

# Negotiating the European Constitution: Government Preferences for Council Decision Rules

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Received 30 June 2012; Accepted 28 September 2012

**Abstract** This paper explores what preferences governments held in the negotiation process on the European Constitution regarding European Union (EU) institutional provisions and decision rules. Applying logistic regression and ordered probit techniques to the data collection ‘Domestic Structures and European Integration’ (DOSEI), and complemented by graphical and descriptive explorations, the paper reveals cleavages between governments’ positions that can be discerned in the negotiation process on the European Constitution. Regarding decision rules to be used in the Council, member state preferences clearly differ according to the length of EU states’ membership, with older members, in general, favoring a low decision threshold for the Council. Similarly, older EU states were stronger supporters of the application of qualified majority voting (QMV) than were newer EU member states. In addition to this, our analysis reveals that smaller EU states and those facing Euroskeptic domestic publics tended to be more supportive of a low decision threshold in the Council of the EU.

**Keywords** Decision rules, Council of the European Union, institutional provisions, dimensions of political contestation, qualified majority voting

**JEL classification** C7, H1

## 1. Introduction

Negotiations on the European Constitution constituted a relatively complex process. The Convention on the Future of Europe, conducted between 28 February 2002 and 10 July 2003, aimed to involve a wide range of societal actors in the drafting of Europe’s new constitution. In referenda on the new constitution at the end of May 2005 in France and in early June in the Netherlands, however, adoption of the European constitution was defeated by margins of 54.7 against 45.3 percent, and 61.6 percent against 38.4 percent, respectively. This brought on a break and ‘period of reflection’ regarding the process of ratification. Analyzing this process, it is interesting to explore which positions national and partisan actors advocated in the negotiation process and to see whether specific cleavages can be found regarding different substantive aspects incorporated into the constitution.

This paper is particularly interested in institutional provisions as contained in the EU constitution and respective preference divergence between actors with different party affiliations, governments of larger as compared to smaller EU states, richer as

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compared to less affluent ones, those supported by a more rather than less Euroskeptical public, and preference divergence between governments of the EU's older as compared to the newer member states. More specifically, the paper explores whether, and what kind of, actor cleavages can be discerned regarding decision rules for the Council of the EU, as discussed during the negotiation process on the European Constitution. It presents some theoretical insights into possible actor cleavages in European integration and explores them empirically. The data source it relies on to test the theoretical claims is the DOSEI data collection, from which the official government positions are extracted. The DOSEI data collection also contains information on preferences of other domestic actors, such as the position of the Ministry of Foreign Affairs, the national parliament and for selected EU states large interest organizations. All DOSEI data have been collected on the basis of expert interviews. In order to allow for enhanced reliability of information, in all cases more than one expert was interviewed in order to obtain relevant preference data for a specific actor.

Methodologically, the paper applies graphical illustrations of the location of member state preferences, supplemented by regression techniques accounting for the potential influence of a range of explanatory variables on actors' preferences for EU decision-making rules. For survey items with dichotomous answer categories—usually 'yes' and 'no'—it applies binary logistic regression. For responses based on several categories, multinomial regression is used.

The structure of the paper is as follows. The next section presents some theoretical insights regarding expected divergences in actor preferences on different aspects of European integration. Section 3 of the paper describes the data used for the empirical analysis: information on actor preferences as contained in the DOSEI data set. In addition, this section describes the models employed in order to conduct the statistical analyses and describes the way the independent variables are measured. Section 4 presents, and evaluates, the results of the empirical analysis. Finally, Section 5 provides a summary and brief discussion of the paper's main findings.

## **2. Actor cleavages and negotiations on the European Constitution**

Utilizing different methodological techniques, recent work on European integration aims to assess the dimensionality of the "European political space." In theoretical terms, actor cleavages on policy dimensions can be caused by different factors. More generally, the left-right policy scale is a cleavage existing on the domestic level in a wide range of countries (for the case of advanced industrialized countries, see, e.g., Lijphart 1999).

For example, according to some authors, party politics strongly influences actor positions across the entire EU. This implies that actors belonging to given political parties—or party families—will generally have similar preferences as regards the various aspects of European integration. According to others, however, it notably is support for European integration that determines cleavages, with actors ranging from integrationist to non-integrationist. This latter tradition claims that actors across the EU can notably be distinguished according to their preferences for either

more or less European integration (characterizing an ‘integration-independence’ dimension). For some authors, these two dimensions—left-right and support for European integration—constitute the most salient dimensions of political conflict in the EU.

For example, Hix (1998) states that the EU may profitably be analyzed on the basis of tools used in comparative politics. According to his study, both the left-right and the integration-independence dimensions are salient to EU politics. Similarly, Hix (1999), based on an analysis of preference alignments within the European Parliament (EP), finds the prevalence of an integration-independence and a left-right dimension. His work is based on techniques used by the Party Manifestos Group Project and analyzes positions of the Socialist, Christian Democrat, and Liberal party leaders in the EP between 1976 and 1994. In a more recent in-depth study of voting patterns within the EP, however, analyzing roll-call votes within this institution, Hix et al. (2006) find that within the EP, the left-right policy scale is by far the most crucial dimension structuring patterns of political conflict. Based on expert interviews regarding positions of domestic political parties, Hooghe and Marks (2001) identify a left-right dimension in EU politics that ranges from social democracy to market liberalism and, in addition to this, a European integration dimension spanning the range from nationalism to supranationalism.

Other evidence for the relevance of the left-right policy dimension has been derived on the basis of voting records within the Council of the EU (for the case of ‘contested decisions’ in this institution). This finding is crucial, for example, to the studies by Hagemann (2007) and Manow et al. (2008). Similarly, Hagemann and Hoyland (2008) claim that in the Council, governments are more likely to vote together with other governments of the same ideological affiliation than with those representing more distant positions on the left-right policy scale.

