

Steering the Union. The Impact of the EU Presidency on Legislative Activity in the Council*

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Abstract

Their term in office as the Council Presidency offers Member States a unique opportunity to steer the Union's legislative activity according to their national priorities. This article offers evidence in the field of environmental policy for the period 1984 to 2001.

Introduction

The rotating Presidency of the Council of Ministers is a striking feature of the institutional set-up of the European Union (EU). Its reform has again and again been put on the agenda. It was one of the most prominent topics in recent discussions on a constitutional treaty (König *et al.*, 2006). Both proponents and opponents of the current system of rotation pointed to the influence vested in the Council Presidency which would allow it to impose its national priorities on the European legislative agenda. The opportunities the Presidency provides to a Member State have also been frequently identified

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by scholars (Hayes-Renshaw and Wallace, 1997; Sherrington, 2000; Tallberg, 2003, 2004; Wallace, 1985; Westlake and Galloway, 2004; Wurzel, 1996). This article empirically addresses the question of whether or not the Council Presidency indeed steers the legislative activity of the European Union according to its national priorities.

Existing empirical accounts of the Presidency for the most part cover only individual Presidencies and focus on other aspects, such as administrative preparation or the role perception of civil servants involved in the Presidency. This study adds to our knowledge on the effects of the Presidency on EU legislation in several ways. Firstly, it is the first study to consider the effect over a longer time period. It covers 35 Presidencies from 1984 through 2001. Another innovation concerns the research design. Most existing studies rely on statements of the Presidency to derive their priorities. However, these statements could be misleading. Member States might include items that are not a national priority but ripe for a decision simply to claim credit. Furthermore, a Member State might choose not to highlight that it intends to prioritize dossiers according to its national agenda. In this study general statements of a government's legislative priorities are used, namely party manifestos from the last election which are cross-validated with the Presidency's working programme. Finally, the effects of the legislative procedure, voting threshold, the position of a Member State and the overall level of salience for all Member States are controlled for in the multivariate analysis.

The article scrutinizes the relationship between the importance the government holding the Council Presidency attaches to environmental policy and legislative activity in the first reading in the Council in this field for the period from 1984 to 2001. The Council Presidency's salience has in general a notable positive and statistically significant impact on legislative activity in the Council. This holds true even when controlling for the general level of importance attached to the environment by all Council members and the position of the Council Presidency on European environmental regulation besides other procedural factors.

This article proceeds as follows. Section I provides an account of the Presidency's powers. It also outlines the theoretical considerations linking the Council Presidency's salience with regard to a given policy to its efforts to influence legislative activity in the Council. Section II discusses data collection and measurement of the main variables. Sections III and IV are devoted to the empirical analysis. The first of these two sections presents the evidence from bivariate analysis, the latter discusses the results of the multivariate regression analysis.

I. Using the Powers of the Presidency: National Salience and EU Legislative Activity

The Council Presidency due to its powers as a 'process-manager' (Tallberg, 2004, p. 1022) is in a unique position to steer the Council's legislative agenda (Kirchner, 1992, pp. 90–1; Wallace, 1985, pp. 10–15). It not only chairs individual meetings, but routinely decides on the shape of the overall legislative agenda. The schedule of meetings and provisional agendas for each meeting are drawn up by the Presidency (Article 2 and 3 of the Council's Rules of Procedures). It enjoys some lee-way in deciding on the priorities of legislative dossiers:

Even though the presidencies have to slot into multi-annual and annual programmes, ongoing legislative processes, rolling programmes, action plans and the like, they can brake or accelerate negotiations, concentrate the Council's firepower and take initiatives. (Westlake and Galloway, 2004, p. 35)

The Presidency acts as the chair of these meetings at all levels of the decision-making machinery giving it further opportunity to fast-track some items (Kirchner, 1992, pp. 76, 104). As the chair the Presidency can, for example, structure the agenda to overcome isolated but vocal domestic opposition to a given dossier (de Bassompierre, 1988, pp. 25–6). Furthermore, the Presidency can interrupt meetings to go into 'confessionals', bilateral discussions between the Presidency and individual delegations. Confessionals can be used to establish the limits of a Member States' negotiating position, put pressure on them, or offer inducements to broker a deal (Hayes-Renshaw and Wallace, 1997, p. 147). Another instrument at the disposal of the Presidency are indicative votes which it can use to 'smoke out tactical opposition and hence bring pressure to bear on delegations insisting on their positions' (Westlake and Galloway, 2004, p. 41). The Presidency also has a prerogative to initiate formal votes (Article 11, Rules of Procedure). A decision of the Council can be reached by the Presidency establishing that a sufficient majority has been achieved (Westlake and Galloway, 2004, p. 40).

Deciding on the format, frequency and content of (formal and informal) meetings allows the Presidency to prioritize topics (Kirchner, 1992, pp. 90–1 and 106; Tallberg, 2003, 2004). If a Presidency wishes to push a given dossier it can schedule informal meetings to prepare the ground, place the item prominently on the agenda of formal negotiations and devote time for extensive discussions to it. It should be noted, however, that the Presidency does not rule supreme in procedural matters in the Council. Other Member States can request an item to be included in the agenda, a vote to be taken and can

put forward compromise texts (Westlake and Galloway, 2004, pp. 33–8). The Presidency does, however, enjoy a prerogative in steering the Council's legislative work. 'Presidencies cannot switch programmes, but they can select certain priorities within a given parameter, or provide political impetus' (Kirchner, 1992, p. 104).

