

Introduction

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Supranationalism – the pooling and delegation of sovereignty by national governments – is the most distinctive feature of the European Union (EU) and qualified majority voting (QMV) is the most distinctive feature of supranationalism. National governments are notorious for guarding and preserving their countries' sovereignty. The EU member states' governments are unusual in that, for reasons of history, geography, political culture, and economic advantage, they have agreed to pool and delegate sovereignty in a wide range of policy areas that affect the everyday lives of their citizens. The Council of Ministers is the EU institution where national governments decide to pool sovereignty, either by unanimous agreement or by taking a vote. In the latter case, the rules have generally called for a super – or qualified – majority rather than a simple majority, hence the acronym QMV, one of the best known of the thousands of acronyms spawned in the course of 60 years of European integration.

Qualified majority voting is not only one of the most distinctive but also one of the most divisive features of the EU. Ever since the negotiations that culminated in the founding of the European Economic Community (EEC), the forerunner of today's EU, national governments have fought bruising battles over the modalities of QMV – either the weighting of votes for each member state and the threshold for a qualified majority or, more recently, the threshold for the double majority (member states and population) – as well as over the scope of its application to policies under the EU umbrella. Accession treaties for new member states and inter-governmental conferences for treaty reform have served as the major battlegrounds. Highlights of these QMV battles include the row between Britain and other member states over the threshold for a blocking minority following the 1995 enlargement, and the dispute that pitted Poland and Spain against France and Germany over the switch to the double majority system in the proposed Constitutional Treaty of 2004.

Governments have also fought tenaciously over whether using QMV was appropriate even when provided for in the treaties. At the root of the Empty Chair Crisis of 1965–1966, the most serious political crisis in the history of the EU (at the time known as the EEC), was French insistence that, even when the rules allowed for QMV, decisions in the Council should be taken by unanimity if a government deemed that a 'very important' issue was at stake. The outcome of the crisis – the Luxembourg Compromise – preserved the treaty provisions on QMV but acknowledged a government's right to insist on unanimity in defence of a

vital interest, thereby effectively instituting a national veto over Council decision-making. The Luxembourg Compromise cast a long shadow over the EU greatly inhibiting the use of QMV until it withered in the wake of the Single European Act, the first major treaty reform in EU history which called for the use of QMV in policy areas deemed essential for the establishment of the full single market.

Why has QMV been so contentious in EU history? Because, as an instrument of supranationalism, it hits such sensitive national nerves as principle, prestige, parity, power (influence), domestic politics, and parliamentary prerogatives. Not all of these issues may be in play for each member state during any particular debate, but on each of the occasions when QMV triggered a confrontation in the EU several of these sensitive issues motivated at least one national government to take a stand.

National Sensitivities

All member states must accept the principle of supranationalism, the EU's defining characteristic. Nevertheless, national governments' commitment to this principle is not uniform. Occasionally the party or coalition of parties in power in individual member states is more nationalistic and sovereignty-conscious than its predecessor or successor. Member states themselves, by virtue of history, culture, and internal political structure, tend to vary widely in their enthusiasm for, or dislike of, supranationalism. Germany and Britain are two contrasting examples. Post-war and post-unification German identity and sovereignty are bound up in the country's involvement in European integration. Germany has rehabilitated itself and allayed the security concerns of its neighbours through a wholehearted commitment to the EU. Moreover, as a compound polity – a full-fledged federation – Germany is at ease with the principle and practice of multi-level governance. By contrast, Britain has traditionally prided itself on being independent in international relations and chafed at the idea of sharing sovereignty. Britain's experience in World War II contrasted sharply with that of most countries on the continent which were defeated and occupied at some stage of the conflict. Accordingly, the British government played down the supranational character of the European Community during the domestic debate on membership and has generally favoured the application of QMV only in specific policy areas. Moreover, as a traditionally centralised state, currently grappling with devolution of authority to its constituent parts, the United Kingdom is uncomfortable as part of a multi-levelled entity such as the EU.

Countries, like people, are image conscious and seek to increase their prestige among their peers. All countries are equal, but some are more equal than others. That maxim is as true in the EU as it is in wider international relations. Population size matters in the EU as it affects each member state's voting weight in the Council, whether under the pre- (weighted votes) or post- (double majority) Lisbon Treaty system, and the apportionment of seats in the European Parliament. Until 2004, size also mattered as regards the composition of the European Commission, with

the big countries allowed to appoint two commissioners each while their smaller counterparts had to make do with only one commissioner each. Countries accept the rationale for unequal representation, but strive to maximise their voting power in the Council and the size of their national delegation in the Parliament in order to enhance their prestige.

