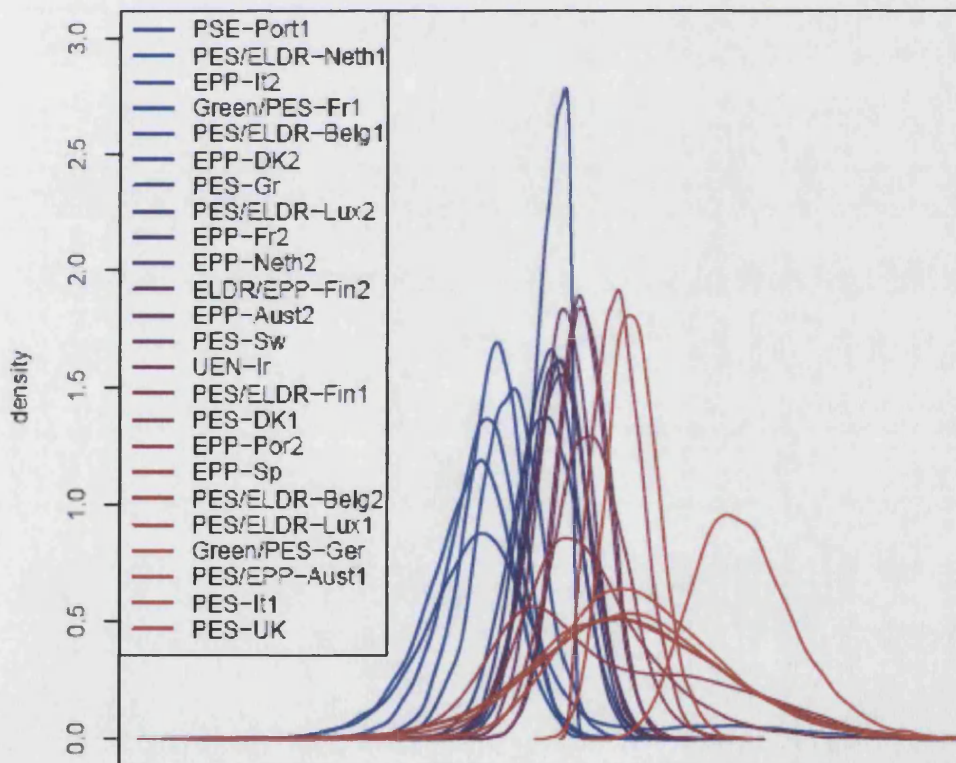
<b>Variables</b>	<b>Existing literature</b>	<b>Chapter 4: Dimensionality</b>	<b>Chapter 5: Across legislative stages</b>	<b>Chapter 6: Across policy areas</b>
Left/Right	Positive	Positive	Positive	Positive/Negative
Attitude to EU	Positive	No effect	No effect	No effect
Left/Right x attitude to EU	Positive	Positive	Positive	Positive/Negative
Voting Power	Positive	Positive	Positive	Positive
Geo	Positive	No effect	No effect	No effect
Budget	Positive	No effect	No effect	No effect
PartyDifference	Positive	Not included	Not included	No effect
Member	Positive	No effect	No effect	No effect
Presidency	Negative	Not included	Negative	Negative
National Party System	Not considered	No effect	No effect	No effect
National Policy	Not considered	Not included	Not included	Positive
Rule	No effect	Not included	Not included	Positive (some areas)
Workload	No effect	No effect	No effect	No effect
Nationalism	Positive	No effect	No effect	No effect
Immigration	Not considered	No effect	No effect	No effect
EU Enlargement	Positive	No effect	No effect	No effect
EU Strengthening	Negative	No effect	No effect	No effect
EU Peacekeeping	Ambiguous	No effect	No effect	No effect
EU Accountability	Ambiguous	No effect	No effect	No effect
EU Authority	Negative	No effect	No effect	No effect

