An analysis of the effects of Council voting rules on formal and committee-level decision-making dynamics

Mihaleva, Marina

Universiteit Leiden

An analysis of the effects of Council voting rules on formal and committee-level decision-making dynamics

Marina Mihaleva, s3106233

Faculty of Social and Behavioural Sciences

Institute of Political Science

Bachelor Project 5: Grand Strategy in the 21st Century

Supervisor: Dr P.A. van Hooft

Second reader: Prof.Dr. R.A. Boin

Wordcount: 7978

24.05.2024

Acknowledgement

I would like to express my gratitude to those who have supported and guided me throughout the Bachelor program and the process of completing this thesis. I would like to thank my professors for their guidance, encouragement, and expertise. Special acknowledgements to Dr Paul van Hooft, my supervisor, whose patience and dedication have enabled me to mold my ideas into this piece.

На всички Вас, приятели, че безрезервно ме подкрепяхте през последните 3 години, благодаря безкрайно! Благодаря Ви, че бяхте до мен, когато имах нужда. Благодаря Ви, че ми давахте време и разбиране, когато не можех да съм до Вас.

На родителите ми, Анжелина и Стоян, както и цялото ми семейство, не мога да опиша благодарност в думи. Живея и се стремя да се отблагодарявам с действия.

Abstract

This thesis investigates the impact of voting rules in the Council of Ministers of the European Union on the level of change in positions of representatives when those are transferred to the formal level of decision-making. Data from 363 issues in 141 legislative proposals included in the DEUIII dataset is analysed. The analysis of the data is based on assumptions from literature on formal levels of decision-making where Ministers negotiate, and the committee level where negotiations are held among representatives. This fills the gap in literature by combining the assumptions from the two types of literature. For the empirical analysis, three Ordinary Least Squares (OLS) regression models are conducted. Their findings provide data for the presence of a statistically significant relationship between voting rules and the level of change in positions. Unanimity may facilitate lower levels of change in positions due to the consensus-driven environment it provides. QMV may facilitate higher levels of change in positions due to increased politization of the environment. These findings may have implications for future treaty reform due to considerations of democratic legitimacy.

Keywords: Council of Ministers, formal level decision-making, committee level decision-making, voting rules, representatives' positions, socialization, national positions, two-level games

Contents

LIST OF FIGURES 4
LIST OF TABLES 4
1. Introduction 5
2. Literature review 6
2.1. Formal decision-making 7
Conflict structures 7
Procedural models 8
Bargaining models 9
Macro-characteristics of Council decision-making and voting rules 9
2.2. Committee decision-making 10
Issues of delegation 10
Identity of bureaucrats 11
Literature gap 12
3. Theoretical framework 12
3.1. Conceptualization 12
3.2. Theories 14
4. Methodology 16
4.1. Data selection 16
4.2. Dependent variable: Level of change in positions 17
4.3. Independent variable: Voting rule 18
4.4. Control variables 18
4.5. Statistical model 19
5. Results 21
5.1. Robustness check 24
5.2. Discussion 26
6. Conclusion 27
Bibliography 29
Appendix A: Replication data 37
Appendix B: Tests of assumptions of the statistical analysis 38
Appendix C: Data included in the second operationalization 44

LIST OF FIGURES

Figure 1. Formation of positions

Figure 2. Scatterplot of the relationship between the voting rule and the level of change in positions

LIST OF TABLES

Table 1. Summary of literature on Council decision-making

Table 2. Linear regression model of level of change in positions

Table 3. Linear regression model of level of change in positions with no outliers

1. Introduction

The Council of Ministers is one of the primary legislative bodies of the European Union (EU). It is tasked with adopting legislation proposed by the EU Commission alongside the European Parliament. Despite the crucial role the Council plays in EU governance, the internal dynamics of negotiations within it are not widely explored (Juncos & Pomorska, 2011). The Council has made steps to increase transparency by publishing voting outcomes when legislation is adopted. While voting outcomes offer information on the distribution of preferences among Ministers, they do not present a full account of negotiations. Legislation is negotiated on two levels within the Council before it reaches the formal decision-making level where Ministers vote in their respective configurations.

First, working parties are formed to examine proposals. Once working parties conclude negotiations, their progress is transferred to the Permanent Representatives Committee (COREPER). If agreement on a proposal is reached in COREPER, the proposal reaches the agenda of the Council as an "A" item. Such items are mostly adopted without additional debate (Council of the European Union, 2024). Where COREPER has not reached an agreement ("B" items) the Council continues negotiations. Therefore, from the design of the Council, it is evident that member states' representatives that negotiate legislation on committee-level have an impact on the outcome legislation (Bostock, 2002).

The lack of transparency of COREPER has been scrutinized societally and academically. Since the committee is not an official decision-making body of the EU, it does not publish the content of its negotiations. Societally, this raises problems of democratic accountability (Juncos & Pomorska, 2011). Representatives that form committees are technocratic experts and diplomats that are not directly elected. Academically, the lack of transparency is problematic as it prevents the development of detailed accounts of how the positions of Ministers are formed and which interests are reflected in the outcome legislation (Juncos & Pomorska, 2011). As representatives are shown to be relevant to the outcome legislation, their positions and impact on the positions of Ministers need to be measured (Trondal, 2002).

The effectiveness and efficiency of decision-making in the Council are also societally and academically relevant topics. As the EU is preparing for another round of enlargement, the adequacy of voting rules in the Council has been scrutinized (Häge, 2013). The two main voting rules, unanimity and QMV, have been identified as predictors of institutional gridlock, based on the need for consensus they require (Häge, 2007, p. 307). Considerations of treaty reform

to allow the usage of QMV in areas such as Foreign Policy are dominant (Juncos & Pomorska, 2021). However, conclusions have been drawn based on literature that mostly examines the formal level of negotiations, by Ministers (Häge, 2007, p. 301). The effects of voting rules when accounting for both the committee and the formal level of negotiations are understudied (Perarnaud & Arregui, 2022). Therefore, this thesis poses the research question: *What is the effect of the voting rule on the level of change in positions of member states?* In answering this question, the thesis integrates literature on formal and committee decision-making to assess the differences between negotiating positions on both levels. Further, the thesis tests the extent to which voting rules have an impact on the difference in these positions. The empirical analysis reveals statistically significant effects of voting rules that differ from the effects found in previous literature.

This thesis is structured as follows. A review of literature is presented to portray the logics underlying literature on formal and committee decision-making. The research question is derived from this literature. Second, a theoretical framework and hypotheses are formed to explain the mechanisms that theory predicts. Third, the methodology this thesis uses to answer the research question by conducting a large-N statistical analysis is presented. Lastly, results are discussed, reflecting on implications, limitations, and recommendations for future research.

2. Literature review

The framework developed by Häge (2007) is adapted to analyze literature due to overlapping scope. First, three types of literature on formal level decision-making in the Council are presented. From the three types, literature on macro-characteristics is the most relevant since it combines assumptions from the earlier two types of literature with considerations of voting rules. However, this literature is limited as it does not consider committee level decision making. The research question is based on filling this gap by combining assumptions from accounts on formal and committee level decision-making.

Table 1. Summary of literature on Council decision-making

Literature focus	*Assumptions*	*Implications*	*Limitations*	*Level*
Conflict structures	Council negotiations are structured by spatial or ideological divides.	Permanent coalitions may form across policy areas.	Oversimplifies the nature of negotiations by not accounting for other factors.	Formal
Procedural models	Council negotiations are shaped by formal institutional structures.	Favoured actions and policies can be predicted by assessing the impact of institutions.	Does not account for state agency and adaptation to institutions.	Formal
Bargaining models	Negotiators are rational individuals who pursue a defined set of objectives within the bounds of institutions.	Negotiators may use both domestic and the international political constraints to further their objectives.	Does not account for bounded rationality and other deviations. Does not account for informal institutions.	Formal
Macro-characteristics	Voting rules affect efficiency and effectiveness	Changing the voting rule enhances the macro-characteristics of the decision-making process	Does not account for the legislative process in its entirety	Formal
Delegation and discretion	There is a knowledge asymmetry between governments and their representatives	Governments delegate decision-making authority to their representatives	Does not account for the role of representatives in the negotiations process	Committee
Identities and socialization	Identity perceptions of representatives determine their negotiation position	It is possible that the representative's position is different that the initial government position	Not well connected to other types of literature	Committee

2.1. Formal decision-making

Conflict structures

First, scholars explain the nature of Council negotiations by identifying underlying conflict structures (Häge, 2007, p. 301). The assumption of this field is that EU member states are

subject to cleavages that divide them into groups with different political interests (Ford & Jennings, 2020, pp. 297–298; Pisciotta, 2016, p. 205). Within the Council, those underlying lines of division may be spatial or ideological (Thomson et al., 2004). In the spatial domain the North-South/East-West cleavages are identified to predict the formation of bargaining coalitions (Mattila, 2009, p. 854; Selck & Kaeding, 2004, p. 85). In the ideological domain, divides along the Left-Right spectrum are predictors of negotiation dynamics (Klüver & Sagarzazu, 2013, p. 389). Scholars also find that coalitions arising from persistent cleavages are likely to be permanent and transfer across policy areas (Bailer et al., 2015, p. 438).

Limitations

Literature on conflict structures oversimplifies the nature of Council negotiations (Golub, 2012, pp. 1305–1306). Political alliances are often produced from the combined influence of cleavages, positions, and perceptions (Hix, 2005, pp. 38–39). By only focusing on specific lines of division, this perspective cannot provide a comprehensive model of decision-making dynamics (Tsebelis & Garrett, 1996). Second, this literature does not account for structural constraints that may impact the behaviour of negotiators (Rasmussen & Reh, 2013). The next two fields of literature that are examined correct this by accounting for institutional and domestic structural constraints, respectively.

Procedural models

Procedural models are developed to study the implications of the design of formal institutions on decision-making (Hörl et al., 2005, pp. 594–595). Rooted in institutional theory, it claims that rules of procedure constrain the decision-making capabilities of actors (Lewis, 2003, p. 99; Thomson & Hosli, 2006, p. 6). Rules render some preferred outcomes unfeasible by granting asymmetric powers to the actors involved in the decision-making process (Dowding, 2000, p. 127). Procedural models apply the concepts of veto power and agenda-setting power to predict legislative outcomes (Hörl et al., 2005, p. 594). The models are created by mapping an equilibrium policy as a function of the ideal policies of states, relevant institutions' influence, and an assessment of relation to the status quo (Crombez, 1996).

Limitations

Procedural models are deterministic in their assumptions about the impact of institutional rules (Mühlböck, 2019). This is a limitation does not account for adaptation member states may undergo to counter institutional constraints (Blavoukos & Pagoulatos, 2008). Second, procedural models underplay the importance of the substantive content of negotiations and the

influence of agency (Finke, 2009). These limitations necessitate the development of nuanced models that consider the strategic behaviour of member states, as explored in bargaining models (Schneider et al., 2007).

