Avoiding Paralysis: the Eastern Enlargement and the Council of the European Union

Michal Parízek, Madeleine O. Hosli, Běla Plechanovová

Abstract

Why does the Council of the EU continue to function without apparent problems, despite the increase in the number and heterogeneity of its members brought about by the Eastern enlargement? We argue that the reason why the Council has not become paralysed lies in the increased delegation of its agenda load from the ministerial meetings downwards to the Committee of Permanent Representatives (Coreper). We assess our argument on the basis of quantitative analysis of the amount of the so-called A-points (decided by Coreper) and B-points (decided by ministers) on the Council agenda in the years 2000 through 2007. Studying the delegation mechanism deeper, we argue that two design features of Coreper – its permanent nature and its broad scope of agenda coverage – enabled the delegation from ministerial meetings to take place and thus helped the Council cope with the larger and more heterogeneous membership.

Keywords: Council of the European Union, ministerial meetings, Committee of Permanent Representatives, Eastern enlargement, delegation

1

1. Introduction

The capacity of the European Union (EU) to take decisions was expected to be strongly affected by the Eastern enlargement. It was understood that the dramatic increase in the number of member states, amplified by their distinct political and socio-economic systems and considerable cultural differences, might paralyse EU decision-making processes. The institution expected to be hit most strongly by these effects was the Council of the EU, due to its intergovernmental character. More than ten years after the first wave of Eastern enlargement this paper seeks to understand why this threat did not materialize. What factors helped the Council survive the enlargement and prevented it from becoming paralysed? How did the Council preserve its ability to make decisions in an efficient and timely manner, in spite of the dramatic increase in EU membership?

In an attempt to contribute to our understanding of this important problem, we put forward an argument that the EU member states' representatives have been increasingly delegating the Council agenda from ministerial meetings to the Committee of Permanent Representatives (Coreper). With the help of this change the ministerial meetings decreased their own workload and hence preserved the ability to operate relatively smoothly. We assess our argument on the basis of quantitative data on all 3814 proposals transmitted to the Council by the Commission in years 2000 through 2007. Studying the distribution of agenda between Coreper (the so-called A-points of the Council agenda) and the ministerial meetings (B-points), we find sizeable strengthening of the role of Coreper, as compared to the ministerial meetings. Over the period under study, increasingly large share of the decision agenda has been decided by the permanent representatives rather than by the ministers.

In addition, and as a deeper exploration of the previous argument, we discuss what important obstacles the delegation mechanism may face in practice. It turns out that it is not at all obvious that the additional delegation to Coreper could have taken place; it is due to two specific design features of Coreper that it was able to absorb the workload brought about by the enlargement process. The first is its permanent nature and high iteration of the permanent representatives' interaction. The second is the broad scope of its activity, or the fact that it covers almost the entire Council agenda. Both these factors stand in a contrast to the ministerial meetings where individual ministers meet less frequently and over shorter periods of time, and where most of their activity remains within the realm of their respective policy areas. We argue that these two design features ensured sufficient capacity of Coreper as of a decision-making body, hence enabled the delegation to take place, and thus helped the Council cope with the effects of the Eastern enlargement.

We believe our findings are relevant for broader readership interested in European Union politics. On the one hand, we see that the European Union decision-making system is resilient and that it was capable of absorbing even a sizeable shock brought about by the dramatic increase in the membership. On the other hand, some may see the move of decision-making from ministers to bureaucrats as a matter for concern. What is the role of bureaucrats, national or supranational, in the EU? And do the political leaders retain sufficient control over them (Junge et al. 2014)? We do not provide a comprehensive answer to these important questions, but we hope to provide some interesting, if partial, insights into it.

The text is structured as follows: The next section reviews the previous research related to the expected impacts of the Eastern enlargement on the EU political system and specifically on decision-making in the Council, and formulates the central hypothesis that the Council was able to cope with the enlargement process due to a move of a part of the decision agenda from

3

the ministerial meetings downwards to Coreper. In section three we explore the delegation mechanism in more depth and show how the specific design of Coreper enables the delegation to take place. Section four presents the empirical test of our hypothesis.

2. The threat of Council paralysis: theoretical and empirical expectations

The Eastern enlargement has almost doubled the number of actors in Council decision-making, has brought a higher diversity of EU members' interests, and has increased the number of problems the EU decision-making system needs to handle. This can be expected to render EU decision-making more complicated (cf. Hertz and Leuffen 2011). In the EU political system, more member states effectively implies more veto players (Tsebelis 2002). In certain areas unanimous decisions are required, the general tendency within the Council is to seek as much consensus as possible (only about 19 percent of the legislative acts are contested by one or more ministers, see Plechanovová 2011, p. 91). And even if qualified majority voting strictly applied in practice, the political core of stability is very likely to expand with the Eastern enlargement (Tsebelis and Yataganas 2002; Tsebelis 2008; Hosli and Machover 2004). All these general theoretical findings point at the expectation that an increase in EU membership is likely to lead to Council inertia.

