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# Winners and Losers in the European Union

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## Introduction

This special issue examines legislative decision-making in the European Union (EU). By focusing on specific examples of legislative decision-making and actors' preferences in those situations, we aim to address questions of interest to mainstream Europeanists. Two contributions identify and attempt to explain which actors – of the Commission, the European Parliament and the individual member states – won and lost in controversial policy decisions in recent years. A third investigates shifts in actors' positions during the bargaining process that takes place between the introduction of a Commission proposal and the adoption of the legislative acts. A fourth article examines measures of member states' power that take into consideration the policy positions they favour, as well as the number of votes they hold in the Council. Similar questions have been studied in many descriptive studies on decision-making in the EU carried out in recent years. Examples include Nugent (1989), Westlake (1994, 1995), Wallace and Wallace (1996), Richardson (1996), Peterson and Bomberg (1999) and Dinan (1999). In this special issue, we aim to build upon these insights but also to go further than description, by formulating and testing alternative explanations of victory and defeat and of shifts in actors' positions during the bargaining process. That requires both the elaboration of explicit theories of decision-making – in general and in the EU in particular – and the collection of appropriate data to test alternative explanations statistically. It was these two aims that brought a group of researchers together. Encouraged by the European Consortium for Political Research (ECPR) and supported by funds from two national science foundations and

a private foundation, our research group Decision-making in the European Union (DEU) began the project in 1998.<sup>1</sup> We collected information on the controversial issues raised during the discussions on a selection of 66 legislative proposals from the period 1996–2001. These data are primarily based on extensive, semi-structured interviews with key informants. Our book *The European Union Decides* (Thomson et al., forthcoming) assesses the empirical relevance of alternative models of the legislative process by comparing the models' forecasts of decision outcomes with actual outcomes. This assessment is based primarily on the application of statistical methods to determine which models provide the most accurate forecasts of these outcomes. In this special issue, we compare the models by focusing on the actor-level processes they address – in particular, the extent to which the actors involved won or lost in terms of the outcomes of the legislative process. We thereby aim to address research questions that are of interest to a wider audience and to promote discussion on the project.

Power-oriented studies emphasize actor characteristics that provide certain actors with more clout than others, thereby increasing the likelihood they will prevail over others in the course of decision-making. In the context of the European Union, many studies emphasize that size and economic resources define the extent to which member states' preferences are taken into account. The influence of size is partly reflected in the institutional arrangements of the EU, which give larger member states more votes in the Council and more representatives in the European Parliament. The effects of the differential weighting of member states in the Council on their a priori voting power has been the main subject of voting power studies (see, for example, Brams and Affuso, 1985; Hosli, 1993; Lane and Maeland, 1995; Widgrén, 1994, 1995). This approach has also been applied to estimate the relative influence of party groupings in the European Parliament (Hosli, 1997; Raunio, 1997). Voting power indices provide insight into an important aspect of actors' power within voting bodies. They are not intended to incorporate other institutional power resources, such as the agenda-setting power of the European Commission and the increasing institutional power of the European Parliament relative to the Commission and Council, first under the cooperation and later under the co-decision procedure. Consequently, a number of studies shifted attention to the strategic interactions among the European institutions (see, for example, Steunenberg, 1994; Schneider, 1995; Tsebelis and Garrett, 1996; Garrett and Tsebelis, 1999). This resulted in various debates on the appropriate interpretations of the EU's legislative procedures, particularly about the importance of the European Parliament and the Commission under cooperation (e.g. Moser, 1996, versus Tsebelis, 1996) and co-decision (e.g. Tsebelis and Garrett, 1997, versus Steunenberg, 1997, and Crombez, 2000).

However, more importantly, the development of procedural models has provided insights into the way in which preferences and decision-making procedures combine in the exercise of agenda-setting power and veto power. The interplay between the decision-making procedure and the preferences of non-cooperative players is assumed to determine the outcome. These analyses are based on the core assumption of rational choice institutionalism, that political outcomes are the combined result of preferences and institutions (Shepsle, 1989; Shepsle and Weingast, 1995; Aspinwall and Schneider, 2000; Dowding, 2000). Until now, the debate was primarily theoretical, and empirical research was very limited. Voting records in the Council (Mattila and Lane, 2001), the fate of European Parliament amendments (Kreppel, 1999; Tsebelis and Kalandrakis, 1999; Tsebelis et al., 2001) and fiscal redistribution (Rodden, 2002) have been used as indicators of success or failure.

