Decision-making in the council of the European Union. The role of committees.
Häge, F.M.

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3   Existing research on Council decision-making

Textbook accounts of the Council are not shy in using colourful metaphors to describe the overarching importance of committees for the functioning of the Council. For example, Hix (2005: 83) describes Coreper as "the real engine for much of the work of the Council". Similarly, Westlake and Galloway (2004: 200) refer to Coreper as "the Council's backbone and engine room of Council business". With respect to working parties, Westlake and Galloway (2004: 200) assert that "of all the Council's component parts, the working parties… are perhaps the least well-known yet among the most vital" and that they constitute "the Council's lifeblood". In the same vein, Hayes-Renshaw and Wallace (2006: 96) state that "the working parties form the backbone of the entire process of European integration". Despite the acknowledgements of the relevance of committees for the functioning of the Council, very little research has focused specifically on decision-making in Council committees and on the role and function of committees in the larger hierarchical structure of the Council.

A few existing studies elaborate on the descriptive question about the extent of committee decision-making in the Council. In this chapter, I first describe these findings, discuss methodological problems of these studies, and outline how the methodology employed in the current study should result in a more valid description of the division of labour between committees and ministers. Next, I focus on literature that offers ideas about factors explaining why certain decisions are made by committees and others by ministers. The subject matters of the first three groups of studies that I discuss are most closely related to the current research topic. The first group of studies examines communication and co-operation networks in Council committees, the second group the socialising effects of participating in Council committees, and the third group the interaction styles prevalent in Council committees. While these three groups of studies concentrate their empirical analyses directly on Council committees, we can also gain some relevant insights from the more general literature on Council and EU decision-making. I first review research on the outcome and process of Council decision-making. Regarding studies on the outcome of EU decision-making, I discuss attempts to formally model Council interactions. With respect to the process of EU decision-making, I consider the results

of more empirically-focused studies investigating the factors influencing the speed of legislative decision-making as well as empirical studies of the voting behaviour of Member States. As a conclusion, I discuss the extent to which existing studies can inform the current research on Council committees.

3.1   The extent of committee decision-making[1]

Quantitative studies of the extent of committee decision-making in the Council are rare. In fact, the most cited estimate of the proportion of Council decisions made by committees is based on an informed guess. In the first edition of their seminal textbook on the Council, Hayes-Renshaw and Wallace (1997: 40, 78) mention that committees are responsible for 85 to 90 percent of all Council decisions[2]. Although Hayes-Renshaw and Wallace (1997: 40) are explicit in pointing out that the numbers are based on "hearsay evidence", they are widely cited in subsequent research. Researchers of Council working groups and committees refer to the estimates to illustrate the relevance of their research topic (Beyers & Dierickx 1998: 291; Lewis 1998: 483; 2003a: 1009; Beyers 2005: 905), others rely on them in evaluations of the democratic legitimacy of the EU (Meyer 1999: 630) or use them to describe the division of labour in the Council in textbooks of EU politics (Nugent 2003: 165; Hix 2005: 83) and in other EU-related work (Egeberg 1999: 461; Menon *et al.* 2004: 287; Niemann 2004: 403; Zimmer *et al.* 2005: 408).

Of course, the Council was a rather secretive organisation until recently, and relying on the judgements of informed insiders was the only feasible option to gain some insights into the phenomenon of interest. But some less well-known studies also exist that provide figures based on more systematically collected evidence, although only for certain policy sectors or other more restricted samples. The studies by van Schendelen (1996) and Gomez and Peterson (2001) rely on the agendas of ministerial meetings. Andersen and Rasmussen (1998) and van den Bos (1991) also provide important insights through data based on Council documents and expert interviews, respectively. Recently, Hayes-Renshaw and Wallace (2006) provide new figures in the second edition of their book, which are also based on an analysis of the agendas of ministerial meetings.

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[1] This section is partly based on Häge (2008).

[2] According to Bostock (2002: 226), the original source for this estimate was a member of Coreper.