Analogous expectations are arrived at also in the more empirically oriented research on the EU political space. Some authors find Council politics to be largely determined by the traditional left-right ideological positioning of the member states' governments (Mattila 2004; Hagemann and Høyland 2008) or by non-economic components of the left-right dimension (Marks *et al*. 2002). Others contend that the best predictor of actors' positions in the Council is their geographic location (Mattila and Lane 2001; Elgström *et al*. 2001). Yet others argue that contestation in the Council is less given by a single general determinant and instead varies depending on the particular policy issues at stake (e.g. Hayes-Renshaw *et al*. 2006). Whichever

theoretical perspective we adopt we can expect the new member states to occupy positions at a distance from those of the older EU members. Indeed, empirical research on the dimensionality of Council politics shows that new salient divisions among the actors have emerged in the period after the enlargement and that the new members differ in their voting behaviour from the older ones (Mattila 2009; Plechanovová 2011). Consequently, as a result of what Zielonka described as an 'enormous injection of economic, political, legal and cultural diversity' brought about by the enlargement (2007, p. 188; also see Delhey 2007), we can expect an increased pressure on the Council as well as on the EU political process more generally (Hertz and Leuffen 2011; Parízek 2012).

König and Junge (2009) explain the fact that no Council policy-gridlock has occurred after the enlargement on the basis of extensive log-rolling within the specific ministerial meetings and in Coreper. Although certainly plausible, this insight only holds when we disregard the potentially significant transaction costs inherent in the conduct of the Council negotiations (cf. Schulz and König 2002, p. 656). In our analysis we take the problem of transaction costs of negotiations seriously. We inquire not only into why the Council is not deadlocked, but also into how it manages to reach decisions within a reasonable amount of time and with reasonable transaction costs. In sum, how comes that the Council has not become paralysed?

The explanation we put forward starts from the premise that a Council that operates efficiently is essential to EU policy-making and to the ability of member states to put their interests onto the EU agenda. In the current era, a considerable share of political decisions, whether national or European, involves the EU level in one way or another. Hence, even though Council members obviously aim to achieve decisions as close to their nationally defined ideal points as possible, the 'keep-the-Council-working' imperative is also present in their

calculations (Lewis 2010, p. 655). Indeed, such considerations have been on table in the Council for many years.[1]

Building on the existing accounts of Council decision-making and of the role of the Council preparatory bodies (e.g. Egeberg *et al*. 2003; Bostock 2002; Fouilleux *et al*. 2005; Häge 2007, 2008, 2012; Lewis 2005; Lempp 2007), we hypothesize that the most natural way how the Council can alleviate the ministers' workload is to delegate part of the agenda from the ministerial meetings to the administrative level of Coreper.[2] In the Council decision-making process, any point on the agenda is first discussed in the Council working groups and among the permanent representatives in Coreper. If the permanent representatives can find an agreement on the matter, they will make a decision in Coreper and the point will be passed to the ministers for a formal approval as a so-called A-point. Only if the permanent representatives cannot reach an agreement will they pass it to the ministerial meeting for a substantial discussion as a so-called B-point. The decision will then be made by the ministers (e.g. Häge 2008). On average about 80 per cent of all the points on agenda are decided in Coreper, only around 20 per cent are substantively discussed and decided by ministers (see Table 1 further in the text). Consequently, our explanation for how the Council survived the enlargement process lies in that more of the relatively less salient issues are delegated to the permanent representatives in Coreper. This provides ministers with enough space for deciding the key conflictive points on the agenda.

---

[1] E.g. Council Doc. 7105/03 and Official Journal of the EU, L325 (2009), art. 20.
[2] Originally, we were led to this possibility by an interview with a member of the Council Secretariat (June 2009).

3. Design of Coreper and the functioning of the delegation mechanism

The *delegation-hypothesis* outlined above is arguably very straightforward. When the political masters in the Council do not have the capacities to deal with certain parts of their agenda, they pass them down to the most readily available committee (Christiansen and Kirchner 2000). Yet, in this section we show that it is not at all obvious that the delegation mechanism can work. In fact, it does mostly due to two specific design features of Coreper. These are – first – its permanent nature and high iteration of the representatives' interaction within Coreper, and – second – the broad scope of its activity, or the fact that it covers almost all the areas of Council agenda.

To see why, let us consider the problem of Council decision-making capacity in more detail. Formally speaking, the core activity of Council decision-making consists in the member states' efforts to reconcile their conflictive interests in a bargaining process (see e.g. Dür *et al.* 2010). In the view of negotiation analysis, actors in political bargaining always have a choice between two broadly defined strategies or attitudes: *tough*, distributive, value-claiming strategies on the one hand, and *soft*, integrative, value-creating strategies on the other (Lax and Sebenius 1986, ch. 2; Zartman 2008). The fundamental problem of bargaining identified in the negotiation analysis literature is referred to as the negotiator's dilemma, or toughness dilemma, a special case of the general prisoner's dilemma game. The negotiator's dilemma says that although collectively the negotiating parties benefit if they all adopt soft, value-creating strategies, each individually they have incentives to be tough (e.g. Raiffa 2002, ch. 5). Unilateral softness undermines individual bargaining success and puts one at a disadvantage. At the same time, however, when all actors decide to be tough, deadlocks may occur and negotiation

breakdowns become more likely (Zartman 2008; Fearon 1998). Because the negotiators have incentives to be tough, and hence to induce prolonged negotiations, if there are too many points on the Council agenda it may simply not be able to reach agreements on them in time.

