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Essays on legislative decision-making in the European Union

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Citation

Pourebrahimi Andouhjerdi, A. (2025, January 14). *Essays on legislative decision-making in the European Union*. Retrieved from <https://hdl.handle.net/1887/4175838>

Version: Publisher's Version

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3. A New Dataset on Legislative Decision-making in the European Union

Abstract

Studies on the European Union (EU) have advanced due to the availability of more data on legislative decision-making within the EU. In this chapter, I introduce the dataset I compiled, which serves as the foundation for the analysis in the next two chapters. This dataset, called the Council Voting Data and Records dataset, includes 1,154 legislative decisions made in the Council between 2010 and 2021. It contains various details on each legislative decision, such as the legislative procedure, voting rules in the Council, decisions made by the Council and the European Parliament (EP), other consulted advisory institutions, act type, and the time taken for each proposal to be approved and signed. Most of these legislative decisions were conducted under the Ordinary Legislative Procedure (OLP), and for most of them, the Qualified Majority Voting rule was applied in the Council. Exploring the duration of proposals under the OLP reveals that, on average, it takes 586 days for a proposal to be signed by the Council and the EP from its introduction by the Commission. As anticipated, it takes longer for proposals that go through the second reading to be signed than those concluded in the first reading. The contestation rate in second reading decisions is also higher than first reading decisions. Regarding act types, directives, on average, are contested more and take longer to be concluded than regulations and decisions.

3.1 Introduction

The European Union has expanded its data releases over recent decades, while advancements in research tools have empowered researchers to utilize empirical methods to understand the complexities of legislative decision-making within the EU (Hagemann 2015). In the case of the Council, for instance, several studies (from Mattila, 2004 to Pircher and Farjam, 2021) utilized roll call data to investigate member states' voting behaviour in the Council. Data on legislative decisions in the EU are now easily accessible through official EU websites and other sources such as VoteWatch Europe project.¹¹ In this study, I compiled a dataset comprising roll call data on legislative decisions within the EU. The primary data source for this dataset is the voting results in the Council of the EU by the Council on the Consilium website,¹² and I utilized the EURLEX R Package (Ovádek 2021) to extract information through a query from this website. The dataset encompasses 1,154 proposals for which decisions were reached in the Council between 2010 and 2021. To enrich the main dataset, I incorporated additional information such as decisions made by other institutions and the involvement of advisory bodies from official sources such as the EUR-Lex website,¹³ European Parliament's Legislative Observatory (OEIL),¹⁴ and monthly summaries of Council acts published by the Council.¹⁵

This dataset comprises roll call data encompassing over 1,000 legislative sessions within the Council from 2010 to 2021.¹⁶ Official statements published by the member states along with

¹¹ The VoteWatch Europe project covers roll call data in the Council from 2009 to 2022, and the EP from 2004 to 2022.

¹² <https://www.consilium.europa.eu/en/general-secretariat/corporate-policies/transparency/open-data/voting-results/> (accessed December 23, 2023).

¹³ <https://eur-lex.europa.eu/> (accessed December 23, 2023).

¹⁴ <https://oeil.secure.europarl.europa.eu/oeil/home/home.do> (accessed December 23, 2023).

¹⁵ <https://www.consilium.europa.eu/en/documents-publications/public-register/monthly-summaries/> (accessed December 25, 2023).

¹⁶ Voting decisions on the Consilium website are available since 2010 onward.

their votes are recorded in the dataset as well. Additionally, it allows for tracking the interactions among EU institutions, recording decisions by other EU legislative bodies, the Commission, the Parliament, and advisory bodies. Each proposal is detailed with information such as the type of legislative procedure, voting rule, act type, policy area, Council configuration, and EuroVoc Thesaurus categories. The dataset also includes the dates of decisions made by the Commission, Council, and Parliament, facilitating the measurement of the duration required for legislations to reach conclusion. Furthermore, the number and dates of discussions held in the Council are recorded in the dataset. All information in the dataset is sourced from public official channels. By consolidating data from these diverse sources, a better understanding of EU legislative decision-making can be gained.

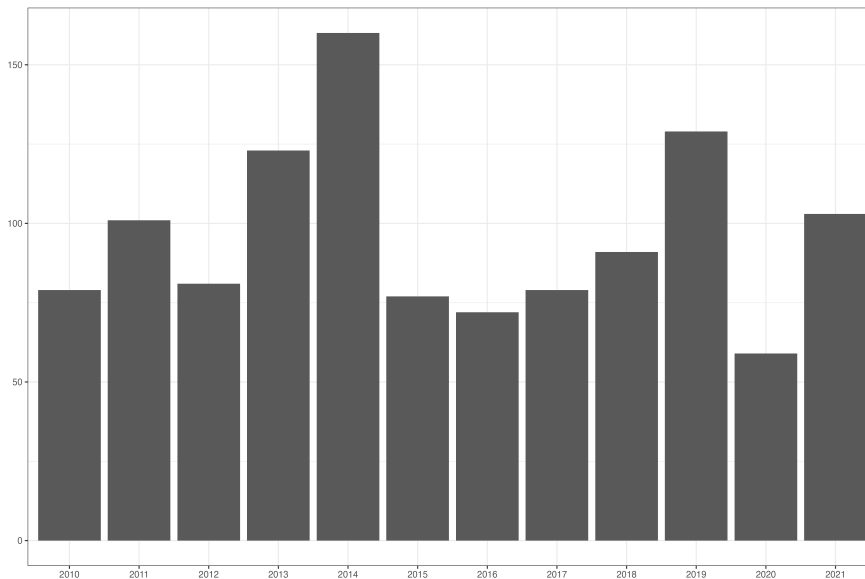
In the next chapters of this dissertation, I utilize this dataset to analyze the voting behaviour of member states in the Council of the EU. In this chapter, I present a descriptive analysis of the legislative decision-making process in the EU. The analysis commences with an examination of the proposals and their distribution. Subsequently, I delve into the duration of decisions, concluding with an exploration of the votes cast by member states in the Council.

3.2 Exploring the legislative proposals in the EU

The dataset employed in this study comprises 1,154 proposals for which decisions were made by the Council between 2010 and 2021. The range of years during which these proposals were adopted by the Commission spans from 2005 to 2021. Figure 3.1 shows the frequency of legislative decisions made in the Council on an annual basis. Notably, there is a marked increase in the number of decisions in 2013 and 2014, which could be attributed to the implementation of

the Lisbon Treaty. Conversely, the reduced number of legislative decisions in 2020 may be attributed to the impact of the global pandemic.

Figure 3. 1: Council legislative decisions, 2010 - 2021



Since the implementation of the Lisbon Treaty, the predominant legislative framework for most decisions in the EU is the Ordinary Legislative Procedure (OLP), formerly known as the Co-decision procedure. The adoption of OLP as the primary legislative procedure aims to streamline the decision-making process (Craig and De Búrca 2015, p.126) and addresses the democratic deficit within the EU by granting the European Parliament equal voting power as the Council (Craig and De Búrca 2015, p.153 ; Foster 2016, p.96).

As indicated in Table 3.1, over 90 percent of legislative decisions in the EU are conducted under the OLP. This procedure reflects the interplay among the three key legislative decision-making bodies in the EU. The process begins with the Commission initiating legislative proposals, followed by the Council and the European Parliament engaging in co-decision on the proposal. The dataset for this project also includes decisions under the Consultation procedure, in

which the European Parliament is consulted, and the Special Legislative Procedure, which may necessitate the EP's consent (Foster 2016, p.99). The proportion of decisions under the OLP remains relatively stable throughout the dataset timeframe, ranging from 88.6 percent in 2010 to 93.8 percent in 2012.

Table 3. 1: Council legislative decisions by type of legislative procedure, 2010 - 2021

Type of legislative procedure	Count	Percentage
Ordinary legislative procedure	1049	90.90
Consultation procedure	4	0.35
Special Legislative Procedure	101	8.75
Total	1154	100

Similarly, the voting rules in the Council, when member states decide on a legislative proposal, can be either qualified majority voting (QMV) or unanimity. The qualified majority voting rule has undergone changes over time as the European Union expanded both in terms of its membership and policy areas. The Luxembourg Compromise, in which member states de facto exercised veto power even under majority voting rules (Craig and De Búrca 2015, p.135), gradually diminished, leading the Union to adopt a more practical majority system in the early 1990s (Foster 2016, p.50).

The QMV has evolved over time. Under the old QMV rule, each member state had a specific number of votes, and a proposal could be approved with at least 260 votes out of 352 votes, provided these votes constituted a simple majority of the member states representing at least 62 percent of the EU population (Lelieveldt and Princen 2015, p.95). This system was in place until 2014 (with the option for a member state to request this voting rule until 2017). Under the current QMV system, a proposal is approved with the support of at least 55 percent of the

member states, representing at least 65 percent of the EU population, and a blocking minority in the Council must include at least four member states.¹⁷ If the proposal is not initiated by the Commission or the High Representative of the Union for Foreign Affairs and Security Policy, the reinforced qualified majority is required, with the support of at least 20 member states (72 percent of the member states).

As depicted in Table 3.2, the majority of decisions (over 90 percent) in the Council are made under QMV, with only one decision under reinforced QMV in the Council Voting Data and Records dataset. While the prevailing voting rule in the Council is QMV, approximately 9 percent of decisions still require unanimous voting for approval. The unanimity voting rule may be employed in inter-governmental areas, such as the Common Foreign and Security Policy (CFSP) and policing (Foster 2016, p.49). Additionally, the unanimity voting rule applies to proposals under OLP when, in the second reading, the Commission provides a negative opinion on Parliament's amendments.¹⁸ Each member state holds veto power under the unanimity voting rule, whereas an abstention will not prevent a decision from being approved.

