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Bridging Qualified Majority and Unanimity Decision-Making in the EU

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Contact:

George Tsebelis
Anatol Rapoport Collegiate Professor
Department of Political Science
University of Michigan
6759 Haven Hall, 505 S. State Street
Ann Arbor, MI 48109-1045
USA
E-Mail: tsebelis@umich.edu

Founded in 1963 by two prominent Austrians living in exile – the sociologist Paul F. Lazarsfeld and the economist Oskar Morgenstern – with the financial support from the Ford Foundation, the Austrian Federal Ministry of Education, and the City of Vienna, the Institute for Advanced Studies (IHS) is the first institution for postgraduate education and research in economics and the social sciences in Austria. The **Political Science Series** presents research done at the Department of Political Science and aims to share "work in progress" before formal publication. It includes papers by the Department's teaching and research staff, visiting professors, graduate students, visiting fellows, and invited participants in seminars, workshops, and conferences. As usual, authors bear full responsibility for the content of their contributions.

Das Institut für Höhere Studien (IHS) wurde im Jahr 1963 von zwei prominenten Exilösterreichern – dem Soziologen Paul F. Lazarsfeld und dem Ökonomen Oskar Morgenstern – mit Hilfe der Ford-Stiftung, des Österreichischen Bundesministeriums für Unterricht und der Stadt Wien gegründet und ist somit die erste nachuniversitäre Lehr- und Forschungsstätte für die Sozial- und Wirtschafts-wissenschaften in Österreich. Die **Reihe Politikwissenschaft** bietet Einblick in die Forschungsarbeit der Abteilung für Politikwissenschaft und verfolgt das Ziel, abteilungsinterne Diskussionsbeiträge einer breiteren fachinternen Öffentlichkeit zugänglich zu machen. Die inhaltliche Verantwortung für die veröffentlichten Beiträge liegt bei den Autoren und Autorinnen. Gastbeiträge werden als solche gekennzeichnet.

Abstract

The EU has tried to bridge decision making by qualified majority and unanimity over the years by expanding qualified majorities (consensus) or by making unanimities easier to achieve. I call this decision-making procedure q-“unanimity” and trace its history from the Luxembourg compromise to the Lisbon Treaty, and to more recent agreements. I analyze the most recent and explicit mechanism of this bridging (article 31 (2) of the Lisbon Treaty) and identify one specific means by which the transformation of qualified majorities to unanimities is achieved: the reduction of precision or scope of the decision, so that different behaviors can be covered by it. I provide empirical evidence of such a mechanism by analyzing legislative decisions. Finally, I argue that this bridging is a ubiquitous feature of EU institutions, used in Treaties as well as in legislative decision-making.

Keywords

Lisbon Treaty, Article 31, qualified majority, q-unanimity, decision-making, foreign policy, social choice theory, tatonnement process, veto players, co-decision, consultation.

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General note on content

The opinions expressed in this paper are those of the author and not necessarily those of the IHS.

Contents

I. Introduction

In the 21st Century the EU has consistently occupied the first pages of the newspapers all around the world because of on-going negotiations. First, it was the institutional impasse generated after the Nice Treaty (2001) and the treaty negotiations that took almost 10 years until the adoption of the Treaty of Lisbon. Then it was (and still is) the financial crisis that could have led to a Greek exit and/or demolition of the Euro. Now there are new negotiations between Merkel and Olland for the creation of a new long term financial pact. Yet, there were some important decision-making procedures that have been taking place under the radar, and that may lead to an EU with greater decisiveness.

In this paper I focus on one particular article of the Lisbon Treaty that applies on the Common Foreign Policy and Security area where decisions are made by unanimity (therefore making decision-making very rigid since every country is required to agree). Yet, article 31 (1) of the Treaty identifies some areas where decisions could be made by qualified majority (the exact requirements to be discussed below). And for these areas Article 31 (2) specifies:

> If a member of the Council declares that, for vital and stated reasons of national policy, it intends to oppose the adoption of a decision to be taken by qualified majority, a vote shall not be taken. The High Representative will, in close consultation with the Member State involved, search for a solution acceptable to it. If he does not succeed, the Council may, acting by a qualified majority, request that the matter be referred to the European Council for a decision by unanimity.

The goal of the above paragraph is to transform a qualified majority decision into a unanimous one. The High Representative (of the Union for Foreign Affairs and Security Policy) is for all intents and purposes the equivalent of a Foreign Minister for the EU and is thus referred to often in the press. According to article 31 (2), she uses the qualified majority decision as the basis for discussion with the disagreeing member(s) of the Council, and investigates the possible modifications that would make the decision “acceptable to it (them).” If she succeeds, the (slightly modified) decision is not opposed by any member of the Council and becomes a valid (unanimous) decision. So, this process bridges the difference between a qualified majority and a unanimity decision. This is why I will use the name q-“unanimity” to refer to it. I will show that this process is much more frequently used than in foreign policy decision-making.

In this article I will examine this procedure closely. What outcomes is such a procedure likely to produce? How can a qualified majority decision be transformed into a unanimous one? If such a transformation is feasible, how frequently does it occur? In the first part of this article I examine the literature on “consensus” generated in EU decision-making, because this literature argues that even when a decision requires qualified majority EU actors work hard

to make it unanimous. In the second part, I will study how such a unanimity can be achieved on the basis of article 31 (2) of the Lisbon Treaty (even though this article is not supposed to be relevant in other areas of decision-making). In the third, I will trace the history if this procedure inside the EU and show that similar procedures are applicable in many different areas for over 50 years. In the fourth part I will construct a dataset to investigate empirically the cases where qualified majorities are transformed into unanimities in EU decision-making. In the last part I will argue that q-"unanimity" has many variations and is a ubiquitous procedure in EU decision-making including Treaty negotiations.

II. Consensus literature: transforming a qualified majority decision to a unanimous one

A large volume of scholarly papers have identified a "preference for unanimity" (Mattila and Lane 2001; Mattila 2004, 2008; Heisenberg 2005; Hayes-Renshaw et al. 2006; Aspinwall 2007; Hagemann and De Clerck-Sachsse 2007; Hagemann 2008) according to which unanimous decisions are much more frequent than formal models would predict, and in the case of explicit voting typically only one Member State is dissenting. The literature is speaking about a "culture of compromise", or "culture of consensus" (Westlake 1995; van Schendelen 1996; Cini 1996; Hayes-Renshaw and Wallace 1997; Lewis 1998a, 1998b, 2000; Heisenberg 2005) arguing that informal norms, consensus, thick trust and reciprocity in the Council are more important than the rational choice models suggest. Aus (2008) has called this persistent findings the "rationalist puzzle."

How is this "consensus" possible? Lewis (1998a; 1998b; 2000) has studied decision-making in the Council and Coreper exhaustively, and argues that the information gathering and interactions between Member States in the Council have the effect of creating a 'common frame of reference' with which to understand the issues. "From the perspective of interpreting consensus in the Council, it is important to recognize the common understandings that facilitate negotiations, such as the historical importance of the European project, the necessity of having either Germany or France supporting an initiative and the lack of an exit option or the threat of force (Heisenberg 2005: 69)." On the basis of interviews with Coreper participants, Lewis (2000) found five main features of the decision-making style: diffuse reciprocity, thick trust, mutual responsiveness, a consensus-reflex and a culture of compromise. Heisenberg (2005: 69) claims that "[i]ndeed, the lack of acculturation to the norms of consensus may be the largest problem of the current enlargement of the EU by 10 new members."