## **Implications of the theory for bicameral politics in the EU**

Legislative behaviour in one chamber in a bicameral system is known to be influenced by the collective decisions made in the other chamber (Buchanan and Tullock 1962). Following the theory and findings summarised above, and considering the existing knowledge about voting behaviour in the Parliament, both of the two legislative chambers in the EU consist of representatives from the same political parties and form coalitions around similar policy dimensions (cf. Hix 1999, 2001, and Hix et al. forthcoming 2006; Mattila 2004). Therefore, it is likely that the theory and findings from this thesis will have implications not only for the study of the Council on its own, but also for the EU as a bicameral political system. Since the political parties represented in both institutions are rational self-interested actors, it can be assumed that these parties will seek to exploit the possibility for manipulating policy outcomes towards their own policy preferences also across the institutional divide. In fact, a recent study based on both the data set used in this thesis and a data set consisting of MEPs' voting behaviour in the same time period (Høyland 2005), finds that voting behaviour in the Council influences the likelihood of MEPs' support of amendments in the Co-decision procedure (Høyland and Hagemann 2006). The finding is that the governing parties can speculate in the likely policy outcomes from not only the negotiations in the Council, but also the Parliament's likelihood of successfully amending the Council's common position. The evidence in the study shows that when disagreement is recorded in the Council, governing parties who are located towards the other end of the policy space than the majority will be much less likely to support amendments in the Parliament than when no disagreement is recorded. Governments in the majority will support amendments more. The explanation could be that the high decision threshold in the Council does not allow for a policy change that is satisfying to the majority of the governing parties. These parties can therefore push for a further policy change in the Parliament. Parties in the minority will oppose such amendments. Figure 7.1 and 7.2 below show how the policy dimensions in the Parliament and the Council overlap in the Co-decision procedure by presenting ideal point estimates produced by MCMC for the two institutions. Figure 7.3 furthermore shows the mean level of support for second reading amendments by party group in the EP. It should be reminded that in 1999-2004 the majority of governing

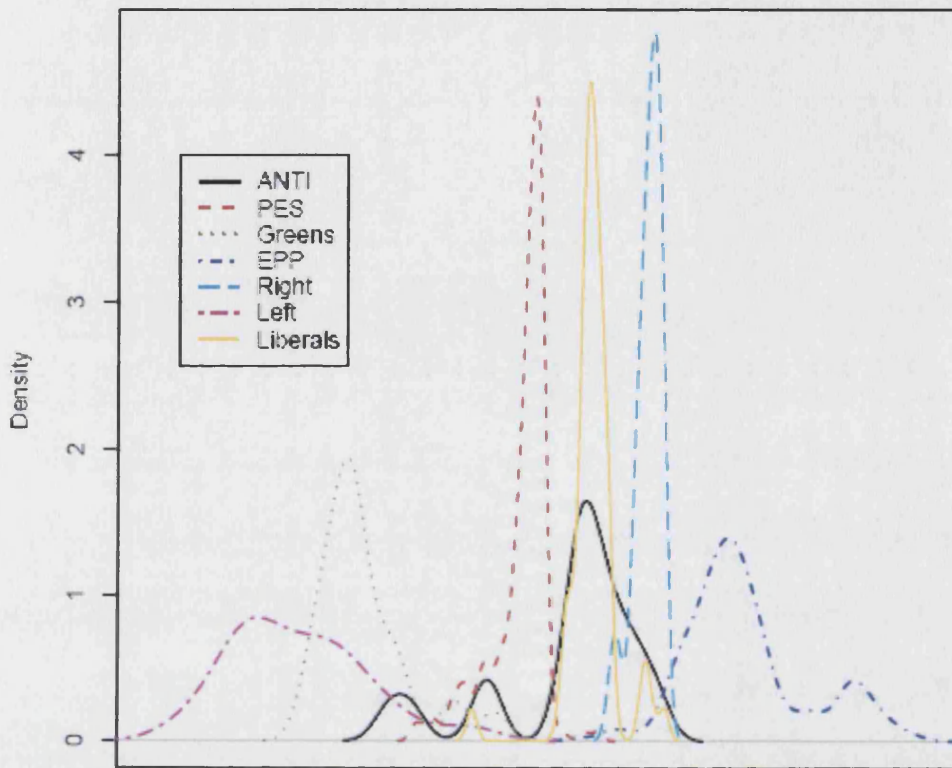
parties in the EU consisted of left-wing governments. All of the results are from Co-decision votes only, and can be found in the more rigorous analysis in Høyland and Hagemann (2006)<sup>84</sup>. Though, as a general conclusion, the implications of this thesis for the study of bicameral politics in the EU is that, when considering the Council actors as political parties rather than national representatives, both intra- as well as inter-institutional power dynamics become quite different to what is traditionally reflected in the literature. It will be interesting to further explore these highly interconnected research agendas for Council decision-making and EU bicameral politics suggested by the findings.