Table 3. 2: Council legislative decisions by voting rule, 2010 - 2021

Voting Rule	Count	Percentage
Qualified Majority Voting	1050	91
Reinforced Qualified Majority Voting	1	0.07
Unanimity	103	8.93
Total	1154	100

¹⁷ <https://www.consilium.europa.eu/en/council-eu/voting-system/qualified-majority/> (accessed December 23, 2023).

¹⁸ <https://www.consilium.europa.eu/en/documents-publications/ordinary-legislative-procedure/> (accessed December 23, 2023).

The legislations in the Council Voting Data and Records dataset comprise three legislative act types: Regulations, Directives, and Decisions. Regulations are legally binding throughout the EU and apply to all member states. With Directives, member states have more agency, as the EU outlines only the objectives, allowing member states to choose the means to achieve those specified aims. Decisions can be binding for specific entities, such as member states, individuals, or industry sectors. As illustrated in Table 3.3, the majority of legislations in the EU are in the form of regulations (65 percent), with directives comprising a quarter of them. This dissertation explores how various types of legislative acts may be associated with different aspects of decision-making within the EU legislative process.

Table 3. 3: Council legislative decisions by act type, 2010 – 2021

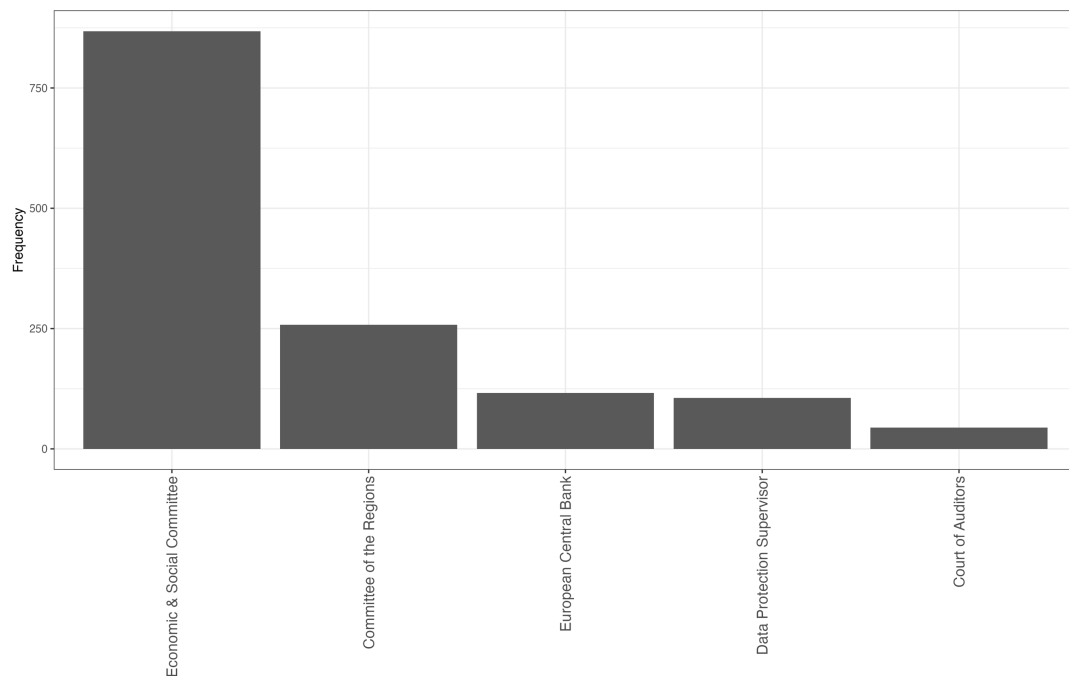
Act type	Count	Percentage
Regulation	748	64.81
Decision	118	10.22
Directive	288	24.97

The primary legislative bodies in the EU, including the Commission, Parliament, and Council, have the option to consult various other EU institutions throughout the legislative decision-making process. This consultation may be either mandatory or voluntary. Institutions such as the Court of Auditors, European Data Protection Supervisor, European Central Bank, and advisory bodies including the Economic and Social Committee and the Committee of the Regions provide their opinions during the legislative decision-making process. Multiple bodies may be consulted for each proposal, and individual institutions may offer more than one opinion. Figure 3.2 summarizes the frequency of opinions provided by these institutions for the 1,154

proposals in the dataset. The institutions consulted depend on the subject matter of the legislation.

In the Council Voting Data and Records dataset, the Economic and Social Committee contributed 868 opinions on 830 proposals, establishing itself as the most frequently consulted institution among the five entities listed in Figure 3.2. The Committee of the Regions played a role in 244 proposals and provided 258 opinions. Additionally, the European Central Bank, the European Data Protection Advisor, and the Court of Auditors were consulted for 116, 106, and 44 proposals, respectively. Not surprisingly, the advisory bodies of the EU are consulted more often than other institutions. Based on the topic of a proposal, other institutions with distinct roles and mandates might be asked for their opinions, contributing the legislative decision-making process.

Figure 3. 2: Frequency of opinions from various EU institutions on legislative proposals, 2010-2021



The specific subject area of a proposal determines which institutions are invited to provide opinions and may also influence the decision-making processes within each of the main

legislative bodies. For example, various topics may hold varying degrees of significance for different member states. To organize proposals based on their thematic areas, one can utilize the policy areas assigned by the EU to each proposal. Table 3.4 enumerates the proposals in the dataset according to their respective policy areas. It is important to note that the distribution of policy areas in the dataset does not necessarily mirror the overall distribution of policy areas in the EU's legislations. The dataset spans the years from 2010 to 2021, and thus, the distribution of policy areas may reflect the Union's priorities during that time span. For example, the unfolding of the Eurozone crisis in 2012-2013 might be a contributing factor to the highest share of legislations categorized in the Finance policy area.

Table 3. 4: Distribution of EU legislative proposals by policy area, 2010 – 2021

Policy Area	Count	Share
Finances	187	16.2
Justice and Home Affairs	137	11.87
Internal market	111	9.62
Foreign affairs	100	8.67
Transport	96	8.32
Agriculture	89	7.71
Economy	76	6.59
Environment	73	6.33
Fisheries	50	4.33
Social policy	35	3.03
Institutional	32	2.77
Health	26	2.25
Telecommunications	24	2.08
Energy	23	1.99
Research	17	1.47

Consumer affairs	15	1.3
Culture	13	1.13
Employment	6	0.52
Industry	5	0.43
Youth	4	0.35
Space	3	0.26
Education	2	0.17
NA	30	2.6
Total	1154	100

To categorize legislative proposals in the EU, an alternative approach is to examine the Council configuration in which they were discussed. Table 3.5 illustrates the distribution of proposals across different Council configurations. Approximately 20 percent of the proposals underwent discussions within the Agriculture and Fisheries configuration. It is important to note that this figure does not represent the simple sum of the percentages for Agriculture (7.71 percent) and Fisheries (4.33 percent) policy areas. This discrepancy arises because diverse policy areas may be addressed within a single configuration, and a proposal discussed in the Agriculture and Fisheries configuration might not exclusively concern agriculture or fishery issues. This is due to the fact that “*any of the Council’s 10 configurations can adopt an act that falls under the remit of another configuration*”.¹⁹ Additionally, proposals in the internal market policy area may be discussed across different configurations, including Agriculture and Fisheries configuration.

¹⁹ <https://www.consilium.europa.eu/en/council-eu/configurations/> (accessed December 23, 2023).

Table 3. 5: Distribution of legislative proposals by EU Council configuration, 2010 - 2021

Council Configurations	Count	Share
Agriculture and Fisheries	229	19.84
Economic and Financial Affairs	167	14.47
General Affairs	164	14.21
Transport, Telecommunications and Energy	100	8.67
Competitiveness	91	7.89
Employment, Social Policy, Health and Consumer Affairs	78	6.76
Justice and Home Affairs	77	6.67
Environment	63	5.46
Foreign Affairs	46	3.99
Education, Youth and Culture	36	3.12
NA	103	8.93
Total	1154	100