An unfortunate development in the study of the EU was the bifurcation of this literature on consensus from the literature modelling the EU institutions (Tsebelis (1994), (1996), Steunenberg (1994), Moser (1996), Crombez (1996), Tsebelis and Garrett (2001)). In the beginning it was perceived that one literature was theoretical, and the other empirical. Yet, other researchers have found empirical evidence corroborating institutional models. (Sullivan and Selck 2007; Steunenberg and Sleck 2006). Schneider (2008) summarizes this scholarship; Pollack (2005) provides a broader overview. Importantly, Junge (2011) using the appropriate statistical methodology of "quantal response model," finds that the key arguments of the formal models (who controls the agenda, what will be the amendments given the positions of the different actors, and what will be the final outcome) are corroborated by the data of EU decision-making.

But the bifurcation in the arguments led to serious divisions leading to methodological objections. Heisenberg (2008: 261) has argued that "the small number of decision-makers,

and the idiosyncratic nature of decision-making in the Council lends itself better to qualitative empirical studying" and that "the quantification of preferences adds more measurement error than it contributes to new understandings of the dynamics of decision-making" (ibid 262). In another article Heisenberg (2005, p.272) argues that qualitative research can "ask and answer policy-relevant questions, once freed from the responsibility of establishing consistent trends governing the behaviour of the ministers in the Council."

The bifurcation between theoretical and empirical literature compounded by the methodological division of the field (qualitative and quantitative studies) is an unfortunate development. It is non sensical to argue that institutional models do not provide any relevant answers when it took 10 years for the EU to actually adopt the Lisbon Treaty which modifies the decision-making majority in the Council from 70+% down to 65% (Finke et al. 2012); when in the process EU governments violated the expressed will of at least two different peoples by ignoring their referendum decisions; when governments with completely different ideologies (from Left to Right) in Germany and Italy and Spain (to mention but a few) supported the same institutional solutions regardless of their ideology. Why would they strive so hard and for so long if it made no difference given consensus?

On the other hand, it would be misplaced to ignore all the literature on consensus just because EU officials took 10 years redesigning the EU institutions. The mistake is not in one or the other literature, but in their confrontational juxtaposition. It is true that institutions matter (otherwise EU elites would not spend so much time and effort designing them) and it is **also** true that European elites try hard to achieve consensus. The fact that both are true indicates that we should find an explanation. And the fact that different datasets may (?) lead to different conclusions may mean that we should find jointly acceptable datasets that persuade one side that statistical analysis is necessary, and the other that in depth analysis is also required. This is the most interesting puzzle generated by the scholarship on the EU, and this is the goal of this article. To this question I now turn.

III. Q-"unanimity": transforming a qualified majority decision to a unanimous one

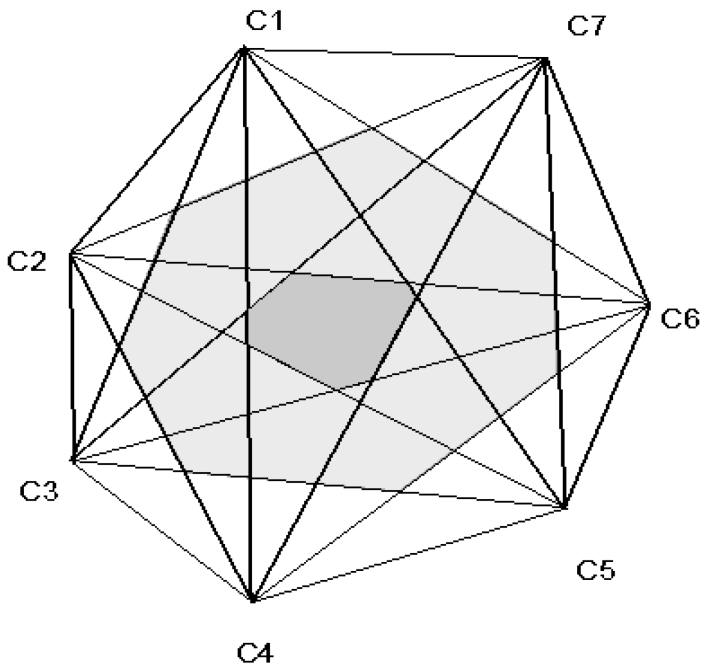
For expositional purposes I will consider a Council composed of 7 members deciding by a qualified majority of 5 which represents a qualified majority of 71% (instead of the real 27 deciding by a qualified majority of 65% of the weighted by the population of each country votes). In *Figure 1* I represent the 7 member Council in a two dimensional space (points 1-7). I will assume that the members of the Council have circular indifference curves, that is, that every member prefers outcomes closer to its own ideal point over outcomes further away. If the High Representative (HR) can find a point that will be accepted by a 5/7 qualified majority over the status quo, and cannot be further modified by such a majority, she will propose this point, and move on from there in order to achieve the unanimous support. Let us follow the strategic calculations of HR. In what follows, I will assume that the status quo is far away[1], and focus on the remaining constraints.

Article 31 (2) describes a two-step procedure. First, HR identifies a point that has the support of a qualified majority and then, discusses with dissenting members in order to get their support. So, in the first step she puts a q-majority together, and in the second, she expands the support to unanimity. Obviously, if HR could find a point with unanimous support, she would propose that, and article 31 (2) would not be activated. Let us follow the strategic calculations of this two-step procedure as prescribed by article 31 (2).

a. Put together a q-majority. The first question that HR has to address is whether there is a point that can achieve qualified majority support, and cannot be further modified by a qualified majority. The technical term for such points is "the q-majority core". Q-majority core is the set of points that cannot be defeated by a q-majority. So, if the proposal is located inside the q-majority core, it will not be possible to be upset. Let us locate such points in *Figure 1*.

[1] And as a result all relevant points will be preferred by the actors over it (that the winset of the status quo is large).

Figure 1: Core of Council with 5/7 and 6/7 Majorities



Let us draw lines that connect two members on the Council leaving two members on one side, and keeping the other 5 on the other. Lines like C2C6 (leaving points C1 and C7 to its North) fulfil this condition. If the proposal that HR makes is to the north of line C2C6, the group of countries 2,3,4,5,6 can modify it and bring it at least to a point of C2C6. Therefore, the only points that could not be modified by a qualified majority of 2,3,4,5,6 are to the south of line C2C6. A similar argument can be made with respect to C3C7: only points south-east of this line can be candidates for a q-majority core. Iterating this argument for lines C4C1, C5C2, C6C3, C7C4, and C1C5 we can locate the q-majority core in the area defined by all these lines (the lightly shaded area in *Figure 1*).