Other studies emphasize the importance of the bargaining process that takes place before the adoption of legislative acts as an important determinant of which actors win and lose. A number of studies emphasize the importance of differences in information among actors, for example in working groups (Beyers and Dierickx, 1998), and differences in negotiation skills. More formal approaches model different influence processes through which actors are willing or feel compelled to change their initial positions on the main points of controversy, or issues, that need to be decided on (Bueno de Mesquita and Stokman, 1994). In such models, actors' potential to form winning coalitions is defined by the interplay of the distribution of capabilities, initial positions and saliences over the actors and issues. The same elements play a role in bargaining models, where actors are assumed to make informal exchanges, redistributing the allocation of their resources over issues (König, 1997). So far, the emphasis of these studies lies not in the explanation of which actors win or lose, but in generating accurate predictions of decision outcomes. An exception is the study by Mokken et al. (2000). Defining a small distance between the initial position and the decision outcome as success, they show, surprisingly, that actors with more capabilities are less successful than those with fewer capabilities. However, controlling for the extremity of actors' initial positions reveals that actors with more capabilities are, as expected, more successful than those with fewer capabilities. This implies a tendency for only powerful actors to take extreme positions, in order to pull the decision outcome in the direction they desire.

Explaining which actors won and lost from the outcomes of EU decisions requires that we develop an appropriate measure of success. If indeed actors shift their initial positions during the bargaining process before the adoption of legislative acts, voting records and the fates of amendments do not properly indicate who won and who lost. Winning and losing can also not be related

to the positions of member states, the European Parliament and the European Commission on more abstract dimensions such as anti- versus pro-integration, North–South and Left–Right (Marks and Steenbergen, 2002). Elsewhere, Thomson, Boerefijn and Stokman (forthcoming) show that the initial positions of member states and European institutions on controversial issues do not have a fixed order, and therefore cannot be grouped accurately on such abstract dimensions. Moreover, measuring the location of decision outcomes on such abstract dimensions is also problematic. The distance between an actor's initial position and the decision outcome on a controversial issue is a more valid indicator of success, even if the initial position does not fully reflect the actor's preferences and is influenced by strategic considerations. Two articles in this special issue (the ones by Selck and Steunenberg and by Bailer) use the distance between initial positions and decision outcomes on standardized issue scales as the dependent variable, to indicate the extent to which each of the actors won or lost. For this reason our group decided systematically to collect a data set containing the initial positions of member states, the Commission and the European Parliament on controversial issues in a large number of Commission proposals. The data set also contains information on the levels of salience these actors attached to the issues. This data set, to be described in the next section, will be used in four of the articles in the present special issue. Torsten Selck and Bernard Steunenberg investigate the influence of the European Parliament under the different legislative procedures. The second article, by Javier Arregui, Frans Stokman and Robert Thomson, uses a subset of the data set containing not only actors' initial positions but also their final positions before the legislative proposals were adopted as laws. They investigate the extent to which shifts in actors' positions are predicted by different bargaining models. In the third article, Antti Pajala and Mika Widgrén formulate variants of a prominent voting power index, the Banzhaf index. Unlike the original index, these variants do include information on the member states' policy positions, and are therefore used to identify their 'empirical voting power'. The fourth article, by Stefanie Bailer, investigates which power elements explain differences in success among actors and how success is determined by both positioning and salience. Subsequently, Bruce Bueno de Mesquita reviews the whole project, including the forthcoming book. For that reason, we will give a summary of the main results of the whole project in the last section.