Parity is related to prestige. No two countries in the EU have exactly the same population, but many are close enough to be categorised comparably. The designation 'big,' although inherently imprecise, refers to member states with a population significantly larger than that of the other member states. Although Germany, France, Italy, Britain, Poland, and Spain vary considerably in population, Poland, the country with the smallest population among this group of countries, is considerably larger than the next most populous EU member state, i.e. Romania. The populations of Germany, France, Italy, and Britain are significantly larger than those of Poland and Spain; hence the larger allocation of votes to the four biggest countries. Countries within the same category tend to want to maintain parity with each other. French prestige and identity in the EU were long bound up with maintaining parity in institutional representation with Germany, a much more populous country. Given the history of Franco-German relations and the centrality of Franco-German reconciliation to the EU project, France understandably sought equality of institutional representation with its erstwhile enemy. Similarly, for reasons of friendly rivalry rather than former enmity, Belgium, although less populous than its neighbour to the north, traditionally insisted on parity in institutional representation with the Netherlands. Belgium reluctantly accepted a smaller weighting of Council votes in the Nice Treaty only after receiving a concession in the form of a promise that all regular meetings of the European Council would thereafter take place in Brussels.

Prestige and parity, in turn, relate to power, the currency of international relations. Indeed, prestige and parity are soft manifestations of hard power. The EU is not a classic international organisation, but a multi-level polity whose internal operation resembles that of a confederal state. Nevertheless, the European Community emerged from an *international* negotiation; the EU consists of member *states*; and revisions of the treaties are the result of *intergovernmental* conferences. Given the unique character of the EU, member states generally behave differently within the framework of its institutions than they do in the wider global system or in classic international organisations. Thus, when the six founding countries negotiated the original modalities of QMV, they acknowledged the power differential among them by weighting votes according to each country's population while at the same time recognising the novel nature of the Community system by giving the smaller member states (Belgium, Luxembourg, Netherlands) far more voting weight than the proportion of their population relative to the three big member states (France, Germany, Italy) would have implied. The greater voting weight of the smaller member states in turn allowed the bigger ones increased flexibility to form qualified majorities or blocking minorities. A quest for *influence*

rather than *power* is perhaps the best way to describe the behaviour of member states within the EU.

Member states use their influence in the Council to enact measures that they consider advantageous and block measures they deem unfavourable, by building coalitions to form either qualified majorities or blocking minorities. Similarly, when deciding on the scope of QMV during intergovernmental conferences at various times in EU history, national governments have taken positions based on general policy preferences. In policy areas where they are reluctant to pool sovereignty, national governments have resisted instituting QMV whereas in policy areas where they are eager to advance integration, national governments have advocated decision-making by QMV.

Governments' preferences are a function of broad national characteristics and specific circumstances. Understandably, in democratic systems national preferences stimulate the government's desire to satisfy domestic constituencies so as to maintain the popular support necessary to win the next election. Thus, a government's assessment of what is advantageous or disadvantageous in deciding whether to vote for or against a particular Council measure depends to a large extent on domestic pressures and politics. Governments' positions in negotiations on the modalities and especially the scope of QMV are also influenced by national politics and domestic conditions. Here again prestige plays a part. Sometimes governments want to be seen at home to be taking a strong position in Brussels, and strive to maximise their influence in the EU system partly to reassure domestic opinion or rally political support.

Sensitivity to national parliamentary positions and prerogatives is part of the domestic political equation. The trend throughout EU history toward greater use of QMV has helped to undermine the authority of national parliaments and, in tandem with the co-decision procedure, enhance the power of the European Parliament. In cases where QMV prevails, national parliaments can no longer insist that their governments cast a veto. Increasingly, national parliaments believe that their position has weakened as a result of the concentration of policy-making capacity in Brussels. In national political systems where governments depend on parliamentary support in order to stay in office, the backlash against Brussels, often couched in terms of the democratic deficit, is a highly sensitive matter. Efforts to increase the involvement of national parliaments in the EU system, while not directly related to QMV, have made many governments more aware of and responsive to parliamentary concerns when voting in the Council or considering changes to the modalities and scope of QMV.