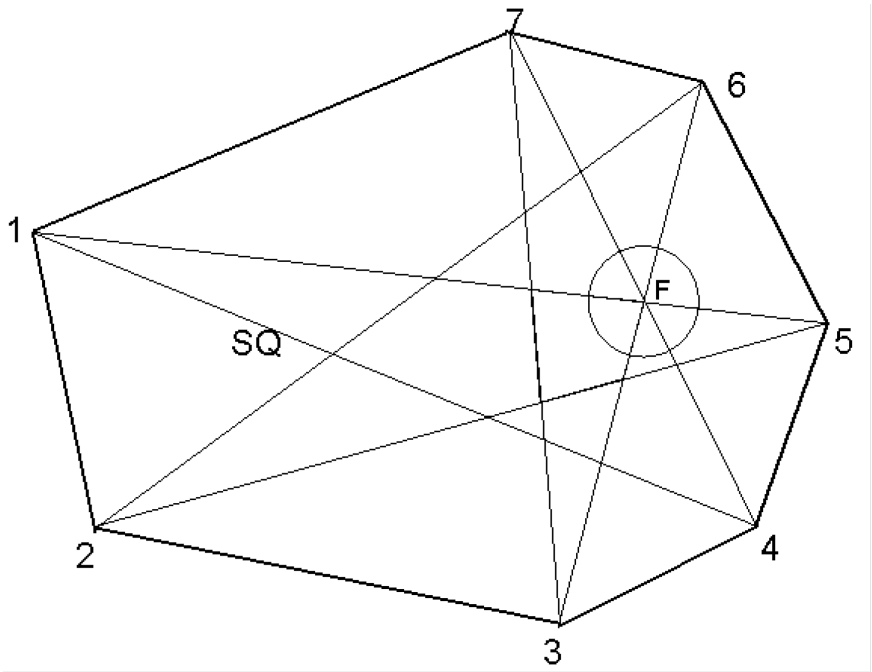
Among all the points in the q-majority core, HR can select one and propose it in the Council, knowing that if accepted it will not be modified. Actually, HR will select the one closer to her own ideal point, unless she knows that another point is more agreeable to the Council (for example, of another member of the Council informs her that there is an agreement on some other point inside the q-majority core). In all cases however, the outcome would be inside the q-majority core, that is, centrally located within the preferences of the members of the Council. *Figure 1* demonstrates also the 6/7 majority core for the reader to verify that the argument of central location does not depend on the exact qualified majority requirement.[2]

[2] But there is something else that depends on the exact qualified majority requirement AND the number of dimensions of the underlying policy space: the very existence of the q-majority core. Greenberg (1979: Theorem 2) has proven that if the number of dimensions of the policy space increases, there may or may not be a q-majority

b. Extend the q-majority to q-"unanimity". What the first step of the procedure has done, is it has created a focal point for the discussions in the Council. According to article 31(2) this becomes the subject of discussion not of the whole Council, but of negotiations between HR and dissidents inside the Council. What exactly do they object to with respect to this point, and how can it be modified to eliminate their objections? So, article 31(2) establishes this point of potential agreement of a qualified majority as a focal point around which all discussions will take place.

Obviously (from the point of view of the q-majority supporting this point) all modifications have to be minimal, therefore the discussions will take the form of a "tatonnement process"[3] around this focal point. Discussions of other alternatives that could have received a higher majority in the previous stage can be considered not germane from HR. Actually, she does not have the authority to engage in such extraneous negotiations. *Figure 2* presents a case where the point selected by HR (assume that HR is located in point C5 or C6 and nobody else makes a different winning proposal) will now be modified and replaced by another point "in the area" of F.

Figure 2: Proposal if agenda setter is 5 or 6; outcome in the area of F



core. Actually, in order to be sure that there is a q-majority core, the condition is q > n/(n+1) where n is the number of dimensions of the policy space. But even in this case, can use the concept of "uncovered set" defined by Miller (1980) and located in the center of the decisionmaking body by McKelvey (1986) and come to exactly the same conclusions of a proposal centrally located inside the Council.

[3] The best English translation is "trial and error" but it literally refers to a process of searching around a specific area (like when we know where an object is and we try to get it without looking). I have used this argument in Tsebelis (2012).

Another way that HR can extend the q-majority is by eliminating objections through reducing the specificity of a decision, making it cover a subset of what was the initial goal. This is an idea similar to the one presented in the Law and Economics literature (Ehrlich and Posner 1974) as well as in International Law (Koremenos 2011) according to which the precision of a legal text is a variable depending on the number of contractors and their heterogeneity. For example, the objecting member may disagree with the fact that a specific policy will be implemented immediately, as opposed to the distant future, or under a series of conditions one of which is problematic in his point of view, or it will be addressed by a series of measures some of which may be objectionable etc. In this case, removing these particular constraints may be agreeable to this member. Reducing the specificity of a decision so that whole areas are not covered, or, the means by which the goal is achieved become more flexible so that implementation from the q-majority may be different from the implementation form the disagreeing member may eliminate the threatened veto. To use a common expression, HR moves the agreement towards the least common denominator. In this case, the circle around point F in *Figure 2* would mean the variance of the interpretation as opposed to the set of all possible outcomes. As we will see in the empirical section of this paper, increasing the variance of a decided policy or as we will say reducing the restrictions imposed by a set of rules is a means used very often in order to transform a q-majority decision into a unanimity one.

IV. History of unanimous decisions

The requirement of unanimous decisions is frequent in international treaties because it does not infringe upon the national sovereignty of members. The unanimity rule transforms all countries participating in an international organization into “veto players” (Tsebelis 2002) that is, into actors whose agreement is necessary for a change of the status quo. If a country disagrees with a potential decision, it can simply block it. Obviously, this rule generates serious obstacles in the process of decision-making. Changes by unanimity are very difficult to make. This is the reason that the EU has selected qualified majority decision-making in many jurisdictions--the number of which has increased over time. Yet, in foreign policy the default decision-making process is by unanimity, and article 31(2) is designed to transcend the differences between q-majority and unanimity decision-making by using this two-step procedure, where the first step is by qualified majority, and this generates a focal point for eliminating objections and achieving unanimity. It is interesting to note that this conflict between the two procedures goes back some 45 years in the history of the EU. Indeed qualified majority decision-making can be traced it back to the Treaty of Rome (1958), and unanimous decision-making to the Luxembourg Compromise (1966). This procedure has evolved through the Single European Act (1987) and all the way to its current iteration in the Lisbon Treaty (2009).

Treaty of Rome

According to the Treaty of Rome, the High Authority (the old name of the Commission) could make a proposal to the Council, which could accept it by qualified majority, but reject or modify it by unanimity (Tsebelis and Kreppel 1998). This rule is what Tsebelis (1992) has called “conditional agenda setting”, since the institution that makes the proposal (Commission, or later Parliament) can promote its preferences by proposing (just like I described in the first part of this paper) the point closest to its own preferences and modification is more difficult than acceptance. However, this rule was challenged by President De Gaulle of France who wanted to preserve his country’ right to block decisions that were considered against its own interest.

Luxemburg Compromise

De Gaulle, by practicing the “empty chair” strategy (refusing to discuss anything until the partners agreed on the unanimity principle), was able to insert the following statement into a 1966 European Economic Community agreement:

> Where, in the case of decisions which may be taken by majority vote on a proposal of the Commission, very important interests of one or more partners are at stake, the Members of the Council will endeavor, within a reasonable time, to reach solutions that

> can be adopted by all the Members of the Council while respecting their mutual interests and those of the Community, in accordance with Article 2 of the Treaty.
>
> – Bulletin of the European Community, March 1966, 3-66 (Bull. EEC 3/66), pp. 5-11

Comparison between this statement and article 31(2) of the Lisbon Treaty reveals the identity of goals, but the lack of identification of the actual procedure in the latter. There is no identification of the two steps in Luxemburg, no specification of the focal point, no description of the process of achieving unanimity. Simply put, the discussion is supposed to continue until unanimity is achieved, or deemed non-achievable.

Actually, the Luxembourg compromise prevailed until the adoption of the Single European Act in 1987. Some analysts have assumed that the prevailing decision-making mode in the EU before 1987 was unanimity (Tsebelis and Garret 2001), while others have argued that the cut-off points were not so clear (Hayes-Renshaw and Wallace 1997). We will come back to this point, and see how the procedure described in article 31(2) could be the answer to these disagreements.