As we already indicated, our explanation for why the Council has not become paralyzed is that it has been delegating larger parts of its agenda downwards to Coreper. The problem with this intuitive explanation is that it does not address the possibility that the same negotiator's or toughness dilemma that obscures the ministerial negotiations also obscures negotiations among the permanent representatives. Why should the permanent representatives not face the general dilemma as well, when the ministers do? Quite plausibly, the permanent representatives might find themselves also trapped in endless bargaining, in the end having to pass the decisions up to the ministerial meetings. The delegation mechanism would then fail and the threat of Council paralysis would not be mitigated.

In our view Coreper is able to deal with the negotiator's dilemma better than the ministerial meetings. Specifically, from the classical literature on international cooperation we know that there are two conditions under which cooperative outcomes can be achieved in a prisoner's dilemma game, in our case under which the permanent representatives should be able to reach agreements in Coreper and hence make the delegation mechanism work. First, a number of studies, and most notably those of Axelrod (1981), have shown that the collective inefficiency of prisoner's dilemmas can be overcome if the actors' interaction is highly repeated. Provided that the Council members perceive the decision-making game to be played long into the future, they will have incentives to adopt more cooperative strategies. In our case they will refrain from overly tough bargaining attitudes. To be sure, ministers do meet relatively regularly in the Council ministerial meetings and in this sense their interaction is also repeated. Yet, in practice the density of their interaction is nowhere near that of the permanent representatives in Coreper,

not to mention that it has been reported that the ministers increasingly tend to send to the ministerial meetings their deputies instead of coming themselves (Best and Settembri 2008). In contrast, the permanent representatives meet both formally and informally every week and tend to stay in the office over longer periods of time.

Second, for cooperation to emerge in prisoner's dilemma situations it is essential that the actors are able to effectively monitor each other's behaviour (Keohane 1984). In our case, for the delegation mechanism to function the Council decision-making needs to make sure that the actors will be able to monitor comprehensively how often others choose to bargain tough as opposed to taking more cooperative, compromise-prone soft stances. To be effective, the monitoring will need to cover the negotiations across all fields and over long time. So, in addition to being permanent, the decision-making body needs to have a very comprehensive scope of coverage. Coreper is well suited for dealing with the monitoring problem because it has an informational advantage over the ministerial meetings in that it comprehensively oversees the entire negotiation agenda. Where ministers may at best be familiar with their counterparts' behaviour in their specific area, permanent representatives can effectively monitor each other's behaviour across all fields (König and Junge 2009). Uncooperative behaviour by some states in the form of extensive toughness and systematic lack of willingness to compromise would be easily detected by the permanent representatives.

We can expect that the delegation mechanism will also be helped by socialization processes to which the permanent representatives are subjected. These provide them with additional incentives to adopt soft bargaining strategies and seek effective conflict resolution. Lewis points out that Coreper is characterized by a shared sense of 'duty to "avoid Council"' (2010, p. 655), peer-pressure on individual permanent representatives to reach an agreement within Coreper is present. He also provides (1998) a rich qualitative illustration of this fact when

he shows how a highly political and sensitive topic of the 1994 Local Elections Directive was kept away from discussion at the ministerial level and – de facto as well as formally – decided by Coreper. This was precisely due to the effort of permanent representatives to make sure that the process is not blocked in the politically and ideologically necessarily more loaded ministerial debate.

Overall, there are important problems inherent in the delegation of decision-making in the Council. It is not at all obvious that delegation can take place. However, because of the very stable nature of Coreper and because of its cross-sectoral scope of coverage, it can deal with these problems much more effectively than a body with a lower density of interaction, less permanent design, or narrower scope of authority ever could.

4. Empirical Insights into the Attempts to Avoid Council Paralysis

In this section, we assess our argument empirically with the use of a newly collected quantitative dataset. The dataset is derived from PreLex, an official database monitoring decision-making processes among EU institutions (see König, Luetgert, and Dannwolf 2006). It contains information on decisions on *all proposals* transmitted to the Council by the Commission between January 2000 and December 2007. This accounts altogether for 3814 cases with approximately 450 to 500 per year. 3433 (90%) have at least once entered the Council agenda – a ministerial meeting and/or Coreper – and are thus included in the analysis (see Table 1 for more details). The dataset is composed of 465 directives (429 entered the Council agenda), 1560 (1381) regulations, 1770 (1606) decisions, and 19 (17) framework decisions; it includes both legislative and implementation acts. In terms of raw data, it contains first and foremost information on the interactions between ministers and the permanent representatives in Coreper. This is accounted for by two core variables, one indicating how many times an individual proposal was put on the Council agenda as an A-point (decided by Coreper), and the other indicating how many times it was categorized as a B-point (decided by ministers).