Table 3.1 shows the estimates provided by these studies for the extent of committee decision-making. For comparative reasons, the table also gives the original figures advanced in Hayes-Renshaw and Wallace (1997). The table shows wide variation in the size of the estimates. Again, Hayes-Renshaw and Wallace (1997) ascribe 85 to 90 percent of decisions to committees. All other estimates of the extent of committee decision-making are considerably lower. Examining the agendas of all meetings of Agriculture ministers in the years 1992 and 1993, van Schendelen (1996) reports that 65 percent of the items had already been decided by committee members. Using the same methodology, the new study by Hayes-Renshaw and Wallace (2006) indicates a very similar proportion, with 66 percent of the decisions being made at the committee level. Although the time-period of their study is restricted to meetings that took place during the last quarter of the year 2004, the scope of their study is larger than van Schendelen's in that they considered agendas of ministerial meetings in all Council formations.

Table 3.1   The extent of committee decision-making: Previous research

Author (year)	Data source	Policy / period	Committee	Ministers
Hayes-Renshaw and Wallace (1997: 40, 78)	Practitioner estimate	General unspecified	85-90	10-15
Hayes-Renshaw and Wallace (2006: 53)[1]	Ministerial agendas	General 2004	66	34
Andersen and Rasmussen (1998: 589)[2]	Council documents	Environment 1993/1994	26	74
Gomez and Peterson (2001: 540)	Ministerial agendas	GAER 1995-2000	48	52
van den Bos (1991: 232)[3]	Expert interviews	General 1987	53	47
van Schendelen (1996: 538)	Ministerial agendas	Agriculture 1992/1993	65	35

Notes: All numerical cell entries are percentages. GAER stands for General Affairs and External Relations.
[1] The total number of B points and the total number of agenda points in GAER seem to be incorrect in the original Table 2.2. As a result, the percentage figures given in the original table are also incorrect. The percentages given here result from re-calculations made based on the raw numbers given in the original table.
[2] Proportions refer to acts discussed at different levels and were calculated from raw figures as presented on page 589.
[3] Proportions were calculated from raw figures as presented on page 232, see also pp. 149-165. Decisions by the Article 133 Committee were counted as working party decision.
Sources: See the first column of the table.

However, Gomez and Peterson (2001) report less committee involvement in a similar study focused on the GAER Council formation. Examining the agendas of foreign ministers over the period from 1995 to 2000, Gomez and Peterson found that only

about half of all agenda items had already been decided at the committee level. This estimate is quite close to the estimate advanced by van den Bos (1991). Based on a sample of 74 legislative "decisions which are important for the Netherlands" (van den Bos 1991: 62), van den Bos' expert interviews also indicated that committees took the most important decision in about half of the cases. Finally, tracing the history of the decision-making process on 43 environmental policy acts adopted during 1993 and 1994, Andersen and Rasmussen (1998) found that committees decided only about one-fourth of all acts.

The disparate results point to some limitations of previous studies. First, the reliability of expert estimates as presented in Hayes-Renshaw and Wallace (1997) is questionable. Expert estimates are likely to be biased by selective perceptions. In this case, a comparison with the other estimates in Table 3.1 indicates that the expert estimates are likely to overstate the involvement of committees. Second, the studies based on a content analysis of ministerial agendas are also likely to overstate the involvement of committees. These studies do not trace policy proposals over time. Thus, the researcher does not know whether a dossier that ministers adopt without discussion has actually been decided by ministers during an earlier meeting. This issue has long been identified as the problem of 'pseudo' or 'false' A-points (de Zwaan 1995: 136; van Schendelen 1996: 540). A 'false' A-point is an item that is listed as an A-point on the ministerial agenda for adoption without discussion although it has in fact been decided by ministers in an earlier meeting in which it constituted a B-point. The occurrence of 'false' A-points is not exceptional but rather the rule (Häge 2008: 548): When ministers reach a decision on the substance of a dossier, the text is not directly adopted during the same meeting but first referred to the Council's legal-linguistic experts. After the text has been checked and translated by these experts, the dossier is adopted without discussion as an A-point during one of the following ministerial meetings. By neglecting the history of individual dossiers, the dossiers decided by ministers are counted at least twice. The correct count as ministerial decision in the earlier meeting, in which the item was listed as a B-point, is offset by the incorrect count as a committee decision in the later meeting, in which the same item formed an A-point. In the aggregate, the neglect of the temporal dimension of Council decision-making therefore results in a systematic overstatement of committee decision-making. Finally, the remaining studies base their findings on very limited samples. Although the studies by Andersen and Rasmussen (1998) and van