The government holding the Council Presidency can push for agreements in the Council on a given dossier by accelerating formal and informal negotiations and structuring the legislative schedule according to its own priorities. It will have an interest in doing so as 'the Presidency is the one clear and only occasional opportunity for a member government to imprint a particular style on the Council, to impose a particular topic on colleagues, or to ride an individual minister's hobby horse' (Hayes-Renshaw and Wallace, 1997, p. 145). In order to use this opportunity, however, the government holding the Presidency has to spend resources. Time and staff are limited, prioritizing one item of the legislative agenda implies putting less emphasis on other items. The Presidency will only do so in a disproportionate manner if it attaches particular importance, or salience, to the dossier at hand. Governments differ in the importance attributed to policy fields for electoral and ideological reasons. Left-leaning governments might put an emphasis on legislation in the field of social policy, consumer protection and environment. A right-leaning government, on the other hand, might be more interested in industry and competition law (Tallberg, 2003, p. 9). Besides partisan saliency there are strong national interests in some areas. For a nation with a large and influential industrial sector regulations pertaining to industry are particularly important, irrespective of the current administration. In areas such as social and environmental policy, moreover, for some Member States any European legislation is better than the persistence of a patchwork of national regulations because of regulatory competition (Sun and Pelkmans, 1995, pp. 68–75). While high-regulation countries would ideally like to see high standards being adopted at the European level, common and binding legislation even at low levels would generally be preferable to them to a status quo of no European-wide regulation (Rehbinder and Stewart, 1985; Scharpf, 1996, pp. 19–25). Hence, high-regulation countries will be interested in European-wide legislation for economic reasons alone. Environmental policy is a case in point (Vogel, 1997, p. 558). This will be reinforced by ideological and electoral considerations. The more importance a Member State attaches to a policy field such as environmental policy, the more it will be interested in European-wide regulations. Their term as the Council Presidency will offer them a welcome opportunity to push for EU legislation in this area.

The impact of the Council Presidency on legislative output is affected by the voting threshold and the type and number of proposals put forward by the Commission. It will be easier for the Presidency to push for agreement if a proposal can be adopted by qualified majority (rather than unanimity) and if Member States have some leeway implementing the decision. Furthermore, if there are several proposals in the pipe-line the Presidency can pick and choose among them in accordance with the difficulty anticipated in resolving the issues. The Presidency's clout is constrained by the effects of external events, the limited time span of its term in office and the on-going legislative programme (Wallace, 1985, pp. 14–15). In addition, it can be argued that smaller Member States do not have the administrative capacity to promote initiatives and consider different view-points. On the other hand, it has been argued that 'larger states tend to be cluttered with important interests to defend on almost every topic' (Hayes-Renshaw and Wallace, 1997, p. 147), weakening their ability to structure the legislative agenda during its term in office effectively. This might outweigh their advantage *vis-à-vis* smaller Member States due to their greater political clout.

While the potential impact of the Presidency's national priorities on EU legislative activity has often been noted, so far no comprehensive empirical study has been carried out to investigate whether or not the Presidency is indeed successfully pushing for legislation in areas it deems important. Existing empirical accounts of the Presidency for the most part cover only individual Presidencies and focus on other aspects, such as administrative preparation or the role perception of civil servants involved in the Presidency. An early comparative study of Council Presidencies from 1973 to 1983 aimed at studying how national bureaucracies coped with the tasks of the Presidency and how this could be improved upon (O'Nuallain, 1985, p. xiii). With regard to EC legislation, Regelsberger and Wessels (1985, p. 88) note that the German Presidency in 1983 successfully prioritized the consolidation of the internal market. Similarly, Sherrington's (2000) study of Council discussions on eight legislative initiatives in the period 1988 to 1992 focuses on the way different Council formations operate, not on the relationship between national salience attached to a policy field by the Council Presidency and European legislative activity. She does, however, report three examples of legislative dossiers in which Presidencies tried to fast-track items which may have been due to national priorities: the titanium dioxide directive under the German Presidency in 1988 (Sherrington, 2000, p. 125), the lingua programme under the Spanish Presidency in 1989 (150/1) and the money laundering directive under the Italian Presidency in 1990 (108/9). A more recent comparative study of Presidencies between 1989 and 2002 does not evaluate the impact of the Presidency on EU legislation (Elgström, 2003, p. 8). The most

comprehensive study on the Presidency's performance and priorities so far compares the 1994 and 1999 German Presidencies to the British Presidencies in 1992 and 1998 with regard to environmental regulation. It finds little evidence for a relationship between the priority attached to environmental policy legislation by a Member States and legislative activity in the environmental field (Wurzel, 2004, pp. 13, 28–9).

In sum, the Presidency has various means at its disposal to influence the pace of decision-making in the Council. Member States differ in the importance they attach to policy fields. Due to the powers of the Presidency legislative activity in the Council is influenced by the salience the Council Presidency attaches to a given proposal. Although a distinction between small and big Member States has been frequently made in the literature, it is unclear how a Member States's size relates to its impact on legislative output during its term in office as the Presidency. The evidence from the empirical literature on the relationship between the salience attributed to a policy field by the Council Presidency and legislative activity is mixed. However, so far no comprehensive study of a larger number of Presidencies has been carried out.

II. Data Collection and Measurement

This article scrutinizes the relationship between the importance the government holding the Council Presidency attaches to a policy field policy and legislative activity in the Council in this field for the period 1984 to 2001, covering 35 Presidencies. The study is limited to first reading agreements and environmental policy. The first reading stage is the only stage at which the procedure is not ruled by strict deadlines, at later stages the effect of the Council Presidency is obscured by time limits. Furthermore, I limit myself to environmental policy as this is a policy field in which Member States are likely to push for any European-wide legislation if they attach high salience to it. Although the EC's formal competence for environmental protection only dates from the Single European Act (SEA), there was substantial activity in the field before 1987 (Barnes and Barnes, 1999; McCormick, 2001). The Single European Act lowered the voting threshold from unanimity to a qualified majority for most decisions which facilitated the role of the EU in environmental policy.