[Table 1 approximately here]

To assess our hypothesis, we use two different indicators as the outcome variables capturing the involvement of ministers in the decision-making process. First, we create a simple binary variable where an individual proposal scores '1' if it at least once entered the Council meeting as a B-point, and '0' otherwise (i.e. if it was only on Council agenda as an A-point). In

the analysis this variable is referred to as *B-positive*. Second, we create an indicator that captures the ratio of the total amount of B-points over the sum of the total amount of A-points and B-points (*B/(A+B)*), for each individual proposal and in monthly and yearly aggregates. This indicator takes on values between 0 and 1, from no involvement of ministers (value '0') to no involvement of Coreper (value '1'). By studying the trends in these indicators, we can trace empirically any possible move of the decision-making activity between the two levels.

If our hypothesis was *not* correct we would expect a move from the bureaucratic level of Coreper upwards to the ministerial level. That means we would expect a relative increase in the amount of cases with one or more B-points. In this intuitive approach, bureaucrats on their own are unable to reach agreements because of the increased variety of member states' interests. They are forced to pass the points upwards for a discussion by ministers. More issues thus enter the Council agenda as B-points, and the values of our indicators *B-positive* and *B/(A+B)* increase over a long period of time. This is what in general one could expect to result from an increase in the number of actors and heterogeneity of their interests. If our delegation-hypothesis is correct, however, we should expect a contrary development. Because ministers' time and general capacities are fixed we expect the amount of B-points to remain stable or decrease over time. All the additional Council workload that the ministers are not able to handle would then have to be absorbed by Coreper and decided as A-points. As a result, we should expect the indicators of ministers' involvement to decrease over time.

Empirical evidence, over a time phase of eight years, lends our argumentation strong support. Figure 1 plots the values of both indicators aggregated by years; full line on the left scale shows the number of cases with at least one B-point (indicator *B-positive* equal to 1) and the dashed line on the right scale shows the *B/(A+B)* indicator. The data show a decreasing trend in both indicators, confirming descriptively a move of decision-making over some of the agenda

from ministers to Coreper. Note that the trend is discernible already in the pre-enlargement period, around the adoption of the Treaty of Nice. This indicates that already when the enlargement as such took place in 2004 the process of alleviating the Council workload was under way.

[Figure 1 approximately here]

Let us now assess the presence of a change also with the use of inferential analysis. Consider first a chi-square test with a dummy variable *post-enlargement* as the predictor and the binary indicator of ministers' involvement *B-positive* as the outcome variable. In accordance with our expectations, the test shows that there are significantly fewer *B-positive* cases in the post-enlargement period than there were before, taking into account the total number of cases in the two periods.[3] A very similar result is obtained when we use the continuous indicator *B/(A+B)* instead of the simple binary variable *B-positive* as the outcome variable. The average value of the *B/(A+B)* indicator decreases from 0.154 before the enlargement to 0.131 after the enlargement, again fully in line with our expectations.[4]

---

[3] Chi2 (1) = 14.72, p<0.001, gamma=-0.16.
[4] An unequal variance t-test shows that the difference between the two periods is significant (t=2.30, p<0.05). Note that the values 0.154 and 0.131 differ considerably from the values indicated in table 1 and figure 1, where the coefficient *B/(A+B)* takes on values well above 0.2. This difference is due to different aggregation procedures. The data displayed in table 1 and figure 1 are aggregated by years, so they reflect the total sums of A-points and B-points in the given year, where the value of the coefficient is calculated from these yearly figures. In comparison, the bivariate statistical analysis works with disaggregated data, where the coefficient *B/(A+B)* is first calculated for each decision act individually, and the reported figures for the pre-enlargement and post-enlargement periods are the averages of these figures across the decision acts. This naturally draws the values down since the calculation does not weight the individual decision acts by their total numbers of A and B-points.

To assess the presence and strength of the trend more rigorously, we conducted a series of multiple-regression analyses. We performed the analyses on monthly aggregates of data, to average out the countless factors specific to each individual decision-making act, be they country-specific interests and concerns, peculiarities of the issue areas, or simply individual or organizational interests of the actors directly involved in the negotiations. We build the main model with the dependent variable *B-positive* first; later on we replicate it with indicator *B/(A+B)*. As the key predictor of interest we use in the regression model a quasi-continuous variable *Month of adoption* that captures the time trend in months. For each proposal, it indicates in which month it was adopted by Commission and passed to the Council. The value of '1' stands for January 2000 and the value of '96' stands for December 2007. If we find that this variable has a significant negative effect on the outcome variable *B-positive*, we know there is a trend of decreasing involvement of ministers in the decision-making.