Bargaining models

Bargaining theory models are derived from game theory. When applied to international organizations, they explore the influence of domestic factors on negotiations (Finke, 2009). Initially, the models assumed that domestic political pressures limit the number of outcomes available in the defined set of objectives of a negotiator (Crombez, 1996). Contrastingly, later literature finds that domestic political constraints provide negotiators with greater bargaining power (Schelling, 1960).

The theory of two-level games is founded on this concept and is most widely used (Putnam, 1988). It describes international negotiations as simultaneous processes, between states and within states (Putnam, 1988). According to the theory, for an agreement to be reached, its terms need to satisfy both levels, called a win-set (Putnam, 1988). Negotiators increase their bargaining power by making their win-set appear smaller, as this influences the opposing side to make concessions (Lewis, 2019, p. 146). Actors are also able to gain a favourable position within the domestic realm, by using the constraints of the international to justify concessions they have made (Reslow & Vink, 2015).

Limitations

First, the models rely on assumptions of rational behaviour and fixed preferences (Wøien Hansen, 2014). This excludes considerations for diverse objectives and bounded rationality from being accounted for (Pajala & Widgrèn, 2004). Second, the models largely do not attempt to account for informal processes and norms that may impact negotiations (Arregui et al., 2004, p. 49). Both limitations prevent the models from producing comprehensive analyses of decision-making dynamics.

Macro-characteristics of Council decision-making and voting rules

Literature on macro-characteristics is closest to the research topic of this thesis. To explain decision-making efficiency and effectiveness, it commonly analyses the effects of Council voting rules (Schulz & Konig, 2000, p. 656). A dominant hypothesis of such studies is that voting by unanimity delays the process due to difficulty to reach consensus among member states (Hooghe, 2005). Further, legislations passed by unanimity are more likely to include lowest common denominator policies (Duff, 2022). Those effects of unanimity are explained

by using the assumptions of literature on conflict structures, institutional and domestic constraints (Lewis, 2019). The difficulty to obtain consensus is the underlying predictor of efficiency and effectiveness (Duff, 2022). Therefore, the traditional view is that voting by QMV enhances the quality of macro-characteristics as it removes the need for consensus (Schulz & Konig, 2000, p. 657).

Limitations

This approach is limited as it only considers formal levels of decision-making (Perarnaud & Arregui, 2022). Measuring efficiency and policy change only when policies are subjected to formal votes is unrepresentative. The process of decision-making in the Council takes place on multiple levels. Member state representatives negotiate on legislation in committees before it reaches the respective configuration of Ministers (Häge, 2008). Additionally, representatives have varying levels of delegated decision-making power (Häge, 2008). Those factors need to be accounted for when testing the implications of voting rules (Bostock, 2002). This gap in this literature forms the basis for the research question of the thesis. Since the gap is related to literature on committee level decision-making, it is fully addressed in later paragraphs.

2.2. Committee decision-making

Issues of delegation

Literature on delegation is relevant to literature on macro-characteristics, as it explains the varying levels of decision-making power of representatives (Majone, 2001). This literature is based on informational theory of legislative organization initially developed for the context of domestic parliamentary systems (Krehbiel, 1992). It claims that the plenary delegates parliamentary committees with decision-making capabilities to integrate expert knowledge in the legislative process (Thomson & Torenvlied, 2011, pp. 142–143). The committees are given varying levels of discretion, based on factors such as the level of uncertainty in the specialized field and the extent of preference alignment between the committees and the plenary (Häge, 2008, p. 535).

This theory can be applied to the Council, due to the nature of its operation (Battaglini et al., 2019). Council negotiations take place on multiple levels in specialized committees, preceding the formal stages of decision-making procedures (Häge, 2008). Governments delegate decision-making authority to bureaucrats that represent them in those committees (Karlas, 2012, p. 1098). This occurs due to an asymmetry of competences (Seikel, 2019, p. 695). The

asymmetry is produced by prolonged exposure to specific policy areas that allows bureaucrats to acquire a deeper level of expertise than their domestic counterparts (Seikel, 2019).

Limitations

This literature is limited to explanations of the circumstances under which representatives are delegated with authority and the extent of their discretion (Karlas, 2012). However, by establishing that representatives have a role in the decision-making process, it opens a new field of questions that need to be explored (Juncos & Pomorska, 2011). First, the relationship between representatives and national governments needs to be examined to determine whether representatives follow instructions or deviate (Michalski & Danielson, 2020). Second, the reasons behind deviation need to be examined (Egeberg, 1999). Literature on the perceptions of bureaucrats addresses these questions.

Identity of bureaucrats

The perceptions bureaucrats hold when representing member states are often conceptualized as national or supranational. The national view finds that domestically developed positions are closely followed in Council committees (Hooghe, 2005, p. 862). Therefore, it argues that bureaucrats, even when delegated with high levels of discretion, maintain strong national identities (Seikel, 2019). This view emphasizes the role of bureaucrats as extensions of national governments (Miller & Moe, 1983). Further, a representative's view on the institutions they participate in is determined by the view the national government holds (Michalski & Danielson, 2020).

In contrast, the supranational account finds that bureaucrats pursue domestically developed positions through a Euro-centric lens (Michalski & Danielson, 2020). The literature explains this phenomenon by arguing that national representatives develop supranational identities (Bostock, 2002, p. 217). Scholars identify a process of socialization where repeated interaction in Council committees causes bureaucrats to become aligned with EU objectives (Trondal, 2001, p. 14). As part of socialization, representatives undergo a process of *going native* where they adopt EU norms and values (Trondal, 2002, p. 473). Since supranational norms may sometimes overrule national priorities, decision-making outcomes are the product of the interplay between the identities of representatives (Lewis, 2005, p. 939).

Limitations

The main limitation of literature on bureaucrats' perceptions is that it is not well connected to literature on formal decision-making. Assumptions on perceptions may be combined with

assumptions of formal models, macro-characteristics, and delegation to produce comprehensive findings (Lewis, 2005).

Literature gap

To summarize, from literature on formal decision-making, analysing macro-characteristics is closest in relevance to the research topic of this thesis, since it considers the impacts of voting rules. However, as identified in the limitations section, there is a gap in this literature. Formal and committee decision-making need to be analysed within the same framework when explaining the effects of voting rules. To this gap this thesis aims to answer the following research question: *What is the effect of the voting rule on the level of change in positions of member states?* To answer this question, a theoretical framework is presented in following sections. The framework combines assumptions from both formal and committee level accounts.

3. Theoretical framework

3.1. Conceptualization

Level of change in positions

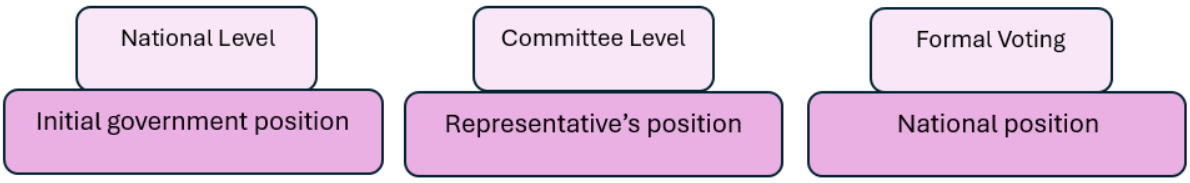
To conceptualize the level of change in positions, it is necessary to delineate the different types of positions that are relevant for decision-making within the Council. First, the *initial government position* is the position which governments have on issues that are in the scope of a proposed legislation. It reflects the initial stance of the government based on national interests before interaction with EU institutions (Pajala & Widgrèn, 2004). The government delegates representatives with authority to translate this position to the EU level in negotiations with the representatives of other member states and the Commission (Perarnaud & Arregui, 2022). Following the assumptions of informational theory of legislative organization, governments are likely to delegate representatives with greater discretion in areas where technocratic knowledge is needed (Battaglini et al., 2019).

Second, the *representative's position* is the position which representatives adopt during the negotiation of legislation formation. This is similar to the concept of bureaucratic drift where the agent enacts outcomes that are different from the ones delegated to them (Majone, 2001). As the theory of socialization claims, representatives develop supranational identities by prolonged exposure to interaction within EU institutions (Lewis, 2005, p. 938).Therefore, a representative's position is likely to reflect the initial government position, adapted to fit EU technocratic standards and norms (Müller et al., 2021). A technocratic adaptation is done to

cover for information asymmetries in relation to the domestic government (Thomson & Torenvlied, 2011, p. 142). A norm-based adaptation is done to conform to EU norms, such as the *culture of consensus* (Juncos & Pomorska, 2021, p. 373). Due to the culture of consensus that is prevalent within Council bodies, representatives may be motivated to adapt their initial governmental positions by the need to ensure broad consensus (Bostock, 2002, pp. 217–218). Further, because of consensus culture, representatives' positions are likely to be more aligned with one another than the initial government positions (Beyers & Dierickx, 1998, p. 291).

Third, the *national position* is the position governments adopt on the final legislation before it is subjected to a vote in the Council. This position is produced reactively, after the legislation has been presented by the Commission (Beyers & Dierickx, 1998). Based on this position, Ministers enter negotiations during the voting process. The national position is conceptualized as separate from the initial government position, due to two factors. First, the length of the legislative process is likely to introduce natural changes to initial government positions (Pajala & Widgrèn, 2004). There is also a possibility of a change to the composition of the domestic government. Second, the representative's position might be found to too divergent from the current preferences of the government (Müller et al., 2021).

Figure 1. Formation of positions



The *level of change in positions* refers to the degree of difference between the national position and the representative's position. This difference may be internalized or measurable. Internalized difference refers to the idea that the government may choose not to correct the difference between the national position and the representative's position, thereby adopting it. A measurable difference occurs when a government chooses to correct the difference by expressing dissent during the voting phase for a given legislation (Arregui & Thomson, 2014, p. 693).

Voting rule

The concept of voting rule in Council decision-making refers to the method by which Ministers vote to adopt legislation. This rule specifies the required number of votes in favour to pass legislation. The voting rule has evolved significantly over time, reflecting the changing structure of the EU and the needs of its member states. Initially, the Treaty of Rome (1957) established voting by simple majority for procedural matters and by unanimity for substantive issues, ensuring that all member states agree on critical decisions. The Single European Act (1986) introduced Qualified Majority Voting (QMV) to enhance decision-making efficiency by reducing the likelihood of a single member state blocking proposals. The most significant change to the usage of QMV came with the Lisbon Treaty (2007), which introduced a double majority rule, requiring at least 55% of member states representing at least 65% of the EU population to vote in favour. The Lisbon Treaty (2007) also expanded the range of issues that could be decided by QMV.