To study the impact of the Council Presidency on legislative activity in the field of environmental policy, I collected data on the proceedings in the Council for the period 1984 to 2003. There is no measure available for the salience of individual proposals to a government for this time period; hence I use the policy field as a proxy. The salience of a policy field is approximated

by the prominence of environmental protection in the government parties' manifestos. I compare these scores to the space devoted to the environment in the Council Presidencies speeches to cross-validate them. Finally, to control for the position of the respective Member States on environmental policy I draw upon the descriptive literature and the implementation record of Member States in environmental policy.

The data on legislative activity of the European Union are based on the PRELEX database. PRELEX is a database maintained by the European Commission which traces all legislative proceedings. For my analysis I right-censor the data on 31 December 2003, that is with the end of the last Presidency before the 2004 enlargement. Furthermore, I only consider legislation which is (still) pending after 1 January 1984. The policy field is coded based on the Directorate-General (DG) of the European Commission that is primarily responsible. My dependent variable consists of the number of environmental legislation addressed in the Council during a Council Presidency. The absolute number of addressed acts might be misleading if we do not consider the number of acts that can potentially be addressed. For this purpose, I calculate the percentage of acts addressed of the number of acts pending during a given Presidency for the bivariate analysis and use the number of pending acts as an exposure variable in the multivariate analysis.

The time point from which the Council might act upon a legislative proposal differs for the legislative procedures which have been in use in the EC/EU from 1984 to 2001. Under the agreement procedure, the Council can act upon a proposal once it has been adopted by the Commission and transferred to the Council. In some cases the Council is obliged to consider the opinion of the Economic and Social Committee before it can act. The start date has been adopted accordingly throughout. The other main legislative procedures (consultation, co-operation, co-decision), however, require the involvement of the European Parliament. The co-operation and co-decision procedures also consist of several readings. Thus, the Council acts at several stages during the legislative proceeding, reacting to the actions taken by the European Parliament and the Commission. After the first reading, time constraints are imposed by the procedures requiring the Council to act within three months (adoption at second reading) or six weeks (adoption after conciliation). All procedures, however, require that the Council agrees on its position (either by adopting the law or formulating a common position) in the first reading. As there are no time limits in the first reading, once the proposal passes to the Council it is free to act upon it. The common position represents an important step towards the adoption of an act as the subsequent negotiations between the European Parliament and the Council are based on it (Bostock, 2002, pp. 219–20; Corbett, 2000, pp. 375–6; Tsebelis and Garrett,

2000, pp. 22–3). Thus, I will restrict myself to Council actions in the first reading. I consider an act to be addressed by the Council if a common position or a law has been adopted. If the Council reached political agreement prior to the formal adoption of a common position or law, I use the date of the political agreement instead to exclude delays due to technical reasons.

Salience is defined as the importance a political actors attaches to a given topic (Laver, 2001b, pp. 69–71). In the present context, we are interested in governmental salience, the importance the government of a Member State ascribes to environmental policy. The variable for governmental salience is derived from the Comparative Manifesto Group's data set (Budge *et al.*, 2001). The salience of environmental policy is measured by the percentage of quasi-sentences related to the environment, where high values indicate a high level of salience. These measures are based on party manifestos. To calculate values for the government I weighted them by the number of cabinet posts (Kim and Fording, 2001).¹ Because of data availability these values can only be calculated up to the first Presidency of 2001. It should be noted that this indicator is far from perfect. Party manifestos represent strategic self-representation in a particular national environment during the election campaign (Laver, 2001a; Mair, 2001). To cross-validate this widely used measurement I use the Presidency's working programme as presented to the European Parliament.

The salience values for environment for the Council presidencies from 1984 to 2001 are given by Table 1. The third column reports the governmental salience for environment based on party manifesto data. Besides the salience values based on party manifestos, Table 1 also presents the percentage of space devoted to the environment in the speech by the Council Presidency in the sixth column. Twelve out of the 35 Council presidencies in the period 1984 to 2001 do not devote a noticeable part of their speeches to the topic of environmental policy. The remaining 23 Council presidencies on average devoted 9 per cent of their speeches to environmental concerns. Nine Council presidencies devote a higher percentage to environmental policy. Three of those (Germany, 1994; France, 2000; Ireland, 1990) also exhibit above average values on the salience measure based on party manifestos. There are, however, noticeable deviations between these two measures. The most striking discrepancy occurs in the case of the Swedish Council Presidency in 2001. The Swedish Presidency put by far the greatest emphasis on

¹ The Italian administration during their Presidency in 1996 (Dini I) consisted entirely of independents. Instead of the cabinet composition I used the distribution of seats in Parliament. In general, I excluded cabinet ministers without partisan affiliation when calculating the distribution of cabinet posts.