den Bos (1991) consider the whole history of proposals and report lower levels of committee decision-making than the studies of ministerial agendas, we cannot be sure to what extent the different estimates are a consequence of using a superior measurement approach or a result of relying on relatively idiosyncratic samples. The study of Andersen and Rasmussen focuses exclusively on decisions in the field of Environmental policy and the study of van den Bos on decisions deemed important for the Netherlands.

The current analysis overcomes at least some of the limitations of previous research and combines many of its advantages in a single framework. Like the content analyses of ministerial agendas (van Schendelen 1996; Gomez & Peterson 2001; Hayes-Renshaw & Wallace 2006) and Council documents (Andersen & Rasmussen 1998), the study relies exclusively on documentary evidence, ensuring the reliability of measures. Like the studies by Andersen and Rasmussen (1998) and by van den Bos (1991), the study traces proposals over time, guaranteeing that each proposal is counted only once as a committee or ministerial decision, respectively. In this way, the study omits the problems caused by 'false' A-points. Finally, similar to the work by Hayes-Renshaw and Wallace (2006), the study covers a range of different policy areas to allow for comparisons and to produce a general description. Thus, the descriptive analysis in this study improves on existing research in several respects. While the studies discussed in this section offer descriptions of the extent of committee decision-making, they do not propose general explanations to why certain decisions are made by committee members. In the remainder of this chapter, I discuss in how far other research on Council committees and Council decision-making can inform the explanatory analysis of this study.

3.2   Committee communication and co-operation patterns

A number of quantitative studies examine the communication and co-operation patterns in working parties and senior committees. The seminal studies in this respect were conducted by Beyers and Dierickx (1997; 1998). Based on standardised interview data about the members of 13 working parties, they studied the communication networks in these Council preparatory bodies. The main finding in Beyers and Dierickx (1998) is that working party members form a rather centralised network. The representatives of the large Member States, Germany, France, and the UK, and the representatives of the institutional actors, the Presidency, the

Commission, and the Council Secretariat, form the core of this network, while the representatives of the smaller countries are located at the periphery. They also concluded that this finding holds regardless of the current workload of the working party, the formal decision-making rule in the Council, or the meeting frequency of the working party. Another major finding of the study by Beyers and Dierickx (1998) is the existence of a division between northern and southern Member States. This north-south cleavage has subsequently been confirmed by many other authors using very different methodological techniques (Mattila & Lane 2001; Selck 2004; Thomson *et al.* 2004; Kaeding & Selck 2005; Zimmer *et al.* 2005). Beyers and Dierickx discuss several interpretations of this division, including an interpretation based on the cultural proximity of Member States.

In an earlier published follow-up analysis, Beyers and Dierickx (1997) investigate whether factors related to individual negotiators rather than Member States have also an effect on the communication behaviour of working party members. The empirical results indicate that members with supranational attitudes are more likely to communicate with any other working party member, regardless of that member's network position or attitudes toward European integration. The results also show that negotiators tend to contact peers that they perceive to be influential. While officials from the supranational institutions and the larger Member States are contacted regardless of their influence esteem, officials from smaller Member States can increase their status in the communication network if they are able to increase their influence esteem. Note that Beyers and Dierickx (1997) do not find evidence for an impact of left-right ideological positions of negotiators or of the perceived professional qualities of peers on the communication behaviour of working party members.