In addition to this key variable of interest, we include several potentially relevant control variables. First, we can intuitively expect that the number of cases with at least one B-point corresponds closely to the overall number of cases, in a given month (variable *Cases in month*). The larger is the overall agenda in a month, the higher is the number of cases that are discussed by ministers likely to be. Second, we should expect that the number of cases with B-points, in a given month, goes down as the number of A-points increases, other things equal (variable *Number of A-points*). In other words, for the given number of cases in a month and controlling for other factors, the more A-points there are and hence the more of the agenda is being handled by Coreper, the lower the number of cases dealt with by ministers. Third, according to the delegation logic we would expect that the involvement of ministers is for each individual proposal primarily determined by its political saliency. More salient issues should imply more B-points. We use the amount of time a particular issue takes as a proxy for its saliency – more

politically contentious issues should be more difficult to solve and therefore take more time. This proxy is obviously not perfect as clearly in general the duration of the decision-making process is itself to some extent endogenous to the functioning of the Council, the very phenomenon of our interest. In addition, highly salient issues can be dealt with expediently when there is a shared sense of a need for quick solutions. On the other hand, some issues of low saliency can take very long if none of the Council members takes ownership of them. The interpretation of this variable therefore requires care. Having said that, given the time and capacity constraints faced by the Council ministerial meetings and Coreper, it is unlikely that the actors would want to keep on the agenda for long time many proposals that most or all of them consider unimportant. Further, we work with monthly averages of this variable (variable *Average length*) so we presume that the individual cases where the relationship between saliency and process duration does not apply cancel out.[5] Finally, we include two dummy variables to capture the types of proposals put on the agenda in the given month, namely *regulation* and *decision* (the baseline category being directives).[6] Inclusion of the dummy variables enables us to control for any possible change in the composition of the decision agenda.

Models 1, 2, and 3 in table 2 summarize the results of the regression analyses, as we add the relevant covariates. We see that across all the models the key independent variable of interest – the time trend *Month of adoption* – has a significant negative effect on the number of cases with at least one B-point. Other things equal, over the period of 96 months this means a decrease by approximately four cases, in the given month. As indicated graphically already in figure 1,

---

[5] In this context it is interesting to note that the variable Average length correlates strongly (r=0.64) with the overall number of points (A+B) cases in the given month take. We interpret this finding as a further support for our intuitive view that process duration correlates highly with its political saliency.

[6] With only 17 cases over 8 years, the category of framework decisions is disregarded, so we do not include a specific dummy variable for it.

this is a substantively important change. With the exception of the proposal type dummies, all the control variables show significant effects pointing in the expected direction. The models show good values of overall fit, with R-squared=0.62 for model 3.[7]

Models 4 and 5 replicate models 2 and 3, but they use the indicator *B/(A+B)* as the dependent variable, measuring the total share of B-points rather than then number of acts with at least one B-point. Since this variable already includes the number of A-points in the given month, variable *Number of A-points* is left out. In addition, because the sum of A- and B-points (value *A+B)* is very highly correlated with the number of cases in the given month (r=0.87), variable *Cases in month* is excluded. The models support the previously found results by showing, over time, that the share of ministers on the Council decision-making decreases. Substantively, the fitted values of the indicator *B/(A+B)* decrease from around 0.3 in 2000 to just above 0.2 at the end of 2007, indeed a sizeable change. We should note, however, that the overall predictive power is lower for these models.[8]

[Table 2 approximately here]

In addition to the overall analysis, we can assess our argument also by testing it on a subsample of what we consider the least likely cases. Specifically, we analyze separately a subset of the relatively more salient issues, where we should not expect the move from the ministerial level to the administrative level of Coreper. To identify these politically most salient

---

[7] Regression diagnostics indicate neither heteroskedasticity (Breusch-Pagan test), nor serial correlation of errors (Durbin-Watson test). Variance inflation factors inspection shows high correlation between Number of A-points and the number of cases in the given month. This makes their significance estimates conservative; coefficients of these variables appear stable across different model specifications.

[8] R-squared=0.35 for model 5. As in models 1, 2, and 3, regression diagnostics indicate neither heteroskedasticity (Breusch-Pagan test), nor serial correlation of errors (Durbin-Watson test). Multicollinearity of the predictors is also low.

issues we selected those that lasted more than 500 days in duration (altogether 568 cases, approx. 16% of all proposals).[9] Models 6 and 7 in table 2 replicate the full models 3 and 5 on this subset. Once again, the decision acts are aggregated by months of adoption. The main results are consistent with those reported previously. There is a clear and sizeable decreasing trend in ministers' involvement in decision-making, from around average of five cases per month with at least one B-point in 2000 to around three in 2007. Similarly, the *B/(A+B)* indicator drops over the entire period from around 0.5 to around 0.3. Model 6 has very high explanatory power but we should note that most of it is driven by the variable *Cases in month*. Intuitively, within this subset most cases have at least one B-point, hence the high correlation between the number of cases and the number of cases with at least one B-point, in a given month.[10]

Quite interestingly, our argumentation has one additional specific observable implication that can be directly tested against the available empirical evidence. Our logic implies that Coreper has been able to absorb the additional workload brought about by the enlargement because it is a permanent body and because it has a broad, cross-sectoral reach. However, the agenda dealt with by the Agriculture and Fisheries Council is prepared by the Special Committee on Agriculture (SCA) and not by Coreper. Hence, although SCA shares with Coreper its stable nature it has a much narrower scope of agenda coverage. It could thus be argued that our logic should not be applicable for agenda dealt with by SCA.[11] In order to test this possibility, we have taken a random sample of the Council agenda and collected additional data on the DGs

---

[9] The results reported below do not appear to depend substantively on the threshold specification – we ran the models under a number of specifications, without sizeable changes of the coefficients.