**Figure 7.1: Council members' revealed policy positions, Co-decision votes 1999-2004**

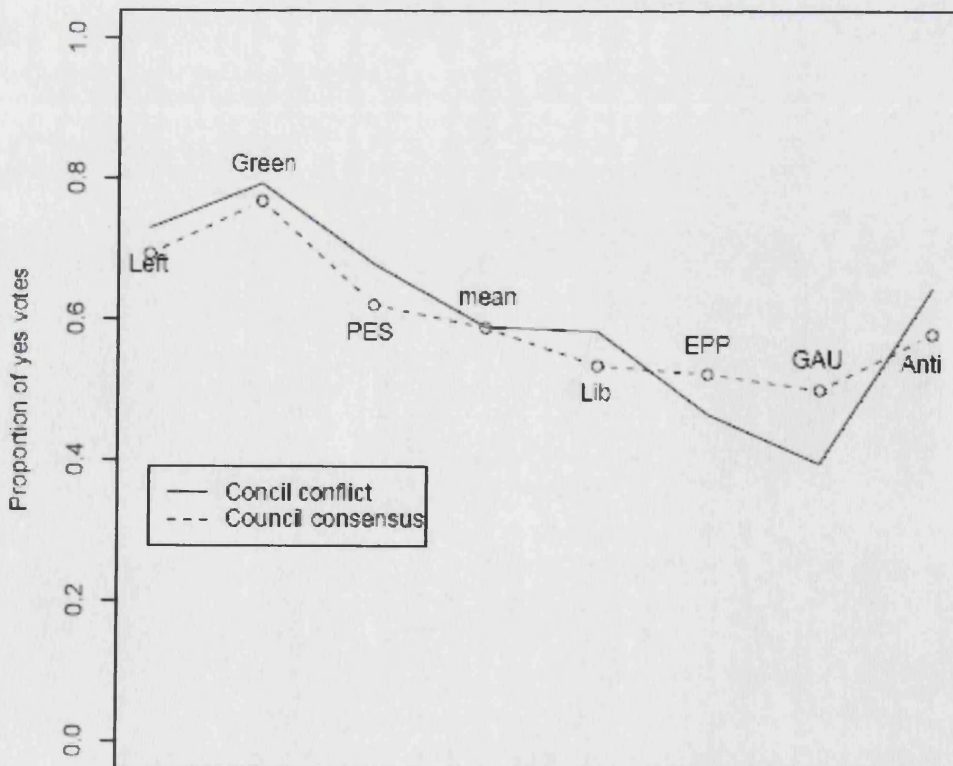


<sup>84</sup> Bjørn Høyland has done the rigorous analysis of the voting in the Parliament in the Co-decision procedure in Høyland and Hagemann (2006). It is with his consent that the results are presented here.

**Figure 7.2: Party groups' revealed policy positions in the Parliament, Co-decision amendments 1999-2004**



**Figure 7.3: Mean support in the EP, Co-decision amendments 1999-2004**



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## Appendix A

### A Method for Calculating the Council members' Voting power: The Normalised Banzhaf Index

This appendix provides the definition for the normalised Banzhaf Index referred to in Chapter 1.

A voting body has  $N$  members with voting weights  $w_1, w_2, \dots, w_n$  and a decision rule in terms of a threshold. A particular combination of votes is referred to as a *division* and the Banzhaf (1965) index is essentially concerned with counting the number of *swings*, that is, the voting outcomes that can be changed from losing to winning by members changing how they cast their weighted vote. A swing for member  $i$  is a coalition represented by a subset of members of the assembly:  $S_i, N \supset S_i, i \notin S_i$ , such that

$$\sum_{j \in S_i} W_j < q \text{ and } \sum_{j \in S_i} W_j + W_i \geq q$$

A swing is then a coalition where the total votes cast in favour of a particular decision fall short of the threshold without those of member  $i$ , but equals or exceeds it when member  $i$  joins. The number of swings for  $i$  is  $\eta_i$  and the total number of swings is  $\tilde{\eta} = \sum_{i \in N} \eta_i$ . The

total number of divisions (that is, the number of subsets of  $N$ ) is  $2^n$ . The relative Banzhaf index for member  $i$  is on this background the member's relative number of swings, denoted  $\beta_i$ :

$$\beta_i = \eta_i / \tilde{\eta} = \eta_i / \sum_{i \in N} \eta_j \quad i = 1, 2, \dots, n$$

It is worth noting here, that the relative Banzhaf index is in fact the normalised version of the Penrose (1946) measure, which is, as mentioned in Chapter 1, an absolute measure of each member's voting power and is denoted  $\pi = \eta_i / 2^{n-1}$ . Inherent in the relative Banzhaf index is that the sum will always come to 1 and the individual scores therefore indicate the share of member  $i$  in the combined capacity of all members to influence decisions.