3.3 Examining the Duration of Legislative Decisions in the EU

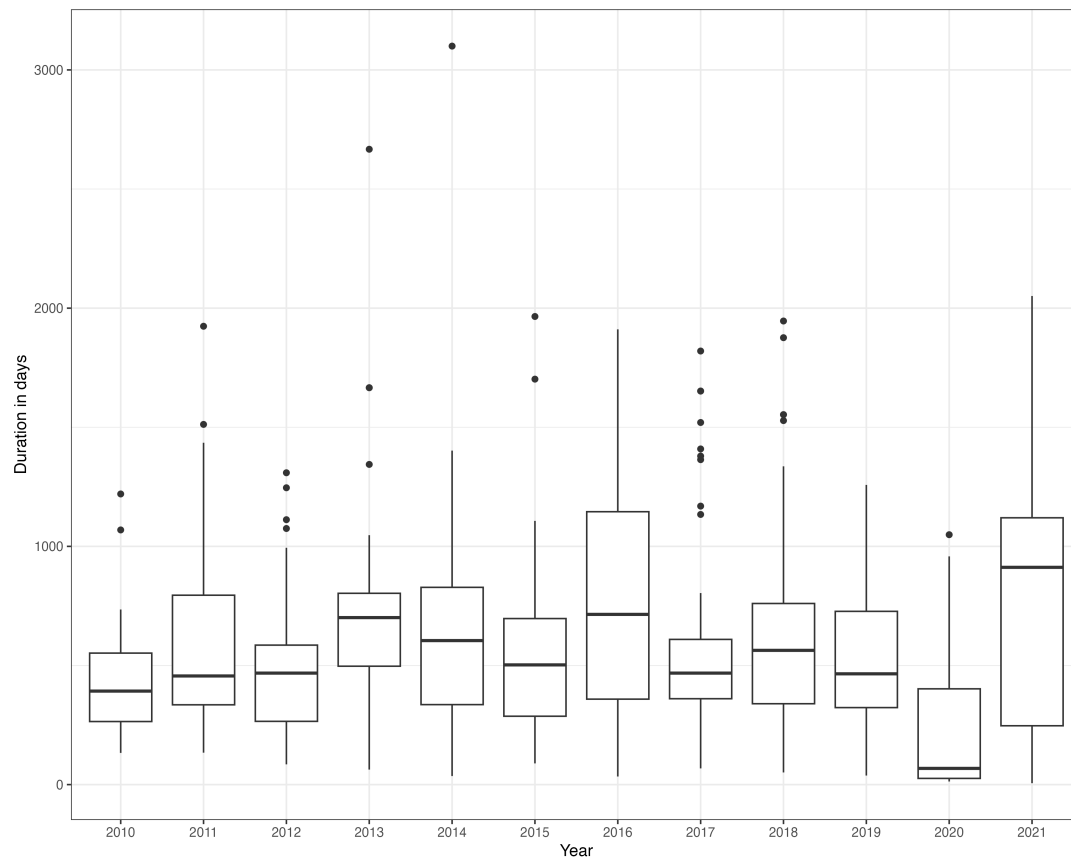
In this section, I examine the time taken by the EU to make legislative decisions. Determining the duration for a proposal to evolve into legislation involves defining the starting and ending points. I designate the date of a proposal's adoption by the Commission as the starting point and the date of the proposal's signing by the Council and the European Parliament as the ending point. One limitation of this approach is its exclusion of cases that do not necessitate the European Parliament's signature. The analysis covers 968 unique proposals in the dataset, calculating the duration as the number of days between the Commission's adoption and the

Council and EP's signing.²⁰ On average, it takes 586 days for a proposal to navigate through EU institutions and be signed into legislation.

Figure 3.3 displays the distribution of durations based on the year of signature. While one might consider categorizing proposals by the year of their adoption by the Commission, this approach could yield misleading results since our dataset only includes concluded proposals. Consequently, especially for later years, the duration might appear lower because proposals not signed by the end of 2021 are excluded. Instead of focusing on the initiation time, I categorize proposals by the year of signature in the figure. This allows us to observe, for each year, the duration it took for those proposals to be signed during that specific year. While the median duration for decisions made in 2020 is lower than in other years, potentially influenced by the pandemic, no specific trend is evident in Figure 3.3. Although the examination of a potential trend in the duration of legislative decision-making in the EU is not the primary focus of this dissertation, it is noteworthy for consideration, especially in the context of discussions about the possible impact of trilogue on inter-institutional bargaining in the EU.

²⁰ In the original dataset, there are 1,154 Council's decisions, meaning that there might be multiple decisions for one proposal if the proposal goes into the second or third reading. To investigate the duration for a proposal to become legislation, I consider proposals (not decisions). Accordingly, the number of observations is reduced to 968, as we have 968 unique proposals in the dataset for which the dates of being adopted by the Commission, and being signed by the Council and the EP, were available.

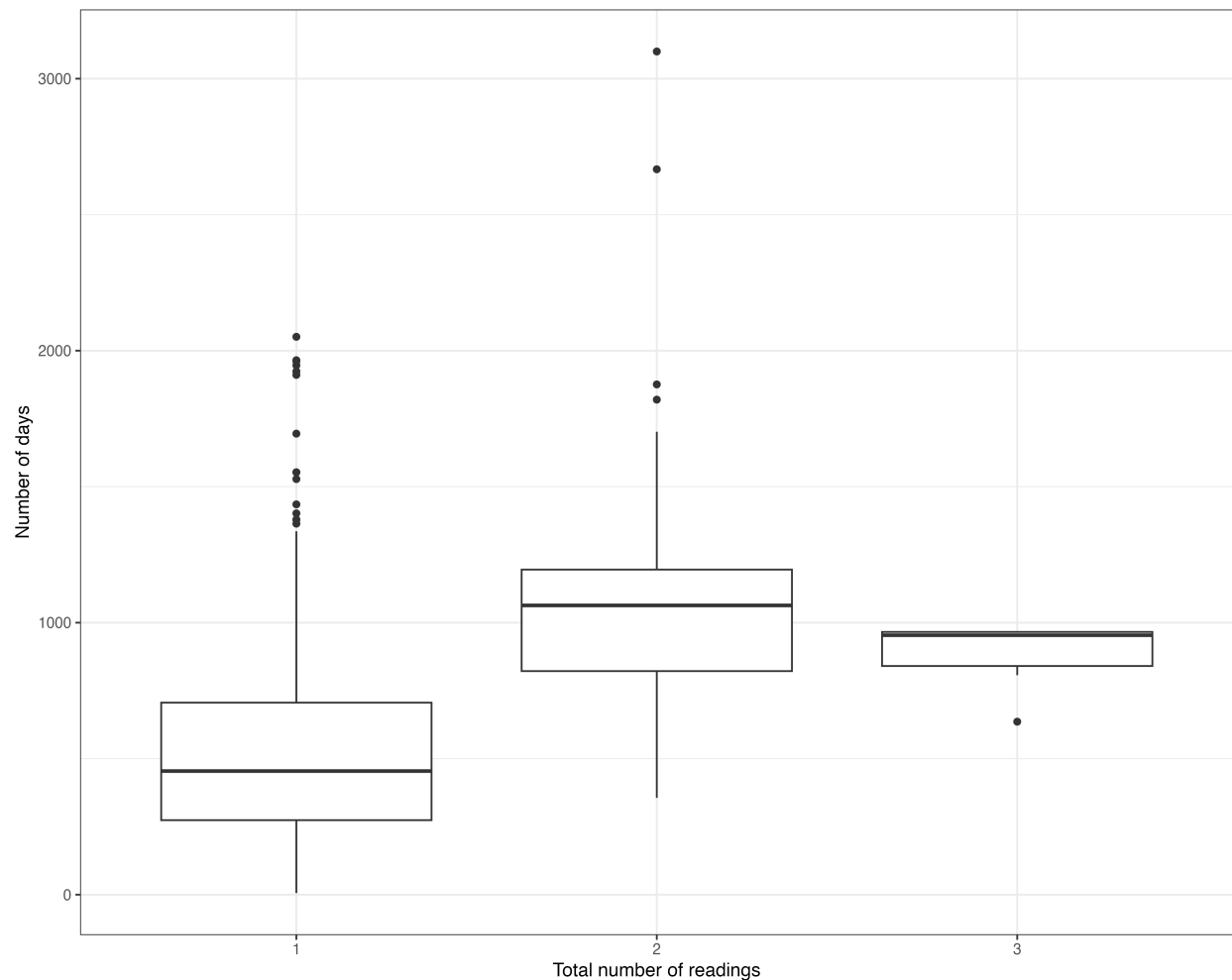
Figure 3. 3: Distribution of duration based on year of signature for concluded EU legislative proposals



When the Council and the Parliament fail to reach an agreement in the initial round of reading, the proposal undergoes subsequent rounds, potentially including a third reading, although this occurrence is rare. Among the 968 unique proposals in the dataset, 820 proposals (84.71 percent) were concluded after the first reading, while 142 proposals (14.67 percent) and 6 proposals (0.62 percent) were concluded in the second and third readings, respectively. As anticipated, proposals subjected to the second reading take a longer time to conclude compared to those signed after the first reading: 1,055 days versus 502 days. A two-sample t-test confirms the statistical significance of this difference at the 1 percent level (t-statistic = -17.45, p-value = 0.00). The decision-making process for the 6 proposals that advanced to the third reading took an average of 880 days. Due to the limited number of observations, however, definitive conclusions