The Single European Act (1987)

This Treaty reintroduced the legislative procedures adopted in Rome, and cancelled the Luxembourg Compromise. As a result of this de facto modification of legislative procedures, a wide range of regulations covering the single market were introduced. Some of these pieces of legislation were considered inappropriate by countries members of the EU, so, in 1994 in the Ioannina Intergovernmental Conference they adopted the following compromise:

> If Members of the Council representing a total of 23 to 26 votes indicate their intention to oppose the adoption by the Council of a Decision by qualified majority, the Council will do all in its power to reach, within a reasonable time and without prejudicing obligatory time limits laid down by the Treaties and by secondary law, such as in Articles 189B and 189C of the Treaty establishing the European Community, a satisfactory solution that could be adopted by at least 68 votes. During this period, and always respecting the Rules of Procedure of the Council, the President undertakes, with the assistance of the Commission, any initiative necessary to facilitate a wider basis of agreement in the Council. The Members of the Council lend him their assistance.
>
> – Council Decision of 29 March 1994 concerning the taking of decisions by qualified majority by the Council, *Official Journal of the European Communities* (OJ) C 105/1, Vol. 37, 13 April 1994

This compromise does not aim at unanimous support--just a wider basis of agreement. Also, while the President of the Council and the Commission play roles of agenda setters in the

negotiations, the involvement of the other members of the Council indicates a wider approach than the two step process specified in article 31(2).

Treaty of Amsterdam (1997)

Finally, with respect to foreign policy (which was always considered exclusively subject to unanimous decisions) the Treaty of Amsterdam made the first attempt to introduce qualified majority decisions. It states:

> If a member of the Council declares that, for important and stated reasons of national policy, it intends to oppose the adoption of a decision to be taken by qualified majority, a vote shall not be taken. The Council may, acting by a qualified majority, request that the matter be referred to the European Council for decision by unanimity.
>
> The votes of the members of the Council shall be weighted in accordance with Article 205(2) of the Treaty establishing the European Community. For their adoption, decisions shall require at least 62 votes in favour, cast by at least 10 members. This paragraph shall not apply to decisions having military or defence implications.
>
> — Article 23 in TEU amended by Amsterdam

Again, the goal of Amsterdam is similar to that of Lisbon: enlargement of qualified majority. The difference is again the lack of specificity with regard to the process to be applied. So, Lisbon is the most clear (procedurally) statement of how to move from qualified majority to unanimity (what I call q-"unanimity" in this paper).

However, this short historical overview points out to other characteristics that differ. One is the formal status of the different agreements, and the other is the jurisdictions that they apply. With respect to formal status, we see a consistent increase in the importance of the agreement. Indeed, the first statement of these attempts at enlargement of support attempts (Luxembourg Compromise) is a footnote in an agreement of the Council: *Bulletin of the European Community*, March 1966, 3-66 (Bull. EEC 3/66), pp. 5-11. The second (Ioannina Compromise) is an actual decision of the Council: Council Decision of 29 March 1994 concerning the taking of decisions by qualified majority by the Council, *Official Journal of the European Communities* (OJ) C 105/1, Vol. 37, 13 April 1994. And it is only the third that gets included in a Treaty (Amsterdam): Article 23 (ex Article J.13) of 10 November 1997 (Consolidated Version of the TEU as amended by Amsterdam Treaty). What we observe is a transition from informal to formal institutions that take some 45 years to unfold (and, presumably, is not over yet).

The second difference between these attempts is in regard to their jurisdiction. Both in terms of subject matter and in terms of importance of the issue, Luxembourg does not specify a

jurisdiction, but applies to all areas of legislative competence of the EU. To apply the unanimity rule requires a “very important” issue. Given that it is designed to roll back qualified majority decision-making, it has a wide scope.

Ioannina has a similar substantive jurisdiction (applies to legislative competence) but does not even require the issue to be “very important”. It encompasses whatever the minority decides. Amsterdam applies the procedure to specific areas because it is designed to expand the q-majority decision-making to new areas. These areas are:

- Foreign and Security Policy,
- Police and Judicial Co-operation in criminal matters, and
- Closer cooperation.

The level of significance of the decisions has to be “important” in the eyes of the dissidents.

Lisbon also applies to:

- Common Foreign and Security Policy, and
- Police and Judicial Co-operation in criminal matters,

but restricts the significance of issues to “vital” for the dissidents.

The conclusions from this brief historical overview is that while q-“unanimity” efforts in the EU can be identified as goals almost half a century ago, the specific procedures emerge only in the Lisbon Treaty. These efforts were designed to reduce the scope of qualified majority decision-making in the beginning (Luxemburg, Ioannina), but to expand it with the Treaties on foreign policy and related issues (Amsterdam, Lisbon). As a result, jurisdictions are not specified in the first two, but explicitly mentioned in the second two (the treaties), and the threshold of significance rose (from “very important” to “vital”).

We can think of this 45 year old process as building a bridge between qualified majorities and unanimity. Two of the texts start with qualified majority as the default solution and because it can infringe on the rights of individual governments try to expand it, while the other two (the Treaties) originate with unanimity, and because it is so difficult as a goal to achieve try to turn it into an sort of enlarged qualified majority.

V. Reducing specificity to increase support

In the first part of this paper I argued that one of the ways to increase support and move from qualified majority to unanimity is to reduce the specificity of decisions, so that different policies or behaviors can be considered "supporting" a broad consensus as opposed to "violating" or "undermining" a specific agreement. The normal way of testing this proposition would be to examine foreign policy decisions since the Lisbon Treaty, and see successive drafts of foreign policy decisions in terms of their specificity. Unfortunately such data do not exist yet, and more importantly, the internal debates are not likely to become public for a long time. I have to use a different strategy.

Given the fact that q-"unanimity" has had such a long history, and may have been used in many occasions not just on foreign policy (as Amsterdam and Lisbon specify) but in other areas too (as Luxembourg and Ioannina suggest), I will use data from the legislative history of the EU where information is abundant. In particular, I will consider cases where amendments were proposed under qualified majority while modification required unanimity. In other words, I will examine procedures where the same mechanism I described in the first part of this paper had to be applied in practice.

Such a procedure was the standard for adoption of consultation bills in the late 80s and early 90s. Indeed, under consultation proposals by the Commission could be accepted by the Council by qualified majority, but required unanimity to be modified. Consequently, any amendment that modifies the Commission proposal has to be a unanimous decision, therefore the countries members that disagreed with the particular wording of a bill, had to undertake actions to expand a qualified majority to unanimity inside the Council. The only potential difference between the consultation procedure examples that we will use and the future debates on foreign policy (if and when they become available) is that the Commission proposal is not known to have a qualified majority support. What we know about it is that the Commission expects it to have such support (otherwise they would not propose it). But how well informed is the Commission?

In comparative perspective the EU is one of the best examples of transmission of legislative information. Indeed, the Council is composed by the same people (the Ministers of the corresponding jurisdiction: Labor ministers for Labor legislation, Finance Ministers for Financial issues, etc.), the Commission has a parallel composition (Commission work organized around substantive policy areas), and its legislative proposals require collection of information across countries (as well as the EP). Given all of these conditions, I will consider the Commission's expectation for a qualified majority a good enough approximation for the existence of such a majority.

The selection of bills that were approved by the Cooperation procedure is based on two independently collected datasets. The first dataset is produced by Mattila and Lane (2001),

and the second is in the book, *Decision-Making in the European Union* (DEU, Thomson and Stokman 2003). I use their intersection that produces 7 bills, 3 of which were voted by the Consultation procedure. I examine all the amendments to these bills. I compare the initial and the final form of the bill, and compare all the provisions to see whether the adopted bill is less specific in some provisions compared to the Commission proposal.