Table 1: Salience of Environmental Policy, Council Presidencies 1984–2001

<i>Rank</i>	<i>Party Manifesto Council Presidency</i>	<i>Salience</i>	<i>Rank</i>	<i>Presidency Speeches Council Presidency</i>	<i>Salience</i>
1	1994 Germany	13.07	1	2001 Sweden	30.28
2	<i>1991 Netherlands</i>	11.10	2	1990 Ireland	22.73
3	<i>1988 Germany</i>	9.38	3	1998 United Kingdom	19.67
4	<i>1999 Germany</i>	9.07	4	2000 France	15.22
5	<i>1992 Portugal</i>	7.88	5	1993 Belgium	14.67
6	1990 Ireland	7.24	6	1998 Austria	13.90
7	<i>1994 Greece</i>	6.57	7	1994 France	11.29
8	<i>1985 Luxembourg</i>	6.56	8	1989 France	10.84
9	<i>1997 Netherlands</i>	6.44	9	1985 Italy	9.09
10	<i>1992 United Kingdom</i>	5.80	10	<i>1986 Netherlands</i>	7.13
11	<i>1991 Luxembourg</i>	5.76	11	<i>1990 Italy</i>	6.48
12	<i>1999 Finland</i>	5.55	12	<i>1985 Luxembourg</i>	6.48
13	<i>1993 Denmark</i>	5.18	13	<i>1984 Ireland</i>	6.22
14	2000 France	5.15	14	<i>1988 Greece</i>	5.63
15	<i>1990 Italy</i>	4.92	15	<i>1996 Ireland</i>	5.04
16	<i>1986 Netherlands</i>	4.80	16	<i>1991 Luxembourg</i>	4.51
17	<i>1997 Luxembourg</i>	4.73	17	<i>1989 Spain</i>	4.20
18	<i>1987 Denmark</i>	4.68	18	<i>1995 Spain</i>	4.06
19	<i>2000 Portugal</i>	4.63	19	<i>1996 Italy</i>	3.54
20	1993 Belgium	4.44	20	<i>1984 France</i>	2.71
21	<i>1995 Spain</i>	4.39	21	<i>1997 Luxembourg</i>	1.80
22	<i>1987 Belgium</i>	3.83	22	<i>1987 Belgium</i>	1.50
23	<i>1988 Greece</i>	3.55	23	<i>1988 Germany</i>	1.18
24	<i>1986 United Kingdom</i>	3.40	24	<i>1986 United Kingdom</i>	0.00
25	1998 United Kingdom	3.37		<i>1987 Denmark</i>	0.00
26	<i>1996 Italy</i>	2.54		<i>1991 Netherlands</i>	0.00
27	1998 Austria	2.33		<i>1992 Portugal</i>	0.00
28	<i>1984 Ireland</i>	2.32		<i>1992 United Kingdom</i>	0.00
29	<i>1989 Spain</i>	2.21		<i>1993 Denmark</i>	0.00
30	2001 Sweden	1.95		<i>1994 Greece</i>	0.00
31	1989 France	1.70		<i>1995 France</i>	0.00
32	<i>1996 Ireland</i>	1.40		<i>1997 Netherlands</i>	0.00
33	<i>1995 France</i>	0.73		<i>1999 Germany</i>	0.00
34	1985 Italy	0.72		<i>1999 Finland</i>	0.00
35	<i>1984 France</i>	0.32		<i>2000 Portugal</i>	0.00

Source: Author's own data.

Note: *Italics* denote above average values for salience based on party manifestos. **Bold** print denotes above average values for salience based on Presidency speeches (excluding 0 values).

environmental concerns in their speech outlining its programme. The Swedish government, however, only ranks 30th out of 35 in the salience attached to environment in its party manifesto. Presumably the Swedish government did take environmental concerns more seriously than implied by

the emphasis given to it in its party manifesto. In fact, environment (alongside employment and enlargement) was put centre stage as one of the main priorities of the Swedish Presidency (Elgström, 2002) and Sweden is widely seen as a leader in environmental policy (Table 3). Table 2 lists the two ranks and the respective differences between them for all six Council Presidencies, which exhibit above average values in the measurement based on their speeches but below average values in the measurement based on party manifestos.

The ranking based on speeches cannot distinguish between 12 presidencies as they all have a value of zero. The numbers in parentheses in Table 2 report the value based on the 23 Council presidencies which did address environmental concerns in their speech. The average difference in ranks for these 23 presidencies is 7.5. All Council presidencies listed in Table 2 exhibit a higher value. Thus, in these six cases (Austria, 1998; Belgium, 1993; France, 1989; Italy, 1985; Sweden, 2001; United Kingdom, 1998) the measurement based on party manifestos can not be validated by the speeches outlining their programme. These potential measurement problems are taken into account in the empirical analysis.

Even if two Member States attach the same level of importance to environmental policy they might differ with respect to the policies they would like to see enacted. With regard to policy positions a North–South divide is frequently identified by the literature on environmental policy (Weale *et al.*, 2000, pp. 468–74). Besides the Scandinavian countries, Austria, Germany and the Netherlands are sometimes characterized as environmental leaders (Table 3).

A comprehensive measure of policy positions on European legislation on the environment is provided by the implementation record of Member

Table 2: Differences in Rankings of Salience

<i>Council Presidency</i>	<i>Difference</i>	<i>Ranking (Party Manifesto)</i>	<i>Ranking (Speech)</i>
Sweden 2001	29 (18)	30 (19)	1 (1)
Italy 1985	25 (13)	34 (22)	9 (9)
France 1989	23 (12)	31 (20)	8 (8)
United Kingdom 1998	22 (11)	25 (14)	3 (3)
Austria 1998	21 (10)	27 (16)	6 (6)
Belgium 1993	15 (15)	20 (20)	5 (5)

Source: Author's own data.

Note: Numbers in parentheses give the values for the 23 Council Presidencies, which do not have a value of 0 for salience based on their speech.

Table 3: Environmental Leaders in the European Union

<i>Author(s)</i>	<i>Environmental leaders</i>
McCormick (2001, pp. 55 and 66)	Austria, Denmark, Germany, Finland, the Netherlands, Sweden
Wurzel (2002, p. 77)	Denmark, Germany, the Netherlands
Andersen and Liefferink (1997)	Austria, Denmark, Germany, Finland, the Netherlands, Sweden
Jordan and Liefferink (2004, p. 236)	Germany, the Netherlands, Sweden

Source: Author's own data.