Nowadays, the Council employs two primary voting rules: QMV and unanimity. There are two traditional perspectives on those voting rules that stem from literature on macro-characteristics. The pro-EU integration view emphasizes the role of QMV in fostering decision-making efficiency (Häge, 2007, p. 306). According to this view, QMV is preferred to unanimity (Duff, 2022). Nationalistic views argue that unanimity preserves sovereignty (Lewis, 2019, p. 142). They claim that the double majority requirement of QMV is not enough to ensure equal influence on legislative outcomes (Hosli, 1996). However, this paper hypothesizes that different implications arise from voting rules. This is based on the combination of theories as presented in the *Theories* sub-section.

Dissent is a critical concept in understanding voting behaviour under different rules. Under unanimity, dissent is explicit, as any member state can block a proposal (Arregui & Thomson, 2014, pp. 693). In the context of QMV, dissent is conceptualized as a vote against, even if it does not prevent the legislative process from continuing (Arregui & Thomson, 2014, pp. 693). Abstentions are treated as consent since they allow the legislation to pass (Arregui & Thomson, 2014, p. 694).

3.2. Theories

This framework takes assumptions from theories on formal and committee level analyses. Voting rules, as persisting formal institutions of the Council, create a structured environment that influences the behaviours of decision-makers (Häge, 2007, p. 307). By determining the

conditions under which decisions are taken, voting rules give Ministers different sets of incentives for the formation of national positions (Auel et al., 2015, p. 286). Under unanimity, all member states must give consent to pass legislation. This requirement fosters a consensus-driven environment where dissent is minimized (Van Gruisen & Crombez, 2019). In contrast, QMV allows decisions to be approved with a specified majority of votes. This introduces a higher potential for dissent and encourages negotiation and coalition-building (Lewis, 2019, p. 146). Below, two hypotheses are formed, based on the two types of voting rules and the incentives they may produce.

Ho: There is no relationship between the voting rules and the level of change in positions.

The null hypothesis (Ho) suggests that the voting rule does not influence whether the national position is more closely aligned with the representative's position. If Ho holds true, the expression of difference by dissent may be conditioned by other factors.

H_1: Voting by unanimity is likely to facilitate lower levels of change in positions.

When voting by unanimity, Ministers are more likely to internalize the representative's position, accepting the adaptations made to fit EU norms and technocratic standards. First, internalization may occur because Ministers are interested in preventing institutional gridlock (Crombez & Hix, 2015). Frequent dissent and gridlock can undermine the effectiveness of the Council. This may lead to a loss of credibility and confidence in the EU's ability to govern among citizens, the private sector, and other stakeholders (Van Gruisen & Crombez, 2019). Second, by adopting the representatives' positions, Ministers avoid prolonging the legislative process through re-negotiation (Warntjen, 2013). They recognize that a greater time component is needed for building consensual legislation (Crombez & Hix, 2015, p. 479). Efficient decision-making is important to Ministers, as it allows for quicker implementation of policies, which is crucial for achieving their objectives (Norheim-Martinsen, 2011, p. 528). Third, Ministers are also subject to the culture of consensus (Häge, 2013). This culture promotes cohesion and shared commitment to reaching agreements (Häge, 2013, p. 482). Therefore, Ministers are more likely to internalize representatives' positions to fit the collective norms of the Council. Overall, unanimity is likely to facilitate an environment where the change in positions is lower, reflecting the values of efficacy, efficiency, and consensus.

H_2: Voting by QMV is likely to facilitate higher levels of change in positions.

When voting by QMV, Ministers are more likely to form national positions that are different from representatives' positions. First, voting by QMV encourages Ministers to engage in negotiations due to the greater politization (Beyers & Kerremans, 2004). Negotiations may be subject to underlying lines of division or to considerations of domestic constraints (Juncos & Pomorska, 2021, p. 379). As explored in literature, underlying lines of division may shape Ministers' choice of bargaining coalitions based on structural interests such as type of economy, the level of integration or ideology (Juncos & Pomorska, 2021, p. 380). Alternatively, Ministers may engage in two-level games, balancing demands in both Council negotiations and the domestic political realm (Warntjen, 2013, p. 1249). Second, voting by QMV facilitates Ministers in expressing dissent on legislation (Lewis, 2019, p. 146). QMV allows for the legislative process to continue without unanimous consent. This way, Ministers may choose to dissent without compromising the efficacy of the process (Van Gruisen & Crombez, 2019, p. 983). Third, voting by QMV allows for the strategic use of dissent to slow down the legislative process (Arregui et al., 2004, p. 50). This tactic can be employed to negotiate concessions, or to ensure a more favourable domestic political environment (Arregui et al., 2004, p. 50). Overall, QMV may foster an environment where the change in positions is likely to be higher, reflecting politization and the strategic calculations of Ministers.

4. Methodology

4.1. Data selection

To analyze the relationship between the voting rule and the level of change in positions, this thesis uses data from the integrated *Dataset on legislative decision-making in the European Union, DEUIII* (Arregui & Perarnaud, 2021). This dataset is chosen as it provides the most comprehensive data for examining decision-making in the Council. The DEUIII includes the positions of member states' representatives on 363 issues in 141 legislative proposals between 1999 and 2019 (see *Discussion*). The data was collected through expert interviews that were conducted at the start of negotiation processes. A measure of the degree to which issues are present in the outcome legislation is included since the legislations were adopted. Since data collection periods overlap with rounds of enlargement of the EU, for the first 69 proposals, only the positions of the EU-15 were recorded. Based on the data, the unit of analysis is the issue within a legislative proposal. The unit is appropriate for the objective of this thesis, as it allows for measurement of the positions of representatives and the voting rule that was applied.

The relationship between the voting rule and the level of change in positions will be examined by conducting OLS regression models. Three models are applied to study the relationship. For one of the models, a separate operationalization of the dependent variable is needed. The following sections outline the operationalization of the dependent and the independent variables. Further, potential confounding variables will be operationalized to use as control variables in the models. Lastly, the models will be presented alongside an assessment of their appropriateness for examining the research question of this thesis.

4.2. Dependent variable: Level of change in positions (AbsMeanDiff)

Following the conceptualization, the dependent variable is operationalized as the mean difference between the representative position (*p*country**) and the outcome position (*out*) in the DEUIII dataset. This measure shows whether the national position is more closely aligned with the representative's position. The representative position is coded per country in 28 continuous variables ranging from 0 to 100, where 0 represents opposition to an issue within a proposal and all other values represent a positive assessment of the issue (see *Appendix A*). The outcome position is coded as a continuous variable where the values represent the degree to which issues were included in the proposals when they were adopted (see *Discussion*). To obtain the difference in positions, the values for the 28 variables were subtracted from the *out* variable. Following this method, 28 continuous variables measuring the level of change in positions per country were created (*d*country**), with values ranging from -100 to 100.

The level of change in positions is aggregated into one continuous variable, to ensure that the unit of measurement matches the unit of analysis. Aggregating to obtain the mean level of difference in positions per proposal is appropriate. Compared to other approaches to aggregation, the mean average loses some data complexity. However, it is more likely to produce representative trend results (see *Discussion*). The variable *absolute mean difference* (*AbsMeanDiff*) is computed by taking the mean of the 28 *Absd*country** to serve as a dependent variable for following statistical analyses. It ranges from 0 to 100, where the higher the value, the bigger the change in positions.

The main two models tested in the thesis use the dependent variable *AbsMeanDiff* as operationalized above. However, the third model requires a secondary operationalization. In the second operationalization, a subset of data from *AbsMeanDiff* is taken. This subset corresponds to proposals on issues for which the voting rule changed from unanimity to QMV within the scope of the available data. By using only proposals with similar content, the

differences caused by the voting rule can be isolated. Therefore, the variable *Selection* is created, using the values of *AbsMeanDiff* for 30 selected corresponding issues (see *Appendix C*).

4.3. Independent variable: Voting rule (votepro1)

The independent variable is operationalized by taking the values of the original *counvte* variable from the DEUIII dataset and transforming them into *votepro1*. This is a binary variable that takes the values of 0 and 1. The value of 0 represents QMV as a voting rule, while 1 denotes unanimity. QMV is chosen as the baseline category since it is the entry with the most observations, or the mode.

4.4. Control variables

Salience

Since the proposals included in the DEUIII were selected in part because they contained controversial issues, this potential source of bias needs to be controlled for (Arregui & Perarnaud, 2021). The closest control variable that can be measured within the scope of this research is the level of salience. Salience refers to the importance or prominence of an issue within a legislative proposal. Literature on decision-making in the Council identifies the salience of a legislation as a common predictor of negotiation outcomes (Hagemann, 2008). According to literature, high-salience issues are more likely to warrant stronger or more divergent positions due to their greater anticipated implications (Hagemann, 2008).

The level of salience is operationalized by taking the mean of individual representatives' perceptions of salience, using the assumptions from the dependent variable operationalization. Concretely, the variable *MeanSal* is computed by taking the average of the 28 *s*country** variables. The *s*country** variables measure the salience scores that each representative attaches to the issues subjected to a final decision. The variables have continuous measures ranging from 0 to 100, where 0 denotes low perceived salience. The *MeanSal* variable follows the same continuous measures from 0 to 100.

Council configuration

The policy area which a legislative proposal belongs to is a potential confounding variable since it can affect both the dependent and the independent variable. Considering the dependent variable, different policy areas necessitate different levels of technical and political considerations (Schulz & Konig, 2000, p. 658). Therefore, the levels of delegation to representatives and the degree to which representatives have national or supranational

perceptions may vary (Egeberg, 1999). The independent variable is often determined by the policy area, with some deviations within each area (Schulz & Konig, 2000, p. 658). Areas with sovereignty concerns are often subject only to unanimity (Schulz & Konig, 2000, p. 658).

The policy area is operationalized via data for Council configurations in which proposals were negotiated as a proxy. The variable *council* is taken from the DEUIII dataset as is recoded into *CConf* to represent the Council configurations more accurately. The *CConf* is a categorical nominal variable, taking values from 1 to 10, for each respective formation. To include the variable in the regression model, it is recoded into a series of dummy variables. In the regression model, the Agriculture and Fisheries configuration is chosen as the baseline category since it is the mode.

Legislation type

The type of legislation that is being negotiated is a potential confounding variable as it may affect the dependent variable (Battaglini et al., 2019, p. 56). As found in literature, directives, which require transposition into national law, involve more complex negotiations compared to regulations that are directly applicable (Thomson, 2010; Zhelyazkova & Torenvlied, 2009). Decisions, which are typically less contentious, may lead to fewer changes (Schulz & Konig, 2000, p. 655).

Therefore, the type of legislation is operationalized by taking the *type* variable from the DEUIII. The *type* takes the nominal values from 1 to 3 to denote directives, regulations, and decisions. To include the variable in the regression model, it is recoded into a series of dummy variables, similarly to the *CConf*. In the regression model, the value denoting regulations is taken as a baseline since it is the mode.