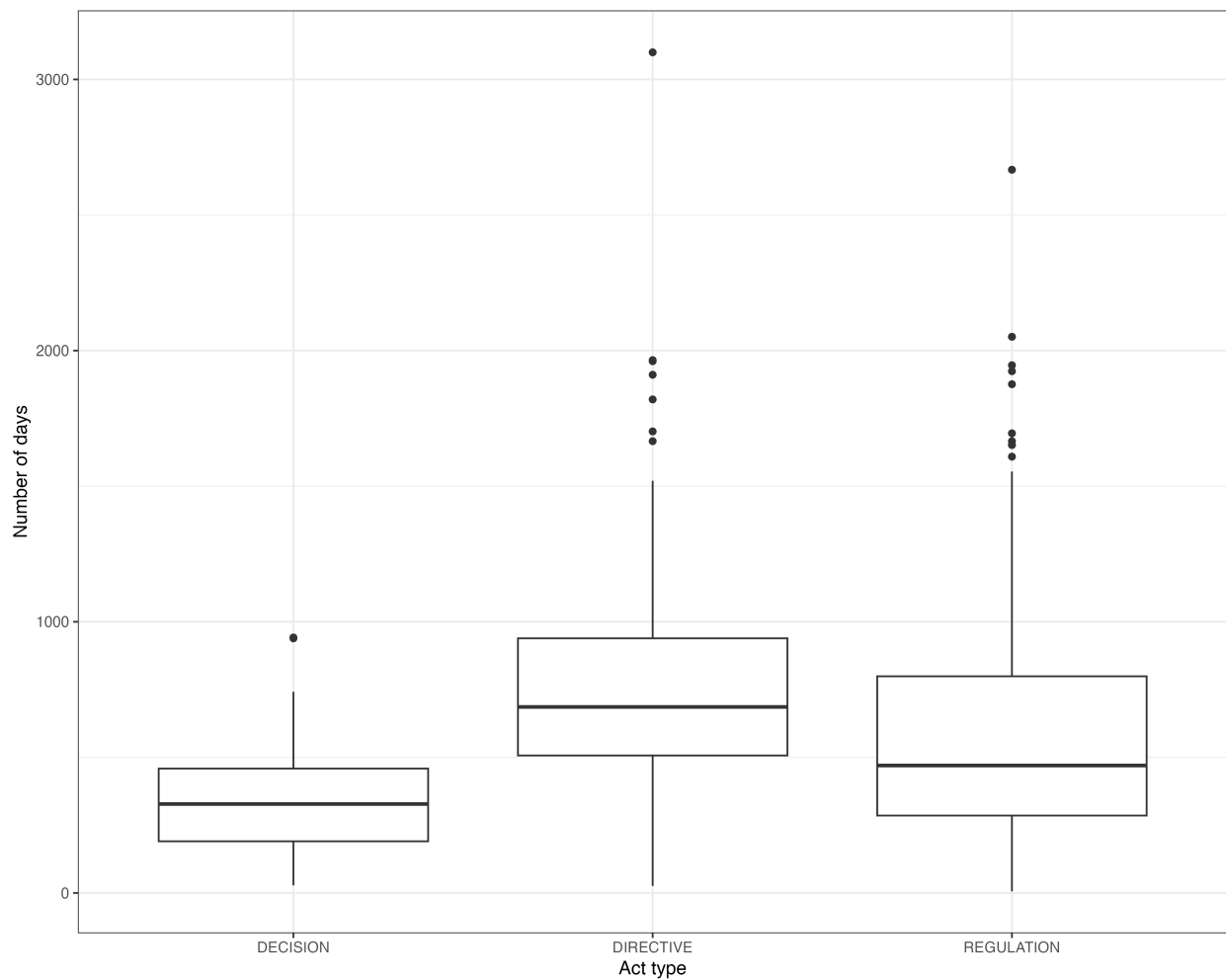
cannot be drawn. Figure 3.4 illustrates the difference in duration based on the total number of readings each proposal underwent.

Figure 3. 4: Duration disparities in EU legislative proposals based on the number of readings, 2010 – 2021



Considering the varying degrees of binding nature associated with different types of acts, the bargaining process and the duration for these acts to become legislation may vary. Directives, on average, take 759 days to be signed, while regulations and decisions require 555 and 351 days, respectively. Two-sample t-tests show that the differences between each pair of act types, depicted in Figure 3.5, are statistically significant at the 1 percent level.

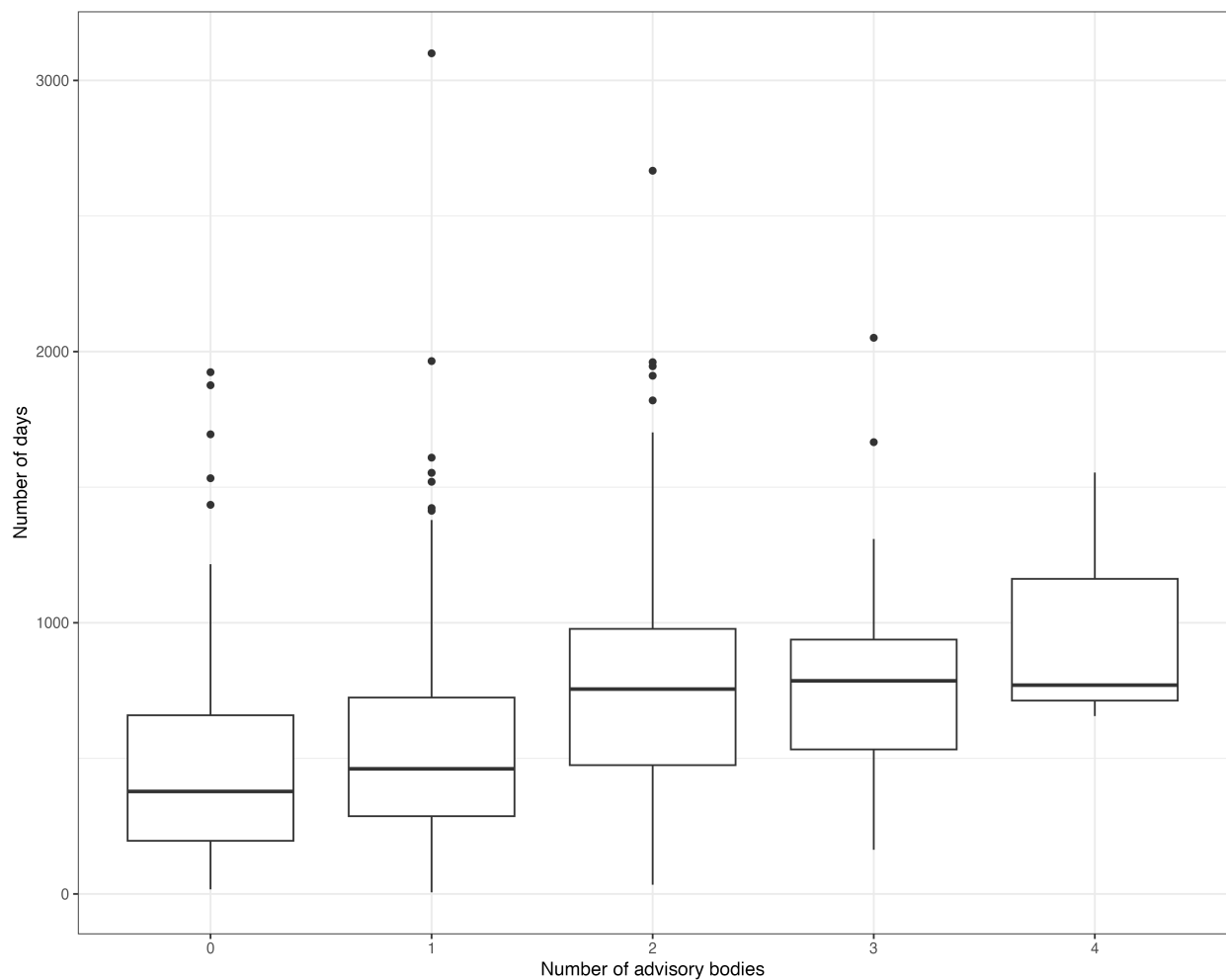
Figure 3. 5: Duration disparities in legislative acts by act types, 2010 - 2021



Another factor influencing the time elapsed between a proposal's adoption by the Commission and its signing by the Council and the EP is the involvement of additional institutions providing feedback on the proposal. When only the Commission, Council, and Parliament are engaged in the decision-making process, the average duration for a proposal to become legislation is 440 days. This average duration increases to 518 days when the opinion of one additional institution is sought. Likewise, it extends to 772, 766, and 993 days when the number of other institutions involved in the decision-making process rises to 2, 3, and 4,

respectively. Two sample t-tests' results for these differences, however, are statistically significant only when considering the difference between the durations when no additional institution is involved and when one additional institution is involved (t-statistic = -2.59, p-value = 0.009), as well as when one additional institution is involved and two additional institutions are involved (t-statistic = -8.77, p-value = 0.00), both at 1 percent level of significance. Figure 3.6 displays the distribution of duration by the number of advisory parties involved in the process of decisions making.

Figure 3. 6: Duration disparities by the number of advisory bodies in legislative decision-making: 2010 – 2021



It is anticipated that the duration for concluding certain proposals in the EU may vary based on their topics or policy areas. As in section 2, I employ the same method to categorize proposals, first by policy area and then by Council configuration. While a different categorization using content analysis could provide further insights into how distinct topics or areas may introduce more controversy into EU legislative decision-making, such an exploration is beyond the scope of this dissertation. Tables 3.6 and 3.7 present a summary of the duration based on policy areas and configurations.

Table 3. 6: Duration summary based on policy areas for legislative proposals in the EU: 2010 – 2021

Policy Area ²¹	Duration (days)
Justice and Home Affairs	724
Internal market	607
Environment	603
Finances	587
Agriculture	551
Foreign affairs	538
Transport	538
Economy	435

Table 3. 7: Duration summary based on Council configurations for legislative proposals in the EU: 2010 – 2021

Council Configuration	Duration (days)
Education, Youth and Culture	772
Justice and Home Affairs	758
Agriculture and Fisheries	646
Environment	606
Competitiveness	605

²¹ Policy areas with at least 50 observations were included here.

General Affairs	591
Employment, Social Policy, Health and Consumer Affairs	588
Economic and Financial Affairs	563
Transport, Telecommunications and Energy	563
Foreign Affairs	551

One observation drawn from tables 3.6 and 3.7 is that legislations pertaining to justice and home affairs, which are more closely tied to domestic politics, typically take longer to reach completion than legislations concerning foreign affairs. Similarly, the average duration for economic and financial affairs legislation is shorter than that for home affairs. Understanding the underlying reasons for these differences in durations necessitates further investigation. For instance, certain policy areas may require more immediate attention, particularly in the event of an economic crisis. Additionally, in certain domains like foreign affairs, legislation is often spearheaded by larger member states, with smaller states primarily following suit.