Not all authors would agree, however, with the claim that the (socio-economic) left-right dimension is central to political contestation within the EU. Focusing notably on the relevance of a potential left-right dimension, Hooghe et al. (2002) find that both a left-right and a libertarian-authoritarian dimension can be discerned in positions of national political parties regarding the EU, but that the latter is more prevalent. According to their analysis, in addition to the socio-economic left-right dimension, a ‘New Politics’ dimension structures EU politics, ranging from Green, Alternative and Libertarian (GAL) to Traditional, Authoritarian and Nationalist (TAN). This dimension captures more ideological elements of a left-right policy scale and in their analysis, is labeled the ‘Galtan’ dimension.

By comparison, analyzing a large-scale data collection on actor preferences in European decision-making between 1999 and 2002, Thomson et al. (2004) find that the European political space is multi-dimensional—no clear cleavage lines can be discerned in EU decision-making, except for a moderate North-South division. This claim is reiterated by Thomson and Stokman (2006) in their contribution to the book *The European Union Decides*. Analyzing the same data set, the authors claim that if any structure exists in governments’ positions regarding various issues of European integration, it is quite weak. Hence, if there is a specific division line in EU policy-making, it mostly appears to be a “North-South” cleavage. Similarly, in research focusing on

decision-making in the Council of the EU, Elgstrøm et al. (2001) find little evidence of cleavages or coalition-formation in processes of EU decision-making, with the exception of a (moderate) North-South division. Based on an analysis of other data and using different methodological approaches, this finding is largely confirmed by the analysis of Zimmer et al. (2005), as well as Naurin and Lindahl (2008).

Similarly, in a study of voting in the Council of the EU after 2004 based on cluster analysis, Plechanovová (2011) finds that there are no systematic cleavage patterns distinguishing, for example, preferences by new as compared to 'old' EU member states.

In studies of voting in the Council of the EU, Mattila (2004,2009) only finds moderate evidence for a potential left-right division in the EU political space; Hosli et al. (2011a) discern some differences in voting patterns between older and newer EU member states, notably as regards the effect of Euroskepticism and left-right locations on voting outcomes in the Council. For the pre-2004 phase, Hosli and Uriot (2011b) find relative budget positions to be significant predictors.

In an empirical analysis of citizen support for European integration between 1973 and 2004, Eichenberg and Dalton (2007) find considerable cross-national convergence among member states, but show that in addition to evaluation of absolute economic performance, the politics of support for European integration are increasingly characterized by distributive concerns. This seems to testify to the existence of a gap in terms of preferences between the richer as compared to the less affluent EU member states.

However, there can also be other cleavages that characterize patterns of decision-making in the EU. One potentially important factor could be that states that have been longer in the regional integration scheme and have gradually adapted to modes of supranational decision-making, will display similar ideas concerning the preferred modes with which the EU should operate. This may include perceptions of the desirability of given decision rules. In other words, the relevance of norms, ideas and learning may be more important than some recent work on the conflict dimensions in the EU suggest.

Partially tackling this issue, in a study on the use of referenda in the process of European integration, Hug (2002, p. 85), for example, finds that EU states that joined in the latest round of enlargement—at the time being those that entered in 1995—and members of the first round of enlargement (i.e., members as of 1973) may be among those least supportive of EU integration. Similarly, Eichenberg and Dalton (1993), in a quantitative study of factors influencing citizen support for European integration, find division lines between older and newer member states: according to the authors, the United Kingdom, Denmark and Ireland—'insular' in their approach towards Europe and therefore latecomers to the Community—were substantially below the average European level of support for integration. In contrast, states such as the Netherlands, Italy and France—founding members of the European Community—had comparatively high levels of citizen support for European integration.

In a similar vein, it can be expected that 'learning' also leads to gradually increasing trust about the modes of collective decision-making in the EU. Newer members might be more skeptical to agree to rules that imply an increased risk of getting outvoted

in intergovernmental decision processes. This may hold notably for areas essential to domestic security concerns, but also other ones, including economic policy domains.

Relative preference homogeneity among EU member states of the same entry groups (i.e., those that joined in the same year) could be explained, for example, by a gradual process of socialization of these states into patterns of EU policy-making, ‘learning’ the culture of negotiation within the EU, and the gradual development of similar expectations regarding EU integration. In a sense, this logic would follow elements of the constructivist research agenda (e.g., Checkel and Moravcsik 2001), and accordingly, a group of newer EU states could be expected to advocate similar interests in negotiations about future provisions for the EU.

Finally, it is possible that in the bargaining process on the European Constitution, interests of larger member states may have partially contradicted those of smaller ones (e.g., Pahnke 2010). Such cleavages have been visible, for example, in negotiations regarding the total number of Commissioners for the EU, where several smaller states appear to have advocated maintenance of their national Commissioner seat. A similar division materialized in discussions on voting weights to be used in the Council of the EU.

Clearly, a range of theoretical insights, in combination with different data collections and methodological techniques, have led to a variety of answers as regards the existence of specific policy dimensions in the EU. The results partially coincide, but also contradict each other (depending on the theoretical framework, the specific focus and most notably, the methodological tools applied to analyze respective data). This paper aims to contribute to this debate, by explicitly testing the relevance of potentially relevant policy dimensions found in earlier work, when explored on the basis of an alternative data collection, capturing priorities of governments of EU states on EU institutional rules, in the bargaining process on the European Constitution.

### **3. Models, methodology and data**

The dependent variables in this study are government preferences regarding EU institutional provisions, notably Council decision rules, as derived from the DOSEI data collection. This notably includes priorities in terms of provisions of qualified majority votes (QMV) compared to unanimity. Table 1 provides an overview of core questions regarding Council decision-making rules in the DOSEI data set.