### **The DEU data**

The aim of the study is to apply and compare different explanations of legislative decision-making in the European Union. Two features of the research

design are particularly important with respect to achieving this aim. First, the selection of cases must cover a sufficient number and variety of cases to count as a test of the explanations. Second, a way of thinking about very different decision situations has to be devised, such that they can be compared – in terms of the applicability of different explanations in any given situation, and in terms of the performance of explanations in different situations. Stating explanations in the form of models is part of the endeavour to facilitate comparison. Another part is the conceptualization of decision situations *spatially*. Political controversies are conceptualized as *issue continua* or *scales*, with actors placed at different positions on these issues. The Commission proposal on tobacco products illustrates this nicely. One of the issues raised by this proposal was the size of the health warning on tobacco products – see the second issue described in Figure 1. At the left end of this issue continuum, we find the status quo position at that time, consisting of relatively small warnings. At the right end of the continuum, we find the alternative of very large health warnings using very strong language. Intermediate alternatives are placed on positions between these two extremes. This way of defining issues is essential to the comparison of different explanatory models' performance and to determine who won and who lost. After discussing the selection of cases, we turn to the description of decision situations in terms of issue continua with the help of policy area experts.

### **The selection of Commission proposals**

The data set contains information on 66 recent legislative proposals by the European Commission. The Commission proposals were selected on the basis of three criteria. First, the proposals included in this study were subject to either the consultation or the co-decision procedure. These are the most important procedures in EU legislative decision-making. Moreover, the selection of Commission proposals was confined to those that did not change legislative procedure after the Amsterdam Treaty came into effect on 1 May 1999. Table 1 shows the distribution of the Commission proposals by the type of legislative procedure to which they were subject. Note that there are two variants of both procedures: one requiring qualified majority support in the Council and one requiring unanimity. Co-decision combined with unanimity voting in the Council is least common, but was nevertheless required for five of the proposals included in our selection.

Second, we selected Commission proposals that were discussed in the Council at various levels in the period from January 1999 to December 2000. Interviews with experts were required to collect the data needed to apply and test the models. The decision situations we asked them to describe had to be relatively recent and fresh in their memory. Since our data collection efforts

for this project ended in early 2002 (the interviews took place between the spring of 2000 and early 2002), inclusion of proposals introduced in 2001 would have resulted in the collection of data on many proposals that would not have been decided on within the time available for our research.

The third criterion for including a Commission proposal in the selection was that it had to raise some minimum level of controversy. The explanations we apply contain propositions about the transformation of actors' policy preferences into collectively binding decision outcomes embodied in EU legislation. Issues on which there was no controversy do not provide opportunities to test alternative theories of this process. Before the inclusion of a Commission proposal in the selection, it had to have been mentioned in *Agence Europe*, the main independent daily news service covering European Union affairs. This news service is used mostly by specialists in EU affairs. This procedure avoided the introduction of very technical Commission proposals that were of only marginal political importance. After the identification of a report in *Agence Europe*, it was included provisionally in the selection. A policy area expert was then contacted and asked for advice on the proposal. If the proposal did not arouse any controversy whatsoever, it was not included in the selection.

The 66 Commission proposals selected for inclusion in our study are an exhaustive sample of proposals that meet these criteria; they are not a random sample of EU legislation. A random sample would have resulted in the selection of many technical proposals on which there were hardly any differences in the decision outcomes favoured by the actors involved. Such proposals do not provide opportunities to test alternative models.

### **The selection of experts**

Interviews with experts on the Commission proposals we selected are indispensable. At least 150 interviews were held with 125 experts, and these interviews lasted just over 1 hour and 40 minutes on average.<sup>2</sup> The research group was well aware of the limitations of expert judgements. However, the way in which they were collected in this study minimizes these problems. First of all, we focus on specific issues raised during the discussions on legislative proposals, rather than more abstract policy dimensions, such as a socio-economic Left–Right dimension. The meaning of these specific issues is clear, whereas more abstract policy dimensions may mean different things to different people. Second, we held in-depth interviews with a relatively small number of experts, rather than surveying a large number of individuals. Consequently, we were able to monitor the effort devoted to answering the

questions and the expertise on which the experts drew when providing their estimations.