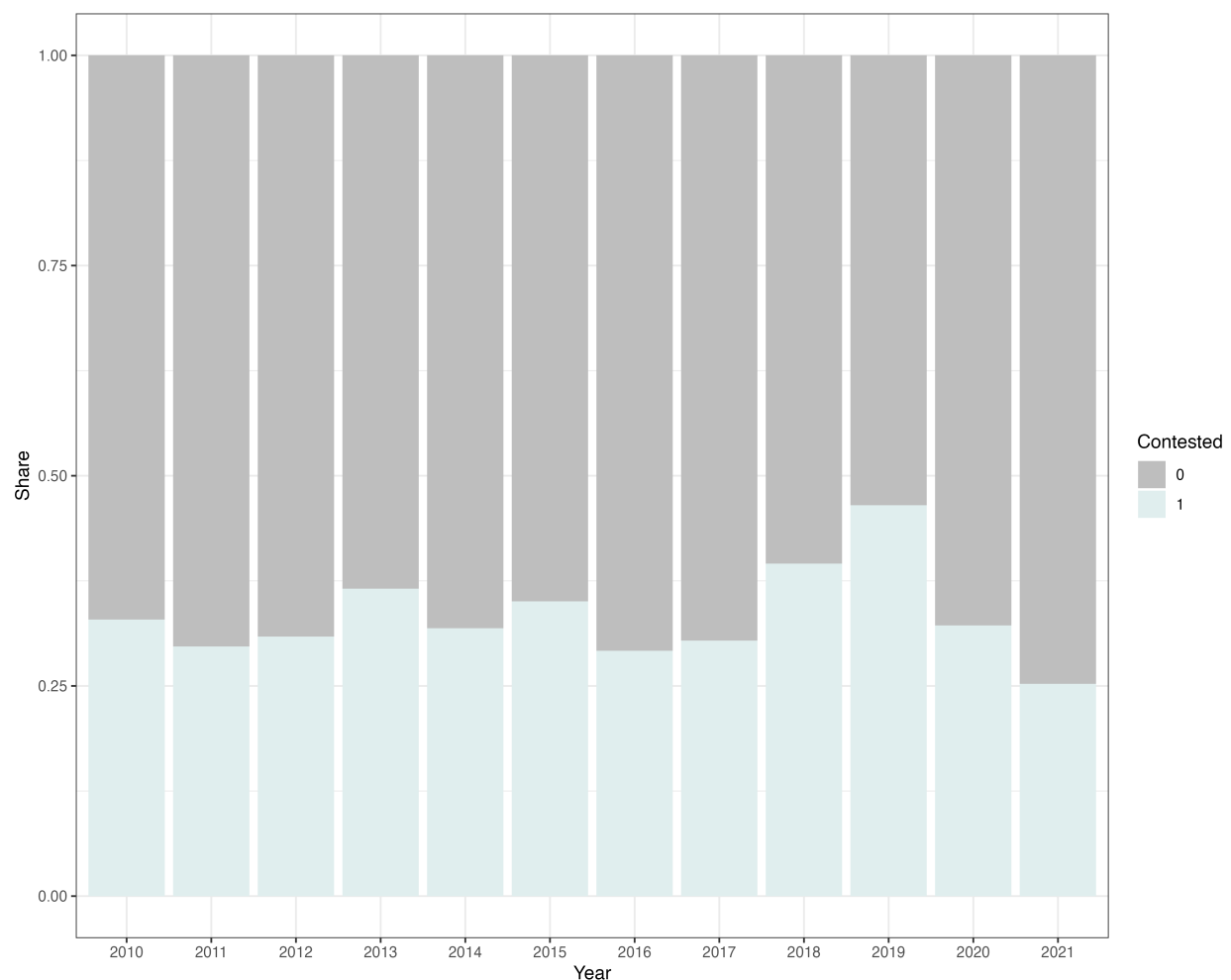
3.4 Contestation in the Council

The voting decisions of member states in the Council can be in favour, against, or abstention. They may also choose not to participate in the voting stage. In this chapter, contestation is defined as either against votes or abstentions. According to this definition, 390 proposals out of the 1,154 in the dataset were contested. Consequently, we can assert that 33.8 percent of proposals voted on in the Council between 2010 and 2021 were contested by at least one member state. Of these 390 contested proposals, the majority (220 or 56.4 percent) were contested by a single member state, while 74 proposals were contested by two member states, 38 by three member states, 23 by four member states, and 35 proposals were contested by five or more

member states. The total number of contestation votes cast for these 1,154 proposals was 796 votes, with 439 (55.1 percent) recorded as abstentions and 357 as against votes.

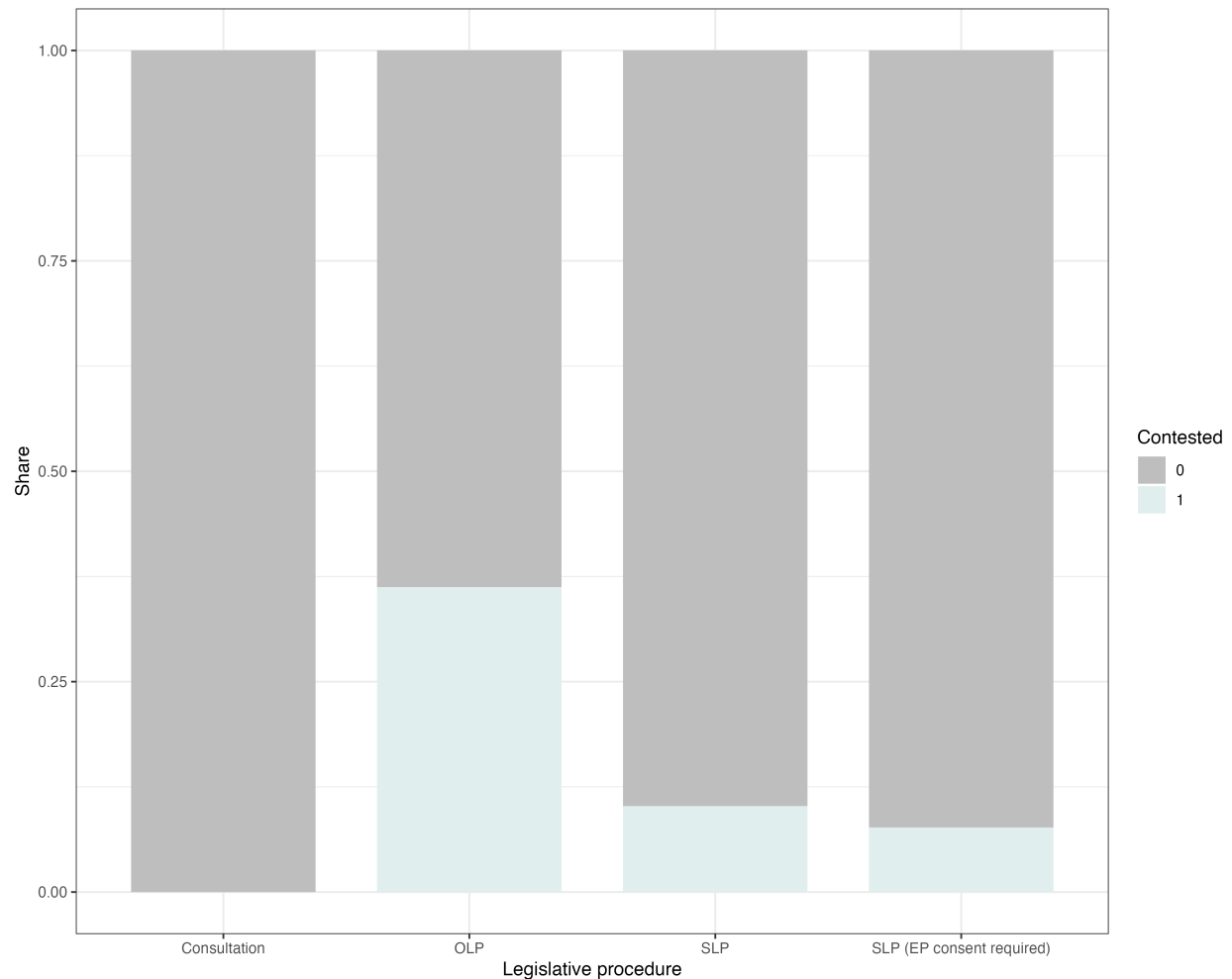
Figure 3.7 illustrates the proportion of contested proposals per year. The contestation rate remains around 30 percent for most of the years, with the increasing trend observed in 2018 and 2019 being reversed in 2020 and 2021. This reversal could be due to Brexit, or to the pandemic.

Figure 3. 7: Yearly proportion of EU contested proposals: 2010 – 2021



in Figure 3.8, I also compare the contestation rate among different legislative procedures. The highest contestation rate (36 percent) is for decisions with OLP. Note that while we have more than one thousand decisions with OLP, there are only 105 decisions with other procedures.