In order to explore divergences between actors regarding their preferences for Council decision rules, on the basis of independent variables as described above— notably the left-right location of actors; their ‘Galtan’ positions; domestic support for European integration, the length of their EU membership, relative wealth; and population size—the analysis will study bivariate associations, and in addition to this, test the following basic model:

**Table 1.** Questions concerning Council decision rules

Item DOSEI Questionnaire	Wording of DOSEI Question	Answer Categories	
		Cat.	Corresponding Answer
Voting threshold for qualified majority voting (Question 8)	Which voting threshold does the [government /EP/Commission] prefer for qualified majority voting in the Council?	5	A simple majority of member states and a simple majority of the population
		4	A simple majority of member states and three-fifth of the population
		3	A 60/60 threshold
		2	75% or more of member states and a specific majority of the population
		1	The Nice Treaty model: (i) 72% of the qualified-majority votes; (ii) a majority of member states; (iii) 62% of the population.
Council Decision rule (Question 18a)	What is the [government's/EP's/Commission's] position on [...] the voting rule in the Council in the following policy areas?	2	Yes
		1	No (=unanimity)
Question 18a.1	Agriculture	2 SQ	Yes
		1	No
Question 18a.2	Structural and cohesion policies	2 SQ	Yes
		1	No
Question 18a.3	Area of freedom, security and justice	2	Yes
		1 SQ	No
Question 18a.4	Internal market	2 SQ	Yes
		1	No
Question 18a.5	Tax harmonization	2	Yes
		1 SQ	No
Question 18a.6	Monetary policy (for the Euro states)	2	Yes
		1 SQ	No
Question 18a.7	Economic policy	2	Yes
		1 SQ	No
Question 18a.8	Employment policy	2 SQ	Yes
		1	No
Question 18a.9	Social policy	2 SQ	Yes
		1	No
Question 18a.10	Social security rights	2	Yes
		1 SQ	No
Question 18a.11	Common foreign policy	2	Yes
		1 SQ	No
Question 18a.12	Defence policy	2	Yes
		1 SQ	No

Note: PSQ represents the *status quo*.

$$p(C) = \frac{e^Y}{1 + e^Y},$$

where

$$Y = \beta_0 + \beta_1 \cdot \text{Government left-right} + \beta_2 \cdot \text{Galtan} + \beta_3 \cdot \text{Length membership} + \beta_4 \cdot \text{Pop size} + \beta_5 \cdot \text{Budget status} + \beta_6 \cdot \text{Support integration}.$$

Regarding operationalization of the independent variables in this study, the subsequent analysis proceeds as follows. Data for the predictors are chosen as close to the timing of the DOSEI interviews as possible. (Socio-economic) left-right locations of governments are assessed by accounting for government composition in the year the DOSEI interviews were held and simultaneously, the respective location of the domestic political parties represented in government on this scale. This procedure is also used to assess government Galtan positions. Information regarding the socio-economic left-right position of political parties is derived from two sources: data by Benoit and Laver (2006) and by the Chapel Hill Party Data Set (e.g., see Marks and Steenbergen 2004). For a similar operationalization of some of the independent variables used in this study see, for example, Hosli and Uriot (2011b). Locations of domestic political parties on the Benoit-Laver scale range from 1 to 20 and those on the Chapel Hill scale from 1 to 10 (estimates for the Chapel Hill data set are transformed in this analysis to scores ranging between 0 and 1). In order to derive a total score for each (coalition) government on the left-right policy scale, left-right (and Galtan) positions of respective domestic parties are multiplied by the share of cabinet positions held within a government. But since there are no left-right scores available for relevant French and Italian parties in 2003 in the Benoit-Laver data set, the subsequent empirical analysis uses replaced values for this year on the basis of data from the Chapel Hill data set. For example, the assessments by Ray, Marks and Steenbergen for French governmental parties in 2003 leads to a (transformed) score for France of 13,68. Positions on the Galtan scale are also taken from the Chapel Hill 2002 Party Data Set.

Length of EU membership will be measured in years. For the members as of 2004, the score in 2003 is negative (-1) (additional tests show that alternative operationalizations of this variable, such as starting with zero for the latest members, do not lead to altered results of the empirical estimates). However, this study also measures the variable 'length of EU membership' in an alternative way in order to facilitate estimates for groups of EU member states. The quantitative analysis will treat this alternative assessment as categorical, on the basis of the following coding: founding members (code 5); members since 1973 (code 4); members since 1981/1986 (code 3); members since 1995 (code 2); members since 2004 (code 1). Due to the small number of cases, however, the 1981 (Greece) and 1986 (Portugal and Spain) entrants are clustered into one group. The size of EU member states is measured in terms of population in 2003 (in millions). Figures on net budget status (given in relative terms, namely as a percentage of Gross National Income, GNI), are taken from the European Commission's publication on EU expenditure allocation (2005). Domestic support for European integration is measured on the basis of Eurobarometer public opinion data for 2003: in

accordance with other analyses, the percentage of EU citizens is assessed that states the EU is a “good thing” minus the percentage that states it is a “bad thing”. Average responses are given on the basis of two Eurobarometer surveys conducted in 2003 (i.e., Eurobarometer 59 and 60).

#### 4. Analysis and evaluation

The subsequent analysis will first provide descriptive and qualitative insights into government preferences for Council decision rules, and in addition to this, apply the model as described above to actual data on government priorities as derived from the DOSEI data set. First, a correlation matrix (see Table A2 in the Appendix) shows that the different measurements of the left-right policy scale, including Galton, correlate quite strongly with each other. For this reason, in most models below, they will not be entered into the estimations simultaneously, to avoid problems of collinearity. However, whereas the variable ‘length of EU membership,’ as measured in years, is correlated moderately to both ‘population size’ ( $r = 0.53$ ) and ‘net budget status’ ( $r = -0.45$ ), none of these remaining connections is strong enough to cause serious problems of collinearity in the main model (operating with one of the left-right measurements in most model specifications only). Hence, the subsequent analysis will use explorations based on different variants of the ‘left-right’ measurement, but retain the other independent variables of the main model in the empirical analysis. In this way, earlier assessments of the potential dimensionality of the EU political space can be put to a (new) empirical test, without, however, letting the data drive the selection of potentially relevant independent variables (such as in the framework of step-wise regression analysis). Similarly, the bivariate analysis will include each of these alternative left-right specifications.