The reduction of specificity can take place by replacing words like “shall” or “always” by “may” or “most of the time” by the replacement of high standards by lower ones etc. However, I could not present an exhaustive list of such modifications. So, I decided to present the generic form of an amendment, and see whether each one of its possible parts has been weakened in the final version. Here is how I proceed. Each amendment will be considered as a proposition of the form:

> Under certain conditions…. The EU will have certain goals… and in order to achieve these goals it will use the following means….; this decision is applicable effective a certain date.

This is a comprehensive generic form, and presents the advantage that it can readily identify reduction of specificity. Indeed, specificity is reduced if:

- the list of conditions increases (since the rule will be applied less often)
- the number of goals is reduced (since the rule becomes less ambitious; if the bill is presented in positive mode adding goals increases specificity; if it is worded in a negative way (specifying the exceptions) then adding exceptions decreases specificity)
- the number of means is reduced (the bill becomes less effective)
- the time of implementation is moved to the future

The reader can verify that what is required for such assessments is a detailed knowledge of the legislation, through the whole production process. A simple assessment of the final form of the bill (whether it is by experts or by word counting programs) cannot help in identifying the level of specificity. To demonstrate this outcome I use examples from the bills I analyzed, present the whole list of significant amendments with reduced specificity in the appendix, and provide the summary information per bill in Tables. The 3 bills at the intersection of the two datasets that were adopted through the Consultation procedure were: 1. CNS98-092 (Protection of animals: Laying hens in systems of rearing). 2. CNS98-109 (Agenda 2000: Beef and veal, reform of the common organization of the market) and 3. CNS98-110 (Council regulation on the common organization of the milk and the milk product).

Each one of these bills had a series of amendments, some of which were controversial and some not. The EU sources provide information with respect to the significance of each

amendment. I provide examples of provisions where specificity was reduced in order to achieve unanimous support from each bill. Then I move to quantitative analysis.

The example I provide is amendment # 30 from Bill CNS98-110 (on milk and milk products). It modifies article 18 (3) of the bill.

> 3. The maximum area payment per hectare which may be granted, including area payments pursuant to Article 15 of Regulation (EC) No. . . [beef], shall not exceed:
>
> - ECU 210 for the calendar year 2000,
>
> - ECU 280 for the calendar year 2001,
>
> - ECU 350 for the calendar year 2002 and the subsequent calendar years.
>
> 4. For the purposes of this Article, 'permanent pasture' shall mean non-rotational land used for grass production (sown or natural) on a permanent basis (five years or longer).
>
> FINAL ACT (Article 19 (3)):
>
> 3. The maximum area payment per hectare which may be granted, including area payments pursuant to Article 17 of Regulation (EC) No 1254/1999, shall not exceed EUR 350 for the calendar year 2005 and the subsequent calendar years.
>
> (Article 19(4) deleted)

In this amendment, the final draft eliminates whole parts of the text, and postpones its application. Let me now move to the aggregate results of each one of the 3 bills.

Table 1: Amendments in Restrictions among Three Consultation Bills

	Restriction Relieved?				Total
	Back to Original Proposal	Restriction Relieved	Partly Restriction-Relieved	Restriction Not Relieved	
CNS98-092	4	26	6	24	60
	6.67%	43.33%	10.00%	40.00%	100.00%
CNS98-109	17	17	0	14	48
	35.42%	35.42%	0.00%	29.17%	100.00%
CNS98-110	4	9	1	3	17
	23.53%	52.94%	5.88%	17.65%	100.00%

1. Bill CNS98-092. Out of 100 amendments 60 were significant and controversial. Of those, 26 (43.33%) saw their level of specificity reduced in order to move from the Commission proposal stage (which we have assumed presupposes qualified majority) to the final bill stage (which requires unanimity). In terms of "broadly defined" concept of specificity reduction, which also includes the cases where its restriction was partly-relieved, 35 (58 %) were modified

2. Bill CNS98-109. Out of 80 amendments, 48 were significant, and 17 of them (35.42 percent) were modified by reducing the specificity of the provisions.

3. Bill CNS98-110. Out of the 37 amendments 17 were significant, and 9 of those (52.94 percent) had their precision reduced while 10 of them (59 %) saw their precision reduced in terms of broadly-defined concept.

Analytic presentation of results of these bills are in Appendices A1-A3. The interested reader can trace the examples if specificity reduction in the text with their classification in the appendices. The appendices indicate that the most frequent intervention was to make the conditions more vague, and the less frequent one to postpone applications of measures. I do not have any explanation for these choices, and given the small number of bills and amendments, these numbers may not be significant.

In conclusion, the reduction of scope or of precision is used quite frequently (over 40% of amendments) as a means to achieve unanimity in the Council. What we have not established yet, is that it is used to expand qualified majorities into unanimities. That is, would the frequency of reducing precision be the same if there were no need to modify a qualified majority to unanimity. Luckily legislative action presents variation along this dimension, and can help us address the question.

While the Consultation procedure requires a unanimous decision in order to modify the Commission proposal, the Co-decision procedure does not rely upon the modification of support. Depending on the subject matter, decisions are taken either by qualified majority, or by unanimity, regardless whether they agree, modify, or reject the Commission proposal. Consequently, a comparison of bills under Consultation and Co-decision would help us see whether the reduction of precision is a means of transforming qualified majority decisions into unanimity ones.

Table 2: Amendments in Restrictions among Four Co-decision Bills

	Restriction Relieved?				
	Back to Original Proposal	**Restriction Relieved**	**Partly Restriction-Relieved**	**Restriction Not Relieved**	**Total**
COD98-134	**3**	**17**	**0**	**9**	**29**
	10.34%	**58.62%**	**0.00%**	**31.03%**	**100.00%**
COD98-191	**3**	**9**	**0**	**22**	**34**
	8.82%	**26.47%**	**0.00%**	**64.71%**	**100.00%**
COD98-195	**3**	**25**	**6**	**37**	**71**
	4.23%	**35.21%**	**8.45%**	**52.11%**	**100.00%**
COD96-085	**1**	**9**	**3**	**11**	**24**
	4.17%	**37.50%**	**12.50%**	**45.83%**	**100.00%**

Table 2 presents the analysis of the 4 bills adopted by Co-decision procedure. Out of these 4 bills, 3 were decided by qualified majority rule, and one by unanimity. Again, amendments are divided into significant and non-significant, and the table includes only the significant ones.

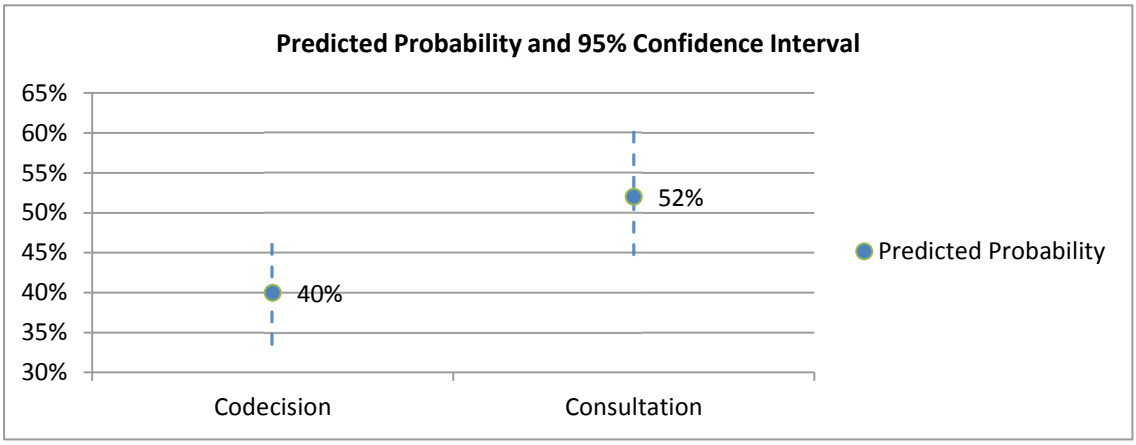
I compare the probability of a significant amendment to use the relief of restrictions in order to be adopted as a function of the procedure used. Consultation transforms qualified majority to unanimity, while co-decision keeps the decision-making rule constant (either qualified majority or unanimity). The comparison is based on the 248 amendments[4] included in all 7 bills. The method of analysis is logit with robust standard errors. The results are presented in *Tables 3 and 4*.