The informants' expertise was evaluated on the basis of the extent to which they were able to provide arguments to justify the estimates they provided us with. These estimates concern mainly the decision outcomes favoured most by each of the decision-making actors and the levels of importance these actors attached to the issues at stake. Therefore, the main guiding questions in this qualitative evaluation of the informants' expertise were:

- Why did each of the actors favour the alternatives they did?
- Why did the actors prioritize the issues as they did?

Estimates from informants who could not provide convincing answers to these questions were not included in the data set.

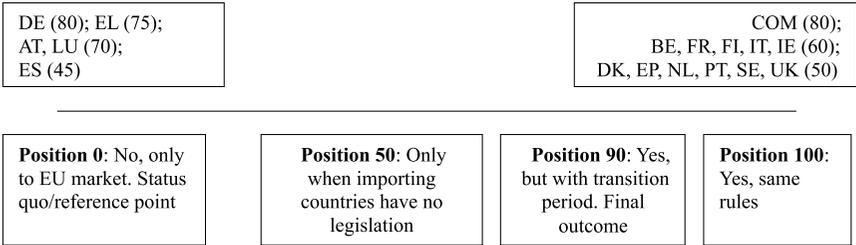
The experts were selected on the basis of the depth of their knowledge of the dossiers under investigation. The largest proportion were affiliated with the permanent representations of the member states. Civil servants from all 15 states were interviewed. Usually, these were the desk officers responsible for representing their state in the Council discussions. The bias toward the Council in our selection of experts reflects the view, shared by researchers and practitioners, that analyses of legislative decision-making need to examine the interactions within the Council. Although we include the Commission and the European Parliament (EP) as actors in our analyses, decision-making within these actors falls outside the scope of our study.

### **Specifying the issues at stake with experts**

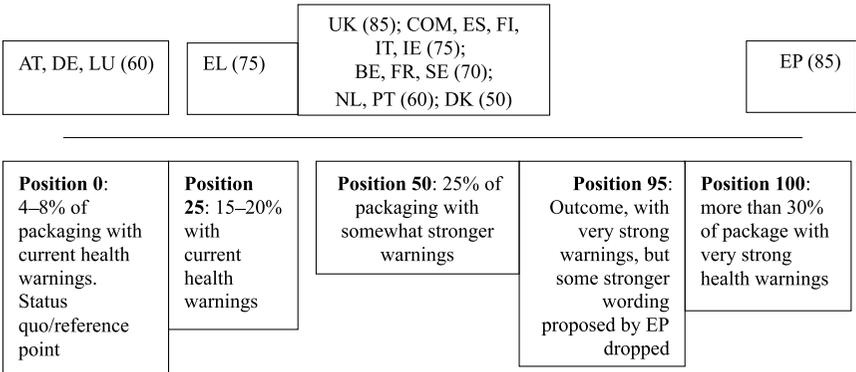
As indicated by the reference to the tobacco directive and Figure 1, controversial issues raised during the discussions are viewed as issue continua or scales. The first step in the interview process consisted of describing the political problem in these terms. The directive on the manufacture, presentation and sale of tobacco products (COD/1999/244) aimed to harmonize certain requirements that cigarettes produced in the EU must meet – such as maximum tar, nicotine and carbon monoxide levels – and to introduce stronger health warnings on tobacco products. Interviews were held with four experts on this proposal, three from the Council representations and one from a public health interest group. Five issues were identified that, in their view, capture the main elements of the discussions on this dossier. Two of these are described in Figure 1.

The criteria an issue specification must meet can be summarized as follows:

**Issue 1: Should EU rules on maximum yield levels for tobacco products apply to products intended for export outside the EU?**



**Issue 2: How strong should the health warning be on tobacco products?**



**Figure 1** The tobacco products directive (COD/1999/244): Two of the issues specified by experts.

*Note:* Saliency scores are in parentheses. COM: Commission; EP: European Parliament; BE: Belgium; DK: Denmark; DE: Germany; EL: Greece; ES: Spain; FR: France; IE: Ireland; IT: Italy; LU: Luxembourg; NL: The Netherlands; AT: Austria; PT: Portugal; FI: Finland; SE: Sweden; UK: United Kingdom.