DOSEI Question 8 asked experts about the preferred rule regarding the QMV threshold in the Council (see Table 1). It gave respondents five choices, ranging from the option that decisions be taken by a simple majority of member states and of their population (option 5) up to the triple majority clause as encompassed in the Treaty of Nice (option 1). In practice, however, only answer categories 1, 2, 4, and 5 were chosen by experts, with option 4 denoting the possibility of a simple majority of member states and three-fifths of the population being required for decisions in the Council to pass—a proposal made by the Convention on the Future of Europe. Answer category 3, suggesting a 60 percent of member states and 60 percent of population threshold, was added to the DOSEI questionnaire later, on the basis of proposals made during the intergovernmental negotiations. We maintain the category labels as attributed in the DOSEI data collection, but in the interpretation, will be as careful as possible to avoid confusion, as option 5 is the least inclusive decision threshold (i.e., represents the lowest decision threshold, allowing for easiest patterns of decision-making), whereas the first two options, according to the DOSEI project, are those that are most stringent, or least ‘inclusive’, in collective terms.

Strictly speaking, the answer categories can not necessarily be represented on an ordinal scale. A possible way to assess the potential ordinal ranking is to focus on

voting power or the number and share of blocking coalitions caused by different decision thresholds. A way might be to assess the Shapley-Shubik power indices for each member state under different decision rules, for example, or the probability of rejected proposals under each provision. Such calculations can, for example, be conducted on the basis of the program 'Powerslave', available at <http://powerslave.val.utu.fi/> (webmaster: Annti Pajala). However, we will make the assumption of an ordinal scale in the ensuing analysis, as deviations from ordinal ranking cannot be large in practice: category five, in any case, represents the least stringent decision rule (i.e., allows for the smallest relative share of blocking coalitions), as it contains the provision that decisions be carried by a simple majority of both member states and EU population. By comparison, category 4 is somewhat more strict (i.e., in comparison, allows for a somewhat higher share of blocking coalitions), as it provides for decisions to be taken by a simple majority of member states, but in addition to this, requires support by at least 60 percent of EU population as represented in the Council. Answer category 3 is again more stringent than category 4, as it provides that next to 60 percent of EU population, 60 percent of member states are needed for a decision to pass in the Council. Hence, these three options can be represented on an ordinal scale.

Categories 2 and 1, by comparison, are somewhat more difficult to classify. Category 2 provides that decisions be taken by 75 percent of member states and a given quota of EU population. Realistically, this second quota probably has to be at least 60 percent (EU population), however, as no major proposal made during the negotiations suggested a fairly high share of EU states, but a low overall share of EU population. Hence, compared to the other categories as described above, this decision rule is again more stringent (i.e., reflects a higher decision threshold). In practice, however, no government has opted for this decision rule (category 2). Finally, the Nice Treaty provisions are probably just about on par in terms of inclusiveness with the rule given in category 4, as the requirement as regards a majority of member states is lower (simple majority), but notably the thresholds of 62 percent of EU population, and in addition to this, almost 72 percent of the weighted majority votes, seems higher. Given this 'quasi ordinal ranking' of the categories, we will proceed and use statistical techniques that do account for a gradual increase in terms of the decision thresholds for the Council preferred by governments in the bargaining process on the Constitution.

Why do states prefer higher decision thresholds than others? A discussion of this is, for example, provided in Vaubel (2008). Higher thresholds may serve to increase the costs of rival states, for example in the sense of those preferring more regulation protecting themselves against those preferring less. In a rough approximation, however, government (socio-economic) left-right policy positions might capture preferences for more or less regulation and with this, are partially subsumed in this dimension.

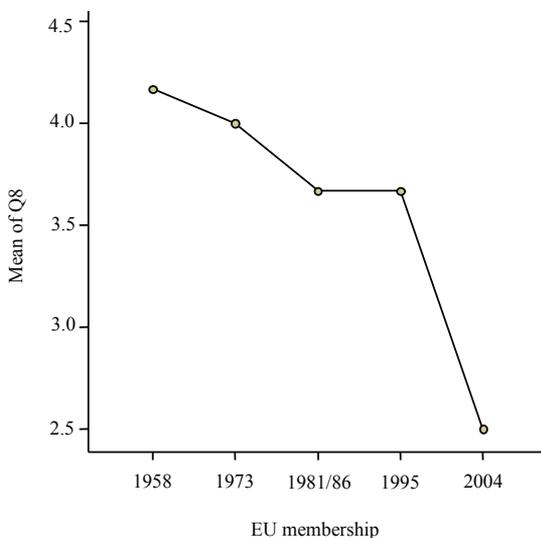
Table 2 shows the official government positions as regards these suggested Council decision rules. Clearly, a majority of member states (nine in total) preferred option four, whereas the number of states favoring the options reflected by categories one and five was equal (seven each). Only two states preferred option three.

Visual inspection of the relation between these variables generates some additional interesting insights, as Figure 1 demonstrates: as the simple graphical exploration

**Table 2.** Official government positions of European Union member states as regards the preferred decision threshold for the Council

	Preferred decision threshold (answer categories)				
	1	2	3	4	5
Member states	Estonia		Czech Republic	Cyprus	Austria
	Hungary		Lithuania	Denmark	Belgium
	Malta			France	Finland
	Poland			Germany	Greece
	Slovakia			Ireland	Latvia
	Spain			Italy	Portugal
	Sweden			Luxembourg	Slovenia
				Netherlands	
				United Kingdom	

shows, in general terms, EU members as of 2004 preferred a more inclusive—i.e., higher—decision threshold for Council decision-making, whereas the lowest levels regarding a decision quota were advocated by the EU’s oldest member states. The founding members are followed closely by the states that joined in 1973: members as of 1973 have defended maintenance of the unanimity rule for several policy areas, but for the domains in which QMV would apply, they in fact favored a lower decision threshold.