4.5. Statistical model

To analyze the relationship between the level of change in positions, the voting rule and the control variables, linear regression is chosen. This method is used for all models to ensure that results can be compared. Linear regression is used instead of other regression types since the relationship between the variables is hypothesized to be linear and the dependent variable is continuous. Further, linear regression allows for the simultaneous analysis of several predictors. This is important for Model 2, where control variables are included. Second, linear regression can identify small-scale effects. Ensuring that minor effect of the variables are detectable provides a nuanced understanding of the data. Third, linear regression can effectively work with categorical and continuous variables in one model. This is necessary

since the independent variable and two controls are nominal. Last, the results of this method are easy to compare with existing literature, due to its widespread usage.

The mathematical formulas for the models are presented, where **β** denotes coefficients and **ε** denotes the error term:

Model 1: Level of change in positions (*AbsMeanDiff*) = β0 + β1 (Voting rule) + ε

Model 2: Level of change in positions (*AbsMeanDiff*) = β0 + β1 (Voting rule) + β2 (Salience) + β3 (Council configuration1) + β4 (Council configuration2) + β5 (Council configuration3) + β6(Council configuration4) + β7(Council configuration5) + β8(Council configuration6) + β9 (Council configuration7) + β10 (Council configuration8) + β11 (Council configuration9) + β12(Legislation type1) + β13(Legislation type2) + ε

Model 3: Level of change in positions (*Selection*) = β0 + β1 (Voting rule) + ε

Conducting the analysis via the first two models has several advantages. First, comparing their results accounts for changes in statistical significance when holding the control variables constant. This lowers the likelihood of Type I and Type II errors, significant for hypothesis testing. Second, the coefficients for the control variables account for variation between cases of the change in positions. This has implications for future research that may investigate the relationship between the level of change in positions and control variables as explanatory variables. Third, conducting both models allows for a test of model fit. Using the R^2 and Adj. R^2 statistics, the model which explains the most variance can be identified.

Applying Model 3 serves as a second measure of the relationship and as an illustrative guide to future research. It is not followed by a model with control variables because one of the low number of observations. However, controls are included within the dimensions of the *Selection* variable. By selecting only data for legislations on topics that underwent a change of voting rule, the data is filtered to differ minimally on all parameters other than voting rule. This non-representative sample follows the logic of the Most Similar Systems Design that is used for small-N comparative studies. The outcome of Model 3 can be compared to the outcomes of Model 1 and 2 to provide triangulation.

To ensure that the findings of linear regression models are reliable, several assumptions need to be met. Tests of assumptions are provided in *Appendix B*. Two robustness checks are performed, robust standard errors and removing outliers.

5. Results

Table 2. Linear regression model of level of change in positions

	Model 1	Model 2	Model 3
(Constant)	36.198	35.726	
	(1.142)	(2.998)	
(Constant)			47.875
			(6.320)
Unanimity	-6.335*	-7.906*	-19.661*
	(2.525)	(3.494)	(8.288)
Salience		0.024	
		(0.066)	
EYCS		4.717	
		(7.004)	
FAC		-10.472	
		(9.701)	
ECOFIN		.285	
		(5.772)	
EPSCO		.196	
		(5.026)	
TTE		-9.256*	
		(3.766)	
ENV		1.216	
		(3.807)	
GAG		-.338	
		(4.674)	
COMPET		6.591	
		(3.418)	
JHA		3.113	
		(4.324)	
Directive		-.869	
		(2.520)	
Decision		-3.746	
		(6.052)	
R^2	0.018	0.070	0.224
Adj. R^2	0.015	0.034	0.185
N	352	352	22

Note: *OLS regression coefficients with standard errors in brackets.*
***p < 0.001, **p < 0.01, * p < 0.05

The results of Model 1 show the average value for the level of change in positions is lower when the voting rule is unanimity. The average change in positions is 36.198 points (measured from 0 to 100) when the voting rule is QMV, and 29.863 points when the rule is unanimity. This is a 6.335-point decrease in the level of change in positions when unanimity is employed. This effect of the voting rule explains 1.8% of the variation in the level of change in positions, with $R^2 = 0.018$. The results are statistically significant, $F(1, 351) = 6.111$, $p = 0.014$. This finding shows that on average, national positions were more closely aligned with the representative's position when the voting rule was unanimity.

The results of Model 2 show that when holding the effects of salience, council configuration, and document type constant, the average level of change when unanimity is employed is lower than when QMV is used. The average change in positions is 35.726 (measured from 0 to 100) when the voting rule is QMV, and 27.82 when the rule is unanimity. This is a 7.906 decrease in the level of change in positions when unanimity is used. This effect of the voting rule, holding the effects of salience, council configuration, and document type constant, explains 3.4% of the variation in the level of change in positions, Adj. $R^2 = 0.034$. The results are statistically significant, $F(1, 338) = 1.963$, $p = 0.023$. This finding shows that when holding the controls constant, on average national positions were also more closely aligned with the representative's position when the voting rule was unanimity.

As Table 1 shows, the addition of the control variables in Model 2 increases the coefficient for the level of change in positions by -1.571 points. This suggests that when the effects of the control variables are held constant, the average change in positions when unanimity is employed is lower than when the effects are present. Holding for influence of the control variables exacerbates the effects of the voting rule. While only the coefficient for the Transport, Telecommunications and Energy configuration is statistically significant ($t=-2.458$, $p=0.014$), Model 2 still presents an improvement to Model 1. Namely, it increases the percentage of variance in the dependent variable that the models explain from 1.8% to 3.4%. This means that Model 2 explains almost double the percentage of variance.

The results of Model 3 also show that the average value for the level of change in positions is lower when the voting rule is unanimity. The average change in positions is 47.875 points (measured from 0 to 100) when the voting rule is QMV, and 28.214 points when the rule is unanimity. This is a 19.661-point decrease in the level of change in positions when unanimity is employed. This effect of the voting rule explains 22.4% of the variation in the level of change

in positions, with $R^2 = 0.224$. The results are statistically significant, F (1, 20) = 5.773, p = 0.026.

In Model 3 the average level of change in positions when the voting rule is unanimity is 28.214 points. This is comparable to the results obtained from Model 1 and 2 since the average values they determine vary between 27 and 30 points. Where Model 3 differs is in the approximation it gives for the average level of change in positions when the voting rule is QMV. This finding suggests that when analyzing only positions on legislation in areas where the voting rule shifted from unanimity to QMV, the average level of change in positions grew more than when legislations from all areas were analyzed. However, due to the small number of observations that were used in this model, those findings may be subject to bias.

Figure 2. Scatterplot of the relationship between the voting rule and the level of change in positions

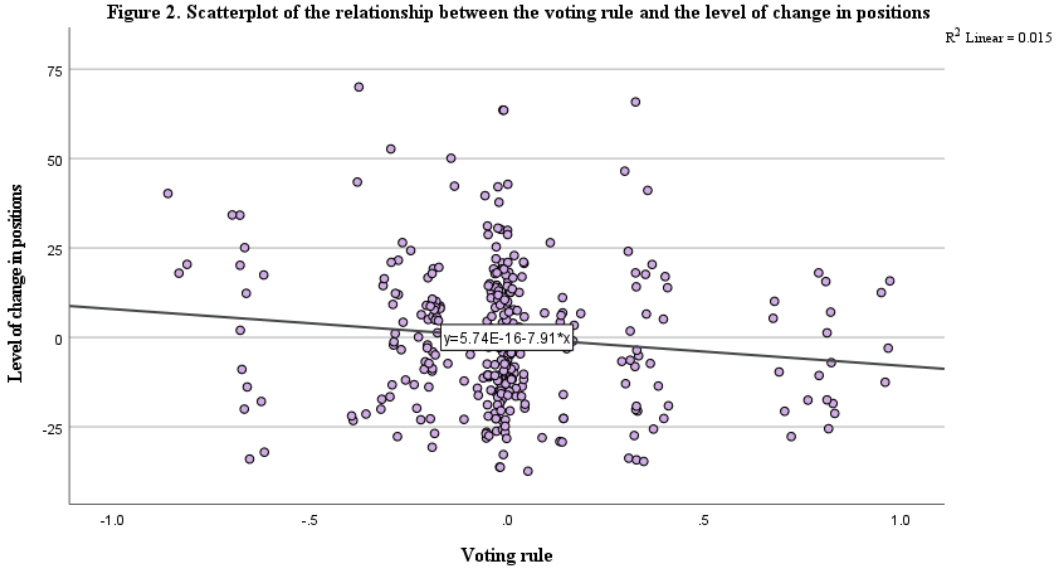


Figure 2 offers a visual representation of the relationship between the voting rule on the X-axis and the level of change in positions on the Y-axis. Each dot on the scatterplot represents an issue within a proposal. The equation line for Model 2 is also present. By observing the slope of the line, it can be determined that a negative relationship is present. As the voting rule changes to unanimity, the level of change in positions becomes lower.

The findings of Table 1 and Figure 2 are sufficient to answer the research question of this thesis: *What is the effect of the voting rule on the level of change in positions of member states?* By conducting 3 linear regression models, this analysis finds a statistically significant relationship between the level of change in positions and the voting rule. The average value for the change in positions for cases where unanimity is the voting rule is lower than the average for cases

where QMV is used. This means that on average, national positions were also more closely aligned with the representative's position when the voting rule was unanimity. Based on this, the null hypothesis can be rejected. There is evidence to support the alternative hypotheses, H_1: *Voting by unanimity is likely to facilitate lower levels of change in positions* and H_2: *Voting by QMV is likely to facilitate higher levels of change in positions*. The empirical findings are consistent with the theoretical framework as developed above. Theory explains the mechanism behind each of the two hypotheses. For H1, the theory claims that Ministers face incentives to internalize the positions of the representatives, resulting in lower levels of change (Warntjen, 2013, p. 1250). Those incentives include the effectiveness and efficiency of the legislative process, and the culture of consensus (Pomorska, 2015). For H2, the theory identifies factors which incentivize Ministers to adopt a different position, resulting in higher levels of change. Such factors are the politization of the process, domestic considerations, and the strategic use of dissent (Van Gruisen & Crombez, 2019, p. 989).

5.1. Robustness check

Robust standard errors

To account for mild heteroskedasticity, Models 1 and 2 are carried out using robust standard errors (Hayes & Cai, 2007). Heteroskedasticity occurs when the variances of the residuals are inconsistent across levels of the predictor variables. This means that the explanatory power of the model varies between observations. Such variability affects statistical significance levels and can lead to Type I or Type II errors. Therefore, robust standard errors are applied to hold the variances of the residuals across the predictor variables constant. The outputs for all tests are included in *Appendix A*.