States. It can only serve as a proxy, however, as the implementation record is not only determined by the policy position but also by the administrative capacity and possibly the political system of a Member State. Table 4 lists the implementation rate for the environment (in percentages) and the average implementation rate for all policy fields (in parentheses, not available for 1997) from 1990 to 1999. The last column gives the ratio of years in which the implementation rate for environment was higher than the overall implementation rate in this country to the number of years for which data are available. The second to last column gives the same ratio for implementation rates in environment that were above the average of all countries for that year.

Four of the countries (Austria, Denmark, the Netherlands and Sweden) that have been identified by the descriptive literature as environmental leaders have in nearly all years an implementation record in environmental policy that lies above the average across countries and their overall implementation rate. Germany has in eight out of ten years an above average implementation record when compared to other countries in the same year. This might be due, however, to the fact that it has a high implementation rate in general. Only in four out of nine years is the implementation rate for environment higher than the average across all policy fields. The situation for Finland is the other way round. Although its implementation record in environment is nearly always better than its general implementation rate, it fails to have lived up to the standard set by other countries in environmental policy in most of the years. Thus, the results from the descriptive literature are only validated for Austria, Denmark, the Netherlands and Sweden by an examination of their implementation records.

Table 4: Implementation Record of Member States (in %) 1990–99

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	Above average	Above overall
Austria	–	–	–	–	–	92 (84)	94 (88)	97	97 (95)	95 (95)	3/5	3/4
Belgium	86 (92)	81 (88)	94 (91)	91 (91)	85 (90)	83 (89)	86 (93)	87	92 (95)	96 (95)	2/10	2/9
Britain	91 (95)	85 (95)	93 (93)	90 (92)	82 (89)	93 (95)	94 (94)	96	95 (96)	96 (95)	4/10	1/9
Denmark	99 (97)	98 (97)	99 (96)	98 (95)	100 (98)	98 (98)	96 (98)	100	99 (98)	99 (97)	10/10	7/9
Ireland	87 (91)	84 (89)	90 (91)	88 (89)	97 (92)	95 (93)	96 (93)	98	98 (95)	97 (94)	6/10	5/9
Italy	63 (82)	59 (77)	83 (89)	81 (89)	76 (88)	85 (89)	85 (90)	97	96 (93)	99 (94)	1/10	2/9
Germany	92 (95)	92 (93)	92 (90)	91 (89)	91 (91)	94 (93)	96 (94)	94	97 (97)	95 (95)	8/10	4/9
Greece	79 (85)	76 (90)	86 (88)	84 (88)	85 (87)	88 (90)	91 (91)	97	95 (94)	95 (92)	0/10	2/9
Finland	–	–	–	–	–	87 (71)	86 (81)	96	100 (97)	97 (96)	2/5	4/5
France	92 (94)	89 (95)	96 (93)	95 (89)	94 (92)	95 (93)	93 (92)	96	97 (94)	97 (94)	9/10	7/9
Luxembourg	89 (90)	86 (87)	92 (88)	92 (91)	93 (94)	92 (94)	96 (93)	98	99 (94)	97 (93)	10/10	5/9
Netherlands	97 (93)	95 (90)	97 (93)	92 (92)	98 (94)	98 (97)	98 (97)	99	100 (97)	99 (96)	10/10	8/9
Portugal	95 (94)	94 (86)	89 (89)	90 (92)	82 (97)	87 (90)	94 (92)	97	95 (95)	97 (93)	4/10	4/9
Spain	92 (94)	92 (92)	91 (90)	90 (90)	86 (91)	90 (93)	94 (95)	99	98 (97)	95 (96)	5/10	2/9
Sweden	–	–	–	–	–	94 (93)	95 (94)	97	98 (97)	99 (96)	4/5	4/4
Average	88.5	85.9	91.8	90.2	89.1	91.4	92.9	97	96.9	96.7		

Sources: Wurzel (2002, p. 69); European Commission (various years); author's own calculations.

Note: Rounded figures. Figures in parentheses denote the overall implementation record. **Bold** print indicates an implementation rate in environmental policy that lies above the average for all Member States (in the last two columns: more than half of the years above average/overall implementation rate), *italics* a higher implementation rate in environment than overall for the country in that year. Numbers for 1997 are for directives only.

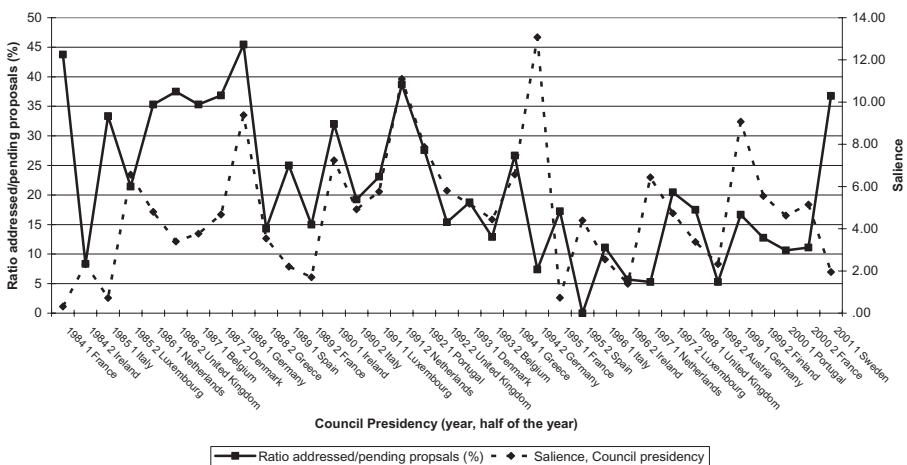
III. The Council Presidency and Legislative Activity: Environmental Policy 1984–2001

The empirical analysis is presented in two steps. This section presents the bivariate analysis, the next section discusses the results of the multivariate regression analysis. Due to missing data, most of the regression models presented here are based on 32 or 28 Presidencies. Some econometricians argue that more than 30 observations are sufficient to make confident claims about inference in regression analysis (Wooldridge, 2000, p. 169), while others would maintain that a much larger sample size is necessary. Hence, the results of the multivariate analysis should be taken with a pinch of salt. However, using regression analysis allows us to corroborate the findings of the bivariate analysis while controlling for crucial intervening factors.