**Figure 1.** Means plot 'Length of EU membership' and preferred decision threshold for the Council of the EU

Equal preference scores apply for states that joined in the 1981/1986 and 1995 enlargements. Comparing mean scores of the group of original member states (group 1) with those that joined in the 2004 enlargement (group 5), assuming non-equal variances, indeed yields a significant test score ( $t = 2.936$ ,  $p = 0.014$ , two-tailed).

Figure 1 and the accompanying  $t$ -test provide some empirical evidence that the newest EU states in particular favored protection of their own sovereignty in Council decision-making, by an application of comparatively inclusive decision thresholds for QMV.

How did independent variables influence this pattern? Table 3 gives an overview of bivariate regressions of the dependent variable (preferred Council decision rule) on the various independent variables as presented above. For simplicity, the bivariate assessments treat the dependent variable as being on the interval scale. The subsequent multivariate explorations, however, will take into account the fact that the dependent variable consists of (ordered) categories. As Table 3 shows, in the bivariate assessments, only length of EU membership generates a significant regression coefficient ( $t = 2.281$ ,  $p > |t| = 0.032$ ). For all other independent variables, no significant statistical relations with the dependent variable can be discerned.

The total number of cases to be used in this analysis, with  $n = 25$ , is small. However, bearing in mind the limited information this analysis can generate in statistical terms, ordered probit regression of these preferences on a range of independent variables provides similar insights into this issue, as Table 4 illustrates.

**Table 3.** Bivariate regression coefficients – preferred decision threshold for the Council of the European Union on Independent Variables (main model)

Independent variables	Coefficient (S.E.)	$t$ -value ( $p >  t $ )
Government left-right position*	0.042 (0.101)	0.416 (0.681)
Government economic left-right position†	0.707 (2.108)	0.335 (0.74)
Government Galtan position†	2.912 (2.163)	1.346 (0.194)
Length of EU membership (in years)	0.036 (0.016)	2.281 (0.032)
Support for European integration in domestic politics	0.005 (0.018)	0.293 (0.772)
Net budget status	-0.081 (0.356)	-0.227 (0.823)
Population size (in millions, 2003)	0.001 (0.014)	0.046 (0.964)

Note: Preferred decision threshold – choice 1: highest threshold; choice 5: lowest threshold (see Table 1).

\* Based on data Laver, Hunt, Benoit. † Based on Chapel Hill data set.

**Table 4.** Explaining preferences for the decision threshold in the Council (Question 8 DOSEI, ordered probit regression)

Explanatory variables	Model 1		Model 2		Model 3		Model 4	
	Coef. (S.E.)	Prob. $P >  z $						
Government left-right position*	-0.364 (0.235)	0.121	-0.104 (0.090)	0.248				
General government ideological left-right position <sup>†</sup>	6.419 (4.358)	0.141			-1.542 (1.664)	0.354		
Government Galton position <sup>‡</sup>	1.398 (3.004)	0.642					0.063 (1.956)	0.974
Length of EU membership (in years)	0.077 (0.026)	0.004	0.066 (0.024)	0.006	0.061 (0.022)	0.006	0.069 (0.025)	0.005
Support for European integration in domestic politics	-0.047 (0.020)	0.022	-0.028 (0.016)	0.079	-0.026 (0.016)	0.094	-0.045 (0.020)	0.021
Net budget status	0.906 (0.429)	0.035	0.496 (0.320)	0.122	0.433 (0.310)	0.162	0.771 (0.401)	0.055
Population size (in millions, 2003)	-0.041 (0.016)	0.011	-0.031 (0.015)	0.035	-0.028 (0.014)	0.042	-0.033 (0.015)	0.023
Cut-off score 1	-2.116 (1.415)		-2.247 (1.290)		-1.844 (1.145)		-1.830 (1.352)	
Cut-off score 2	-1.624 (1.414)		-1.944 (1.285)		-1.544 (1.139)		-1.377 (1.349)	
Cut-off score 3	-0.250 (1.384)		-0.787 (1.273)		-0.403 (1.138)		-0.167 (1.315)	
Log likelihood	-19.97		-27.458		-27.726		-21.27	
LR $\chi^2$	14.58		9.22		8.68		11.98	
Prob $> \chi^2$	0.041		0.101		0.122		0.035	
Pseudo R <sup>2</sup>	0.267		0.144		0.135		0.22	
<i>n</i>	21		25		25		21	

Note: Preferred decision threshold – choice 1; highest threshold; choice 5; lowest threshold (see Table 1).

\* Based on data Laver, Hunt, Benoit. † Based on Chapel Hill data set.

Clearly, ‘older’ EU member states were more in favor of a lower decision threshold in the Council (i.e., in favor of rules allowing for quicker patterns of decision-making). Holding the effect of all other variables, including length of EU membership constant, however, also indicates a significant effect of ‘population size’ and ‘support for European integration in domestic politics’ on preferences for Council decision rules (all models), with smaller EU states and those facing more Euroskeptic domestic publics being more supportive of a low decision quota in the Council (exceptions to this general pattern, however, seem to be countries like Estonia, Sweden and to a certain extent, the United Kingdom). However, only models 1 and 4 reach a fairly adequate level of statistical significance (with  $\text{Prob} > \chi^2$  being  $< 0.05$  in each case). Moreover, they provide higher aggregate explanatory power than models 2 and 3. In addition to this, in models 1 and 4, the variable ‘net budget status’ also shows a significant effect on preferences for Council decision rules, with ‘net receivers’ supporting a lower decision threshold. The total number of observations is 21 in models 1 and 4 and 25 in models 2 and 3: the Galtan variable has four missing entries (Cyprus, Estonia, Luxembourg and Malta) that cannot be filled in with information from alternative data sources, reducing the total number of cases to 21. Accordingly, these findings have to be treated with caution, due to the small overall number of cases included in the analysis (as data points in terms of official government positions were only available for 25 EU member states).