An additional point about QMV is that people have invigorated politics and shaped EU institutions for the past 50 years. The most heated arguments over QMV have reached the highest levels of government, often pitting national and Commission leaders directly against each other. Deep personal differences between French President Charles de Gaulle and Commission President Walter Hallstein, as well as the pent-up frustration of other national leaders with de Gaulle's high-handed behaviour, undoubtedly exacerbated the already profound differences of

principle and policy during the Empty Chair Crisis. At the less exalted level of everyday decision-making, the conduct and outcome of Council voting owes much to the experience, skill, and personality of the officials involved, especially those representing the country in the Council Presidency and working in the Council Secretariat. Despite frequent complaints voiced in member states alleging that EU institutions are remote and technocratic, the Council, like other Brussels-based institutions, is staffed by people who are steeped in its culture, expert in its rules, and immersed in the game of legislative decision-making. For those people, QMV is not an abstract formula but a crucial mechanism for advancing national positions – as well as their own careers – ideally in the overall European interest.

The following sections provide a brief overview of the interplay of principle, prestige, parity, power (influence), domestic politics, parliamentary prerogatives, and personality in the development of QMV. The first section covers the period from the early 1950s, when institutionalised European integration began with the Coal and Steel Community, to the Single European Act of 1986 which facilitated deeper European integration and heralded the birth of the European Union. The second section covers developments from the Single European Act to the Lisbon Treaty of 2007, which emerged after a lengthy period of constitutional reform.

From Coal and Steel to the Single European Act

The European Coal and Steel Community was significant for political rather than economic reasons. It symbolised Franco-German rapprochement and eased the entry of the new Federal Republic of Germany into the regional and global political system. A proposal to extend integration to European defence, prompted by the outbreak of the Korean War in 1950 and calls on the part of the US government for German rearmament, failed spectacularly in 1954. The legacy of the Coal and Steel Community and fallout from the collapse of the defence project provided the boost for the next initiative in institutionalised integration: the European Economic Community. Yet the EEC owed its existence largely to the desire shared by the core countries in the integration project (France, Germany, Italy, Belgium, the Netherlands, and Luxembourg) to build a far-reaching customs union and a common market, thereby liberalising cross-border transactions and maximising economic growth. Of the founding member states, France, traditionally protectionist and industrially weaker than Germany, was the most apprehensive about taking such bold steps. Only when assured that special provisions for agriculture and assistance to former colonies would be included in the treaty, and enticed with concessions for French industry during the transition to the customs union, did France acquiesce in the EEC project.¹

The institutional architecture of the Coal and Steel Community – a High Authority, Council of Ministers, Common Assembly and a Court of Justice

1 On the institutional and political history of the EU, see Dinan 2004.

– provided the blueprint for the organisational structure of the EEC. But the institutional arrangements of the latter differed from those of the former in a number of important respects. In particular, national governments were much more reluctant in the late 1950s to delegate sovereignty to a supranational institution, partly because of their previous experience with the High Authority and partly because of the much greater scope – and therefore higher political prominence – of the EEC compared to its predecessor. The governments' caution was apparent in their decision to call the executive body of the EEC the Commission, not the High Authority, to delegate relatively little sovereign authority to it, and to vest most decision-making powers in the Council of Ministers, which in the Coal and Steel Community was merely an advisory body.

How and in what areas would the Council decide? Unanimity – the requirement that every member agree with the decision being taken – is inherently difficult to achieve. Voting is much more efficient. National governments appreciated the efficiency implicit in decision-making by means of voting in the Council, but were reluctant to relinquish their traditional right in international organisations: veto power. Inevitably, the negotiations leading to the signing of the Rome Treaty were a series of compromises, which generally favoured unanimity over voting in Council decision-making. Thus, on crucial constitutional questions, such as membership (enlargement) and treaty change, the Council would decide by unanimity; likewise, unanimity would be relied on in most policy areas, although in some cases after a certain length of time the basis of decision-making would eventually switch to voting. Only a few provisions of the Rome Treaty called for voting in the Council immediately following the establishment of the EEC.

Neither, in most cases where voting was permitted, would governments decide by a simple majority. The smaller member states would have been content with a rule based on one vote per member state, but their bigger counterparts, especially France, felt that their greater size warranted additional influence in the Council. The solution reached in the closing stages of the Rome Treaty negotiations – upon which the EEC was founded – was a system of weighted voting. Namely, between all member states there were 17 votes in total, with 12 (approximately 71 per cent) constituting a qualified majority and 6 a blocking minority. Of the 17 Council votes, France, Germany and Italy each had four, Belgium and the Netherlands each had two, and Luxembourg had one. Thus, a blocking minority would have to consist of at least two big member states. Despite the greater number of votes allocated to the big member states, the disparity in the Council-vote-to-population ratios – for instance, one vote to 13.5 million people in Germany and one to 0.3 million in Luxembourg – demonstrated the significant advantage that the smaller countries enjoyed.