Other network studies only partly support the findings by Beyers and Dierickx (1997; 1998). Elgström et al. (2001) research co-operation patterns of Swedish officials in EU committees. The authors find strong indications for a preference of Sweden's representatives to co-operate with their Nordic neighbours. This finding is in line with Beyers and Dierickx' (1998) claim that a north-south division exists among the members of Council working parties. Elgström et al. also interpret this dimension as representing differences in cultural affinities among Member States and they do not detect an effect of left-right ideology on co-operation behaviour. However, in contrast to Beyers and Dierickx (1997; 1998), Elgström et al. do not find

evidence that attitudes towards European integration, influence esteem, or the size of Member States affect the co-operation behaviour. When directly asked about the reasons for contacting other committee members, respondents in their study consider the position held by other committee members and the committee members' knowledge about the policy issues at hand as most influential factors. Apparently, nationality and language preferences do play a far less important role.

Finally, the most recent network study by Naurin (2007a) investigates co-operation patterns in working parties as well as in senior committees of the Council. The study clearly confirms Beyer and Dierickx' (1998) finding of the higher network status of larger Member States. Like earlier studies, Naurin (2007a) also finds a clear division between northern and southern Member States. Based on post-enlargement data, Naurin (2007a) also identifies a new cleavage separating the eastern European Member States from both the northern and southern bloc of old Member States. Both the results of a multivariate regression analysis and the stability of the geographical divisions over time and across policy areas support the interpretation that the conflict lines are a result of cultural factors rather than economic interests.

Taken together, the studies of co-operation and communication networks in Council committee indicate that the supranational institutional actors such as the Commission and the Presidency, as well as the larger Member States play the most vital roles in committee deliberations. The studies also indicate that divisions in the working parties occur mainly along geographical lines between northern and southern Member States. The studies give very insightful descriptions of the recurrent conflict dimensions, of the general social structure of working parties, as well as the factors influencing the standing of individual representatives within this structure. At the same time, the findings are very stable across working parties with very different institutional and policy characteristics. Thus, the studies do not point to any factors that could potentially explain variation in the extent of committee decision-making within or between individual committees.

3.3   Committee member socialisation

Another body of literature investigates the role perceptions of bureaucrats representing Member States in meetings of Council committees. The standard method of data collection for these studies is a survey with a standardised questionnaire. In general, the results of the studies support the notion that committee members hold

supranational role perceptions that complement their identities as government representatives (Beyers 1998; Egeberg 1999; Trondal 2001, 2002; Beyers & Trondal 2003; Egeberg *et al.* 2003; Beyers 2005). The findings in Egeberg (1999) and Trondal (2001; 2002) also corroborate the view that supranational role perceptions are the result of socialisation that occurs through the interaction in committees at the European level.

For example, Egeberg (1999) finds some evidence that allegiances to the EU committee are positively related to the number of committee meetings attended by the official. Egeberg et al. (2003) also show that the attendance of EU committees fosters positive views about European integration. Similarly, Trondal (2001) detects a positive relationship of supranational allegiances among officials with the number of informal meetings arranged with other committee members. In another study, Trondal (2002) shows that supranational attitudes are correlated with a number of indicators measuring different aspects of the intensity of interaction in EU committees. This study also shows that supranational attitudes are strong when domestic policy co-ordination mechanisms are weak. Despite these apparent socialisation effects, loyalty shifts seem to be generally rather marginal (Egeberg 1999). Even though supranational role perceptions are present, Council working group members still see themselves and other group members mainly as government representatives (see also Trondal 2001; Egeberg *et al.* 2003).

In contrast to the studies discussed so far, the results by Beyers (1998; see also 2003; 2005) indicate that national factors play a more prominent role in shaping the attitudes of officials towards the EU than the social interaction at the European level. In particular, the organisational self-esteem of national officials seems to play a major role in explaining supranational role perceptions. Negative views about the national political system foster pro-European attitudes. Attitudes of working party members towards the EU also seem to reflect general elite attitudes in their home country (Beyers 2005). However, the degree of federalism and the size and geographical location of the Member State are not related to the degree of supranationalist attitudes held by national officials (Beyers 1998). Most interestingly, supranational role conceptions show no relationships with several different indicators measuring the amount of interaction in working parties. Supranational role perceptions are also not related to the extent of previous international professional experiences (Beyers 2005).