## **Appendix B**

### **List of interviews**

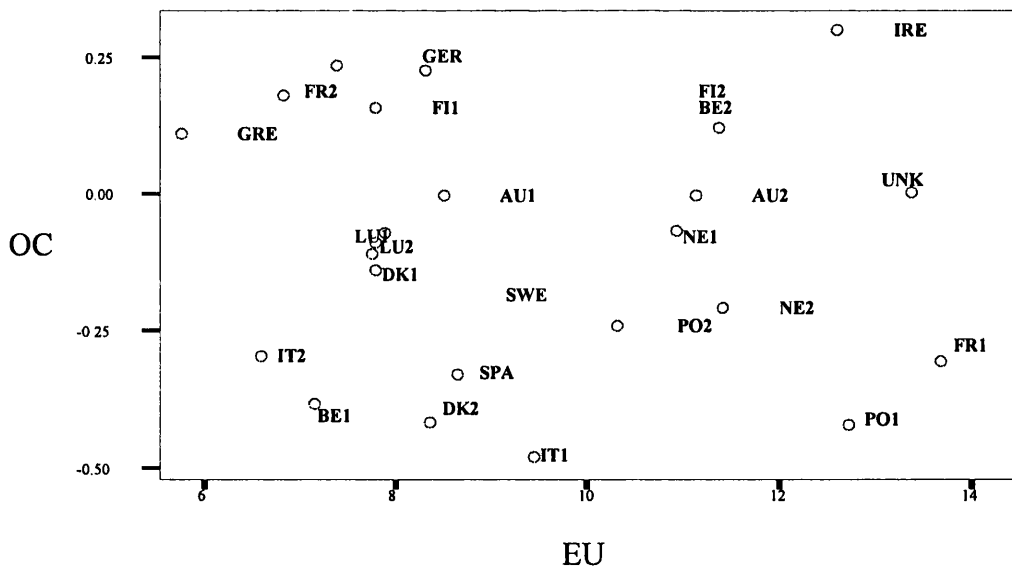
The list of interviews is only available for the supervisor, co-supervisor and the examiners of this thesis. Please contact me on [s.hagemann@lse.ac.uk](mailto:s.hagemann@lse.ac.uk) with questions regarding the interviews.

## Appendix C

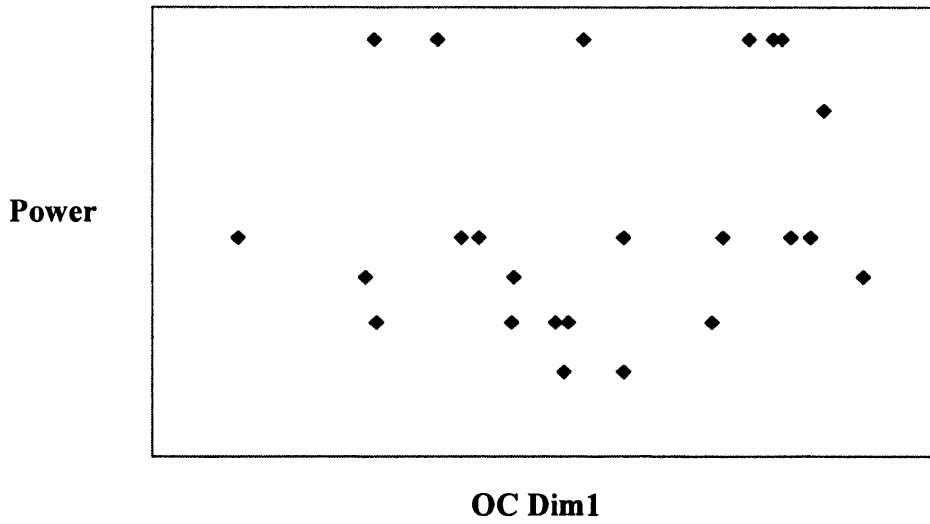
### Comparisons between the governments' ideal point estimates (OC estimates) and exogenous measures of the governments' characteristics

The first 5 figures in this appendix show the comparisons of the various exogenous measures from Chapter 4 with the governments' ideal point estimates in the first dimension. The following 6 figures are the correlations between the exogenous measures with the OC estimates from the second dimension. Please refer to Section 3.3 in Chapter 3 for a description of the exogenous measures and to Chapter 4 for an explanation of the OC results.