The tentative attitudes of the participating governments toward voting, both as regards the modalities and scope of QMV, reflected their reservations about undertaking such a novel international initiative and their awareness that it would take time to develop mutual trust. Even in those areas subject to QMV – whether from the beginning or only after a transition period – the six governments taciturnly

agreed that they would not ignore the outright opposition of any one among them to a proposed measure. In other words, they would be mindful of each other's concerns and operate as much as possible on the basis of consensus.

Given the cautious, pragmatic nature of QMV, and the satisfactory experience with Council decision-making in the EEC's early years, it seems surprising that the Empty Chair Crisis erupted in 1965.² The proximate cause was a Commission proposal to link a new financial agreement for the Common Agricultural Policy to greater control over the budget for the Commission and the European Parliament. De Gaulle wanted the financial agreement, but not at the expense of empowering two institutions whose supranational character he disliked. Only after de Gaulle withdrew French participation from the Council (hence the empty chair – or chairs), did he reveal, at a press conference in September 1965, a more deep-rooted cause behind the crisis. Under the terms of the EEC founding treaty, QMV rules were due to be extended in January 1966 to agricultural and trade policies, two areas of particular concern to France. Taking a principled stand against QMV, de Gaulle insisted that national governments should forever maintain the right of veto in Council decision-making.

An avowed champion of intergovernmentalism and national sovereignty, de Gaulle had opposed the Rome Treaty while in political retirement in France, but accepted it once he returned to power in 1958. Clearly, his principles had not prevented him from accepting QMV until its impending application to agriculture and trade policies allegedly threatened to undermine important French interests. In fact, the transition to QMV in these policy areas would not necessarily have been detrimental to France. In the event of an unacceptable proposal, de Gaulle could have conveyed his concerns to the other national leaders, who, in keeping with the prevailing ethos of consensus, would probably have responded sympathetically. Instead, wrapping himself in the cloak of ideological purity and greatly irritated by the posturing of Commission president Walter Hallstein, de Gaulle chose to trigger the crisis.

The outcome was as good as de Gaulle – who did not want to destroy the EEC – could have expected. The crisis inflicted a serious blow on the Commission, whose president Walter Hallstein retired soon after. As for the Council, while the other member states stood firm in defending the principle of QMV, they did accept de Gaulle's contention that 'when very important issues are at stake, discussions must be continued until unanimous agreement is reached.' The transition to QMV for agriculture and trade policies did indeed take place, but votes were rarely called as the Luxembourg Compromise became a *de facto* veto. Although the Council did not stop functioning, there were few breakthroughs in new or difficult policy areas. De Gaulle's insistence on the primacy of unanimity over majority voting heightened governments' awareness of various special interests and increased

2 There is a huge literature on the Empty Chair Crisis. One of the most recent and authoritative assessments of it is Palayret, and Wallace 2006.

their reluctance to call a vote even when no vital interest was at stake – whatever such an interest was understood to mean.

The Luxembourg Compromise had another negative effect. Britain and Denmark, two countries that joined the EEC in 1973, were wary of supranationalism and seized on the Luxembourg Compromise as evidence that a national veto could override QMV. The combined legacy of the Empty Chair Crisis, British and Danish insistence on a right to veto, and the serious economic downturn of the 1970s, which made governments vulnerable to pressures from domestic interests apprehensive of economic integration, all but thwarted the use of QMV. The Commission was reluctant to introduce proposals that risked provoking strong national opposition for fear that they would become bogged down in the Council, whereas measures already in the Council decision-making process languished in the face of a real or anticipated national veto.

Member states' voting weights changed as a result of the 1973 enlargement, both numerically – namely France, Germany, Italy and the newly admitted Britain each got 10 votes; Belgium and the Netherlands five; new members Denmark and Ireland three; and Luxembourg two – and as a percentage of the total whereby the big countries' share of the votes decreased from 23.5 per cent to 17.2 per cent. Of the 58 Council votes, 41 constituted a qualified majority and 18 a blocking minority. As in the past, a blocking minority would have to include at least two big member states.