[10] In both model specifications, robust standard errors are used to account for heteroskedasticity. Since across the entire period there were four months in which there was no case that would last more than 500 days, the N in the regression analysis drops from 96 to 92.

[11] We are very grateful to one of the anonymous referees for pointing to us this observable implication of our argument and suggesting that we test it.

responsible for the individual decision acts.[12] Then we replicated the bivariate analysis performed before on the subset of decision acts prepared by SCA instead of Coreper. We find that, consistent with the observable implications our theory, in the agendas covered by the Special Committee on Agriculture no decline in the involvement of ministers is observable. More than that, the data indicate that in this unique area the workload of ministers might in fact have slightly increased (although the increase is far from statistically significant).[13] In other words, while our argumentation finds empirical support for the areas of Council decision-making handled by Coreper as such, it does not seem to apply for the agricultural agenda, handled by a separate committee, without the broad agenda coverage enjoyed by Coreper. We believe this provides our argumentation with additional and very specific empirical support.

---

[12] Altogether we have collected the data on 345 decision acts falling under the Special Committee on Agriculture, i.e. 10% of the Council agenda.

[13] *B-positive*: Chi2 (1) = 1.81, p=0.18. *B/(A+B)*: t=-1.27, p=0.21.

5. Conclusions

Why does the Council of the EU continue to function without apparent problems, despite the increase in the number and heterogeneity of its members brought about by the Eastern enlargement? This simple but important question has so far received surprisingly little attention. It has been argued that the EU and Council decision-making could have avoided a deadlock because of the increased log-rolling and trade-offs among the actors, within and across different policy areas (König and Junge 2009). Yet, the decision making problem is not only one of elementary compatibility of interests, it is also one of transaction costs and the ability of the Council to manage its workload in due time. How comes the Council continues to function relatively smoothly in spite of the membership size and heterogeneity increase? In this article, we propose and test one possible explanation: the Council was able to cope with the enlargement process because increasingly large shares of its agenda load have been delegated from ministerial meetings down to Coreper. Thus, the amount of points the ministers themselves had to decide decreased.

More specifically, we argue that because the total amount of time ministers can spend in Brussels is highly constrained, the most natural solution to the threat of paralysis is a shift of a part of the agenda to the diplomatic administrative apparatus. Where the political masters' time resources are constrained, the delegation of decision-making to a bureaucratic body becomes a solution. A quantitative empirical analysis covering the entire Council decision-making load in years 2000-2007 shows a trend of decreasing relative involvement of ministers in the decisions-making, supporting our argument. The amount of agenda dealt with by the ministers has decreased. More of the decision-making load has been absorbed by Coreper.

We certainly do not mean to imply that the trend of decreased involvement of ministers in Council decision-making should be permanent. Our evidence only covers the period around the enlargement and in fact we intuitively expect that the decrease, at some point, necessarily flattens out. Nevertheless, we are confident that in the years surrounding the Eastern enlargement an additional transfer of agenda from the ministers to Coreper took place. We believe this change has helped the Council cope with the enlargement.

Although this argument appears very intuitive, we argue that in fact the delegation mechanism may face severe difficulties. It is thanks to the institutional design of Coreper that the Council could have coped with the enlargement well. Coreper is better suited than the ministerial meetings for dealing with the negotiator's dilemma that normally presses actors in the Council to bargain toughly and thus induces prolonged negotiations and possible paralysis. As compared to the ministerial meetings, Coreper has a broader scope of coverage of policy areas, enabling the permanent representatives to effectively monitor each other's bargaining attitudes across the entire Council agenda. This helps them avoid uncooperative and excessively tough negotiation attitudes. Due to its very stable nature, bargaining in Coreper is also highly iterative, again pressing on adoption of softer and more compromise-oriented positions within the mandates from their ministries. We argue that thanks to these design features Coreper has been able to absorb an additional part of the Council decision-making load, freeing the ministers' hands for the politically most conflictive questions.

Overall, we observe that the Council has proved resilient and able to cope with a sizeable shock brought about by the enlargement. Our findings, however, also point at some potentially disputable trends in Council politics, namely at an increasing need of the political representations to rely in European decision-making on the bureaucracy (Heims 2013; cf. De Wilde 2011). The move of decision-making in the Council from ministers to Coreper does not

lead to greater leverage of the European Commission or other supranational bodies (cf. Tsebelis 2008; Tsebelis and Yataganas 2002), but may certainly open way in that direction (Shore 2000). At the same time, shifting a part of the Council agenda from the politically directly accountable ministers to the permanent representatives in Coreper certainly does not make the decision-making processes more transparent. If we expect the Council of the EU – traditionally known as the Council of *Ministers* – to be operated by *ministers* rather than diplomats, we might find an unfortunate trade-off between the Council's operability and its congruence with the principles of political accountability.