- The most basic criterion is that at least some of the actors involved in the decision-making must take different positions on each issue. If the actors take the same positions there is no political problem to be analysed.
- The points on the issue continuum must be defined in terms of the alternative decision outcomes regarding the issue. These decision outcomes may be supported by one or more of the actors involved, or may be possible compromise outcomes.
- The issues must be defined as unidimensional continua, on which the actors can be placed in order to represent the possible decision outcomes they favour.

The requirement that a *limited* number of issues be specified is in itself a useful exercise, because it helps the researchers and experts to distinguish between

**Table 1** Distribution of 66 Commission proposals by legislative procedure and type of instrument

<i>EP involvement</i>	<i>Council voting rule</i>	<i>Commission proposals selected by researchers</i>	<i>Issues identified by experts</i>	<i>Type of instrument</i>	<i>Commission proposals</i>	<i>Issues</i>
Co-decision	QMV	21	56	Directives	16	40
	Unanimity	5	12	Regulations	8	24
Consultation	QMV <sup>a</sup>	22	55	Decisions	2	4
				Directives	10	26
	Unanimity	18	39	Regulations	25	55
Total		66	162	Decisions	5	13
					66	162

*Note:*

<sup>a</sup> Includes one proposal with two issues that required the support of qualified majority voting (QMV) and 10 member states in order for it to pass (CNS/1999/192, 2000/98/EC Council Decision of 24 January 2000 establishing the Employment Committee).

the main points and subordinate ones. The number of issues required varies between decision situations. Each of the Commission proposals in the data set contains between one and six issues, and the average number of issues in the 66 proposals is 2.5 (Table 1).

### Expert judgements on actors and their positions

Regarding each issue, the experts were asked to indicate the policy alternative *initially* favoured by each stakeholder *after the introduction of the proposal before the Council formulated its common position*.<sup>3</sup> The actors were placed on the issue continua to represent the alternatives they favoured most. In Commission proposals with two or more issues, the positioning of the actors on all the issues describes the outcome they favour regarding the Commission proposal as a whole. Throughout the interviews, the experts were asked to provide justifications for the information and estimates they provided: why did each of the actors favour the alternatives they did, and why were certain positions perceived to be closer than others? This provided much qualitative information to accompany the numerical estimates, and also allowed the interviewers to evaluate the informants' expertise.

The actors whose most favoured positions were obtained are the European Commission, the 15 member states and the European Parliament. The practitioners of EU affairs we interviewed found this list of actors to be

an appropriate description of the constellation of actors involved at this level and stage of decision-making. If these actors are to influence decision-making in the EU, they must define their position coherently and behave, as it were, as unitary actors. The experts elected to describe the EP as a unitary actor, and the decision outcomes it favoured in terms of the positions it communicated to the Commission and the Council.

There is a clear distinction between actors' most favoured policy alternatives and the policy alternatives they were willing to accept or eventually accepted in the form of the decision outcome. In practice, when policy experts are asked to focus on the specific issues that were at stake in a negotiation, it is possible for them to distinguish between what the actors wanted and what they were prepared to accept. The time period is particularly important in this respect. Specifically, the experts are asked to provide information on the policy alternatives most favoured by the actors immediately after the introduction of the Commission's proposal. These most favoured alternatives usually differ from the policy alternatives the actors eventually accepted in the form of the decision outcome. There are 162 issues in the data set with information on the policy alternatives actors favoured most and information on the policy alternative that became the decision outcome. On average 15.61 actors were attributed a 'most favoured alternative'. This means there are 2,529 'most favoured outcomes' in the data set. Of these, only 706 correspond with the alternative that became the decision outcome. Clearly, the experts were able to distinguish between the policies actors favoured and the policy alternatives they eventually accepted as the decision outcome. This indicates clearly that the experts were able to distinguish between these concepts.