The decade from the mid-1970s, following the so-called 'spirit of The Hague' – a brief, post de-Gaulle revival of the EEC – until the acceleration of integration processes in the mid-1980s, is often portrayed as a period of stagnation. That description belies progress in a number of areas, notably global development (the 1975 Lomé Convention) and monetary policy (the establishment of the European Monetary System in 1979), as well as negates several important institutional changes, notably the creation of the European Council in 1975 and the inauguration of direct elections to the European Parliament in 1979. Yet, during this time of global downturn, the Community also experienced economic stagnation and failed to evolve much beyond a customs union.

In particular, insidious non-tariff, behind-the-border barriers to intra-Community trade remained stubbornly in place, frustrating completion of the single market. Regardless of the voting rules applicable in the Council for tackling non-tariff barriers, the Luxembourg Compromise came to symbolise the Community's inability to integrate further and pass measures necessary to facilitate the free movement of goods, services, capital, and people. A series of European Council conclusions (*communiqués*) and special, high-level reports on the Community's future, published in the 1970s and early 1980s, singled out the Luxembourg Compromise – in effect, the national veto – as the culprit behind stalled European integration. Governments readily acknowledged the perniciousness of the national veto, while nonetheless clinging to it in the form of the infamous Compromise.

Considering these circumstances, it is no wonder that a blow against the Luxembourg Compromise, struck by the Belgian presidency in May 1982, assumed

great importance. When Britain cited the Luxembourg Compromise in an effort to prevent approval by the Council of an already agreed-upon annual agricultural price schedule unless member states supported Britain on an unrelated issue, the Belgian presidency nonetheless called for a Council vote. The presidency reasoned that, as Britain had already agreed to the annual prices, refusing to formally endorse them in the Council could not be justified as a defence of its national interest. Most other governments concurred and Britain was outvoted. Belgium, a strong advocate of QMV, had acted for reasons of principle and pragmatism. Personality was also a factor – other national leaders were deeply resentful of the heavy-handed manner in which British Prime Minister Margaret Thatcher was advocating Community budget revisions at the time (see Wall 2008, 8–17).

Margaret Thatcher was also central to another decisive development in the saga of QMV – the single market project and the Single European Act. Pressure to complete the single market had built steadily since the early 1980s as a consequence of the obvious need to reinvigorate economic integration and boost the Community's lagging performance in the face of intense American and Asian competition. Well before Jacques Delors became Commission President in January 1985, Margaret Thatcher and other national leaders, strongly supported by business executives, advocated greater liberalisation and integration of the European marketplace. The Rome Treaty provided the blueprint, but unanimity bedevilled decision-making in the Council.

Margaret Thatcher's views were distinctly opposite to those embraced by de Gaulle as regarded QMV but only as long as the majority voting mechanism remained limited to single market measures. Also, she did not see the need for treaty reform in order to ensure completion of the single market. Why not simply reach a political agreement among national leaders – sort of a reverse of the Luxembourg Compromise – whereby governments would renounce the national veto and promise to enact single market measures by QMV? However, the majority of other national leaders preferred to hold an inter-governmental conference to formally revise the Rome Treaty; the British Prime Minister was outvoted on this issue in June 1985, in the first vote ever taken by the European Council.

French President François Mitterrand, German Chancellor Helmut Kohl and Commission President Jacques Delors dominated the ensuing inter-governmental conference, which produced the Single European Act, a treaty reform that extended Community competencies and changed its institutions in significant ways. The provisions on QMV were hard-fought. Despite the strong impetus for deeper integration, governments were reluctant to extend majority voting into sensitive policy areas, notably taxation. As a result, the Single European Act provided for QMV in only about 60 per cent of the nearly 300 measures in the Commission's White Paper (policy design) for the single market project (Moravcsik 1991).

From the Single European Act to the Lisbon Treaty

The signing of the Single European Act and the inception of the single market program in the late 1980s were landmark events in the history of the EU. Prior to that, the Community was limited in policy scope and public impact. Thereafter, it was subsumed into the EU, whose scope extended from collaboration on justice and home affairs to co-operation on foreign policy, security and defence, and to monetary union. The geographic as well as the policy reach of the new EU grew dramatically. The Community had increased from nine members after the first enlargement to 10 in 1980 (when Greece joined) and to 12 in 1986 (when Portugal and Spain joined). The end of the Cold War, which coincided with the acceleration of European integration in the late 1980s, created the opportunity for a further, large-scale enlargement as, firstly, traditionally neutral or non-aligned countries applied for membership and, secondly, newly-independent countries in Central and Eastern Europe sought to join. Cyprus and Turkey applied as well.