In order to provide estimates on the actual effects of these variables, we also calculate marginal effects (determined at the mean of the respective independent variables). As an example, we illustrate this on the basis of model 4. The results are reported in Table 5.

Table 5, giving the effect of a unit increase in independent variables on the choice of voting rule in the Council, shows that an increase by one year of EU membership leads to a 1.7% decrease in the probability that a government opted for the highest decision threshold for the Council (i.e., the Nice Treaty model). By comparison, an additional year of membership increases by 2.2% the chance that a government opted for the threshold of a simple majority of member states and simple majority of population. An increase of one percent of persons indicating that European integration is a ‘good thing’ minus those saying it is a ‘bad thing’ (in the respective Eurobarometer surveys) increases the chance that a government opted for the Nice Treaty provisions (i.e., a high decision threshold in the Council) by 1.1 percent and decreases the chance that it chooses option 5 (the simple majority of member states and simple majority of population rule) by 1.4 percent. A one-unit increase in the net budget position (assessed in percent of GNI), with higher values reflecting larger ‘net recipient’ status, reduces the probability that a government favored the most inclusive option for a Council decision threshold by 18.5 percent. Conversely, a one-unit increase in the variable ‘net budget status’ increases the prospects that a government favored the simple majority of both states and population clause by 24.8 percent. Finally, as Table 5 shows, a one-unit (i.e., one million) increase in population size increased a member state’s tendency to prefer category 1—the highest decision threshold—by 0.8 percent and decreased the probability of it choosing category 5 (the lowest decision threshold) by 1.1 percent.

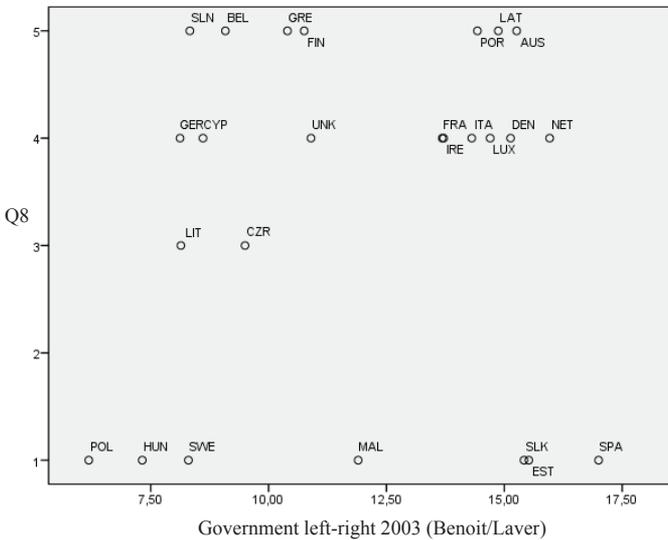
**Table 5.** Marginal effect of a unit increase in explanatory variables on preference for Council decision rule (Model 4, calculated at mean of determining variables)

Explanatory Variables	Response 1 Nice Treaty model (S.E.)	Response 3 50% member states, 60% population (S.E.)	Response 4 60% member states, 60% population (S.E.)	Response 5 50% member states, 50% population (S.E.)
Government Galtan position <sup>†</sup>	-0.0015 (0.470)	-0.006 (0.200)	0.001 (0.042)	0.020 (0.629)
Length of EU membership (in years)	-0.017** (0.007)	-0.007 (0.006)	0.001 (0.008)	0.022*** (0.008)
Support for European integration in domestic politics	0.011* (0.006)	0.005 (0.004)	-0.001 (0.005)	-0.014** (0.007)
Net budget status	-0.185* (0.109)	-0.079 (0.072)	0.016 (0.084)	0.248* (0.138)
Population size (in millions, 2003)	0.008* (0.004)	0.003 (0.003)	-0.001 (0.004)	-0.011** (0.005)
Probability of response (in percent)	15.8	13.31	45.42	25.57

Note: Answer category 2—75% or more of member states and a specific majority of the population—has not been chosen by any government in practice.

\*  $p < 0.1$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$ . <sup>†</sup> Based on Chapel Hill data set.

Graphical explorations of the relation between the various independent and the dependent variable (preferred Council decision rule) allow for further visual explorations of this topic and show that with the exception of length of EU membership, no linear relations between the independent and the dependent variable can be discerned. However, the relationship between government left-right location and the preferred decision rule may follow a non-linear pattern: Figure 2 shows a scatter plot of government left-right locations (based on the Benoit-Laver dataset) and preferences for the Council decision rule. It seems that EU member states with governments located at the extremes of the left-right policy scale are somewhat more in favor of a stringent Council decision rule. By comparison, governments located in the center on this scale—with the notable exception of Malta—tend to prefer a less inclusive Council decision quota. This pattern, however, can only be found for government left-right locations based on the Benoit-Laver data collection; it is not supported by data based on the Chapel Hill data set. In theoretical terms, the link between left-right location and preferences for decision thresholds can potentially be explained by reasoning based on Vaubel (2008), as those on the margins of the left-right policy scale—pro-versus anti-regulation stances in Vaubel’s analysis—will aim to protect their own priorities and tend to favor higher decision thresholds.