The experts frequently indicated that several actors did not have a most favoured position on one or more of the issues dealt with in a Commission proposal. This is a common occurrence in decision-making in the EU. Nevertheless, this does pose a challenge for some explanatory models – those that require each of the actors to take a position somewhere in the policy space. For example, it is common that Luxembourg and Austria do not participate in discussions on fisheries dossiers, since they have little interest in this policy area. On average, 15.61 of the 17 actors took positions on each of the 162 issues in the data set. It should be noted that the term 'missing values' is misleading in this case: in principle, this does not concern information that should be there but is not, owing to errors in the data collection procedure; rather, it refers to cases where the experts indicated that certain actors did not take positions.

In addition to the actors' most favoured policy alternatives, where possible the decision outcome that would prevail if the legislative proposal in question were not adopted was identified as a position on each issue

continuum. We refer to this policy alternative as the reference point. This concept bears a close relation to the status quo position. The status quo position is the current state of affairs at a given point in time. The reference point refers to the outcome that would prevail if the legislation in question were not passed.

It was not possible to define a reference point on all of the issues. The absence of a reference point often has to do with the absence of a single decision outcome that would prevail for all member states if the legislative proposal were not passed. Models that require a reference point cannot therefore be applied to all the cases in the data set. On 126 of the 162 issues, the experts did find it possible to define a single point on the issue continua to describe the reference point; on 36 issues this was not possible.

The decision outcome on each of the 162 issues was described as a point on the issue continuum. Note that the decision outcome need not necessarily correspond to the position favoured initially by any of the actors. It may, for example, also be a point on the continuum somewhere between the actors' favoured positions, a compromise solution that was perhaps not even foreseen before the discussions took place.

### **Estimating salience**

The experts were also asked to estimate the level of salience or importance each of the actors attached to each of the issues. This variable is used in some, but not all, of the models.

When introducing this concept to the experts, it was explained that actors may differ from each other in the salience or importance they attach to each of the issues. The policy experts were asked to estimate the level of importance each actor attached to each issue on a scale from 0 to 100. The scale was described as follows:

A score of 100 indicates that an issue is of the highest importance to a stakeholder, while a score of zero indicates that the issue is of no importance whatsoever to a stakeholder. A score of 50 indicates that the issue has an average level of priority for the stakeholder concerned, and that it is willing to use arguments but not power politics to convince opponents. Note that it is possible for a stakeholder to attach a high level of salience to an issue on which it takes a moderate position, and a low level of salience to an issue on which it takes an extreme position.

Although it is difficult to ascribe a definite meaning to each possible salience score between 0 and 100, this description was a useful heuristic aid to the experts when providing the estimates. The relations between the estimates for different actors and between different issues for the same actors are more

important than the absolute values. As with the most favoured policy positions, it was important to obtain substantive arguments for the salience estimates: why did the different actors attach different levels of salience to the same issues, and why did any one actor attach different levels of salience to the different issues?

The salience estimates on the tobacco products directive are in parentheses in Figure 1. They indicate that the first issue, on the export of cigarettes, was more important than the second issue, on the health warnings, to the actors who favoured the continuation of the status quo. For example, Germany attached more importance to the export issue than to the health warnings issue. These actors were said to expect more negative economic effects from a policy change on the export issue than from a change on the health warnings issue. The European Parliament and the UK delegation attached more importance to the issue of health warnings than to the export issue. This was said to be owing to the fact that the public health lobby focused most on this issue and had particular influence over these actors.

### Capabilities of actors

Some explanatory models require a measure of actors' capabilities. Estimates of the capabilities of the actors are based on the Shapley–Shubik Index (SSI) (Shapley and Shubik, 1954; Napel and Widgrén, 2002). This is a voting power index that has been applied in many previous studies of decision-making in other settings. This index provides an approximation of the power of actors involved in a situation in which a vote must be taken before a decision can be made. The SSI score focuses on the number of times an actor is pivotal in a coalition, in the sense that it turns a losing coalition into a winning one. It is based solely on information regarding the voting rules. To apply this index, a list is first compiled of all possible permutations of the actors involved in the decision situation. For each possible permutation of actors, the actor that turns a losing coalition into a winning one is identified and said to be pivotal. The number of times an actor is pivotal divided by the total number of times all actors are pivotal is the actor's SSI power score.