The bivariate analysis is based on the ratio of pending to addressed proposals to measure legislative activity in the Council in the first reading. Due to the small number of pending proposals this measure exhibits a certain degree of coarseness. For the bivariate analysis this cannot be avoided as only a relative measure captures legislative activity accurately in a comparable manner.

Figure 1 plots the salience of the Council Presidency (broken line) and the proportion of pending proposals (solid line) that have been addressed in the first reading in the Council in the field of environment for the time period 1984 to 2001. The figure highlights the variability of legislative activity in

Figure 1: Salience of the Council Presidency and Legislative Activity, Environmental Policy 1984–2001

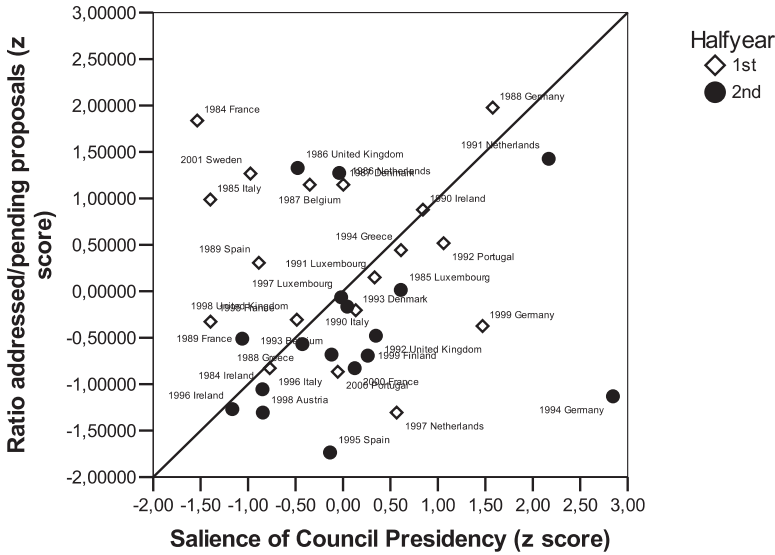


environmental policy across different presidencies. During the Spanish Presidency in 1995 not a single environmental proposal had been addressed in the Council, although 29 were pending. On the other side of the spectrum, the German Presidency in 1988 addressed 10 (out of 22) proposals.

The curves for salience of the Council Presidency and legislative activity have similar slopes for some sections of the graph, suggesting a positive relationship between salience and activity. This holds true for the period starting with the Belgian Presidency in 1987 and ending with the Presidency of Greece in 1988. A positive relationship between salience and legislative activity is also suggested by the data points from the French Presidency in 1989 to the one of the United Kingdom in 1992. The same can be said about the period from the Austrian Presidency in 1998 until the French Presidency in 2000. Segments with more or less parallel trends account for 20 out of 35 data points. However, some periods do not confirm our expectation of a positive relationship between the salience attributed to environmental policy by the government holding the Council Presidency and legislative activity in the Council. Examples are the periods from the Luxembourg Presidency in 1985 to the Belgian Presidency in 1987 and the period from the Irish Presidency in 1996 to the Luxembourg Presidency in 1997. Some data points also show a stark discrepancy from our expectations of a positive relationship between salience and legislative activity. The French Presidency in 1984 and the German Presidency in 1994 stand out in this respect. France has the second highest rate of legislative activity, 43.5 per cent of pending environmental proposals have been addressed during its Presidency. It has, however, the lowest value for governmental salience for the whole period (0.32) and only ranks 20th (out of 35) in the emphasis given to environment in its speech. The German Presidency in 1994 has the highest value for governmental salience (13), but manages only to address 7.4 per cent of pending environmental proposals. This success rate is well below the average of 21.2 per cent and the Germany Presidency in 1994 only occupies the 31st rank.

A scatterplot of salience and legislative activity (Figure 2, standardized scores) suggests a weak linear relationship with two extreme outliers, France 1984 and Germany 1994. There is a noticeable amount of scatter around the diagonal line which denotes a perfect linear and positive relationship between salience and legislative activity. The deviation from the diagonal is more pronounced in the half with higher than expected success rates. Interestingly, the relationship is much stronger when we only consider the Council Presidencies in the (de facto shorter) second half year. For the Council Presidencies in the first half year there does not seem to be any relationship at all. A potential measurement problem was pointed out for the case of the Swedish Presidency in 2001. Although it put by far the greatest emphasis on

Figure 2: Saliency of the Council Presidency and Legislative Activity (z scores), Scatterplot



environmental concerns in the speech outlining its programme for its Presidency, it has a very weak value on governmental saliency based on party manifestos. This means that our expectations for the success of the Swedish Presidency in 2001 in addressing environmental proposals should be higher than suggested by the value based on party manifestos. And, indeed, Sweden in 2001 has a much higher value of addressed proposals than the other Council Presidencies with a similar value on the party manifesto variable. The same holds true for the Italian Presidency in 1985, which displays the second highest discrepancy between ranks for saliency based on party manifestos and working programme (see Table 2).