In general, the existing literature suggests that members of Council committees see themselves mainly as government representatives. However, many committee members complement this role perception with a supranational role perception. The existing studies disagree about whether differences in the degree of supranational role perceptions of committee members can be attributed to socialisation in the Council committees themselves. Nevertheless, the literature suggests that committee members' role perceptions might change as a result of the exposure to European norms and values when interacting in Council committees. The literature discussed in the next section sheds more light on the question whether we should expect more or less committee decisions as a result of such a change in role perceptions.

3.4   Committee interaction styles

Based on qualitative case studies and interviews with practitioners, a number of researchers argue that the complementary adoption of supranational role perceptions leads to a distinct decision-making style in Council committees. Drawing on case studies of decision-making in Coreper, Lewis (1998; 2003b; 2005) argues that committee members develop process and relationship interests as well as a sense of collective responsibility for ensuring the functioning of the Council as a whole. According to this account, interactions in Coreper are not only governed by the logic of consequences, but also by the logic of appropriateness (Lewis 2005: 942). The result of several informal norms regulating Coreper negotiations is a generally more co-operative decision-making style. Juncos and Pomorska (2006) argue that a similar code of conduct is operating in working parties in the Common Foreign and Security Policy (CFSP) area. However, Juncos and Pomorska (2006) also suggest that working party members in the CFSP have not internalised these rules but rather follow them for strategic reasons. Reh (2007) studies the role of the Group of Government Representatives in the preparation of the Amsterdam and Nice Treaties. The study finds evidence that the insulated and dense interactions during the pre-negotiations resulted in an efficient and co-operative negotiations style similar to the one found in Coreper. Fouilleux et al. (2005) have also noted that the interactions in working parties are structured by a dense net of rules and norms.

Some of these sociological accounts of committee decision-making also detect a requirement to justify negotiation positions as an important feature of the committee negotiation style (Lewis 2005). In this view, demands without justifications are not

acceptable. Member State representatives are expected to give reasons for their positions and to change their minds in light of a more convincing argument. Naurin (2007b) presents results of the first large-scale quantitative analysis of reason-giving in Council committees. Based on telephone interview data of members of several committees, Naurin (2007a) shows that delegates almost always give reasons for the positions they represent in Council committees. When asked about why they give reasons for positions, slightly more representatives state that they give reasons to convince other committee members than claim that they give reasons to clarify their position. Interestingly, no differences in either the occurrence of arguing or the reasons stated for arguing exist between formal meetings and informal contacts. However, the propensity to argue seems larger in policy areas in which unanimity constitutes the decision-rule and in policy areas co-ordinated through soft law rather than legally binding acts. The classic community policy areas under the qualified majority voting rule are most prone to bargaining.

The literature on committee interaction styles points to two factors that might be relevant for explaining committee decision-making. First, some studies assert that committee members are socialised into supranational norms and values which lead to a more co-operative negotiation style. The absence of hard-headed intergovernmentalist bargaining should make committee decisions more likely. Second, the formal decision-making rule seems to have an influence on the discussion style in the Council committees. Given the veto of each individual Member State under the unanimity rule, committee members seem to resort more often to arguments in an effort to persuade their counter-parts of the advantages of their position. This finding indicates that the need to secure the agreement of every Member State makes it more difficult to reach a committee decision. So far, I have discussed existing studies directly concerned with Council committees. However, the wider literature on Council decision-making could also yield some insights about the explanatory factors of committee decision-making.

3.5   Policy outcomes of Council decision-making

Beginning in the early 1990s, a number of formal game theoretic models have been proposed to explain the outcome of EU decision-making processes and the influence of individual actors on this outcome. Schneider et al. (Schneider *et al.* 2006) distinguish two broad classes of models: procedural models and bargaining models.