To apply the SSI to decision-making in the EU, the composition of winning coalitions has to be established, taking into account the inter-institutional nature of decision-making in this context (Napel and Widgrén, 2002). The Commission is not necessarily a member of the winning coalitions. Under co-decision with qualified majority voting (QMV) in the Council, all winning coalitions require only a qualified majority of member states and the EP. Under consultation with QMV voting in the Council, there are two types

of winning coalitions: the first consists of the Commission and a qualified majority of member states; the second of all Council members.

## **Main conclusions of the volume *The European Union Decides***

The volume *The European Union Decides* (Thomson et al., forthcoming) provides a systematic introduction to a range of explanations, formalized as models, of decision-making in the European Union. These explanatory models can be classified into three categories.

The first category consists of models that focus on the decision-making procedures stipulated by the treaties and developed by practice. These procedures define the sequence of moves and, in combination with the distribution of policy preferences, which actors are pivotal. These models are referred to as *procedural models*. The structure of a procedural model is defined by the procedure considered. So there are different variants of both the consultation and the co-decision procedures, depending on whether the decision rule in the Council is qualified majority or unanimity. A procedural model generates predictions of the decision outcome on each controversial issue by applying the interpretation of the decision rule it contains, given the location of the reference point and the initial positions of the member states, the Commission and the European Parliament. Initial positions are assumed to reflect the preferences of the actors and are assumed not to shift during the process. Alternative procedural models have been developed owing to different interpretations of the procedures (particularly regarding the role of the European Commission and the European Parliament) and different assumptions concerning the linkages between issues within the same Commission proposals.

The second category contains models that focus on the informal bargaining that takes place before the legislative proposals are adopted as laws. Formal institutions play only an indirect role in these explanations by determining whose interests should be taken into account. Procedures are seen as less important than bargaining and primarily as safeguards that ensure cooperation. Several models were considered and adapted to decision-making in the European Union. One of the models assumes that *all* actors try to find a cooperative solution that takes the interests of *all* actors into account. The interests of actors with higher stakes in the outcome of a controversial issue are assumed to be reflected to a greater extent in the decision outcome. This reasoning is contained in the *compromise model*, whose prediction is the mean of the positions of all actors on an issue scale, weighted by the power

of each actor and the level of importance it attaches to the issue. The forthcoming volume (Thomson et al., forthcoming) contains a proof that this prediction is a first-order approximation of a well-known cooperative game-theoretical solution, the Nash bargaining solution. A second model, the *domestic constraints model*, is also based on a cooperative Nash bargaining solution, but takes into account the domestic constraints through which some member states have less flexibility than others to return home with compromise solutions far from their initial positions. A third model, the *position exchange model*, assumes that pairs of actors take advantage of situations in which both stand to gain by each supporting the other's position on the issue that is relatively more important to the other. Such exchange of support is always advantageous for the *pairs of actors* involved but may well have strong negative consequences for others, who see the decision outcomes moving away from their initial positions as a result. A fourth model, the *challenge model*, assumes that actors also use non-cooperative strategies in this bargaining process to obtain the best outcome they can.

The third category of models combines elements of informal bargaining with procedural rules. *Coalition models* have been developed and applied in *The European Union Decides*, in which minimal winning coalitions are evaluated against each other on the basis of the amount of conflict to be expected within them. Conflict is assumed to depend either on the spread of the initial positions of the actors within the coalition or on how evenly losses are distributed among the actors in the coalition. Coalitions that result in decision outcomes much further away from the initial positions of some actors than of others are assumed to engender more conflict than coalitions in which losses are distributed evenly. For issues where unanimity is required, the decision outcome predicted by the coalition models is about the same as that of the compromise model. For issues that must be resolved by QMV, only the interests of the set of actors within the coalition are taken into account and determine the outcome. A second model, the *procedural exchange model*, assumes that actors first exchange power resources, giving extra weight to issues that are of high interest to them at the expense of issues in which they are less interested. Subsequently, decisions are taken according to the relevant procedural rule, taking into account the redistribution of actors' power during the prior exchange process. A third model, the *conditional procedural model*, assumes that complexity increases quickly with the number of controversial issues in a Commission proposal. The model therefore assumes that all controversial issues are first reduced to one overall dimension of conflict, and that subsequently the relevant procedural rule is applied to determine the outcome on that integrated dimension.