For Model 1, the results for the independent variable *votepro1* coefficient remained statistically significant when applying robust standard errors. The coefficient for unanimity with robust standard errors is -6.335 (t=-2.301, p = 0.022), compared to -6.335 (t=-2.472, p=0.014) when using standard errors. This is a 0.008-point decrease in statistical significance. However, the results still support the alternative hypotheses H1 and H2.

For Model 2, the coefficients for the independent variables *votepro1* and *configuration_TTE* remained statistically significant when applying robust standard errors. For *votepro1* there was a 0.019-point decrease in significance level. The results with standard errors were -7.906 (t=-2.262, p=0.024), compared to robust standard errors where the coefficient is -7.906 (t=-2032,

p=0.043). Even with decreased statistical significance, the results still support the alternative hypotheses H1 and H2.

An interesting outcome of applying robust standard errors to Model 2 is that the statistical significance of some control variables increased. For the *configuration_TTE,* the significance level increased from p=0.014 (t=-2.458) to p=0.007 (t=-2.713), raising the level of significance of this coefficient to $p < 0.01$. For *configuration_COMPET,* the coefficient with standard errors is not statistically significant (t=1.928, p=0.055). However, after the application of robust errors, the significance level rose by 0.008 points from p=0.055 to p=0.047 (t=1.997). The most likely explanation for this increase is that robust standard errors have increased model fit by accounting for unequal variance in those variables.

Outliers

Models 1 and 2 are conducted a second time removing outliers from the data. This test does not aim to correct for a violation of assumptions, but rather to act as a second check for robustness of results. The standard residuals for cases 41, 79, 88 and 89 are greater than 3 standard deviations from the mean, making those cases outliers. The outliers are cases where the issues included by the representatives were completely excluded from the passed legislation. Cook's distance, a statistic that measures the presence of influential cases is 0, meaning that the 4 outliers are not influential.

Table 3. Linear regression model of level of change in positions with no outliers

	Model 1	Model 2
(Constant)	35.507	33.829
	(1.073)	(2.998)
Unanimity	-6.632**	-7.697*
	(2.377)	(3.494)
R^2	0.018	0.070
Adj. R^2	0.015	0.034
N	352	352

Note: *OLS regression coefficients with standard errors in brackets.*

***p < 0.001, **p < 0.01, * p < 0.05

Table 3 presents the coefficients for the independent variable votepro1 in Model 1 and 2 after the removal of the outliers (see *Appendix A* for full output). For Model 1, the coefficient for

unanimity as a voting rule is -6.632 (t=-2.790, p=0.006). This coefficient is lower than in the initial model where the coefficient was – 6.335 (t=-2.509, p = 0.014). This is a 0.297 negative increase in the effect of unanimity on the level of change in positions. This effect also has a 0.008-point increase in statistical significance. Further, when the outliers are removed, the explanatory power of Model 1 is increased, R^2=0.022. Model 1 without outliers explains 2.2% of the variation in the dependent variable compared to 0.8% when the outliers are present.

For Model 2, the coefficient for unanimity as a voting rule is -7.697 (t=-2.363, p=0.019). This coefficient is higher than in the initial model where the coefficient was – 7.906 (t=-2.262, p = 0.024). This decrease means that when the outliers are removed, the average value for the change in positions when unanimity is employed is lower than in the model with outliers. The statistical significance of Model 2 and the fit of the model are also improved. There is a 0.005-point increase in statistical significance. The model explains 1.9% more of the variance in the dependent variable, Adj. R^2=0.053. This indicates that both models are best fitted to explain the average outcomes, rather than the extremes.

5.2. Discussion

Implications

The results of this analysis have several implications. First, the findings are important for considerations of future treaty reform that may expand the usage of QMV. Currently, discussions of voting rules mostly refer to considerations of increasing the usage of QMV to areas where unanimity is used after rounds of enlargement to prevent institutional gridlock (Häge, 2013). However, by acknowledging other effects voting rules may produce, such as the level of change in positions, those debates may evolve. Second, the findings have intrinsic value as they help observe committee-level dynamics. As discussed, such observations are not widely examined in other literature (Michalski & Danielson, 2020). By determining the level of change in positions, the findings allow future research to isolate the impact of representatives on the final legislation. This may be related to assessments of the democratic legitimacy of the process (Juncos & Pomorska, 2011). Third, the findings are important for bringing more nuances debates to literature. Prevalent literature often produces dichotomous and one-dimensional accounts of the effects of voting rules (Duff, 2022).

Limitations and recommendations for future research

First, the generalizability of the findings may be limited, due to using an unrepresentative sample. For the DEUIII, expert interviews were conducted only on legislative proposals that

contained controversial issues. The empirical model attempted to correct for this limitation, via the addition of the control variable for salience. Still, the findings are not representative of overall legislation, since not all proposals may contain controversial issues. Future research needs to be carried out to apply the empirical models on data that encompasses both controversial and uncontroversial proposals.

Second, the operationalization loses depth and dimensions of the dependent variable. Depth is lost since the mean was used when aggregating data. More data is available for the EU-15 than the EU-28, meaning that part of results is only applicable to a subset of cases. Therefore, future research might apply a different statistic to aggregation. Such a statistic would weigh the data to isolate the difference in effects.

Further, dimensions of the DV are lost due to the way in which the outcome position is coded in the DEUIII dataset. This variable was used to determine whether national positions are different from representatives' positions. However, it is coded to only show whether the controversial issues which representatives negotiated on were included in the legislation that was adopted. It does not account for situations where Ministers expressed dissent which was not sufficient to prevent adoption. Future research needs to develop a different operationalization to account for this limitation. This would serve as a test to the validity of findings.

Third, this analysis used Model 3 as an illustration due to the non-representative sample that was collected and violated assumptions (see *Appendix B and C*). Although the results of Model 3 are statistically significant, it has very low validity. However, it is still important as a cross-validation measure to account for within case variation. Therefore, future research may test the assumptions of Model 3 via qualitative methods. Using qualitative methods can enhance the understanding of the conditions under which the influence of voting rules is strongest.

6. Conclusion

This thesis investigated the impact of voting rules in the Council of Ministers on the level of change in positions between committee and formal level decision-making. By integrating both levels, the thesis fills a gap in existing research. The levels of change in positions are relevant for understanding the link between committee and formal level governance. Using data from the DEUIII dataset, three OLS regression models reveal that unanimity is likely to facilitate lower levels of change in positions compared to voting by QMV. This outcome supports the hypotheses and theories behind them, that unanimity may foster the national positions to be

more closely aligned with the representative's position, whereas QMV may encourage the opposite.

The implications of these findings are significant for both academic and societal discussions. Academically, the study provides a nuanced understanding of the effects of voting rules beyond formal negotiations. Societally, the research may inform debates on EU treaty reform and the democratic legitimacy of decision-making processes. However, limitations include the unrepresentative sample and the loss of data complexity in the operationalization of the dependent variable. Future research should address these limitations. This thesis is addressed to policymakers, academics, and students. Policymakers can use the findings to better understand the decision-making process. Academics and students can build on this research to further explore the dynamics of committee decision-making.

Bibliography

Armingeon, K., & Cranmer, S. (2018). Position-taking in the Euro crisis. *Journal of European Public Policy*, *25*(4), 546–566. https://doi.org/10.1080/13501763.2016.1268642

Arregui, J., & Perarnaud, C. (2021). *A new dataset on legislative decision-making in the European Union: The DEU III dataset* [dataset]. Repositori de Dades de Recerca. https://dataverse.csuc.cat/dataset.xhtml?persistentId=doi:10.34810/data53

Arregui, J., Stokman, F., & Thomson, R. (2004). Bargaining in the European Union and shifts in actors' policy positions. *European Union Politics*, *5*(1), 47–72. https://doi.org/10.1177/1465116504040445

Arregui, J., & Thomson, R. (2014). Domestic adjustment costs, interdependence and dissent in the Council of the European Union. *European Journal of Political Research*, *53*(4), 692–708. https://doi.org/10.1111/1475-6765.12060

Auel, K., Rozenberg, O., & Tacea, A. (2015). To scrutinise or not to scrutinise? Explaining variation in European activities within national parliaments. *West European Politics*, *38*(2), 282–304. https://doi.org/10.1080/01402382.2014.990695

Bailer, S., Mattila, M., & Schneider, G. (2015). Money makes the EU go round: The objective foundations of conflict in the Council of Ministers. *JCMS: Journal of Common Market Studies*, *53*(3), 437–456. https://doi.org/10.1111/jcms.12194

Battaglini, M., Lai, E. K., Lim, W., & Wang, J. T.-Y. (2019). The Informational Theory of legislative committees: An experimental analysis. *American Political Science Review*, *113*(1), 55–76. https://doi.org/10.1017/S000305541800059X

Beyers, J., & Dierickx, G. (1998). The working groups of the Council of the European Union: Supranational or intergovernmental negotiations? *JCMS: Journal of Common Market Studies*, *36*(3), 289–317. https://doi.org/10.1111/1468-5965.00112

Beyers, J., & Kerremans, B. (2004). Bureaucrats, politicians, and societal interests: How Is European policy making politicized? *Comparative Political Studies*, *37*(10), 1119–1150. https://doi.org/10.1177/0010414004269828

Blavoukos, S., & Pagoulatos, G. (2008). Negotiating in stages: National positions and the reform of the Stability and Growth Pact. *European Journal of Political Research*, *47*(2), 247–267. https://doi.org/10.1111/j.1475-6765.2007.00723.x

Bostock, D. (2002). Coreper revisited. *JCMS: Journal of Common Market Studies*, *40*(2), 215–234. https://doi.org/10.1111/1468-5965.00352

Council of the European Union. (2024). *The decision-making process in the Council*. Council of the European Union. https://www.consilium.europa.eu/en/council-eu/decision-making/

Crombez, C. (1996). Legislative procedures in the European Community. *British Journal of Political Science*, *26*(2), 199–228.

Crombez, C., & Hix, S. (2015). Legislative activity and gridlock in the European Union. *British Journal of Political Science*, *45*(3), 477–499. https://doi.org/10.1017/S0007123413000380

Dowding, K. (2000). Institutionalist research on the European Union: A critical review. *European Union Politics*, *1*(1), 125–144. https://doi.org/10.1177/1465116500001001006

Duff, A. (2022). Vote Versus Veto. In A. Duff (Ed.), *Constitutional Change in the European Union: Towards a Federal Europe* (pp. 23–35). Springer International Publishing. https://doi.org/10.1007/978-3-031-10665-1_3

Egeberg, M. (1999). Transcending intergovernmentalism? Identity and role perceptions of national officials in EU decision-making. *Journal of European Public Policy*, *6*(3), 456–474. https://doi.org/10.1080/135017699343621

EUR-Lex. (1987). *Single European Act*. Official Journal of the European Communities. Retrieved from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:11986U000.

EUR-Lex. (1992). *Treaty on European Union (Maastricht Treaty)*. Official Journal of the European Communities. Retrieved from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A11992M%2FTXT.