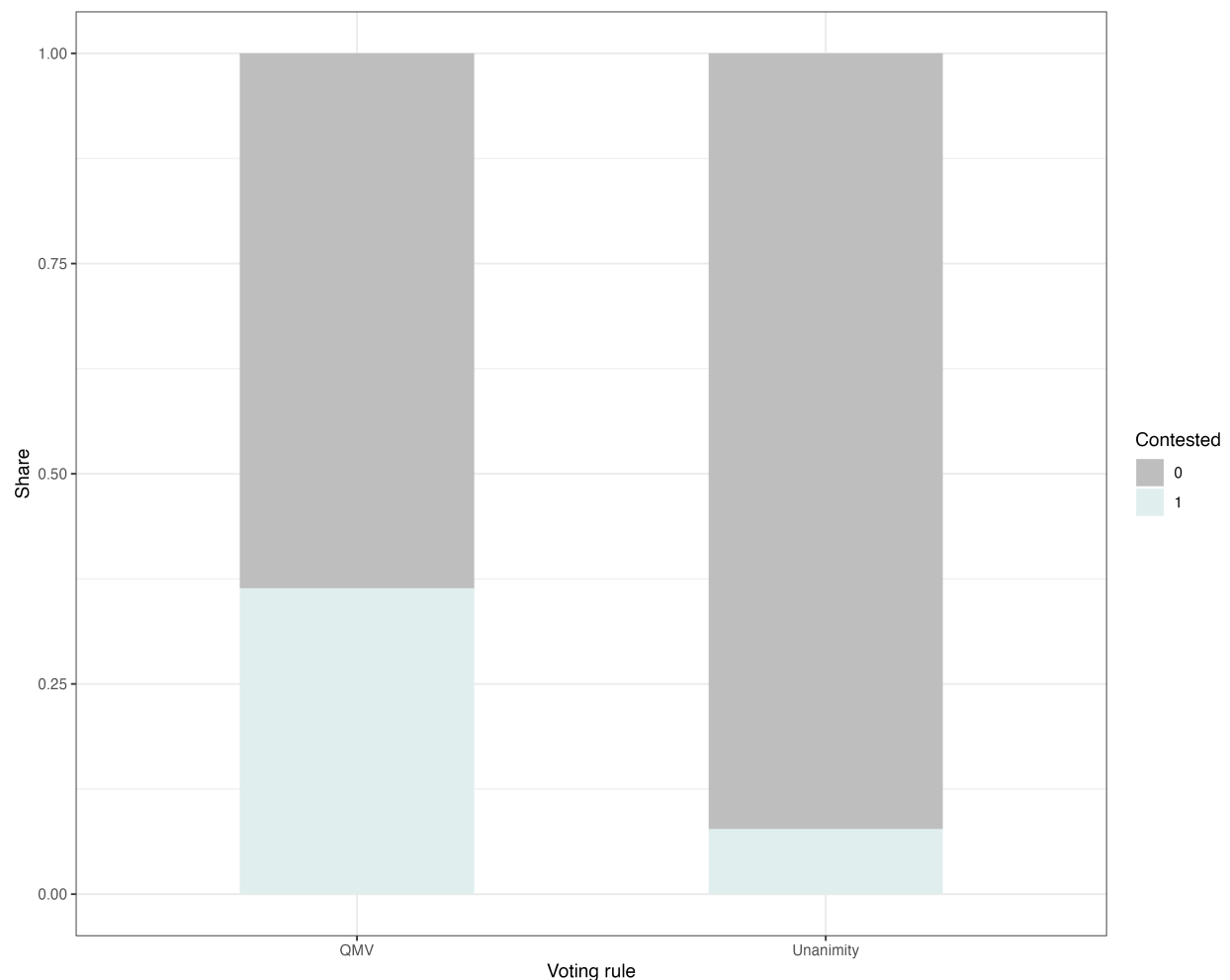
Figure 3. 8: Comparison of contestation rates among different legislative procedures in the EU, 2010 – 2021



A distinct voting system can influence voting behaviour significantly. In Figure 3.9, we observe variations in the contestation rate between decisions made through Qualified Majority Voting (QMV) and unanimity. Specifically, the contestation rate for decisions under unanimity stands at a mere 8 percent. It is important to note that contest votes for unanimity decisions in this dataset are abstention votes, which do not hinder the approval of the proposal. Nevertheless,

abstention votes play a crucial role in expressing discontent within decisions governed by the unanimity voting rule. In the European Union (EU), the occurrence of rejected secondary legislative proposals by the Council or the European Parliament (EP) is rare. This rarity can be attributed to the Commission's strategic initiation of proposals, ensuring a likelihood of final approval. In instances where potential proposals face rejection, they are often not put forth by the Commission in the first place.

Figure 3. 9: Contestation rate by voting system in Council legislative decisions, 2010-2021



As discussed in Section 3, the approval process for directives is notably lengthier compared to regulations and decisions. Examining the contestation rate by act type further contributes to this puzzle, revealing that directives have a higher contestation rate (44 percent) compared to regulations (31 percent) and decisions (22 percent). This suggests the importance of factoring in the act type when analysing the voting behaviour of member states in the Council.

Figure 3. 10: Contestation rate by act type in Council legislative decisions, 2010-2021

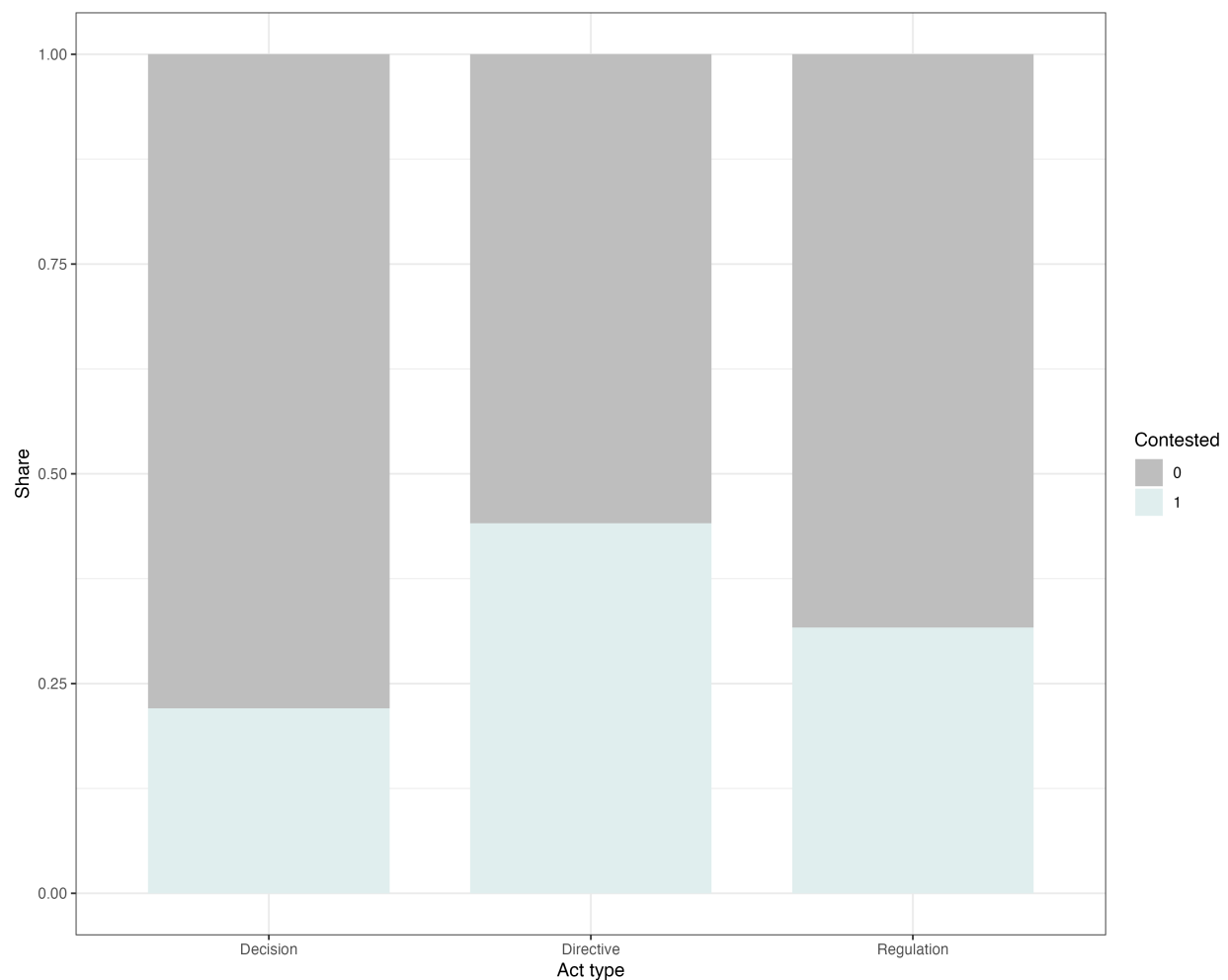
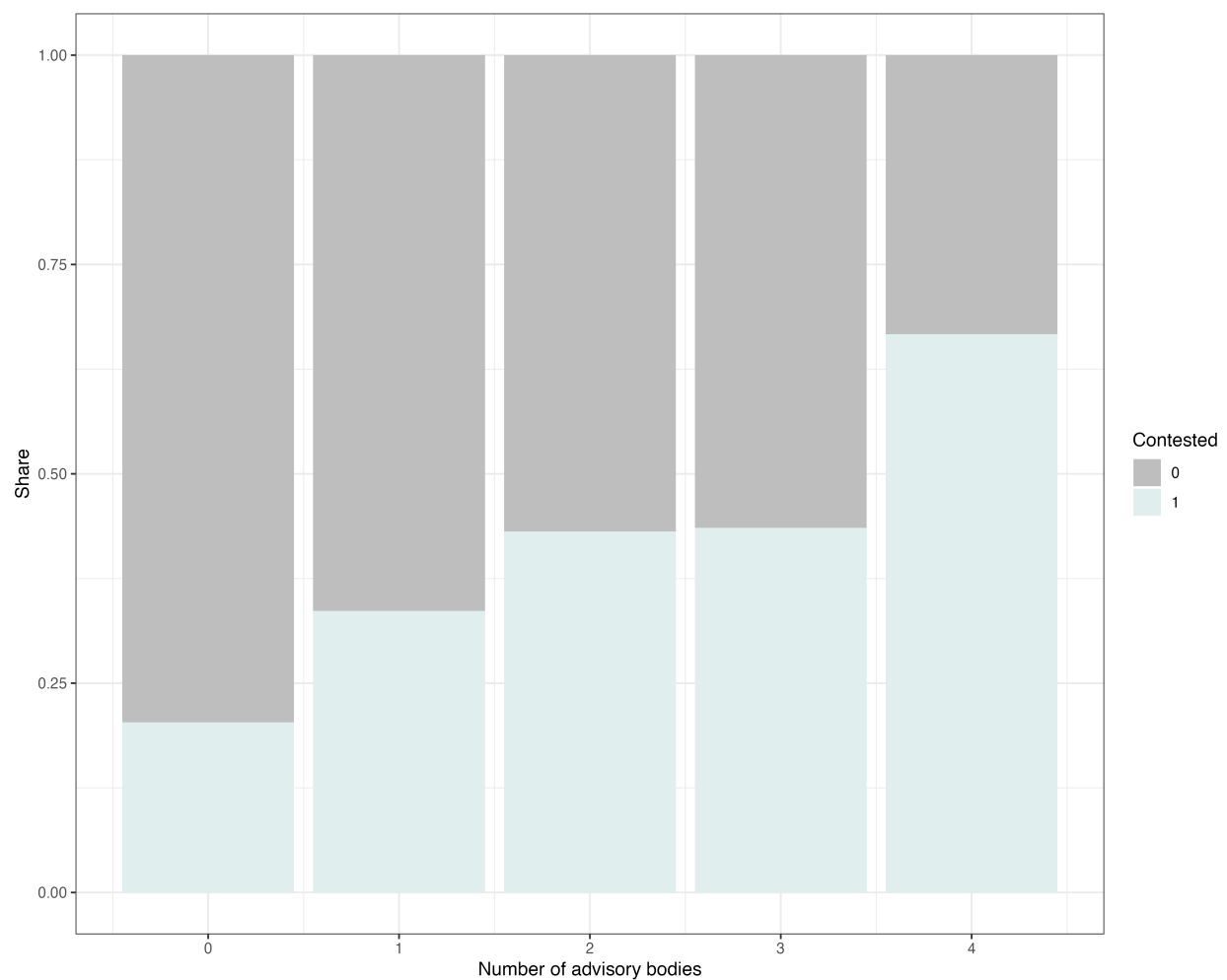