References

Axelrod, R. 1981. The Emergence of Cooperation among Egoists. *The American Political Science Review*. 75, no. 2: 306-318.

Best, E., and Settembri, P. 2008. Surviving enlargement: how has the Council managed?. In Best, E., Settembri, P., Christiansen, T. (eds.) *The institutions of the enlarged European Union: continuity and change*. London: Edward Elgar Publishing.

Bostock, D. 2002. Coreper revisited. *Journal of Common Market Studies*. 40, no. 2: 215-34.

Christiansen, T., and Kirchner, E.J. 2000. *Europe in Change: Committee Governance in the European Union*. Manchester: Manchester University Press.

Delhey, J. 2007. Do enlargements make the European Union less cohesive? An analysis of trust between EU nationalities. *Journal of Common Market Studies*. 45, no. 2: 253-79.

De Wilde, P. 2011. No Polity for Old Politics? A Framework for Analyzing the Politicization of European Integration. *Journal of European Integration*. 33, no. 5: 559-575

Dür, A., Mateo, G., and Thomas, D. 2010 Negotiation theory and the EU: the state of the art. *Journal of European Public Policy*. 17, no. 5: 613-618

Egeberg, M., Shaefer, G., and Trondal, J. 2003 The many faces of EU committee governance. *West European Politics*. 26, no. 3: 19-40.

Elgström, O., Bjurulf, B., Johansson, J., and Sannerstedt, A. 2001 Coalitions in European Union Negotiations. *Scandinavian Political* Studies. 24, no. 2: 111-128.

Fearon, J. 1998. Bargaining, Enforcement, and International Cooperation. *International Organization*. 52, no. 2: 269-305.

Fouilleux, E., De Maillard, J., and Smith, A. 2005. Technical or political? The working groups

of the EU Council of Ministers. *Journal of European Public Policy*. 12, no. 4: 609-623.

Golub, J. 2007. Survival analysis and European Union decision-making. *European Union Politics*. 8, no. 2: 155-79.

Häge, F. 2007. Committee decision-making in the Council of the European Union. *European Union Politics*. 8, no. 3: 299-328.

Häge, F. 2008 Who decides in the Council of the European Union?. *Journal of Common Market Studies*. 46, no. 3: 533-58.

Häge, F. 2012. Bureaucrats as Law-Makers: Committee decision-making in the EU Council of Ministers. London: Routledge

Hagemann, S., and Høyland, B. (2008) Parties in the Council?. *Journal of European Public Policy*. 15, no 8: 1205-1221.

Hayes-Renshaw, F., Van Aken, W., and Wallace, H. 2006. When and why the EU Council of Ministers votes explicitly. *Journal of Common Market Studies*. 44, no. 1: 161-94.

Heims, E. 2013. The Role of 'Bureaucrats' in the Executive Order of the EU: Re-examining the Practices of the Commission, EU Agencies and Council Working Groups. *Journal of European Integration*. 35, no. 6:723-729

Hertz, R., and Leuffen, D. 2011. Too Big to Run? Analysing the Impact of Enlargement on the Speed of EU Decision-Making. *European Union Politics*. 12, no. 2: 193-215.

Hosli, M., and Machover, M. 2004. The Nice Treaty and Voting Rules in the Council: A Reply to Moberg (2002). *Journal of Common Market Studies*. 42, no. 3: 497-521.

Junge, D., König, T., and Luig, B. 2014. Legislative Gridlock and Bureaucratic Politics in the European Union. *British Journal of Political Science*. FirstView: 1-21.

Keohane, R. 1984. *After Hegemony: Cooperation and discord in the World political economy*. Princeton: Princeton University Press.

König, T., and Junge, D. 2009. Why don't veto players use their power?. *European Union Politics*. 10, no. 4: 507-34.

König, T., Luetgert, B., and Dannwolf, T. 2006. Quantifying European legislative process. *European Union Politics*. 7, no. 4: 553-74.

Lax, D., and Sebenius, J. 1986. The Manager as Negotiator: Bargaining for Cooperation and Competitive Gain. New York: Free Press

Lempp, J. 2007. "Coreper Enlarged": how Enlargement Affected the Functioning of the Committee of Permanent Representatives. *European Political Economy Review*. 6: 31-52.

Lewis, J. 1998. Is the Hard Bargaining Image of the Council Misleading? The Committee of Permanent Representatives and the Local Election Directive. *Journal of Common Market Studies*. 36, no. 4: 479-504.

Lewis, J. 2005. The Janus Face of Brussels: Socialization and Everyday Decision Making in the European Union. *International Organization*. 59, no. 4: 937-71.