Table 3: Logit Estimates of the Effects of Consultation/Co-decision on Restriction-Relieved Amendment (Narrowly Defined)

	Restriction Relieved If Important Amendment	
	Coefficient (Standard Error)	**P-value**
Consultation	0.491 (0.262)	**0.031**
Constant	-0.411 (0.168)	0.008
N	248	

*Note: p-values are for one-sided test. Robust standard errors are used.

Figure 3: Predicted Probability of "Restriction-Relieved" (Narrowly Defined) between Co-decision and Consultation



[4] Actually there were 283 amendments, but some of them were completely ignored. We will analyze these ones separately.

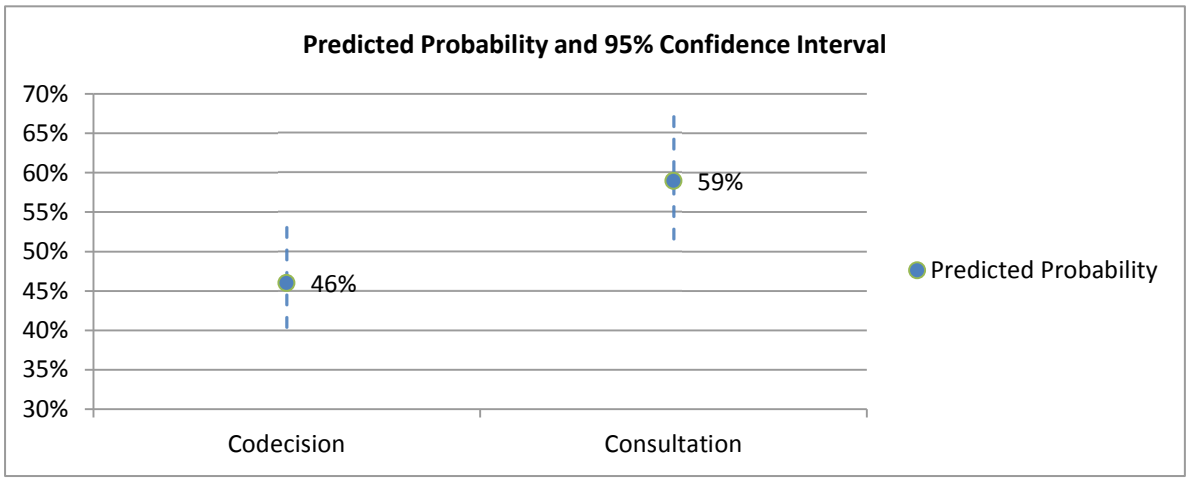
Table 3 shows the effect of consultation procedure (in contrast to co-decision procedure) on "narrowly defined" restriction-relieved amendments. It reports the logit coefficients, which do not provide a direct indication of the substantive effects of independent variables, but do shed light on the direction and statistical significance of those effects. The consultation procedure (versus co-decision procedure) increases the log odds of using an increase in uncertainty (as a method of passing an amendment increasing) by 0.49. This statement has a p value of 0.031. As seen in *Figure 3*, this is a change from 40% to 52% in terms of the predicted probability.

Table 4: Logit Estimates of the Effects of Consultation/Co-decision on Restriction-Relieved Amendment (Broadly Defined)

	Restriction Relieved If Important Amendment	
	Coefficient (Standard Error)	**P-value**
Consultation	0.526	**0.023**
	(0.262)	
Constant	-0.163	0.163
	(0.165)	
N	248	

*Note: p-values are for one-sided test. Robust standard errors are used.

Figure 4: Predicted Probability of "Restriction-Relieved" (Broadly Defined) between Co-decision and Consultation



On the other hand, *Table 4* shows the effect of consultation procedure (in contrast to co-decision procedure) on "broadly defined" restriction-relieved amendments. The consultation

procedure (versus co-decision procedure) increases the log odds of reducing in specificity by 0.53. This statement has a p value of 0.023. *Figure 4* shows that this is a change from 46% to 59% in terms of the predicted probability.

The conclusion of this empirical analysis is that decreasing precision is a very frequent means of achieving support of legislation and bridging qualified majorities with unanimities. This procedure is used around 40% or 45% regardless of procedure, but in consultation when we move from qualified majority to unanimity (the q-"unanimity" as we call it in this article) the corresponding frequencies are 52% or 56%.

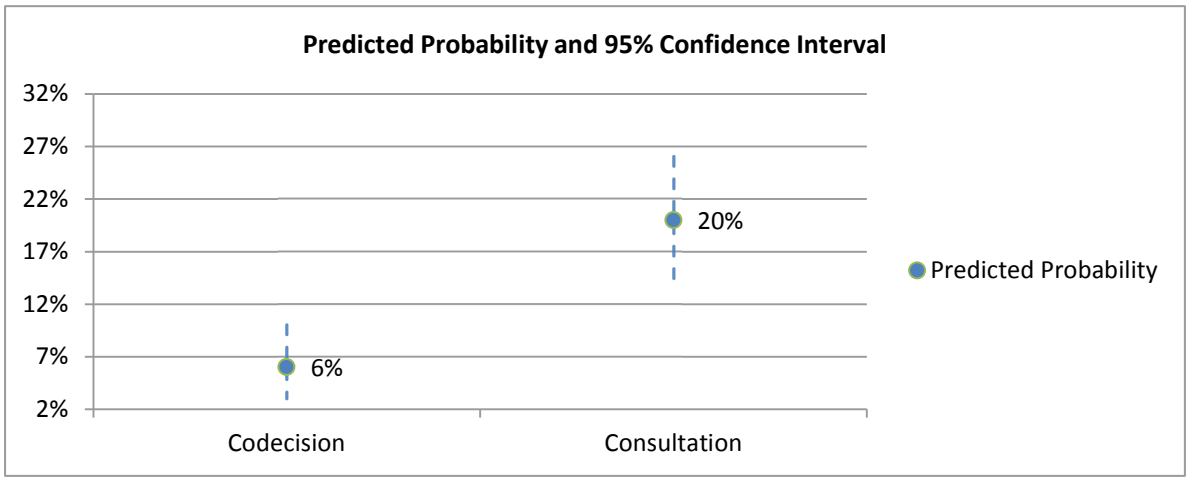
An important theoretical point is that because the starting point of the procedure is a qualified majority decision, if such a qualified majority exists (that is, if a proposal is located inside the q-majority core or the uncovered set) it makes no sense to try to replace it. Consequently, the formal identity of the agenda setter becomes secondary if not immaterial. In the empirical analyses we studied in this section, it did not matter whether the agenda setter was the Commission (as the formal procedure requires) or some other agent (say a government) that informs the Commission that there is a q-majority on a particular subject. Similarly, for the applications of article 31(2) of the Lisbon Treaty, it does not matter whether the High Representative herself formulates the initial proposal or she takes it ready from another country. A proposal can be the basis of discussion as long as it has a qualified majority of votes supporting it, regardless of its origin.