Figure 3.6 showed that, on average, it takes longer for a proposal to be approved when more institutions are consulted about it. Similarly, as illustrated in Figure 3.11, the contestation

rate is higher when more institutions are involved in the decision-making process. The contestation rate is 20 percent when only the main legislative bodies are involved, whereas it exceeds 40 percent when two or three additional institutions provide opinions on the proposal. The time taken for other institutions to provide opinions contributes to the duration of legislative decision-making. Moreover, having more institutions involved might be a sign that a proposal is more complicated and covers broader areas. This can enhance both the duration of the proposal and the likelihood of being contested.

Figure 3. 11: Contestation rate by the number of EU advisory bodies in Council legislative decisions, 2010-2021



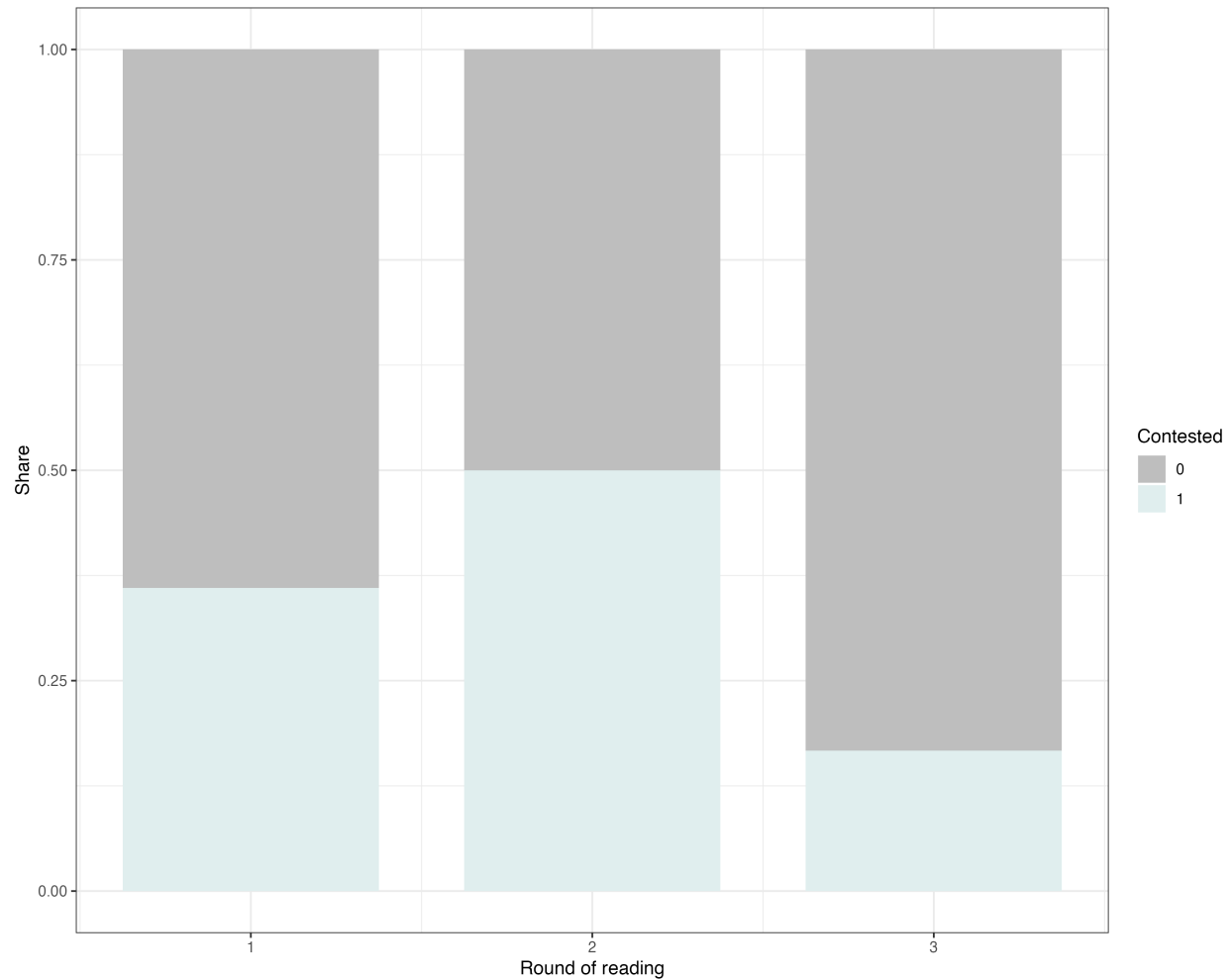
A proposal subject to the OLP can be concluded in one, two, or three rounds of readings or decisions. The Commission adopts a proposal and sends it to the Parliament and the Council. Subsequently, the Parliament can either agree (with or without amendments) or disagree with the proposal. Following that, it is the Council's turn to either approve Parliament's position or adopt its own. In the absence of agreement in the first reading, the proposal proceeds to the second reading. During the second reading, the Parliament reacts to the Council's position from the first reading by either adopting it, rejecting it, or proposing amendments to it. The Council may then approve the Parliament's positions in the second reading. If no agreement is reached in the second reading, the proposal may advance to a third reading. In the third reading, a conciliation committee, comprised of representatives from both institutions, formulates the draft for voting in the Council and the Parliament. At this stage, the institutions can only approve or reject the draft, with no room for amendments.²²

Out of 1.049 decisions subject to the ordinary legislative procedure in the dataset, 1,019 decisions were made in the first reading, 24 decisions in the second reading, and 6 decisions in the third reading. When a proposal advances to the second reading, it indicates that the Council needs to adjust its initial position to reach an agreement with the Parliament. Departing from the initial position may generate more contestation within the Council, as it moves further from the initial equilibrium. Consequently, a higher contestation rate in the second reading compared to the first reading might be expected. The contestation rate for decisions made in the first reading is 36 percent, while 50 percent of decisions taken in the second reading were contested. The lower contestation rate for decisions in the third reading (17 percent) might reflect the 'take it or

²² For more information on Ordinary Legislative Procedure see Craig and De Búrca 2015. p 126 - 132; Foster 2016. p 97 - 99 ; Lelieveldt and Princen 2015. p 82 - 89)

leave it' nature of decisions at this stage, considering that rejecting a proposal might be an undesirable decision for the EU.

Figure 3. 12: Contestation rate by the round of reading in Council legislative decisions, 2010-2021



Different topics and areas can evoke varying levels of controversy, influenced by the importance certain subjects hold for individual member states. Table 3.9 and Table 3.10 summarize the contestation rates for different policy areas and Council configurations, respectively. Both tables suggest that the contestation rate is higher in the Council, particularly in the realm of social policies. This may be attributed to the greater difficulty member states face in

reaching a consensus on social policies, as domestic electorates tend to be more sensitive to these issues. While Table 3.9 indicates that the environment is a highly contested policy area, we do not observe an equally high contestation rate in Council configurations related to the environment.