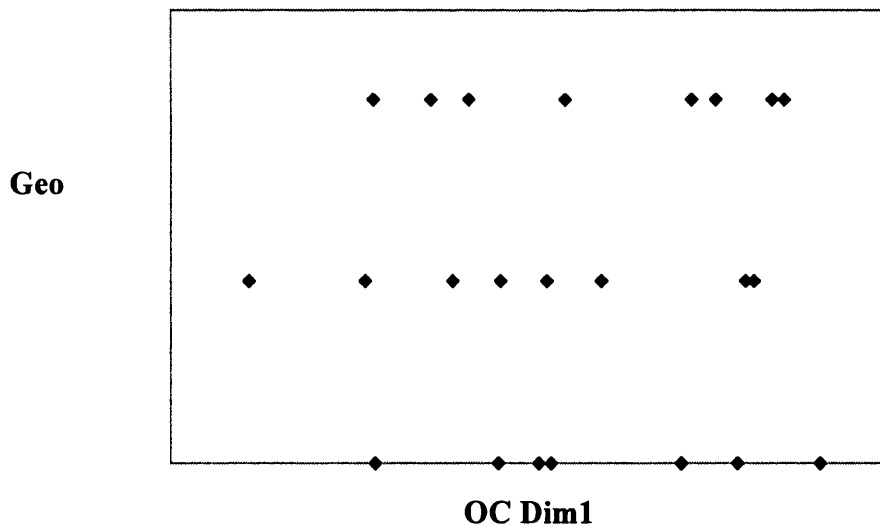
**Figure 1: Scatterplot of the governments' attitude towards the EU and the OC estimates from the first dimension**