Table 5: Logit Estimates of the Effects of Consultation/Co-decision on "Back-to-the-Original" Amendment

	Restriction Relieved If Important Amendment	
	Coefficient (Standard Error)	**P-value**
Consultation	1.310 (0.397)	**0.001**
Constant	-2.695 (0.327)	0.000
N	283	

*Note: p-values are for one-sided test. Robust standard errors are used.

Figure 5: Predicted Probability of "Back to the Original Proposal" between Co-decision and Consultation



One last point can be addressed by our dataset. It has been frequently observed in the literature that the significant change in the role of the EP in legislative involvement was the transition from the consultation procedure (when the opinion of the EP was required but could be ignored) to the cooperation procedure when the EP amendments had to be discussed and incorporated in the legislation or amended and the EP gained "conditional agenda setting" powers (Tsebelis 1994). There are a series of EP amendments that were completely ignored by the Council. These are marked in the dataset as "back to the original" and they are significantly higher in consultation procedure than in Co-decision. *Table 4* shows that the consultation procedure (versus co-decision procedure) increases the log odds of rejection by 1.31. This statement has a p value of 0.001. *Figure 5* shows that this is a change from 6% to 20% in terms of the predicted probability.

VI. Ubiquitousness of q-"unanimity"?

We have seen that article 31 (2) of the Lisbon Treaty, has had a long history, and is likely that one of its predecessors (Luxembourg or Ioannina) has been applied even in cases of legislation (as the literature on consensus indicates). But how frequent is the use of q-"unanimity" procedures? The answer is "very frequent". To demonstrate this, I will refer to another two distinct cases inside the Treaty of Lisbon that are constructing the bridge between qualified majority and unanimity, and then I will discusses the adoption of two different Treaties (Lisbon Treaty, and the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (2011)).

Two more bridges in Lisbon.[5] Besides article 31 (2) the Lisbon Treaty includes two more provisions intended to build bridges between the two decision-making requirements (qualified majority and unanimity). The first is in article 48 of TFEU which covers all issues of Title V (which is entitled area of Security, Freedom and Justice). Paragraph 7 of the above article reads:

> Where the Treaty on the Functioning of the European Union or Title V of this Treaty provides for the Council to act by unanimity in a given area or case, the European Council may adopt a decision authorising the Council to act by a qualified majority in that area or in that case. This subparagraph shall not apply to decisions with military implications or those in the area of defence.

Finally, the attachments to the Lisbon Treaty, in particular "Declaration on Article 16(4) of the Treaty on European Union and Article 238(2) of the Treaty on the Functioning of the European Union" include a transitory mechanism replicating the logic of the Ioannina Compromise. Now let us move to the signature of different treaties themselves, including Lisbon.

<u>The Lisbon Treaty</u>

In the book *Reforming the European Union: Achieving the Impossible*, Finke et al (2012) trace the procedure that generated the Lisbon Treaty, from the Laeken Declaration to the final approval by the Czech Constitutional Court. What they find is that the adoption of the Lisbon Treaty itself was a case of what I call in this paper q-"unanimity."

The book describes how Giscard controlled the agenda of the Constitutional Convention and was able to modify the decision-making rules of the Nice Treaty, and how the EU leaders modified them slightly and came to an agreement which was signed by all the heads of State of the EU members. Then, how they modified this text only slightly in order to achieve

[5] I thank an anonymous referee of the journal for pointing out these two provisions.

unanimous support (eliminating the objections of different countries). This process lasted almost a decade and the protagonists changed over time as governments were replaced. They point out that these replacements sometimes (Germany, Italy, Spain) involved political opposites from right to left or vice versa. Actually, the subtitle of the book brings to mind the widespread agreement among journalists as well as academics who were expecting that the process of integration was over particularly after the "no" referendums in France and the Netherlands. In their historical account they point out the two elements I have described in the q-"unanimity" procedure: the qualified majority decision, and the slight modification of the text in order to eliminate objections. Here is how they describe the process in their conclusion (Finke et al 2012: 191):

> In fact, political leaders went ahead as if the ratification quorum was not unanimity, as formally foreseen in the treaties, but a qualified majority. In addition, they treated the Convention proposal as if it was the reference point instead of the legal status quo codified in the Treaty of Nice. Thus, every time the process was brought to a halt by individual political leaders (e.g., from Poland and Spain during the intergovernmental conference) or voters (e.g., from the Netherlands, France, and Ireland) the obstruction was not sufficient to break the qualified majority of political leaders who had decided that reform needed to go ahead. Instead, these leaders drafted country-specific concessions, exerted pressure to revoke any non-mandatory referendums, or delayed reform until preferences and attention shifted…

"The New Fiscal Compact Treaty" (abbreviation of the Treaty on Stability, Co-ordination and Governance in the Economic and Monetary Union, 2012).

This is a very recent document that was produced in a short period of time, but has the unusual feature that six successive drafts became public, and so presents an unusual level of transparency. After a meeting of the leaders of Germany and France the agreement was transformed into a draft (in December 2011) and the final draft was signed by 25 countries (UK and Czech Republic did not sign) on January 30 2012.

The urgency of addressing the financial conditions in the EU--the possibility of Greek bankruptcy as well as the dangers of uncontrolled developments in the rest of Southern Europe (what was named as the PIIGS countries from the abbreviation of Portugal, Italy, Ireland Greece and Spain)--created the political conditions for the agreement between Germany and France to be very respectfully received by the rest of the EU countries. However, the two agenda setting governments were representing right wing coalitions in the respective countries, and were very sensitive to the pursuit of deficit reduction measures and much less to economic development as a means of addressing the situation.

As the negotiation process proceeded, some leaders complained about the speed of agreement, while others defended the procedures. Ahead of the European Union summit in

Brussels on January 30th 2012, Polish Prime Minister Donald Tusk said, “The fact that Chancellor Merkel and President Sarkozy have taken the reins is obvious. But this should not become a permanent political monopoly. We can't leave Europe to two capitals,” he said, referring to the two countries' leaders. “We shouldn't criticise the activism of Paris and Berlin - but we should be more present and not leave all the initiative to them,” Tusk said.[6] Similarly the Czech Prime Minister Petr Nečas (who did not sign the Fiscal Compact) declared that he will not commit to signing the compact before he can be confident that he will be able to fulfil this commitment. “Until decisions are made on how this compact will be ratified and also how it will be put into effect, meaning the moment the euro is adopted, I cannot sign it. The government is agreed on this,” said Prime Minister Petr Nečas. He continued, “[t]his is simply not the way to carry out such negotiations, and under my leadership the Czech Republic will not allow itself to be manoeuvred into making such fundamental decisions under such strange conditions, at a meeting of a circle of a few European leaders, on the basis of a document whose final form I saw for the first time five minutes before. Even if we were the only ones in the whole of the EU to do so, we would still respect all democratic procedures and would rationally consider all the steps we take.” [7]

On the other hand, the French President Sarkozy (who lost the subsequent election in France) defended the treaty the following way:

> In politics, democracy, quick decision is impossible because there is a parliament, because there is opposition that fights with the majority, because there is the media, because there the requirement of immediate results. So Europe must accept the leadership, because only the leadership can make quick decisions. But leadership is the opposite of the rule that has enabled Europe to be built. Europe was built by saying to 27 countries, small medium and large: ‘You have the same powers.’ It can no longer work. You cannot have a system where 26 countries have to wait for the agreement of a 27th. It cannot work. Who can exercise leadership? Major countries: France, Germany, England (...)
>
> – Le texte de la première conférence de Nicolas Sarkozy[8]

How did the 27 countries come to this agreement? Valentin Kreilinger (2012: 3) in an article published in *Policy Brief* compares the different drafts, and finds that “The level of autonomy for the Contracting Parties in the core part of the document, the “Fiscal Compact” (Title III), was the main issue during the negotiations.” With respect to this main issue, the overall evolution was towards less specificity. For example, with respect to most important provision