EUR-Lex. (1997). *Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts*. Official Journal of the European Communities. Retrieved from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:11997D/TXT.

EUR-Lex. (2001). *Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts*. Official Journal of the European Communities. Retrieved from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:11999D/TXT.

EUR-Lex. (2007). *Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community*. Official Journal of the European Union. Retrieved from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12007L/TXT.

EUR-Lex. (1957). *Treaty establishing the European Economic Community (Treaty of Rome)*. Official Journal of the European Communities. Retrieved from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:11957E

Finke, D. (2009). Domestic politics and European Treaty Reform: Understanding the dynamics of governmental position-taking. *European Union Politics*, *10*(4), 482–506. https://doi.org/10.1177/1465116509346385

Ford, R., & Jennings, W. (2020). The Changing cleavage politics of Western Europe. *Annual Review of Political Science*, *23*(1), 295–314. https://doi.org/10.1146/annurev-polisci-052217-104957

Golub, J. (2012). How the European Union does not work: National bargaining success in the Council of Ministers. *Journal of European Public Policy*, *19*(9), 1294–1315. https://doi.org/10.1080/13501763.2012.693413

Häge, F. M. (2007). Committee decision-making in the Council of the European Union. *European Union Politics*, *8*(3), 299–328. https://doi.org/10.1177/1465116507079539

Häge, F. M. (2008). Who Decides in the Council of the European Union?*. *JCMS: Journal of Common Market Studies*, *46*(3), 533–558. https://doi.org/10.1111/j.1468-5965.2008.00790.x

Häge, F. M. (2013). Coalition building and consensus in the Council of the European Union. *British Journal of Political Science*, *43*(3), 481–504. https://doi.org/10.1017/S0007123412000439

Hagemann, S. (2007). *Decision-making in the European Union's Council of Ministers* [PhD, London School of Economics and Political Science]. https://www-proquest-com.ezproxy.leidenuniv.nl/docview/301720979/previewPDF/62E10B0CC3A7483DPQ/1?sourcetype=Dissertations%20&%20Theses

Hagemann, S. (2008). *Voting, statements and coalition-building in the Council from 1999-2006* (D. Naurin & H. Wallace, Eds.; pp. 36–64). Palgrave Macmillan. http://www.palgrave.com/home/

Hayes, A. F., & Cai, L. (2007). Using heteroskedasticity-consistent standard error estimators in OLS regression: An introduction and software implementation. *Behavior Research Methods*, *39*(4), 709–722. https://doi.org/10.3758/BF03192961

Hix, S. (2005). Executive politics. In N. Nugent, W. E. Paterson, & V. Wright (Eds.), *The political system of the European Union* (p. 490). Palgrave Macmillan.

Hooghe, L. (2005). Several roads lead to international norms, but few via international socialization: A Case Study of the European Commission. *International Organization*, *59*(04). https://doi.org/10.1017/S0020818305050307

Hörl, B., Warntjen, A., & Wonka1, A. (2005). Built on quicksand? A decade of procedural spatial models on eu legislative decision-making: Edited by Berthold Rittberger. *Journal of European Public Policy*, *12*(3), 592–606. https://doi.org/10.1080/13501760500091950

Hosli, M. O. (1996). Coalitions and power: Effects of Qualified Majority Voting in the Council of the European Union. *Journal of Common Market Studies*, *34*(2), 255–274.

Juncos, A. E., & Pomorska, K. (2011). Invisible and unaccountable? National Representatives and Council Officials in EU foreign policy. *Journal of European Public Policy*, *18*(8), 1096–1114. https://doi.org/10.1080/13501763.2011.615197

Juncos, A. E., & Pomorska, K. (2021). Contesting procedural norms: The impact of politicisation on European foreign policy cooperation. *European Security*, *30*(3), 367–384. https://doi.org/10.1080/09662839.2021.1947799

Kaeding, M., & Selck, T. J. (2005). Mapping out political Europe: Coalition patterns in EU decision-making. *International Political Science Review*, *26*(3), 271–290. https://doi.org/DOI: 10.1177/0192512105053785

Karlas, J. (2012). National parliamentary control of EU Affairs: Institutional design after enlargement. *West European Politics*, *35*(5), 1095–1113. https://doi.org/10.1080/01402382.2012.706412

Klüver, H., & Sagarzazu, I. (2013). Ideological congruency and decision-making speed: The effect of partisanship across European Union institutions. *European Union Politics*, *14*(3), 345–472. https://doi-org.ezproxy.leidenuniv.nl/10.1177/1465116512472938

Krehbiel, K. (1992). *Information and legislative organization: Vol. 1st pbk. ed*. University of Michigan Press. https://login.ezproxy.leidenuniv.nl:2443/login?URL=https://search.ebscohost.com/login.aspx?direct=true&db=e000xww&AN=331815&site=ehost-live

Lewis, J. (2003). Institutional environments and everyday EU decision making: Rationalist or constructivist? *Comparative Political Studies*, *36*(1–2), 97–124. https://doi.org/10.1177/0010414002239373

Lewis, J. (2005). The Janus face of Brussels: Socialization and everyday decision making in the European Union. *International Organization*, *59*(04). https://doi.org/10.1017/S0020818305050320

Lewis, J. (2019). EU council networks and the "tradition" of consensus. In *Decentring European Governance*. Routledge.

Majone, G. (2001). Two logics of delegation. *European Union Politics*, *2*(1), 103–122. https://doi-org.ezproxy.leidenuniv.nl/10.1177/1465116501002001005

Mattila, M. (2004). Contested decisions: Empirical analysis of voting in the European Union Council of Ministers. *European Journal of Political Research*, *43*(1), 29–50. https://doi.org/10.1111/j.1475-6765.2004.00144.x

Mattila, M. (2009). Roll call analysis of voting in the European Union Council of Ministers after the 2004 enlargement. *European Journal of Political Research*, *48*(6), 840–857. https://doi.org/10.1111/j.1475-6765.2009.01850.x

Michalski, A., & Danielson, A. (2020). Overcoming dissent: Socialization in the EU's Political and Security Committee in a context of crises. *JCMS: Journal of Common Market Studies*, *58*(2), 328–344. https://doi.org/10.1111/jcms.12945

Miller, G. J., & Moe, T. M. (1983). Bureaucrats, legislators, and the size of government. *American Political Science Review*, *77*(2), 297–322. https://doi.org/10.2307/1958917

Mühlböck, M. (2019). Voting in European Union politics. In *Oxford Research Encyclopedia of Politics*. https://doi.org/10.1093/acrefore/9780190228637.013.1073

Müller, P., Pomorska, K., & Tonra, B. (2021). The domestic challenge to EU foreign policy-making: From Europeanisation to de-Europeanisation? *Journal of European Integration*, *43*(5), 519–534. https://doi.org/10.1080/07036337.2021.1927015

Norheim-Martinsen, P. M. (2011). EU strategic culture: When the means becomes the end. *Contemporary Security Policy*, *32*(3), 517–534. https://doi.org/10.1080/13523260.2011.623055

Pajala, A., & Widgrèn, M. (2004). A priori versus empirical voting power in the EU Council of Ministers. *European Union Politics*, *5*(1), 73–97. https://doi.org/10.1177/1465116504040446

Perarnaud, C., & Arregui, J. (2022). Do Member States' permanent representations matter for their bargaining success? Evidence from the EU Council of Ministers. *Journal of*

European Public Policy, *29*(1), 97–116. https://doi.org/10.1080/13501763.2021.1991981

Pisciotta, B. (2016). The center-periphery cleavage revisited: East and Central Europe from postcommunism to euroscepticism. *Nationalism and Ethnic Politics*, *22*(2), 193–219. https://doi.org/10.1080/13537113.2016.1169063

Pomorska, K. (2015). Foreign ministries and limits to organisational learning in Central Eastern Europe. *East European Politics*, *31*(1), 56–70. https://doi.org/10.1080/21599165.2014.983087

Putnam, R. D. (1988). Diplomacy and domestic politics: The logic of two-level games. *International Organization*, *42*(3), 427–460. https://doi.org/10.1017/S0020818300027697

Rasmussen, A., & Reh, C. (2013). The consequences of concluding codecision early: Trilogues and intra-institutional bargaining success. *Journal of European Public Policy*, *20*(7), 1006–1024. https://doi.org/10.1080/13501763.2013.795391

Reslow, N., & Vink, M. (2015). Three-level games in EU external migration policy: Negotiating mobility partnerships in West Africa. *JCMS: Journal of Common Market Studies*, *53*(4), 857–874. https://doi.org/10.1111/jcms.12233

Schelling, T. C. (1960). *The strategy of conflict*. Harvard University Press.

Schneider, G., Finke, D., & Baltz, K. (2007). With a little help from the state: Interest intermediation in the domestic pre-negotiations of EU legislation. *Journal of European Public Policy*, *14*(3), 444–459. https://doi.org/10.1080/13501760701243814

Schulz, H., & Konig, T. (2000). Institutional reform and decision-making efficiency in the European Union. *American Journal of Political Science*, *44*(4), 653–666. https://doi.org/10.2307/2669273

Seikel, D. (2019). Patterns of pooling and delegation after the crisis: Old and new asymmetries. *Journal of European Integration*, *41*(6), 693–709. https://doi.org/10.1080/07036337.2018.1553962

Selck, T. J., & Kaeding, M. (2004). Divergent interests and different success rates: France, Germany, Italy, and the United Kingdom in EU Legislative negotiations. *French Politics*, *2*, 81–95. https://doi.org/10.1057/palgrave.fp.8200049

Thomson, R. (2010). Opposition through the back door in the transposition of EU directives. *European Union Politics*, *11*(4), 577–596. https://doi.org/10.1177/1465116510380283

Thomson, R., Arregui, J., Leuffen, D., Costello, R., Cross, J., Hertz, R., & Jensen, T. (2012). A new dataset on decision-making in the European Union before and after the 2004 and

2007 enlargements (DEUII). Journal of European Public Policy, 19(4), 604-622. doi: 10.1080/13501763.2012.662028

Thomson, R., Boerefijn, J., & Stokman, F. (2004). Actor alignments in European Union decision making. *European Journal of Political Research*, *43*(2), 237–261. https://doi.org/10.1111/j.1475-6765.2004.00153.x

Thomson, R., & Hosli, M. O. (2006). Explaining legislative decision-making in the EU. In R. Thomson, F. N. Stokman, C. H. Achen, & T. König (Eds.), *The European Union Decides* (pp. 1–24). Cambridge University Press. https://web-p-ebscohost-com.ezproxy.leidenuniv.nl/ehost/ebookviewer/ebook/ZTAwMHh3d19fMTcxODg2X19BTg2?sid=b1e09f3b-967a-4c73-9430-7acdcf5d1ca8@redis&vid=0&format=EB&lpid=lp_1&rid=0