The bivariate correlations between saliency and legislative activity (Table 5) confirm the results won from an inspection of the graphs. The two variables do not correlate if we consider all data points (Pearson's $r = .05$, $p = .747$). This also holds true if we exclude the cases for which the ranking of saliency based on the party manifestos and working programme diverge substantially ($r = .09$, $p = .642$). If we exclude only the outliers France 1984 and Germany 1994, however, we get a weak positive relationship ($r = .3$) that is statistically significant at the 10 per cent level. For 32 (out of 35) data points (excluding two outliers and Sweden 2001) the relationship is positive ($r = .37$) and significant at the 5 per cent level ($p = .039$). In other words, for more than

Table 5: Correlation between Council Presidency Salience and Legislative Activity

	<i>N</i>	<i>Pearson's r</i>	<i>P-Value</i>
All	35	.05	.747
Without cases of measurement problems	29	.09	.642
Without outliers (France 1984, Germany 1994)	33	.30	.087
Without outliers and Sweden 2001	32	.37	.039
Without outliers and cases with measurement problems	27	.42	.031

Source: Author's own data.

Note: **Bold** print denotes statistical significance at the 10%-level, *bold print and italics* denote statistical significance at the 5%-level

90 per cent of the cases there is a positive and statistically significant relationship between the importance the Council Presidency attaches to environmental concerns and the proportion of pending proposals in this policy field which have been addressed. One of the cases that was not included in this calculation is the Swedish Presidency in 2001 for which there is considerable doubt about the validity of the measurement based on party manifestos. The two cases where the divergence of salience rankings is the strongest are both outliers. The other four cases which might not represent a valid measurement, on the other hand, confirm our expectations. Excluding these as well, however, does not change the result. In fact, the positive relationship between salience and legislative activity becomes even more pronounced. Excluding all the cases where there might be a problem with the measurement of the independent variable and the two outlier results in a positive relationship ($r = .42$) that is significant at the 5 per cent level ($p = .031$).

In sum, the bivariate analysis yields some evidence that the importance the Council Presidency attaches to environmental policy has an impact on legislative activity in this field.

IV. Multivariate Analysis

The bivariate analysis is limited insofar as it does not allow us to control for additional variables and due to the coarseness of its dependent variable. For the multivariate analysis a different independent variable will be used, namely the number of addressed proposals during each Presidency. The number of pending proposals for each period is included in the models as an exposure variable, which captures the difference between Council Presidencies in the number of proposals that could potentially be addressed. Control variables are the position of the country on environmental policy (i.e., leader or laggard),

the number of pending regulations, the number of pending proposals that can be decided by qualified majority and the half year during which the Council Presidency was in office. By including the (weighted) average salience of environment for the Council members in the model, we can test whether or not the salience of the Member States holding the Presidency has an additional impact on legislative activity. Besides the simple average, I calculated the average weighted by the voting power of the Member States. In addition, a dummy variable is introduced for periods in which 'big' Member States (France, Germany, Italy, UK) are in office. Finally, two interaction terms between salience of the Presidency and the dummy variables for big Member States and environmental leaders are included. Including main and interaction effect variables for big Member States in office allows us to scrutinize whether or not there is a difference in the impact of the Council Presidency between small and big Member States.

The dependent variable of the multivariate analysis is a count variable which can by definition not exhibit negative values. Using linear regression models for this type of data can result in inefficient, inconsistent and biased estimates. Instead Poisson regression models should be used. Poisson models sometimes underestimate the amount of dispersion in the outcomes, which can be corrected by the use of a negative binomial regression. In cases of overdispersion the Poisson regression will result in downward biased standard errors which leads to spuriously low p-values (Long, 1997). If a likelihood-ratio test indicated overdispersion negative binomial regression was used, otherwise I calculated Poisson models (Table 6). The models differ with regard to the control variables and the cases that are included. Model 1 is calculated for all 35 Council Presidencies from 1984 to 2001. For models 2 to 5 two outliers (France, 1984; Germany, 1994) have been excluded. The values for the Swedish Council Presidency are also excluded. As discussed earlier, the salience value based on the party manifesto method for the Swedish government in 2001 is probably not valid. The (weighted) average for salience of Council members are only available for the period 1984 to 1998, which restricts the number of cases for all regressions which include this variable (models 6 to 8). Incidentally, this also removes Sweden 2001 from the estimation.

Besides the number of pending proposals and the (weighted) average of salience for all Council members, control variables for the position on environmental regulation of the Council Presidency, the number of pending regulations, the number of pending proposals that could be adopted by qualified majority and the half of the year during which the Council Presidency was in office are introduced in some of the models. The position on environmental regulation at the European level is incorporated by a dummy variable which

Table 6: Results of Regression Analysis – Number of Proposals Addressed in the Council