**Figure 2.** Government left-right positions and preferred decision threshold for the Council of the European Union

A possible further way to explore this potential link between government left-right locations and preferences for the Council decision rule is a bivariate linear regression of the preference for the decision quota on the (absolute) distance from the mean government left-right position of all EU member states. Indeed, this statistical analy-

sis demonstrates that a moderately significant linear relationship exists between these variables ( $b = -0.468$ ,  $p = 0.061$ ), providing some empirical support for the assumption that governments fairly distant from the mean EU government location, during the time the DOSEI interviews were held, were more inclined to favor a higher Council decision threshold.

DOSEI questions 18.a1 through 18.a12 examine the issue of whether an actor prefers QMV to unanimity as a decision rule to be applied in given areas of EU policy-making. Member state positions on these issues are likely to depend primarily on (i) the decision rule currently applicable in these areas and (ii) their specific location in terms of preferences on specific substantive areas. For example, it is likely that EU member states with relatively extreme preferences in a given policy domain will tend to prefer unanimity as a decision rule if their interests could be undermined by a majority of EU member states under the QMV rule. The following areas (listed in Table 1) were, during the time of the DOSEI interviews, dealt with by unanimity in the Council (the DOSEI data collection has specific information on the location of the *status quo* in each area): freedom, security and justice; tax harmonization; monetary policy (for the Euro states); economic policy; social security rights; common foreign policy; and finally, defence policy. Clearly, in several of these areas, the UK, for example, was likely to have relatively extreme preferences as compared to the EU majority, notably in areas such as freedom, security and justice, and a potential EU collective defense policy (partially due to the UK's particularly strong partnership with the US in this area). This pattern is somewhat less applicable to the domain of tax harmonization (DOSEI question 18a5), however, as according to the DOSEI data collection, a total of 15 EU states favored maintenance of the unanimity clause for this policy area. Government preferences for these various substantive areas will now be explored in more detail, partially resorting to additional DOSEI-information on the position of sub-national actors on these issues.

A descriptive exploration of the DOSEI data on question 18 (on this, also see Hosli and Arnold 2010) indicates that no actor for which preferences were assessed—whether a government delegation, foreign minister's office, or leading domestic political actor—preferred application of the unanimity rule for agricultural policy. Accordingly, regarding decision rules to be incorporated into the new European Constitution, QMV was endorsed unanimously for decisions concerning agriculture. Regarding Structural and Cohesion policies, however, the picture is somewhat more mixed: The governments of the Netherlands and the UK, as well as some important domestic actors within these states—e.g., the UK Foreign and Commonwealth Office and Her Majesty's Treasury, the Dutch Ministry of Foreign Affairs and Dutch Parliament—advocated application of the unanimity rule. By comparison, Downing Street preferred QMV regarding Structural and Cohesion policy.

On the matter of the decision rule for issues concerning the EU's internal market, with just a few exceptions—the Estonian Ministry of Foreign Affairs and the Estonian Ministry of Finance—all actors for which data were available favored the QMV rule. Similarly, concerning monetary policy for the Euro states (question 18a.6) and economic policy (question 18a.7), most actors preferred the QMV rule. In Cyprus,

Hungary, Ireland, Poland and Portugal, all relevant actors, including the government, preferred non-application of the QMV rule (i.e., maintenance of unanimity) for both areas. In Hungary, all domestic actors that the DOSEI data set provides information on preferred QMV for monetary policy, but unanimity to be applied in the domain of economic policy-making. In the case of this EU member state, data were collected for the Hungarian government, Ministries of Foreign Affairs, Finance, EU Coordination, Justice and Parliament's 'EU Big Committee'.

As regards the areas of employment policy and social policy (questions 18a.8 and 18a.9, respectively), opposition to the application of the QMV rule, across the range of domestic actors, materialized in Denmark and Estonia. With respect to social policy exclusively, all domestic actors in Cyprus, Hungary, Latvia, Lithuania, and Slovakia were opposed to the application of QMV. Actors in other EU states opposing QMV in the domain of social policy include the Finnish Parliament, the German *Bundesländer*, Slovenia's Chamber of Commerce and the Confederation of British Industrialists.

A statistical exploration of this topic, using each government's preference for a given decision rule in a specific policy area as the unit of analysis, provides further insights into this issue. For this analysis, first, aggregate total values of questions 18a.1 through 18a.12 are taken. As the original answer categories to this question are dichotomous ('yes' or 'no') and the responses of each actor for the several sub-categories of question 18a (see Table 1) are summed up, the aggregate answer codes cannot be estimated using an interval scale. Instead, the statistical analysis applies ordered probit regression to estimate the effect of independent variables on government responses to question 18a (DOSEI). This analysis reveals that regarding aggregate preferences for the QMV rule instead of unanimity, no systematic divisions can be discerned between governments along left-right policy lines (neither those based on the Benoit-Laver data nor those using one of our two options from the Chapel Hill data set). Neither can a cleavage along North-South lines, indicated by net budget positions, or between larger and smaller EU states be found on this issue. Similarly, results of this analysis show that priorities on this issue do not really differ according to whether member state governments face a Euroskeptic public or a domestic audience that is more supportive of European integration. However, clearly, length of membership matters; this finding is supported by models 1, 2 and 3 (the variable 'length of membership' is, according to usual standards, only close to being significant in model 4). The longer a country's EU membership, the more a government favors application of QMV instead of unanimity as the voting rule in the Council, aggregated over the several substantive policy areas incorporated in the DOSEI data collection for question 18a.