[6] Andrew Rettman (Janurary 19th 2012) “Poland Renews Attack on Eurozone-Only Summits.” EUobserver, Retrieved from http://euobserver.com/economic/114945

[7] Press Releases, Feb 6th, 2012, Retrieved from http://www.vlada.cz/en/media-centrum/tiskove-zpravy/the-main-arguments-of-prime-minister-petr-necas-regarding-why-the-czech-republic-has-not-committed-to-ratification-of-the-fiscal-compact-92710/

[8] Retrieved from http://frenchmorning.com/ny/2012/10/11/le-texte-de-la-premiere-conference-de-nicolas-sarkozy/2/

that limits the annual structural deficit to 0.5 percent of GDP while the first and second drafts were mandating "provisions of a constitutional or equivalent nature" (1st and 2nd drafts), later drafts required "provisions of binding force and permanent character, *preferably* constitutional" (Article 3.2). The reason that constitutional measures were not required in the final draft is because Ireland and Denmark would be obliged to hold referendums for constitutional amendments. Similarly, in article 7 of the Treaty provisions are made about members who are in breach of the "deficit or debt or *debt* criterion in the framework of an excessive deficit procedure." This was the wording of the first and second draft, but in the third and subsequent drafts, and most important in the final document the word "debt" was dropped out, because of the insistence of Italy. While there are many articles or provisions that have been removed upon the insistence of particular Governments, Kreiliger (2012: 4) finds that "The overall picture of Title III shows that at times some provisions were watered down while others were tightened".

This account (although incomplete) indicates that q-"unanimity" procedures were applied in the adoption of the Treaty, and Sarkozy's statements indicate that the procedure is likely to be replicated should more Treaties be deemed necessary in the future. The significant difference from his assessments is that the agenda setters are not the big countries necessarily (one can imagine an environmental Treaty after an environmental disaster to be orchestrated by the Netherlands). Also, one should not imagine that agreement between different countries would be as easy as the Merkel-Sarkozy agreement, particularly if parties of both the right and the left are represented in the corresponding governments.

VII. Conclusion

The EU is building a bridge between q-majority and unanimity. Like any bridge it is being built from both sides: expanding q-majority (striving to achieve a more difficult result) and reducing unanimity (making decisions easier). In this respect it is no different than the struggles of other political entities with decision-making rules. To mention only two one at the national and one at the supranational level: The American Senate struggles with the filibuster rule, and the question is how will potential majority decisions become filibuster proof (how can we move from 50 to 60 per cent majorities). The United Nations tries to find ways to bypass the five vetoes of the major countries.

The argument in this paper is that one important method of building this bridge is to eliminate the areas of disagreement through increasing imprecision, so that different actors can increase their discretion of implementation. I demonstrated how this transition from qualified majority to unanimity works, and produced a dataset that enabled me to investigate empirically and corroborate my claims. Finally I demonstrated that this decision-making process is likely to have been used in the past, and will continue to be used in the future for any level of decision-making from Treaties, to legislation, to foreign policy decision-making. The historical length and the breath of the enterprise are impressive, and demonstrate the persistence of EU elites to transcend the differences between qualified majority and unanimity decision-making. This was one of the points demonstrated in the paper.

A second point was the identification of one of the mechanisms for this transition. Indeed there are three different ways to achieve an agreement when the actors involved have different positions. The first is to compromise, that is to find some intermediate position. A large part of the literature is identifying mechanisms (converging to the preference of the (multidimensional) median voter, the Nash bargaining solution etc.) or institutions (sequential games, agenda setting etc.). The second is to compensate, that is, to create trade-offs between different bills, or different articles of the same bill; essentially trade favors; reciprocate. This is probably what Lewis (2000) has in mind with diffuse reciprocity (one of his five main features of the decision-making style). More precisely, Koenig and Junge (2009) in a very innovative article were able to identify such a mechanism and point out (as much as possible) cross bill trading. This paper identified and presented empirical evidence corroborating a third mechanism for creation of consensus: the elimination of points of disagreement. We saw cases both in legislation and in treaty creation where provisions became less precise in order to eliminate the specific areas of disagreement. We saw that the frequency of this method was quite high in legislative procedures. Will it be the same in Foreign Policy? In Justice? In Defense? Probably not, but we should investigate to see how frequently it is used in these cases.

Finally, a third point that this article makes is in the methodological level. Instead of using expert opinions to locate countries, bills, and outcomes which leaves the researchers open

to the criticism that their data include so much noise that the conclusions are not interesting (Heisenberg), and instead of using thick description where generalizations are lacking it makes a close-up at the data, so that all the details are there to be studied, and then uses statistical techniques to generalize about decision-making. This way, it bridges the methodological divide between qualitative and quantitative studies.

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IX. APPENDIX

Appendix A1: Restriction-Relieved Amendments in Terms of Condition, Goal, Means, and Time (CNS98-092)

CNS98_092 Protection of animals: laying hens in systems of rearing (repl. Direct. 88/166/EEC)		Where Restrictions Relieved?			
		Condition	Goal	Means	Time
Amendment	^6	+	.	·	+
	^8	·	+	·	·
	10	·	.	+	·
	11	·	+	+	·
	^16	+	·	·	·
	^47	+	·	·	·
	^49	+	·	·	·
	^51	+	·	+	·
	^54	·	·	+	·
	58	+	+	·	·
	^68	+	+	·	+
	^73	·	+	+	·
	75	·	+	+	+
	76	·	+	+	·
	^79	+	·	+	·
	^83	+	+	·	·
	^90	·	+	+	+
	91	+	·	·	·
	^92	+	·	·	·
	^94	+	+	+	·
	^96	+	·	+	·
	^97	·	+	·	·
	^98	+	·	·	·
Total	23	14	11	11	4

^: actors other than the EP modify or introduce a new proposal.

Appendix A2: Restriction-Relieved Amendments in Terms of Condition, Goal, Means, and Time (CNS98-109)

CNS98_109 Agenda 2000: beef and veal, reform of the common organization of the market COM		Where Restrictions Relieved?			
		Condition	Goal	Means	Time
Amendment	1	·	+	·	·
	4	+	·	+	·
	^5	+	+	·	·
	^6	+	+	·	·
	^9	·	+	+	·
	11	·	+	·	·
	13	·	·	+	·
	31	+	·	·	·
	^38	·	+	+	·
	^47	+	·	·	·
	53	+	·	·	·
	^54	+	·	·	·
	^60	+	+	+	+
	^61	+	+	+	+
	68	·	+	·	·
	76	·	·	+	·
Total	16	9	9	7	2

^: actors other than the EP modify or introduce a new proposal.

Appendix A3: Restriction-Relieved Amendments in Terms of Condition, Goal, Means, and Time (CNS98-110)

CNS98_110 **Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common on the common organization of the market in milk and milk product**		**Where Restrictions Relieved?**			
		Condition	**Goal**	**Means**	**Time**
Amendment	**^8**	**+**	**·**	**·**	**·**
	^9	**·**	**+**	**+**	**·**
	14	**·**	**·**	**+**	**+**
	15	**·**	**·**	**+**	**+**
	16	**·**	**·**	**+**	**+**
	^19	**·**	**+**	**+**	**·**
	26	**·**	**·**	**+**	**+**
	30	**+**	**+**	**+**	**+**
	^33	**+**	**·**	**·**	**+**
Total	**9**	**3**	**3**	**7**	**6**

^: actors other than the EP modify or introduce a new proposal.

Author(s): George Tsebelis

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