**Figure 2: Scatterplot of the governments' voting power and the OC estimates from the first dimension**

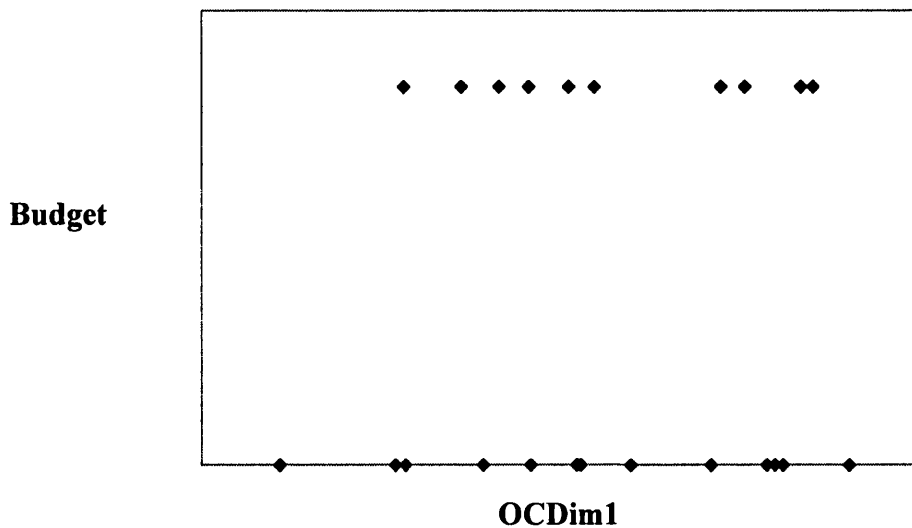


**Figure 3: Scatterplot of the governments' geographical location and the OC estimates from the first dimension**

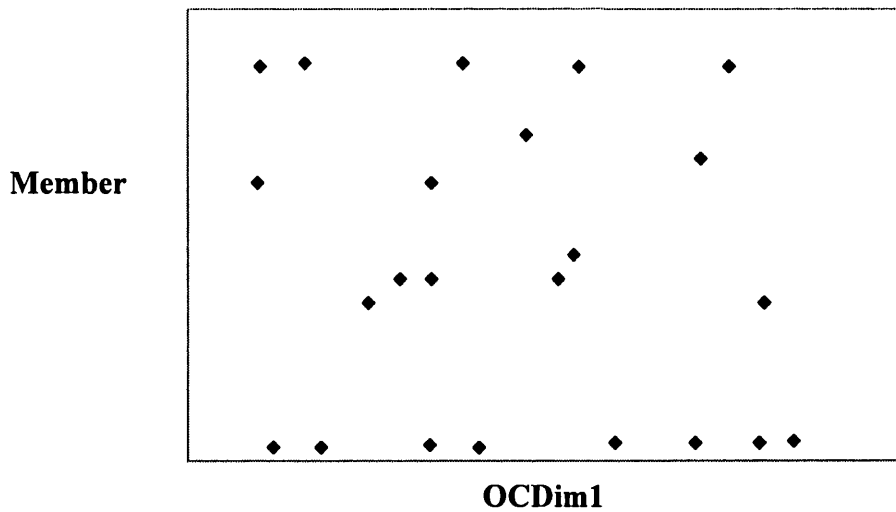




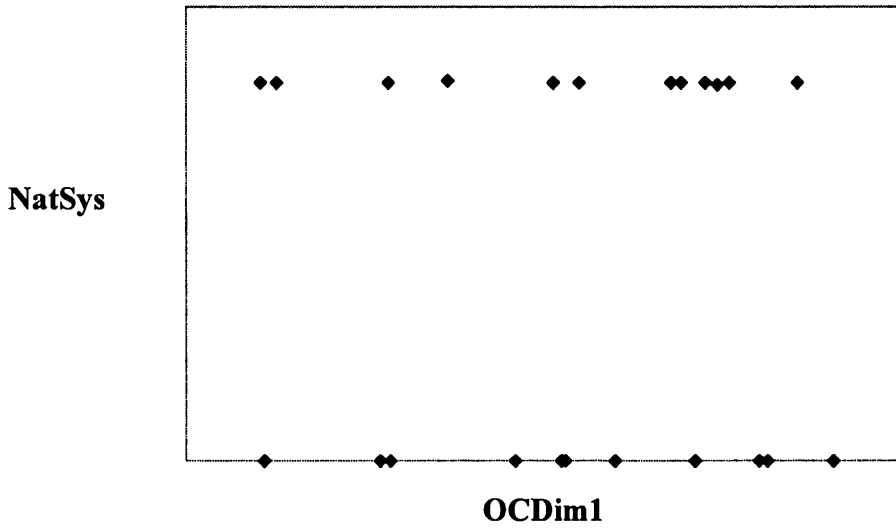
**Figure 4: Scatterplot of the governments' status as either a contributor or receiver from the EU budget and the OC estimates from the first dimension**