Given the common foundation of these models in the rational choice approach, policy positions or preferences of actors play a prominent role in both types. Besides the preferences of actors, procedural models treat formal institutional features of the decision-making process as another major explanatory factor (Steunenberg 1994; Tsebelis 1994; Crombez 1996, 1997). The proposal-making and amendment powers of actors, the voting threshold for collective decisions in the Council and the EP, and the sequence of moves in which actors act during the formal legislative procedure play particularly important roles in procedural models. Formal features of the decision-making process are not necessarily completely neglected in bargaining models. However, bargaining models put more stress on other explanatory factors, like the power resources of actors and the importance actors attach to an issue (e.g. Pierce 1994: 10-11; Arregui *et al.* 2004; Arregui *et al.* 2006). Formal aspects of the decision-making process also enter into bargaining models, but more indirectly: the legislative procedure determines which actors are considered to be of relevance for shaping the negotiation outcome and the voting weights of Member States are usually used to operationalise their bargaining power in the Council[3].

The large majority of formal models of EU decision-making do not ascribe a role to the Council's committee system. The only exceptions are the models by König and Proksch (2006a; 2006b). König and Proksch propose two versions of a model that mixes features of a bargaining model with features of a procedural model. More precisely, the authors combine a model of resource exchange with a spatial voting model. In the simple version of what they call the procedural exchange model (König & Proksch 2006b), the Commission first introduces a multi-issue proposal. The Commission proposal forms the reference point for the formation of Member State's expectations about the outcome of negotiations without the exchange of control resources. Based on these expectations, Member States exchange control resources over different issues. In a second step, Member States vote on each issue separately, using their control resources after the exchange as voting weights. In this model, the authors use the working party system to justify the focus on separate independent issue dimensions in the final voting stage. The working parties are supposed to

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[3] Commonly, the voting weights do not enter the analysis directly, but in the form of values of a voting power index (e.g. Arregui *et al.* 2006: 137).

"induce stability by breaking up complex multi-issue packages into issue-by-issue voting" (König & Proksch 2006b: 212).

Although the assumption that working parties consider individual issues within a proposal independently of each other is not implausible, the assumptions that working party members move after ministers have exchanged control resources and that working parties serve the purpose to induce a stable decision-making outcome does not correspond well with the reality of Council decision-making. The model neglects the fact that actual decision-making processes in the Council take exactly the opposite direction than the sequence of moves assumed by the model. The negotiations on a dossier start in working parties and only move up to ministers if working parties and senior committees cannot reach an agreement. The problem is usually not about finding a stable new policy outcome, but about making the stable status quo policy somewhat less stable; this often involves higher Council levels considering several issues simultaneously to make a compromise solution possible.

The second model (König & Proksch 2006a) is a multidimensional version of the procedural exchange model. The questionable assumption about the stability-introducing role of working parties does not enter into this extension of the first model. The multidimensional model endogenises the standard spatial voting model based on voting weights. After the Commission has introduced a proposal, the Council members decide about exchanging resources. If Council members exchange issue control resources, the Presidency makes a take-it-or-leave-it offer. Council members can either accept or reject this offer. In contrast to the simple model, this model does not assume a one-dimensional policy space in the voting stage. The interesting feature of this model is that the spatial model prediction based on voting weights is taken as the reference point in the case that no exchange occurs or in the case that the Presidency proposal is rejected.

In this model, the working party system is used to justify the Commission's exclusion from any resource exchange in the Council and the Commission's lack of foresight about the results of such an exchange. The argument goes as follows: the Council's committee system provides the institutional structure that allows a thorough examination of the Commission's proposal (König & Proksch 2006a: 663). Furthermore, this institutional structure is under the control of the Council itself; the Presidency plays an important role in this respect. The Commission does not know how long a proposal will be discussed in the Council and under which Presidency it

will finally be decided. The Commission "cannot foresee whether and how Member States will exchange" (König & Proksch 2006a: 655). Therefore, the Commission cannot anticipate the behaviour of Member States when drafting its proposal.