The EU's greater policy scope and geographical reach had a profound effect on public opinion. Hitherto, most Europeans knew little and cared less about the Community. With the inception of the single market program, however, the Community began to touch the everyday lives of an increased number of people in a greater number of ways. At first, the public reaction seemed positive; European integration has never been more popular than in the late 1980s and early 1990s, at the height of the single market program. That changed with the dramatic extension of Community competencies under the Maastricht Treaty coupled with uncertainty about the new EU's ability to handle bewildering geo-political and economic change, epitomised by the end of the Cold War and the onset of globalisation.

The narrow rejection of the Maastricht Treaty by the Danish electorate was a harbinger of public discontent with the EU, epitomised in the term 'democratic deficit.' A vague but palpable sense of alienation from the EU, not least the result of unfamiliarity with its institutions and decision-making mechanisms, overcame the member states' citizens. Popular discontent was strongest in traditionally Eurosceptical countries such as Britain, Denmark, and Sweden; however, there was considerable popular dissatisfaction even in traditionally EU-friendly countries. The evidence of this phenomenon was provided during the treaty reform debacle of 2005–2008, when the French and the Dutch voters rejected the Constitutional Treaty while the Irish voters rejected the successor Lisbon Treaty.

Clearly, the series of major treaty reform negotiations in the post-Maastricht era, culminating in the Amsterdam Treaty (1997), the Nice Treaty (2000), the Constitutional Treaty (2004), and the Lisbon Treaty (2007), stoked public unease with the policies and practices of the EU. The primary purpose of the Amsterdam Treaty was to revise the Common Foreign and Security Policy, first introduced in the Maastricht Treaty. However, in anticipation of the eventual accession of numerous Central and Eastern European countries, institutional issues came to dominate the inter-governmental conference instead. The most contentious of them concerned QMV. With the number of small countries hoping to join the EU

greatly outweighing the number of big candidates, the balance of influence in Council decision-making would tilt further away from the existing big member states. Hence their efforts in the Amsterdam negotiations to win agreement to a reweighting of Council votes, in return for their willingness to appoint only one commissioner – a step necessary in any case to keep the enlarging Commission to a manageable size – and to reconsider the allocation of seats in the European Parliament. Failure to reach agreement during highly contentious negotiations in the closing hours of the Amsterdam summit demonstrated the apparent intractability of these issues. Enlargement on the one hand and the EU's greater policy scope on the other had raised the political stakes surrounding QMV, much as the related phenomenon of growing public unease about deeper European integration had previously done.

A bitter dispute among member states in the run-up to the EU's first post-Cold War enlargement – which took place in 1995 and included Austria, Finland, and Sweden – further illustrated the political sensitivity of QMV. As with previous enlargements, the acceding countries received a number of Council votes that was roughly proportionate to their populations, and the existing member states recalculated the number of votes needed for a qualified majority (which remained at about 71 per cent of the total as had previously been the case). However this time, motivated by principle and presumed national interest, and because of intense pressure from Eurosceptical Conservative back-benchers, the British government (with Spanish support) demanded that the number of votes needed for a blocking minority be kept at the pre-enlargement number of 23 instead of accepting the new post-enlargement number, i.e. 26. After heated negotiations, governments thrashed out the Ioannina Compromise, whereby 'if members of the Council representing a total of 23 to 25 votes indicate their intention to oppose the adoption by the Council of a decision by a qualified majority, the Council will do all within its power to reach, within a reasonable time ... a satisfactory solution that can be adopted by at least 65 votes', i.e. Britain's preferred qualified majority.

For all intents and purposes, the Ioannina Compromise was mostly a face-saving device for Britain and had little practical effect on EU decision-making (see Hayes-Renshaw and Wallace 2006, 271–3). Instead, its real significance lay in highlighting the political prominence of QMV and the institutional challenges linked to enlargement. Undoubtedly, Britain's government at the time was obstructionist and Eurosceptical. That changed when Labour won the general election in May 1997. Nevertheless, the new British government, as well as the governments of other big member states, grew increasingly concerned about the impact on their decision-making power of the likely accession, sometime after 2000, of numerous small member states (ranging in size from Cyprus to Hungary), and only one big member state (Poland). Although the Amsterdam Treaty did not address their concerns, it stipulated that Council votes would have to be reweighted during the next round of treaty reform. That set the stage for another inter-governmental conference, this time dealing with the so-called Amsterdam leftovers (Council votes, Commission size, and European Parliament seats).