**Figure 5: Comparison of 'old' and 'new' governments and the OC estimates from the first dimension**

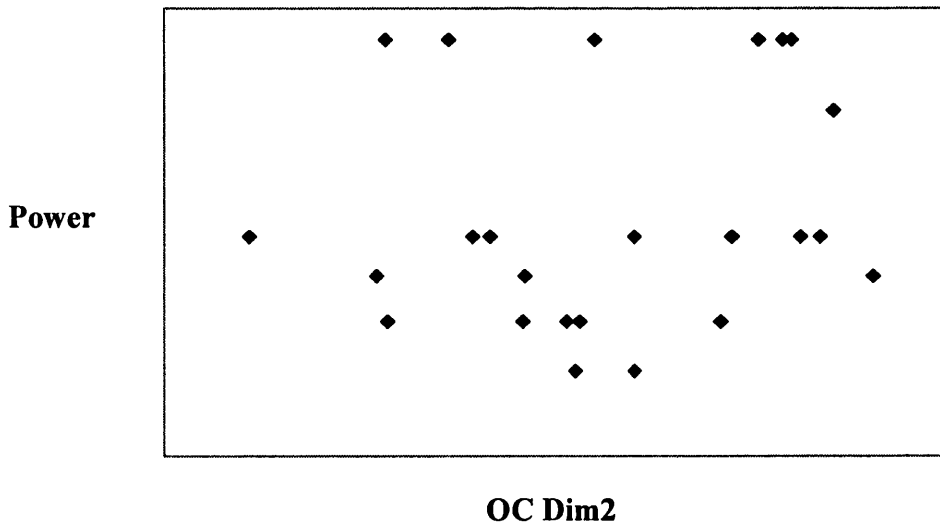


**Figure 6: Comparison of the governments' political system\* and the OC estimates from the first dimension**

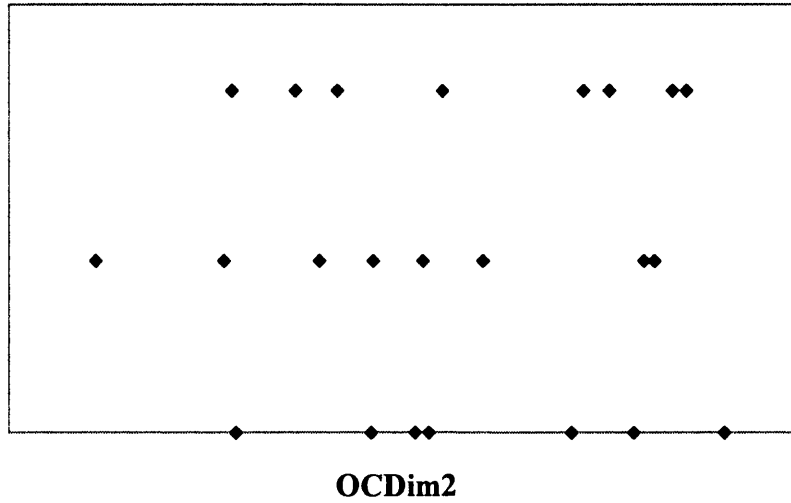


\* Political system refers to whether the government is from an adversarial or non-adversarial political system. Please refer to Chapter 3 for details.

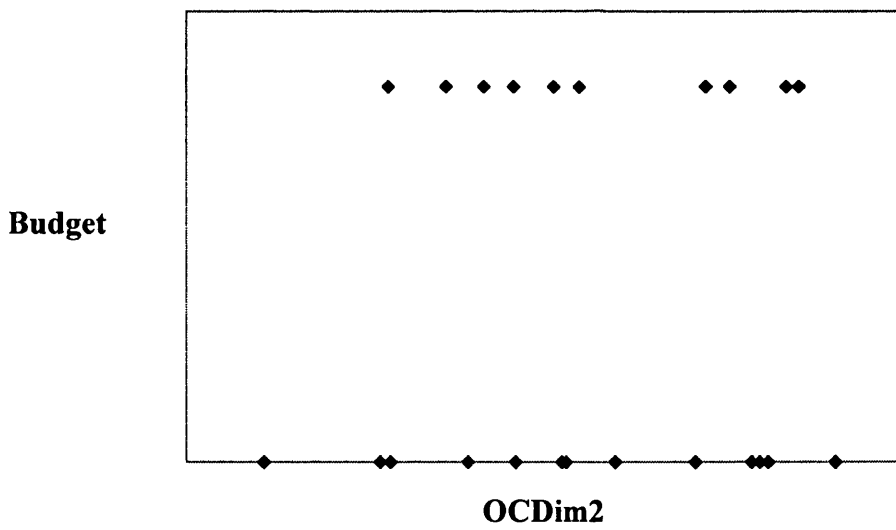
**Figure 7: Scatterplot of the governments' voting power and the OC estimates from the second dimension**



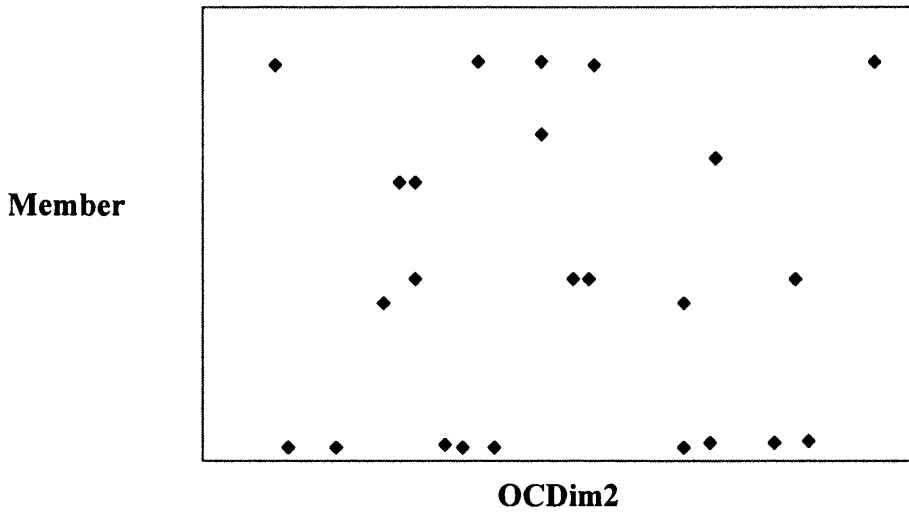
**Figure 8: Scatterplot of the governments' geographical location and the OC estimates from the second dimension**