<i>Model</i>	1	2	3	4	5	6	7	8
<i>Regression type</i>	<i>Neg. B.</i>				<i>Poisson</i>			
<i>Cases</i>	<i>All</i>	<i>w/o outlier (France, 1984; Germany, 1994 and Sweden, 2001)</i>				<i>w/o outlier, up to 1999</i>		
Saliency, Council Presidency	.012 (.032)	.142*** (.04)	.062* (.035)	.064* (.038)	.109 (.07)	.081* (.043)	.085** (.043)	.146* (.076)
Big Member State		.646** (.356)			.418 (.466)			.389 (.494)
Interaction, Big Member State and Saliency		-.105*** (.059)			-.054 (.079)			-.087 (.089)
Number of pending regulations			-.071 (.067)	.074 (.077)	.043 (.086)	.142 (.093)	.152* (.091)	.154 (.101)
Number of pending QMV proposals			-.045*** (.01)	-.045*** (.011)	-.044*** (.011)	-.037** (.017)	-.029 (.018)	-.026 (.018)
Half year			.257 (.158)	.248 (.163)	.223 (.167)	.312* (.178)	.329* (.178)	.287 (.184)
Environmental leader				-.184 (.507)	.022 (.594)	-.184 (.524)	-.217 (.524)	.046 (.603)
Interaction, Environmental Leader and Saliency				.008 (.076)	-.02 (.096)	-.005 (.082)	-.003 (.081)	-.06 (.099)
Average Saliency, Member States						-.203 (.139)		
Weighted Saliency, Member States							-.257* (.136)	-.301** (.151)
N	35	32	32	32	32	28	28	28
Pseudo R ²	–	.075	.184	.187	.192	.196	.205	.212

Source: Author's own data.

Note: All models include the number of pending proposals as an exposure variable. Model 1 uses Newey-West estimators (lags = 11) to correct for auto-correlation. The coefficient for the constant is not reported. Standard errors in brackets. *** = $p < 0.01$, ** = $p < 0.05$, * = $p < 0.1$

identifies environmental leaders (Austria, Denmark, the Netherlands and Sweden). Environmental leaders are coded as 1, thus we would expect the coefficient of this variable to be positive. An interaction term for Council Presidency's salience and their position on environmental policy is also included with the same expectation. The number of pending regulations captures the overall difficulty involved in addressing the pending proposals. Regulations are general and immediately binding pieces of legislation. It should be harder to pass a regulation than a decision or a directive. Thus, the coefficient should be negative. Legislation that can be enacted by qualified majority, as opposed to unanimity, should be easier to address, hence the coefficient should be positive. Finally, the dummy for the part of the year is coded as 1 when the Council Presidency was in office during the first, longer half year. Thus, the coefficient should be positive.

Once the outliers and Sweden 2001 are excluded, all but one (model 5) of the models consistently estimate a positive relationship between the salience the Council Presidency attaches to environmental policy and legislative activity in this field in the Council. The relationship is statistically significant at the 10 per cent level (model 2 and 7 : 5 or 1 per cent level). When all control variables are included (model 8), the regression coefficient for Council Presidency salience is .146, which is significant at the 10 per cent level ($p = .057$). Each increase in the Council Presidency salience by a standard deviation leads to an increase in legislative activity by 15.7 per cent, holding all other variables constant.

Model 2 also yields significant results for the size of the Member States holding the Presidency. As could be expected, bigger Member States tend to address more proposals during their term in office. Paradoxically, the interaction term is negative. When including procedural variables into the model (model 5 and 8), however, the size of the Member States and the interaction effect with salience do not give statistically significant coefficients at the 10 per cent level. Thus, a clear relationship between the size of the country holding the Council Presidency and its legislative activity cannot be established.

The only other variable displaying robust results besides the Council Presidency's salience is the weighted average of the salience of Council members (models 7 and 8). Contrary to expectations it has a negative sign. The number of proposals that can be adopted by qualified majority does not yield statistically significant coefficients at conventional levels once the weighted average of salience is included into the model. All other control variables, including the variables capturing the status as a leader or laggard of a Council Presidency in environmental policy, are generally not statistically significant at the 10 per cent level. The number of pending regulations only

yields a significant coefficient in one of the six models in which it was included. The dummy variable for the half year in which the Council Presidency was in office yields a statistically significant result in only two models.

In sum, the Council Presidency in general has a notable positive and statistically significant impact on legislative activity in the field of environmental policy. This holds true even when controlling for the general level of importance attached to the environment by all Council members and the position of the Council Presidency on European environmental regulation besides other factors. The impact of the size of the Member States holding the Presidency on its performance could not be determined in a conclusive manner.

Conclusion

Scholars and practitioners alike have often pointed to the influence the Council Presidency might have on the internal politics of Council negotiations. We can distinguish analytically between the Presidency's ability to push for agreements and to influence policy outcomes. If a policy field is particularly salient to a Presidency and it welcomes European-wide regulation in this area it will utilize its powers to lead pending negotiations in the Council to a conclusion. Scrutinizing legislative activity in environmental policy during the 35 Council Presidencies from 1984 to 2001 yields evidence that legislative activity in the Council is linked to the importance the Council Presidency attaches to this policy field. The Council Presidency does steer the Union's legislative agenda on environmental policy. This holds true even when controlling for the general level of importance attached to environment by all Council members and the position of the Council Presidency on European environmental regulation besides other procedural factors. For two Presidencies (France, 1984; Germany, 1994), however, this relationship does not seem to hold. The evidence with respect to a difference in the performance of Presidencies from small and big Member States is inconclusive.

More research is needed to clarify if the pattern identified in this study is also valid in other areas (for example, social policy). Furthermore, using a nested research design case studies can complement and further probe these results by studying the performance of a particular Presidency in the environmental field in more detail. Using the information provided by this study on the comparative performance of a given Presidency, future research can now scrutinize why some Presidencies were more successful

than others and how a Presidency achieved a higher level of political agreement in the Council. For example, a comparative study of landmark regulations could assess the relevance and tools of the Presidency in pushing for EU legislation.

This study also has implications for the ongoing debate on institutional reform. It shows that it indeed does matter which Member State presides over Council meetings. Via the transmission belt of national elections the priorities of European citizens are thus represented in the legislative process. Furthermore, the system of rotation ensures that the different concerns of the national electorates are included in their variety. Whether or not this outweighs the potentially lower consistency of legislative proceedings is a matter for political debate.

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