Table 3. 8: Contestation rates by policy areas in Council legislative decisions, 2010 – 2021

Policy area	Contestation rate
Social policy	65.71
Environment	56.16
Institutional	43.75
Internal market	39.64
Justice and Home Affairs	37.96
Transport	37.5
Agriculture	37.08
Fisheries	26.00
Economy	23.68
Foreign affairs	22.00
Finances	15.51

Table 3. 9: Contestation rates by Council configurations in Council legislative decisions, 2010 – 2021

Council configuration	Contestation rate
Employment, Social Policy, Health and Consumer Affairs	47.43
Justice and Home Affairs	46.75
General Affairs	42.68
Education, Youth and Culture	41.67
Agriculture and Fisheries	31.44
Transport, Telecommunications and Energy	31.00
Competitiveness	29.67
Environment	26.98
Economic and Financial Affairs	26.35
Foreign Affairs	21.74

To get an overview of the member states' voting behaviour in the Council, table 3.10 lists all vote cast by member states in the Council from 2010 to 2021. The contestation rate, presented in the last column, is calculated as the share of abstention and against votes relative to the total votes cast by a member state. The UK exhibits the highest contestation rate at 12.8 percent, followed by Hungary at 5.46 percent, with Austria and Germany both at 4.48 percent. Conversely, Finland, Greece, and France supported over 99 percent of proposals in the Council. The significant variations in contestation rates among member states prompt inquiries into the underlying reasons influencing their voting behaviour. In Chapter 4 and Chapter 5, I delve into the extent to which member states' policy positions are correlated with their voting behaviour in the Council.

In Table 3.10, we observe the proportion of contested proposals by each member state. This presentation, however, does not provide insights into whether two member states with identical contestation rates (such as Austria and Germany, Luxembourg and Slovakia, or Cyprus and Romania) contested the same set of proposals. Consequently, instead of examining the behaviour of member states in isolation, we can analyze their voting behaviour in relation to each other, which is the subject matter of chapter 5.

Table 3. 10: Voting records of member states in the Council of the EU, 2010 – 2021. Sorted from highest to lowest contestation rate.

Member State	Yes	Abstention	No	Non-participation	Total votes	Contestation rate (no or abstention) in percent
United Kingdom	794	87	40	71	992	12.8
Hungary	1087	29	34	3	1153	5.46
Austria	1098	35	21	0	1154	4.85
Germany	1098	30	26	0	1154	4.85
Poland	1097	27	25	4	1153	4.51
Czechia	1110	25	17	2	1154	3.64
Netherlands	1112	18	22	1	1153	3.47
Bulgaria	1120	19	14	1	1154	2.86
Belgium	1127	21	6	0	1154	2.34
Denmark	1019	7	18	107	1151	2.17
Luxembourg	1130	13	11	0	1154	2.08
Slovakia	1127	13	11	3	1154	2.08
Malta	1132	8	13	0	1153	1.82
Estonia	1131	14	6	3	1154	1.73
Sweden	1131	3	17	2	1153	1.73
Spain	1133	8	11	2	1154	1.65
Portugal	1137	11	6	0	1154	1.47
Croatia	835	10	2	1	848	1.42
Ireland	1060	11	4	76	1151	1.3
Latvia	1136	11	4	3	1154	1.3
Slovenia	1139	11	4	0	1154	1.3
Italy	1138	5	9	2	1154	1.21
Cyprus	1140	1	12	1	1154	1.13
Romania	1138	6	7	3	1154	1.13
Lithuania	1139	6	6	3	1154	1.04
Finland	1144	5	4	1	1154	0.78
Greece	1144	3	6	1	1154	0.78
France	1151	2	1	0	1154	0.26

Table 3. 11: Voting alignment among Member States in the Council of the EU, 2010 – 2021

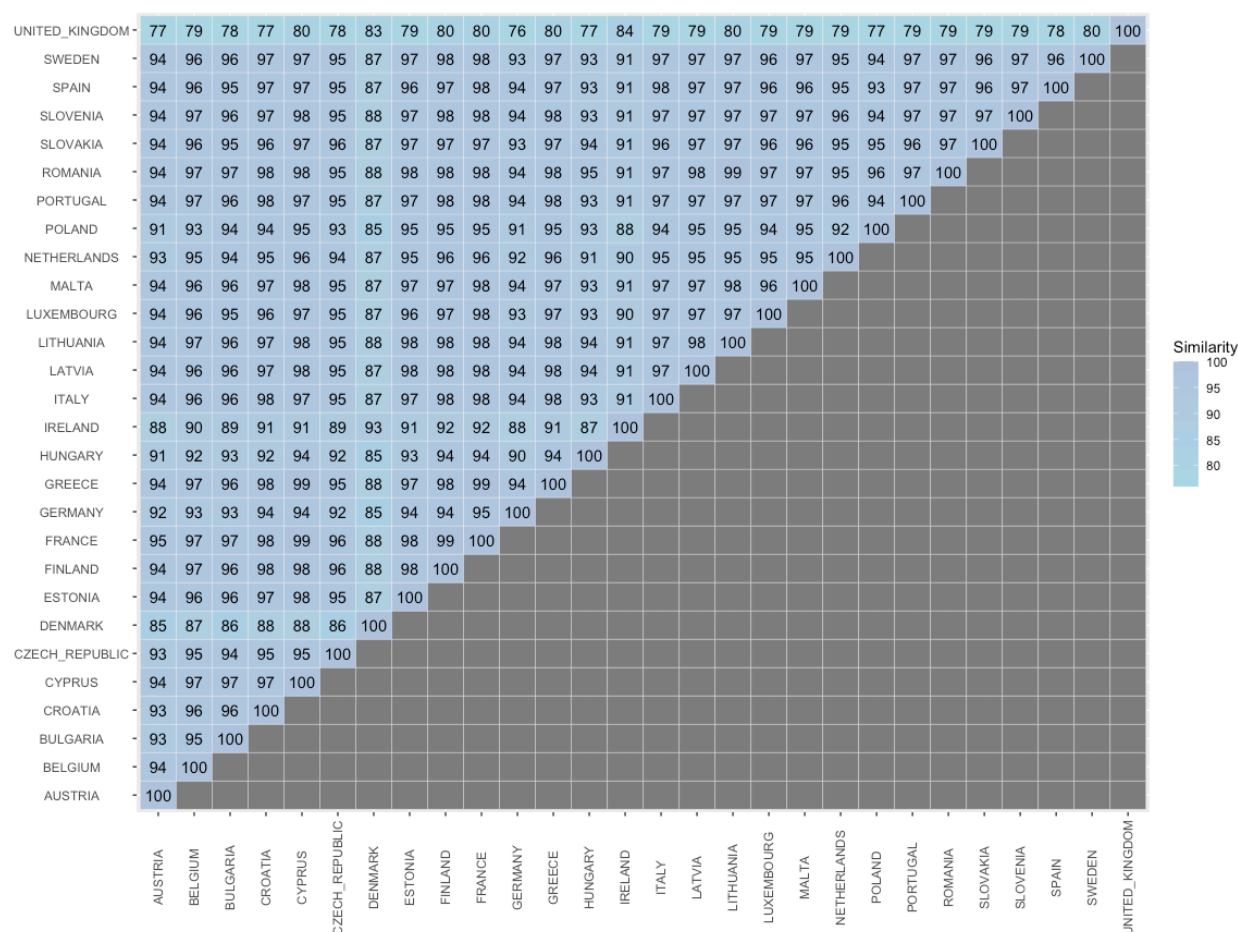


Table 3.11 offers a snapshot of this analysis, presenting the similarity in voting behaviour between each pair of member states. The values within the tiles represent the similarity rate, expressed as a percentage, indicating the alignment in voting decisions between each pair of member states. Notably, Lithuania and Romania aligned in their voting decisions (including instances of non-participation) in 99 percent of cases, while the UK and Germany exhibited a similarity rate of 76 percent. In Chapter 5, I delve into the factors that explain the similarity rates in voting behaviour between two countries.

3.5 Conclusion

In this chapter, I introduced a dataset focusing on legislative decision-making within the European Union (EU). Derived from diverse official sources, this dataset serves as the foundation for the analyses presented in the subsequent two chapters. By consolidating various sources related to legislative decision-making in the EU, it facilitates the tracing of a proposal's journey from its initiation by the Commission to its adoption by the Council and EP.

The dataset not only enables the tracking of a proposal through its lifecycle but also provides insights into voting records and official statements of member states within the Council. This feature permits the exploration of interactions within the Council, while information on decisions made by other institutions sheds light on inter-institutional dynamics in EU legislative decision-making. Each proposal can be meticulously monitored, considering the number of readings it undergoes among institutions (for Ordinary Legislative Procedure decisions), the decisions rendered by the involved institutions, and the dates on which these decisions are reached.

Over the past decade, legislative decision-making in the EU has undergone significant evolution, encompassing changes in both formal rules and regulations, as well as informal norms such as the prevailing culture of consensus in the Council and the emergence of trilogues among legislative institutions. This dataset serves as an effort to present a clear representation of how these rules and norms appear in practical terms.

New questions emerge from such a thorough dataset, and one example is the inquiry into why directives tend to be more contested and take longer to conclude than regulations. This finding prompts an exploration of the factors behind these differences, providing fertile ground for investigation in the subsequent chapters. Furthermore, the dataset offers an opportunity to

delve into established queries in EU studies, such as the factors associated with the voting behaviour of member states in the Council.

The potential applications of this dataset extend beyond the scope of the investigations in the subsequent chapters. Consequently, the dataset and its subsequent updates offer a valuable resource for further studies pertaining to legislative decision-making within the EU. Researchers investigating various aspects of legislative decision-making in the EU, ranging from dynamics within and between institutions to examining the duration of decisions, can utilize this dataset for their research.