Again, the assumptions that the Commission is excluded from the resource exchange in the Council and that it is totally unaware of the positions of Member States is rather implausible. Usually, the Commission is considered to have a better overview about the problems of the Member States than at least some of the Member States themselves. The Commission is one of the key players in Council negotiations (Beyers & Dierickx 1998); it is represented in every Council body at all hierarchical levels. Any change in the proposal requires the agreement of the Commission. If the Member States want to amend the proposal against the will of the Commission, they have to unanimously agree to such a change even in cases where qualified majority voting is normally allowed. Some authors have even argued that the Commission is a veto player in Council negotiations, as it can withdraw its proposal at any time (Crombez *et al.* 2006). Thus, the argument that the Commission does not play a role in Council negotiations is not supported by most existing theoretical and empirical knowledge, and the argument is also not strengthened by a reference to the Council's committee system[4].

Regardless of whether the assumptions entering the models by König and Proksch (2006a; 2006b) are considered plausible or not, the models are not helpful in deriving potential explanatory factors for committee decision-making. The models do not allow for the possibility that some decisions are made at lower levels of the Council hierarchy. Although the authors justify crucial assumptions in their models with reference to the Council's committee system, they do not model the role of these committees explicitly. As a result, the models do not make any predictions about the conditions under which decisions are expected to be reached at the committee level.

In general, the formal theoretical literature on Council decision-making yields little insights for committee decision-making. The large majority of theoretical models completely neglect the role of committees, and the few models that refer to

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[4] The model also seems to be logically inconsistent. The Commission is supposed to be fully informed about Member State preferences and to be acting as the agenda-setter when it comes to generating the prediction of the spatial model, which forms the reference point for the exchange phase. But at the same time, the Commission is supposed to play no role at all in the actual exchange itself.

committees do not consider the reasons why some legislative decisions are made by committees and others by ministers. The discussion in the previous chapter has clearly demonstrated the empirical relevance of committees in Council decision-making. Thus, theoretical models neglect crucial characteristics of the Council decision-making process when they neglect of the role of committees. In the next section, I discuss whether the empirical literature on process characteristics of Council decision-making fares better in this respect.

3.6   Process characteristics of Council decision-making

The theoretical models discussed above are mainly concerned with predicting the outcome of collective decision-making and with determining the degree of influence of individual actors on this outcome. A more empirically oriented type of literature is concerned with what I call procedural aspects of Council decision-making. These procedural aspects refer mainly to the decision-making speed and the voting behaviour, but some authors also made a first attempt to study the extent of policy change. The studies on decision-making speed examine mainly the impact of formal institutional characteristics, like the voting rule in the Council and the rights of the EP in the legislative process. Most of the studies also detect a non-negligible influence of these rules. Golub (1999; 2007), Golub and Steunenberg (2007), Schulz and König (2000), König (2007) and Drüner et al. (2006) find that the involvement of the EP prolongs the decision-making process considerably. With the exception of Drüner et al. (2006), the same authors also detect a negative effect of the unanimity rule in the Council on EU decision-making speed.

Some of the more recent studies also investigate the effect of political conflict among Member States on decision-making efficiency. König's (2007) results suggest that preference divergence between Member States slows down decision-making. In contrast, Drüner et al. (2006) find no significant effect of preference divergence as measured by the core (i.e. the set of policy positions that cannot be beaten by any other policy position in a pair-wise comparison). However, the size of the winset shows a strong positive effect on decision-making speed. The winset is an alternative measure of political conflict, which is often used in procedural models. The winset consists of all alternatives jointly preferred to the status quo policy by any majority coalition. Drüner et al. (2006) are the only authors who also investigate the causes of the extent of policy change. Their results further support the usefulness of the winset

as an empirical indicator for political conflict. The extent of policy change is strongly positively related to the size of the winset. In general, the literature on decision-making speed and policy change identifies preference divergence, the voting rule and EP involvement as consequential.