Lewis, J. 2010. How institutional environments facilitate co-operative negotiation styles in EU decision-making. *Journal of European Public Policy*. 17, no. 5: 648-664.

Mattila, M. 2004. Contested decisions: Empirical analysis of voting in the European Union Council of Ministers. *European Journal of Political Research*. 43, no. 1: 29-50.

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, no. 6: 840-857.

Mattila, M. and Lane, J. 2001. Why Unanimity in the Council? A Roll Call Analysis of Council Voting. *European Union Politics*. 2, no. 1: 31-52.

Marks, G., Wilson, C., and Ray, L. 2002. National Political Parties and European Integration. *American Journal of Political Science*. 46, no. 3: 585-594.

Official Journal of the EU, L325 (2009) Council Decision of 1 December 2009 adopting the

Councils Rules of Procedure, 2009/937/EU

Parízek, M. 2012. After the Enlargement: Trends and Threats in the European Union Decision-Making. *Perspectives: Review of International Affairs*. 20, no. 1: 33-58.

Plechanovová, B. 2011. The EU Council Enlarged: North-South-East or Core-Periphery? *European Union Politics*. 12, no. 1: 87-106.

Raiffa, H. 2002. *Negotiation Analysis: The Science and Art of Collaborative Decision Making*. Boston: Harvard University Press.

Schulz, H., and König, T. 2000. Institutional reform and decision-making efficiency in the European Union. *American Journal of Political Science*. 44, no. 4: 653-66.

Shore, C. 2000. *Building Europe. The Cultural Politics of European Integration*. London: Routledge.

Tsebelis, G. 2002. *Veto players: how political institutions work.* Princeton: Princeton University Press.

Tsebelis, G. 2008. Thinking about the Recent Past and the Future of the EU. *Journal of Common Market Studies*. 46, no. 2: 265-292.

Tsebelis, G., and Yataganas, X. 2002. Veto Players and Decision-Making in the EU after Nice: Political Stability and Bureaucratic/Judicial Discretion. *Journal of Common Market Studies*. 40, no. 2: 283-307.

Zartman, I. 2008. *Negotiation and Conflict Management: Essays on Theory and Practice*. London: Routledge

Zielonka, J. 2007 Plurilateral governance in the enlarged European Union. *Journal of Common Market Studies*. 45, no. 1: 187-209.

Table 1: Decisions and relative involvement of ministers and Coreper

	2000	2001	2002	2003	2004	2005	2006	2007	Overall
Proposals (total)	508	453	439	482	521	442	489	480	Sum=3814
Proposals at least once on Council agenda (enter the analysis)	465	412	399	419	475	379	448	436	Sum=3433
Duration of the decision-making process (in days)	246	268	250	274	249	307	282	254	Mean=261
A-points	485	435	410	459	479	374	464	423	Mean=441
B-points	166	212	161	204	140	145	112	144	Mean= 61
Number of cases at least once on agenda as B-points (*B-positive*)	118	105	90	97	77	88	65	84	Mean=90
Share of B-points (indicator *B/(A+B)*)	0.25	0.33	0.28	0.31	0.23	0.28	0.19	0.25	Mean=0.27

Table 2: Linear regression (OLS) results

	Model 1 (B-positive)	Model 2 (B-positive)	Model 3 (B-positive)	Model 4 (B/(A+B))	Model 5 (B/(A+B))	Model 6 (B-positive)	Model 7 (B/(A+B))
Intercept	3.0386*	-4.4091**	-4.3281**	0.0965*	0.1287*	0.0687	0.4440***
	(1.2692)	(1.5489)	(1.5941)	(0.0450)	(0.0540)	(0.7940)	(0.1140)
Month of adoption	-0.0360*	-0.0481***	-0.0448***	-0.0011*	-0.0010*	-0.0202**	-0.0026***
	(0.0148)	(0.0115)	(0.0106)	(0.0004)	(0.0004)	(0.0071)	(0.0007)
Cases in month	0.1828***	0.4494***	0.4239**			0.4970*	
	(0.0279)	(0.1064)	(0.1370)			(0.2287)	
Number of A-points		-0.2560*	-0.2500*			0.1269	
		(0.0998)	(0.1031)			(0.1191)	
Average length (days)		0.0302***	0.0294***	0.0008***	0.0008***	0.0009	0.0000
		(0.0041)	(0.0041)	(0.0001)	(0.0001)	(0.0007)	(0.0001)
Regulation dummy			0.1685		0.0044*	0.0116	0.0340***
			(0.1190)		(0.0019)	(0.1651)	(0.0085)
Decision dummy			-0.1071		-0.0053*	-0.4059**	-0.0101
			(0.1005)		(0.0021)	(0.1315)	(0.0126)
R^2	0.3217	0.5758	0.6239	0.2693	0.3494	0.7457	0.2215
Adj. R^2	0.3071	0.5571	0.5986	0.2536	0.3208	0.7278	0.1857
N	96	96	96	96	96	92	92

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$, ' $p < 0.1$

Figure 1: Relative position of ministers and Coreper (yearly aggregates displayed)