Thomson, R., Stokman, F., Achen, C., & König, T. (Eds.). (2006). *The European Union decides*. Cambridge: Cambridge University Press. doi:10.1017/CBO9780511492082

Thomson, R., & Torenvlied, R. (2011). Information, commitment and consensus: A comparison of three perspectives on delegation in the European Union. *British Journal of Political Science*, *41*(1), 139–159. https://doi.org/10.1017/S0007123410000268

Trondal, J. (2001). Is there any social constructivist-institutionalist divide? Unpacking social mechanisms affecting representational roles among EU decision-makers. *Journal of European Public Policy*, *8*(1), 1–23. https://doi.org/10.1080/13501760010018304

Trondal, J. (2002). Beyond the EU membership-non-membership dichotomy? Supranational identities among national EU decision-makers. *Journal of European Public Policy*, *9*(3), 468–487. https://doi.org/10.1080/13501760210139722

Tsebelis, G., & Garrett, G. (1996). Agenda setting power, power indices, and decision making in the European Union. *International Review of Law and Economics*, *16*(3), 345–361. https://doi.org/10.1016/0144-8188(96)00021-X

Van Gruisen, P., & Crombez, C. (2019). National parliamentary control and voting in the Council of the European Union. *European Journal of Political Research*, *58*(3), 981–1000. https://doi.org/10.1111/1475-6765.12316

Warntjen, A. (2013). The elusive goal of continuity? Legislative decision-making and the Council Presidency before and after Lisbon. *West European Politics*, *36*(6), 1239–1255. https://doi.org/10.1080/01402382.2013.826028

Wøien Hansen, V. (2014). Incomplete information and bargaining in the EU: An explanation of first-reading non-agreements. *European Union Politics*, *15*(4), 472–495. https://doi.org/10.1177/1465116514541555

Zhelyazkova, A., & Torenvlied, R. (2009). The time-dependent effect of conflict in the Council on delays in the transposition of EU directives. *European Union Politics*, *10*(1), 35–62. https://doi.org/10.1177/1465116508099760

Appendix A: Replication data

The replication data for this thesis is uploaded to an online Appendix folder. The online Appendix contains 8 files. File 1 provides the codebook for the DEUIII dataset. File 2 contains general information about the DEUIII dataset. File 3 shows all the policies and issues that were included in the DEUIII dataset. File 4 provides the DEUIII dataset before transformations. File 5 contains the DEUIII dataset after the transformations relevant to this analysis were performed. File 6 is a compilation of the syntax that was used to transform the dataset. File 7 contains the syntax used for the linear regressions, tests of assumptions and robustness checks. Lastly, File 8 contains all output produced by the syntax from File 7.

To access the online Appendix, follow the link:
https://www.dropbox.com/scl/fo/5xbjv2e5iez0zzlqx2vur/AFNzN9Ehk1IgyPam-eobRKM?rlkey=ifwpl2it7gxxf09ilpzru50op&st=3iz8iyga&dl=0

Appendix B: Tests of assumptions of the statistical analysis

1. Independence of errors

The independence of errors assumption requires that the residual terms do not correlate with one another. This measure shows whether there is systemic bias in the data, e.g. whether clustering is present. The Durbin-Watson test is used to measure independence. The ideal value of the test is 2. The more the values deviate from 2, the less independent the errors are.

Model Summary[c]

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Change Statistics					Durbin-Watson
					R Square Change	F Change	df1	df2	Sig. F Change	
1	.133[a]	.018	.015	19.107	.018	6.295	1	350	.013	
2	.265[b]	.070	.034	18.916	.053	1.592	12	338	.092	1.778

a. Predictors: (Constant), Voting rule

b. Predictors: (Constant), Voting rule, CConf=Foreign Affairs, CConf=Competitiveness, Mean salience, CConf=Employment, Social Policy, Health and Consumer Affairs, CConf=Education, Youth, Culture and Sport, CConf=General Affairs, CConf=Environment, DocType=Directive, CConf=Transport, Telecommunications and Energy, CConf=Justice and Home Affairs, DocType=Decision, CConf=Economic and Financial Affairs

c. Dependent Variable: Absolute mean difference in positions

For Models 1 and 2, the assumption of independence is met as Durbin-Watson = 1.778

Model Summary[b]

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Change Statistics					Durbin-Watson
					R Square Change	F Change	df1	df2	Sig. F Change	
1	.473[a]	.224	.185	18.46244	.224	5.773	1	20	.026	1.193

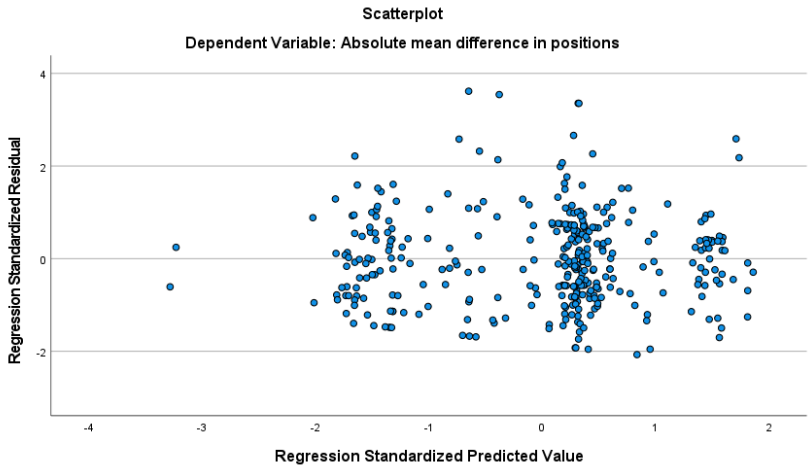
a. Predictors: (Constant), Voting rule

b. Dependent Variable: selection

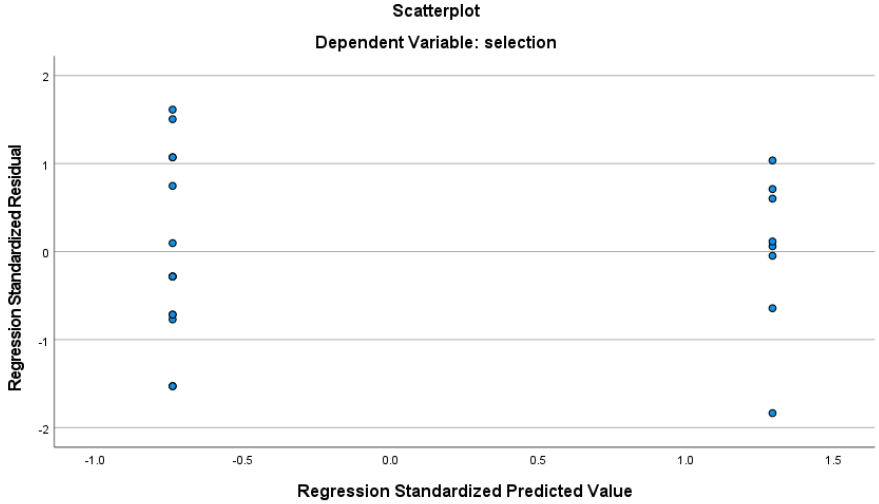
For Model 3, the assumption of independence has been minimally met, with Durbin-Watson = 1.193. The value of 1.193 is 0.807 point lower than the ideal value of 2. This means that Model 3 shows signs of increased positive autocorrelation.

2. Linearity

The OLS method finds the best fitting line around which observations cluster. It therefore assumes that the relationship between the variables is linear. Performing a check for the linearity of the relationship can be done by creating a scatterplot of standardised predicted values and standardized residuals.



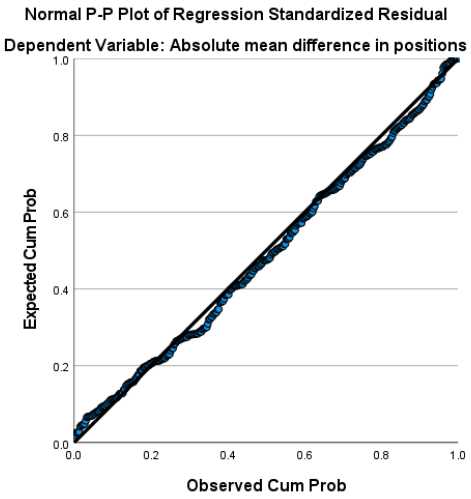
This is a scatterplot of the standardised predicted values and standardized residuals for Model 2. The assumption of linearity has been met, since no curvilinear relationship is observed.



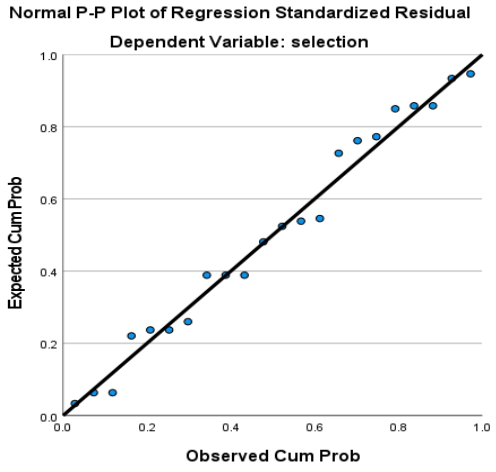
This is a scatterplot of the standardised predicted values and standardized residuals for Model 3. The assumption of linearity has not been met. This is likely due to the small number of observations and the lack of control variables.

3. Normality

Since errors are normally distributed within the population, normality assumes that in the data sample the distribution of errors is also normal. To test this assumption a normal P-P plot is used. The dots on the plot represent the distribution of errors. The assumption of normality is violated when the dots are far from the line and appear as a spiral.



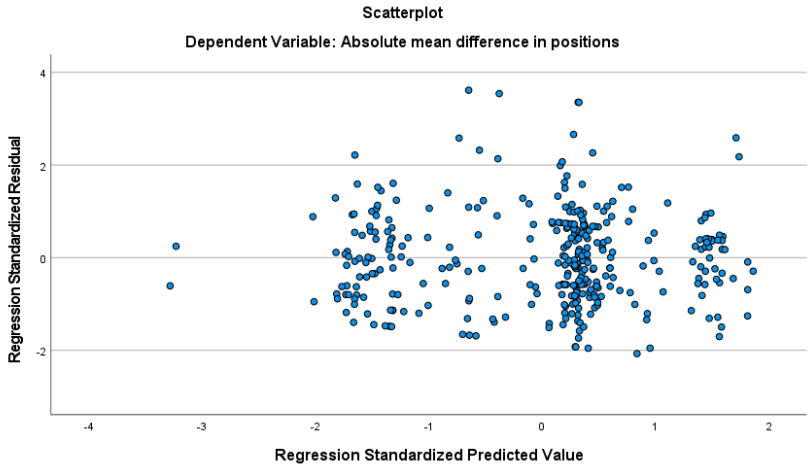
This normal P-P plot shows the distribution of errors for Model 2. The assumption of normality has been met, since no dots deviate from the line and no spiral appears. Further, as the number of observations is 352 (>30), the Central Limit Theorem applies.