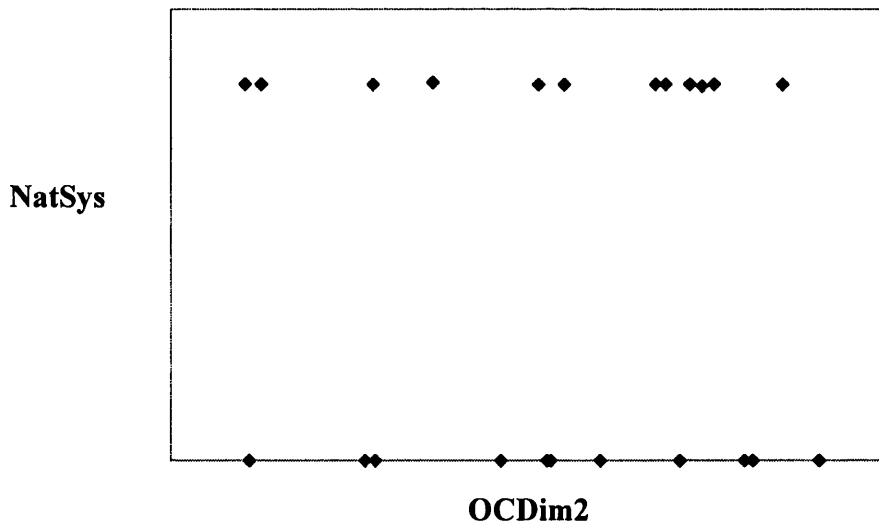
**Figure 9: Scatterplot of the governments' status as either a contributor or receiver from the EU budget and the OC estimates from the second dimension**



**Figure 10: Comparison of 'old' and 'new' governments and the OC estimates from the second dimension**



**Figure 11: Comparison of the governments' political system\* and the OC estimates from the second dimension**



\* Political system refers to whether the government is from an adversarial or non-adversarial political system. Please refer to Chapter 3 for details.

## Appendix D

### MCMC ideal point estimates for the governments represented in the Council

<u>Dimension 1</u>	2.5%	25%	50%	75%	97.5%
theta.germany	0.097415	0.35164	0.49207	0.64087	0.968572
theta.francel	-1.707220	-1.03150	-0.72605	-0.39752	1.665415
theta.france2	-0.630418	-0.29491	-0.13154	0.02606	0.321619
theta.uk	0.734132	1.13289	1.39690	1.69841	2.427098
theta.italy1	-0.496934	0.14932	0.53719	0.99929	2.015276
theta.italy2	-1.196335	-0.82123	-0.65380	-0.49911	-0.224157
theta.spain	0.042911	0.23544	0.37185	0.51686	0.821563
theta.netherlands1	1.418184	-0.94538	-0.73887	-0.55053	-0.187201
theta.netherlands2	-0.663637	-0.29103	-0.11800	0.04715	0.377088
theta.greece	-0.588123	-0.30702	-0.18384	-0.08821	-0.008941
theta.belgium1	-1.096658	-0.70495	-0.52190	-0.34845	0.006346
theta.belgium2	-1.088629	-0.06159	0.44729	0.99601	2.147366
theta.portugal1	-1.741441	-1.09285	-0.83534	-0.62188	-0.232193
theta.portugal2	-1.037224	-0.38345	0.09010	0.94373	2.178517
theta.sweden	-0.346553	-0.07349	0.06372	0.21040	0.489223
theta.austria1	-0.899237	-0.02317	0.46997	0.98378	2.116622
theta.austria2	-0.513959	-0.21560	-0.07052	0.07503	0.353785
theta.denmark1	-0.726082	-0.21277	0.07802	0.44154	1.446869
theta.denmark2	-0.817434	-0.43009	-0.23843	-0.04467	0.295683
theta.finland1	-0.455727	-0.06826	0.13371	0.33953	0.771728
theta.finland2	-0.672200	-0.29077	-0.11840	0.05130	0.372761
theta.ireland	-0.334710	-0.05756	0.08323	0.23097	0.504337
theta.luxembourg1	-1.142217	-0.05202	0.45328	1.01529	2.169595
theta.luxembourg2	-0.691082	-0.36931	-0.20337	-0.04559	0.250592

"It is unacceptable that the EU's most important law-making body still meets behind closed doors when acting as a legislator. It is necessary for the public to gain insight into its functioning and politics. The Council should respond to calls for greater transparency coming from Parliament, civil society and the general public."

*MEP quoted in Euractive.com article "MEPs urge EU Council to prop up transparency", 27<sup>th</sup> of February 2006.*