However, the issue areas analyzed in question 18a are quite different in substantive terms. In general, there seem to be two dimensions on which the respective policy areas can be located: a security-freedom dimension (questions 18a.3, 18.a11 and 18.a12) and an economic-monetary dimension (all other sub-questions of question 18a). An analysis taking answers to the security-freedom areas into account exclusively—i.e., aggregating the values for the three sub-questions on this dimension – demonstrates that all four model specifications generate statistically significant results for the explanatory variable 'length of membership', whereas the other independent variables,

in the ordered probit regression, do not generate significant test results. In fact, a bivariate ordered probit regression of the choice of voting rule for the security-freedom area on length of EU membership exclusively provides highly significant test results ( $b = 0.033$ ,  $p > |z| = 0.009$ ,  $\text{prob} > \chi^2 = 0.008$ ). An analysis of the economic-monetary domains, by comparison, shows that the independent variables in models 1 through 4 generate results close to statistical significance in a multiple ordered probit analysis. A model limited to the explanatory variable 'length of EU membership' exclusively, however, again generates clear statistically significant test results ( $b = 0.025$ ,  $p > |z| = 0.036$ ,  $\text{prob} > \chi^2 = 0.034$ ). These findings further support the claim that newer EU states appear to be most concerned about the loss of domestic sovereignty, in security-related domains, but also economic-monetary ones, and tend to favor unanimous decision-making for a wide range of policy areas. These preferences were reflected in the negotiation process on the European Constitution and co-determined the actual choice of decision rules as incorporated into the 2009 Lisbon Treaty.

## 5. Conclusions

The European Constitution encompassed a wide range of issues regarding the substance of EU policy-making and EU institutional and legislative provisions. The DOSEI data set has aimed to measure preferences of a wide range of actors regarding the desired shape of the new Constitution.

This paper is interested in government preferences regarding EU institutional provisions, notably the preferred QMV threshold to be used in the Council of the EU and the choice between unanimity and QMV decision-making for various policy areas. Building on recent insights into EU policy-making processes and the dimensionality of the EU political space, the paper explores whether specific cleavage lines were discernible in the intergovernmental negotiation procedures, notably between older and newer states, governments located on the left as compared to the right on the left-right policy scale, between the EU's 'North' and 'South' and between smaller and larger EU members. A statistical exploration of these issues, on the basis of ordered probit analysis, complemented by graphical and descriptive explorations, reveals that the cleavage between the EU's older and newer states may largely explain preferences for Council decision rules, but other cleavages are also relevant.

Regarding the choice between either unanimity or QMV being applied for a range of issue areas incorporated in the EU constitution, the analysis demonstrates that member states' preferences vary on this issue according to the location of their preference compared to the mean EU position, as well as the currently applicable Council decision rule. But, in addition to this, the year in which they entered the EU matters, with older EU states being clearly more in favor of the application of QMV than the EU's newer states. This is true for areas related to security and freedom, but also, although not as strongly, for those related to economic and monetary affairs. By comparison, in the different analyses conducted here, government left-right positions, net budget positions, member state size and domestic support for European integration did not matter.

Regarding the question of the preferred decision rule to be applied in the Council of the EU, our statistical analysis reveals that holding the effect of all other independent variables constant, smaller EU states tended to prefer a lower decision threshold in the Council. Similarly, governments facing more Euroskeptic publics preferred easier forms of EU decision making (i.e., a lower decision quota in the Council). Moreover, as our analysis shows, net contributors to the EU budget tended to support a high decision threshold in the Council. However, these findings have to be treated with caution, as the total number of cases in the statistical analysis (25 EU states involved in these negotiations) is rather limited.

Finally, as discerned on the basis of graphical and bivariate associations, government left-right policy positions mattered as regards the preferred Council decision threshold: in general terms, governments fairly remote from the mean EU government left-right position preferred more stringent rules for Council decision-making. Finally, as confirmed by both qualitative and quantitative explorations, the most recently-joined EU members favored the most stringent decision rules for the Council. By contrast, the founding members tend to prefer swifter decision-making procedures. This result may be interpreted on the basis of the reasoning that ‘older’ EU states have been faced with a gradual loss of domestic sovereignty over time, while the new EU states, to a large extent, have only regained their sovereignty with the end of the Cold War, and so tend to be more concerned with the application of majority decisions in the Council based on a lower QMV threshold. Alternatively, it is conceivable that processes of ‘learning’ and adaptation to the EU negotiation style have led governments—notably of the EU founding states—to develop similar priorities regarding modes of policy-making and a shared belief that EU decision quotas have to be lowered in order to allow for swifter patterns of EU decision-making.

**Acknowledgment** Comments on earlier versions of this manuscript, by Christine Arnold, Bryan O’Donovan, Han Dorussen, Daniel Finke, Simon Hix, Simon Hug, Thomas König, Hartmut Lenz, Mikko Mattila, Běla Plechanovová, Frank Schimmelfennig, Tobias Schulz, Andreas Warntjen and two anonymous reviewers are gratefully acknowledged. The research has been supported by the project ‘Domestic Structures and European Integration: A Multistage Two-Level Analysis of Constitution-Building in the European Union (DOSEI)’, funded in the framework of the European Commission’s Key Action Improving the Socio-Economic Knowledge Base (project SERD-2002-00061).

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## Appendix

**Table A1.** Descriptive statistics

Variable	Obs.	Mean	S.E.	Min	Max
GovLR (B-L)	25	11.9018	3.30382	6.18462	17
GovLR (ChH)	25	0.55	0.15829	0.26471	0.77601
Gov Galtan	21	0.5427	0.15898	0.27262	0.84545
Length mship	25	17.2	19.0591	-1	45
Size (pop 2003)	25	18.1821	23.4273	0.3973	82.5367
Budget status	25	0.5672	0.93849	-0.44	2.52
Support integr	25	41.66	18.129	2	76
Aggregate value Q18.a	25	20.36	2.54755	16	24

**Table A2.** Correlation matrix

	A	B	C	D	E	F	G
A. GovLR (B-L)	1						
B. GovLR (ChH)	0.9082	1					
C. Gov Galtan	0.783	0.6892	1				
D. Length mship	0.278	0.3091	0.1457	1			
E. Size (pop 2003)	-0.073	-0.0098	-0.0354	0.5285	1		
F. Budget status	0.0654	-0.0649	0.157	-0.451	-0.3372	1	
G. Support integr	0.0664	0.0474	-0.0741	0.2944	-0.1233	0.1206	1