Most of these models have until now not been tested in the context of EU decision-making. Some have been applied to very limited data sets and in small pilot studies. Others have been developed during the course of this project. None of the models has been tested on as large a data set as the one we have collected in this project. Never has such a variety of models been tested against each other in a contest to identify their relative performance.

The overall results of the comparative testing of the models in the forthcoming volume are as follows. *Bargaining models* do much better than procedural models in generating accurate forecasts of decision outcomes. Among the bargaining models, the best predictions are given by models based on cooperative solutions that include the positions of *all* EU decision-makers. *Unanimity, wherever possible*, is a very strong norm in the EU, even when decision outcomes supported by only a qualified majority of actors are possible (see also Mattila and Lane, 2001). Procedural rules matter in identifying the actors whose interests should be considered and the actors who should be given more weight than others, but also in sanctioning actors who follow their own interests against those of others. Like many legal regulations, procedures do not determine behaviour but set the boundaries within which action takes place. Decision outcomes in the EU tend to take into account actors' essential interests, wherever possible, and actors avoid harming the essential interests of others. Non-cooperative bargaining models and bargaining models based on bilateral deals are less applicable, because the behaviour they predict often has negative externalities for others.

In *The European Union Decides* (Thomson et al., forthcoming), the models are tested on the basis of the accuracy of their predictions of decision outcomes. By contrast, the articles in this special issue focus primarily on the micro level by addressing questions of relevance to the winners and losers of decision-making processes in the European Union. Here, an actor's success is defined primarily by the distance between the position it initially favours and the decision outcome. Together, the first two articles, the first by Torsten Selck and Bernard Steunenberg and the second by Stefanie Bailer, address a range of factors, from procedural rules to informal power resources, that empower certain actors more than others. The third article, by Javier Arregui, Frans Stokman and Robert Thomson, examines the bargaining mechanisms through which actors feel compelled or willing to relinquish support for their initially most favoured positions. The fourth article, by Antti Pajala and Mika Widgrén, also focuses on the actor level, by examining the differences between member states' a priori voting power and their 'empirical voting power', which takes into account their positions on controversial issues.

## Notes

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- 1 The group consists of the following members (in alphabetical order): Chris H. Achen (University of Michigan), Javier Arregui (University of Groningen), Stefanie Bailer (University of Konstanz), Vincent Boekhoorn (University of Nijmegen), Adrian van Deemen (University of Nijmegen), Madeleine O. Hosli (Leiden University), Thomas König (University of Konstanz), Antti Pajala (University of Turku), Sven-Oliver Proksch (University of Konstanz), Gerald Schneider (University of Konstanz), Torsten Selck (Leiden University), Bernard Steunenbergh (Leiden University), Frans N. Stokman (University of Groningen; chairman), Robert Thomson (University of Groningen; coordinator), and Mika Widgrén (University of Turku). The data collected in this project will be made available through the Steinmetz Archive, the Dutch Social Science Data Archive: <http://www2.niwi.knaw.nl>.

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- 2 This is a conservative estimate of the number of interviews carried out in this research. It includes only those interviews that related directly to the Commission proposals under investigation or to the distribution of capabilities between the actors. It does not include many interviews that were conducted at the selection stage to identify Commission proposals that were suitable for our study (i.e. Commission proposals on which there was at least some minimum level of controversy).
- 3 In practice, the experts used terms such as 'preferences', 'positions' and 'initially most favoured positions' interchangeably. As stated in the text, the question posed concerned the 'policy alternative initially favoured' by each actor. After posing this question, two interviewers asked in total 15 experts whether they could distinguish between these 'initially favoured policy alternatives', actors' 'preferences' or their 'initial bargaining positions'. Although the experts recognized that shifts in the positions supported by the actors did occur regularly, none of them could distinguish empirically between actors' preferences and their initial positions.

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