The 2000 inter-governmental conference, resulting in the Nice Treaty, was the most limited in duration and scope of all the inter-governmental conferences that have taken place since the mid-1980s (Laursen 2006; Usher 2003). It dealt almost exclusively with institutional issues decided mostly between EU leaders during the acrimonious Nice summit. Prominent on the agenda was the issue of the future institutional representation of all twelve prospective member states (10 Central and Eastern European countries plus Cyprus and Malta). As expected, given the pressure from the big member states, the ensuing Nice Treaty radically reweighted the number of votes for each existing member state while allocating votes to the prospective member states. The total number of Council votes would increase from 87 before enlargement to 321 subsequently once the Nice Treaty took effect in November 2004. Under its provisions the four biggest member states would maintain parity, with 29 votes each, while Poland and Spain would also be on a par with an astounding 27 votes each, only two fewer than the biggest member states. This was an extraordinary diplomatic victory for the latter two countries, scored against a French presidency preoccupied with upholding French representational interests in the face of Germany.

In addition to amending the total number of votes, the Nice Treaty introduced two criteria for a qualified majority: at least half (and in some cases two-thirds) of the member states comprising at least 62 per cent of the total EU population (should a member state seek such confirmation). The apparent complexity of the Nice arrangements, and the acrimony surrounding the summit, brought the Council voting system and the procedure for treaty change into public disrepute. Yet few people understand voting systems in most legislative arenas and the Nice system has actually proved remarkably efficient. Far from paralyzing Council decision-making, implementation of the Nice arrangements in the enlarged EU has not had a detrimental impact on the Council's legislative output (Hagemann and De Clerck-Sachsse 2007).

Nevertheless, political pressure to simplify the voting system by moving to a double majority of member states and population intensified in the aftermath of the Nice negotiations. Reflections on Council voting became bound up in the much broader debate on the Future of Europe, launched by the German Foreign Minister Joschka Fischer in May 2000 and eagerly seized on by other national leaders. This was the prelude to yet another round of treaty reform. In view of widespread disappointment with the Nice Treaty and disillusionment with the inter-governmental conference that produced it, the European Council agreed in December 2001 both to widen the agenda of the next round of treaty reform and to prepare for it by calling a convention representing national governments and parliaments of existing as well as prospective member states, the European Commission, and the European Parliament. QMV was one of the many institutional

issues considered by the Convention on the Future of Europe, which produced a Draft Constitutional Treaty in June 2003.³

The paradox of the Constitutional Convention was that while it sought to democratise and legitimise the process and product of treaty change in the EU, under existing EU rules such change could only happen as a result of an inter-governmental conference. Accordingly, the Draft Treaty was subject to review and possible revision by national governments during a follow-up inter-governmental conference (hence the qualifier 'draft'). Understandably, national governments used this opportunity to try to change parts of the Draft Treaty which they saw as detrimental to their interests. The most controversial issue, which caused a fierce argument at the 2003–2004 inter-governmental conference and flared up again in 2007 during the short inter-governmental conference that preceded the signing of the Lisbon Treaty, was QMV (Dinan 2005 and Dinan 2008).

At issue was the effort by Poland and Spain to maintain the huge advantage in voting weight that they had won in the Nice Treaty. Why should Spain surrender an advantage to which the other governments had agreed in the hard-fought Nice negotiations? Meanwhile, Poland's justification was that, having recently won a referendum on its EU membership terms, it would be wrong (not to mention politically risky) to renounce the prize of a voting weight nearly equivalent with that of France and Germany. For their part, France and Germany were determined to preserve the proposed new double majority system in the Constitutional Treaty, which would give them, being the most populous member states, an obvious advantage.

Revisiting the Convention's institutional proposals was akin to opening Pandora's Box. Indeed, as member states had their heels dug in not only on QMV but also on the size of the Commission, a renegotiation of institutional arrangements could not be avoided. Ultimately, the stalemate between France and Spain on the question of Council voting led to a breakdown of negotiations in December 2003. Threats by France and Germany, the chief proponents of the double majority system, to link the outcome of the inter-governmental conference to the upcoming budget negotiations (by implication threatening EU funding for Poland and Spain), and to forge ahead with a 'core' or 'pioneer' group of like-minded member states, exacerbated the situation. The incoming Irish presidency urged restraint and managed to get the negotiations restarted. Meanwhile, leadership changes in Poland and Spain (for reasons unrelated to the inter-governmental conference) improved the chances of agreement. Consistent with the newly accommodating attitudes to their EU partners, the two countries' governments were now willing to work toward a compromise on the proposed new arrangements for Council voting. Although other sensitive issues remained open, resolution of the QMV question paved the way for a successful conclusion of the inter-governmental conference in June 2004, in the form of the Constitutional Treaty.