The finding of a stable effect of the voting rule is somewhat surprising, especially in comparison to the results of studies on voting behaviour (Mattila & Lane 2001; Heisenberg 2005; Hayes-Renshaw *et al.* 2006). These studies show that explicit voting is the exception rather than the rule in Council decision-making. Even in areas where the Council can take decisions through a qualified majority of votes, about 75 to 80 percent of the decisions are still adopted unanimously. Furthermore, if a Council decision is contested, the group of countries contesting a Council decision is usually very small; often much smaller than needed to reach the required voting threshold (Mattila & Lane 2001: 43). In the large majority of contested Council decisions, only one or two countries oppose the majority. In contrast to the findings of the studies on decision-making speed, these findings of voting behaviour studies point to a rather consensual decision-making style in the Council and question the relevance of the voting rule. However, the voting behaviour studies also show that the extent of explicit voting varies considerably across different policy areas. Thus, if Council decision-making is really governed by a norm of consensus (Heisenberg 2005), then this norm is not a constant, but varies with specific characteristics of policy sectors. The committee structure in the different Council formations might be one of these factors. Unfortunately, neither the literature on Council decision-making efficiency nor on voting behaviour has considered any potential effects of organisational features of the committee system on voting or decision-making speed.

3.7   Summary of the literature review

In this chapter, I reviewed the existing literature on Council decision-making that is directly or indirectly related to the research questions of this study. I started with a discussion of earlier attempts to measure the extent of committee decision-making. This discussion identified several shortcomings in earlier studies that potentially led to biased results. Most likely, the existing research overstates the relevance of Council committees to some extent. I argued that the measurement approach pursued in the current study overcomes at least some of the main problems of earlier works and results in a more valid description of the extent of committee decision-making.

In the remaining part of the chapter, I reviewed studies with the potential to shed some light on the factors determining why certain decisions are made by committees and others are made by ministers. First, I examined studies that focused directly on characteristics of committees or their members as their independent variables. The studies on communication and co-operation patterns in Council committees indicated that committee members' networks are very similar regardless of their member composition and policy area context. According to these network studies, the way committee members communicate and coalesce does not vary with committee characteristics. Therefore, the studies do not identify any factors that might explain differences in decision-making behaviour across committees. In contrast, the literatures on supranational role perceptions and decision-making styles in Council committees pointed to the degree of socialisation as an important factor for explaining the behaviour of committee members. Committee members are supposed to adopt more co-operative negotiation styles once they internalised the supranational norms and values governing committee interactions. Thus, the role of socialisation for committee decision-making deserves a more detailed theoretical elaboration in the next chapter.

After the committee literature review, I turned to a survey of the literature on Council decision-making outcomes and process characteristics. For the most part, this discussion demonstrated the lack of attention to committees in existing empirical and theoretical research on the Council. Although committees play a crucial role for the functioning of the Council as a whole, the existing studies on different aspects of Council decision-making did not consider any committee characteristics as explanatory factors in their analyses. Thus, the existing research on Council decision-making does not point to any crucial characteristics of committees that might influence the decision-making behaviour of their members. However, given that the literature on Council decision-making outcomes and process characteristics purports to explain aspects of Council decision-making, and given that Council decision-making corresponds in practise largely to decision-making in Council committees, the factors identified as explanatory factors in studies of Council decision-making should also be of relevance to the study of committee decision-making.

Preference divergence and institutional rules are two factors whose effects were regularly studied in previous research on Council decision-making. Actors' preferences and institutional rules entered into all formal theories of Council decision-

making and were also subject to much empirical examination in the studies on Council decision-making speed and policy change. Although studies on voting behaviour established that voting occurs relatively rarely in the Council, the studies on decision-making speed still showed that the voting rule has a substantial impact on the time it takes to reach a decision in the Council. Thus, although explicit voting is relatively rare, the possibility of taking a vote nevertheless seems to affect the negotiation behaviour of Member States. The studies on Council decision-making speed also showed that the introduction of a veto right for the EP slowed down decision-making. Finally, these studies identified the divergence of preferences among Member States as a factor decreasing decision-making speed. In the next chapter, I discuss the theoretical rationales underlying these factors and the committee socialisation argument in more detail. I also discuss potential explanations developed for similar phenomena. These factors are derived from a general theory of delegation.