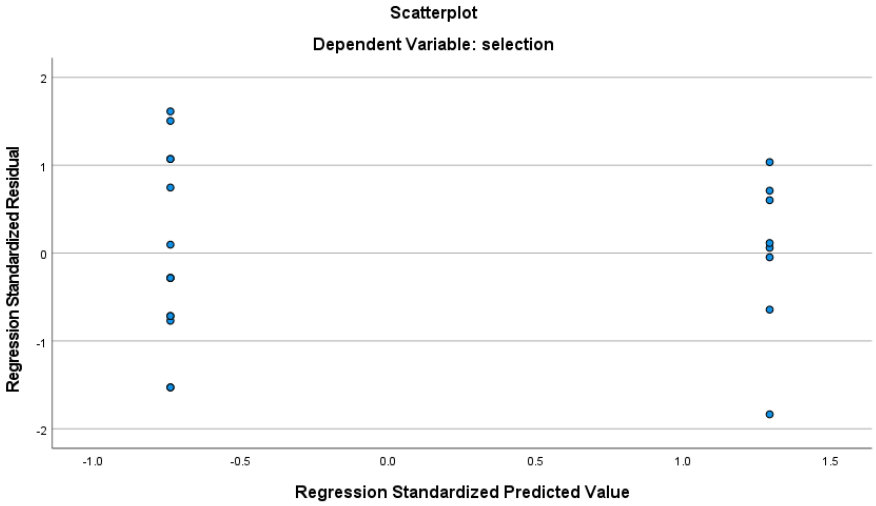
This normal P-P plot shows the distribution of errors for Model 3. The assumption of normality has not been met. This is explainable, as the Central Limit Theorem does not apply due to the small number of observations (N=22).

4. Heteroskedasticity

When heteroskedasticity is present, the variance between the error terms is not equal. This means that the statistical model does not perform consistently across levels of the predictor variables. Heteroskedasticity can be identified on a scatterplot of standardized residuals by standardized predicted values. The phenomenon presents itself as a funnel-like shape in the data.



This is the scatterplot of standardized residuals by standardized predicted values for Model 2. Mild levels of heteroskedasticity can be observed. This is corrected in the *Robustness check* section of the paper by applying robust standard errors to Model 2.



This is the scatterplot of standardized residuals by standardized predicted values for Model 3. No heteroskedasticity is present, however, this model violates previous assumptions.

5. Multicollinearity

The assumption of multicollinearity requires measures of the degree to which the independent variables correlate with one another. This assumption is significant for the statistical analysis, since if it is violated, the independent variables would produce measures of the same effects. The VIF and Tolerance statistics are used to determine the presence of multicollinearity. The VIF statistic needs to measure less than 5, while Tolerance needs to be higher than 0.2.

Coefficients[a]

Model		Unstandardized Coefficients		Standardized Coefficients			Collinearity Statistics	
		B	Std. Error	Beta	t	Sig.	Tolerance	VIF
1	(Constant)	36.198	1.142		31.701	<.001		
	Voting rule	-6.335	2.525	-.133	-2.509	.013	1.000	1.000
2	(Constant)	35.726	2.998		11.915	<.001		
	Voting rule	-7.906	3.494	-.166	-2.262	.024	.512	1.955
	Mean salience	.024	.066	.019	.358	.721	.964	1.038
	CConf=Education, Youth, Culture and Sport	4.717	7.004	.043	.673	.501	.684	1.461
	CConf=Foreign Affairs	-10.472	9.701	-.058	-1.079	.281	.961	1.040
	CConf=Economic and Financial Affairs	.285	5.772	.004	.049	.961	.544	1.839
	CConf=Employment, Social Policy, Health and Consumer Affairs	.196	5.026	.002	.039	.969	.717	1.394
	CConf=Transport, Telecommunications and Energy	-9.256	3.766	-.153	-2.458	.014	.712	1.405
	CConf=Environment	1.216	3.807	.019	.320	.750	.783	1.276
	CConf=General Affairs	-.338	4.674	-.004	-.072	.942	.830	1.205
	CConf=Competitiveness	6.591	3.418	.124	1.928	.055	.660	1.515
	CConf=Justice and Home Affairs	3.113	4.324	.051	.720	.472	.552	1.812
	DocType=Directive	-.869	2.520	-.022	-.345	.731	.657	1.523
	DocType=Decision	-3.746	6.052	-.041	-.619	.536	.640	1.563

a. Dependent Variable: Absolute mean difference in positions

This output contains the VIF and Tolerance statistics for all variables included in Model 1 and Model 2. No multicollinearity has been identified.

Coefficients[a]

Model		Unstandardized Coefficients		Standardized Coefficients			Collinearity Statistics	
		B	Std. Error	Beta	t	Sig.	Tolerance	VIF
1	(Constant)	47.875	6.527		7.334	<.001		
	Voting rule	-19.661	8.183	-.473	-2.403	.026	1.000	1.000

a. Dependent Variable: selection

This output contains the VIF and Tolerance statistics for all variables in Model 3. No multicollinearity has been identified. This is the only assumption which Model 3 meets.

6. Outliers and influential cases

Outliers and influential cases are cases whose standardized residuals are higher than |3.29| deviations from the mean. They may present a source of bias to findings, as they may influence the relationship between the dependent and independent variable. To identify outliers, descriptive statistics of the standardized residuals are needed (Standardized Residual > |3.29|). To check whether the outliers are influential cases, Cook's Distance is computed. A value of 0 signifies that no outliers are present in the data.

Casewise Diagnostics[a]

Case Number	Std. Residual	Absolute mean difference in positions	Predicted Value	Residual
41	3.340	100	36.11	63.891
79	3.667	100	29.86	70.136
88	3.340	100	36.11	63.891
89	3.340	100	36.11	63.891

a. Dependent Variable: Absolute mean difference in positions

Residuals Statistics[a]

	Minimum	Maximum	Mean	Std. Deviation	N
Predicted Value	29.86	36.11	34.84	2.520	353
Std. Predicted Value	-1.973	.505	.000	1.000	353
Standard Error of Predicted Value	1.141	2.254	1.368	.449	353
Adjusted Predicted Value	28.88	36.24	34.84	2.524	353
Residual	-36.109	70.136	.000	19.100	353
Std. Residual	-1.888	3.667	.000	.999	353
Stud. Residual	-1.891	3.693	.000	1.002	353
Deleted Residual	-36.238	71.124	.000	19.216	353
Stud. Deleted Residual	-1.898	3.761	.001	1.006	353
Mahal. Distance	.256	3.892	.997	1.467	353
Cook's Distance	.000	.096	.003	.007	353
Centered Leverage Value	.001	.011	.003	.004	353

a. Dependent Variable: Absolute mean difference in positions

This output from Model 2 shows that 4 cases have standardized residual > |3.29|. Further, Cook's Distance = 0, which means that none of the 4 cases are influential. Nevertheless, Model 2 is tested without outliers in the *Robustness check* section, to enhance the validity of results.

No case wise diagnostics are available for Model 3, since no cases are found to have residuals that deviate more than |3.29| points from the mean.

Appendix C: Data included in the second operationalization of the DV (*Selection*)

Numerical code for issue	Issue	Year of adoption	Council	Council voting rule
146	The jurisdiction of ecommerce cases	2000	JHA	Unan
147	The external competence of the Commission	2000	JHA	Unan
52	The application of the country of origin principle or international private law to e-commerce contracts	2000	IM	Unan
53	The inclusion of professional services in the directive	2000	IM	Unan
54	The location liability for the content of websites	2000	IM	Unan
338	What are the preferences of stakeholders regarding the inclusion of the VAT fraud into the scope of competencies of the European Public Prosecutor Office?	2017	JHA	QMV
339	What are the preferences of stakeholders regarding the harmonization of member states´ legislation for combating fraud with non-cash means of payment?	2019	JHA	QMV
76	The autonomy of each member state to recognize the passports of non-EU countries	2001	JHA	Unan
77	Whether people who are stateless need to present visas when they enter Europe	2001	JHA	Unan
340	What are the preferences of stakeholders regarding increasing the capacities of	Missing 2017*	JHA	QMV

	member states to re-introduce temporary controls at the borders within the Schengen area due to migration and terrorism problems?			
360	What are stakeholders' preferences on the length of the transition period for implementing the new checks on EU citizens in airports?	2017	JHA	QMV
37	The strength of technical requirements for electronic signatures to have the same legal effects as written signatures	1998	IM	Unan
38	Public control of market access for service providers	1998	IM	Unan
39	The harmonization of national legislation regarding liability of service providers in the case of misuse	1998	IM	Unan
363	What are the preferences of stakeholders regarding the mandatory inclusion of fingerprints in ID cards and residence documents?	2019	JHA	QMV
364	What are the preferences of stakeholders regarding the length of the regulation's implementation and the phasing out timeline of current ID cards and residence documents?	2019	JHA	QMV
156	Exceptions to the principle of equal treatment for religious reasons	2000	Employ	Unan
157	The definition of reasonable adjustment for accommodating disabled people	2000	Employ	Unan
357	Regulation on geo-blocking and other forms of discrimination based on a customer´s nationality, place of residence	2018	IM	QMV

	or place of establishment within the internal market			
200	The transfer of pension rights for employees	Missing 2005*	Employ	Unan
201	The standards of fair treatment regarding the preservation of pension rights	Missing 2005*	Employ	Unan
202	Requirements for entry into or exclusion from occupational pension schemes	Missing 2005*	Employ	Unan
203	The duration of the transition period and scope of the directive	Missing 2005*	Employ	Unan
354	What are the preferences of stakeholders regarding the codification of the equality treatment principle into EU legislation?	Missing 2016*	Employ	QMV
355	What are the preferences of stakeholders regarding the conditions under which member states are responsible to provide unemployment benefits to EU workers who live in one member states but work in another one?	Missing 2016*	Employ	QMV
356	What are the preferences of stakeholders regarding the indexation of benefits for family of EU migrant workers (based on the home country of the EU migrant) ?	Missing 2016*	Employ	QMV
30	The protection of consumers and copyright-holders' rights regarding the transfer of protected works over the internet.	2001	IM	Unan
31	The legality of "time shifting", whereby consumers copy a work at one time point and consume it later.	2001	IM	Unan
32	The applicability of the "fair compensation" principle to exceptions to the directive.	2001	IM	Unan

332	What are stakeholders' preferences on rules online platforms need to follow to protect rights holders' content ?	2019	IM	QMV
333	What are stakeholders' preferences on a neighboring right for press publishers when disseminating their content online?	2019	IM	QMV

**NB: For a full list of proposals and issues, see *Appendix A*