3 On the Constitutional Convention and the Constitutional Treaty, see Laursen 2008 and Normal 2005.

Reflecting not only Spanish and Polish concerns but also the misgivings of the smaller member states, the provisions on Council voting in the final Constitutional Treaty differed appreciably from those contained in the Convention's Draft Treaty. Whereas the Draft Treaty had provided for a double majority consisting of at least 50 per cent of the member states and at least 60 per cent of the total population, in the Constitutional Treaty this was changed to at least 55 per cent of the member states and at least 65 per cent of the total population, with an additional stipulation that a qualified majority would have to consist of at least 15 member states and a blocking minority of at least four member states. These changes meant that the provisions for Council voting in the Constitutional Treaty were less congenial to the most populous member states, and also more complicated, than the original proposal. On the one hand, it would be harder for the most populous member states to form winning coalitions; on the other, it would be easier for them to form blocking minorities. Yet compared to the traditional system of weighted votes, the four most populous member states (France, Germany, Britain, and Italy) would clearly be better off.

The Constitutional Treaty provisions for Council voting were not an issue in the French and Dutch referenda of 2005. Nevertheless, the Polish government used the rejection of the Constitutional Treaty in France and Holland as a pretext to revisit the question of QMV during the negotiations that transformed the Constitutional Treaty into what most national governments hoped would be the politically more acceptable Lisbon Treaty. After some particularly sharp exchanges between the Polish President Lech Kaczyński and the Prime Minister Jarosław Kaczyński on one side and the French President Nicolas Sarkozy and the German Chancellor Angela Merkel on the other, Poland won a delay in the entry into force of the double majority system and an agreement on a new iteration of the Ioannina Compromise. As in the previous disputes over QMV, this one combined elements of principle, policy, politics, and personality.

Conclusion

The seemingly endless series of inter-governmental conferences and treaty changes from the mid-1980s to the mid-2000s greatly changed the character and scope of QMV. The national governments' agreement, embodied in the Single European Act, to make greater use of QMV in Council decision-making effectively put an end to the Luxembourg Compromise. Subsequent practice confirmed that countries were indeed willing to play by the new rules and risk being outvoted on a wide range of issues. A decade after the Single European Act, however, a mechanism similar to the Luxembourg Compromise found its way into the Amsterdam Treaty as regarded closer co-operation (flexible integration) among member states. According to the new provision, a government could, 'for important and stated reasons of national policy,' prevent a vote being taken in the Council on whether to allow closer co-operation to take place. The inclusion of a quasi-veto with respect to flexibility,

and elsewhere in the treaty with respect to ‘constructive abstention’ in foreign and security policy decision-making, demonstrated the supreme sensitivity of these issues for most member states. Similarly, the Constitutional Treaty (and later the Lisbon Treaty) included so-called ‘emergency brakes’ that governments could rely on in case of alleged endangerment of the national interest in certain policy areas. The spectre of the Luxembourg Compromise hovering over the contemporary EU, as well as the revival of the Ioannina Compromise, illustrates the old adage that *plus ça change, plus c’est la même chose*.

Ironically, the far greater applicability of voting rules since the Single European Act does not necessarily mean that an increased number of agenda items are put to a vote. Since the late 1980s there has been greater use of QMV in principle rather than in practice. National governments are willing to abide by qualified majority decisions but, ever cognizant of each other’s political sensitivities and imbued with a deep-rooted culture of consensus, which soon pervades the new member states, they usually prefer that a formal vote not take place. The presidency may call for a vote, but voting does not always follow. Instead, the country or countries in the minority often accept the inevitable and acquiesce in the majority’s position. Undoubtedly QMV is important in facilitating decision-making, but not necessarily because of actual voting (see Heisenberg 2005, 65–90; Hayes-Renshaw and Wallace 2006, 277–97; Naurin and Wallace, 23–80). There is little reason to think that things will change dramatically in this respect following implementation of the Lisbon Treaty.

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