Does the UK win or lose in the Council of Ministers?

One of the key issues in the context of the UK's debate over EU membership is the level of influence the country has within the EU's institutions. In the second in a series of articles examining whether the UK is marginalised in EU decision-making, **Simon Hix** *and* **Sara Hagemann** *present data on how the UK fares in decisions made in the EU's Council of Ministers. They write that Council voting records suggest there has been a significant shift in the position of the UK government between 2004-09 and 2009-15, with the UK voting against the majority far more often in the latter period and being on the losing side more than any other state. Nevertheless, there remains a high level of agreement in the Council, with the UK still part of the winning majority in almost 87 per cent of cases.*

This is the second in a series of articles on whether the UK is "marginalised" in EU decision-making. The first piece looked at the positions of the UK government in relation to policy outcomes and found that on average the UK was closer to EU outcomes than most other EU governments. In this piece we look at the actual voting records in the EU's Council of Ministers and ask a slightly different question: how often is the UK outvoted in the main EU legislative institution?

The data come from VoteWatch.eu plus data we collected from 2004-09. For full disclosure, we are two of the co-founders of VoteWatch and members of VoteWatch's board. The dataset includes all votes that took place in the EU Council between 1 July 2004 and 1 September 2015.
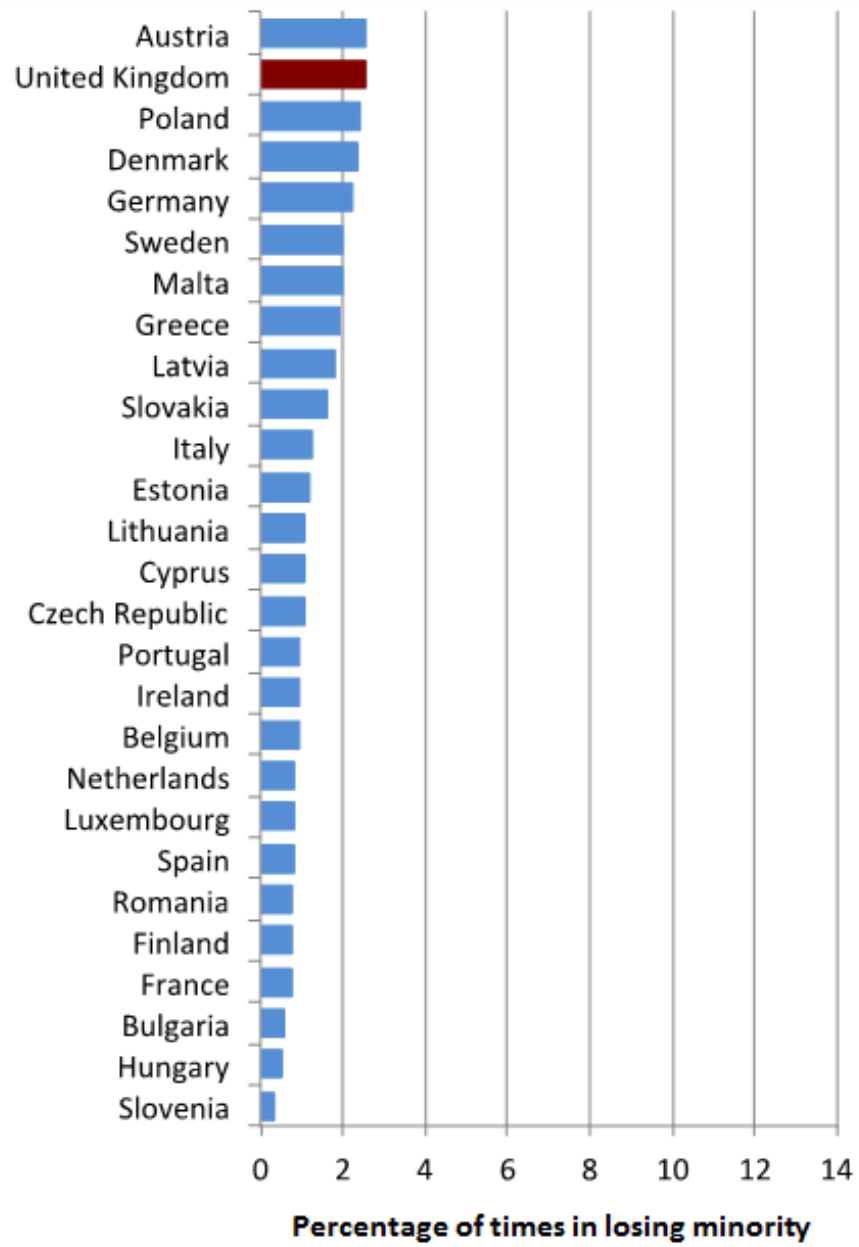
Formally, the ministers of EU governments, who meet in the Council according to their policy portfolios, vote on all legislative decisions and most votes are taken by a "qualified majority vote". In practice, though, the majority of decisions are agreed by "consensus", meaning that ministers work together to seek an agreement that all countries can support. As a result, most votes are recorded with either no or only a few countries opposing. Yet, "opposition" comes in two forms: a government either formally records a No vote, or chooses simply to Abstain. We hence count both abstention and negative votes as failure to publically support a majority view.
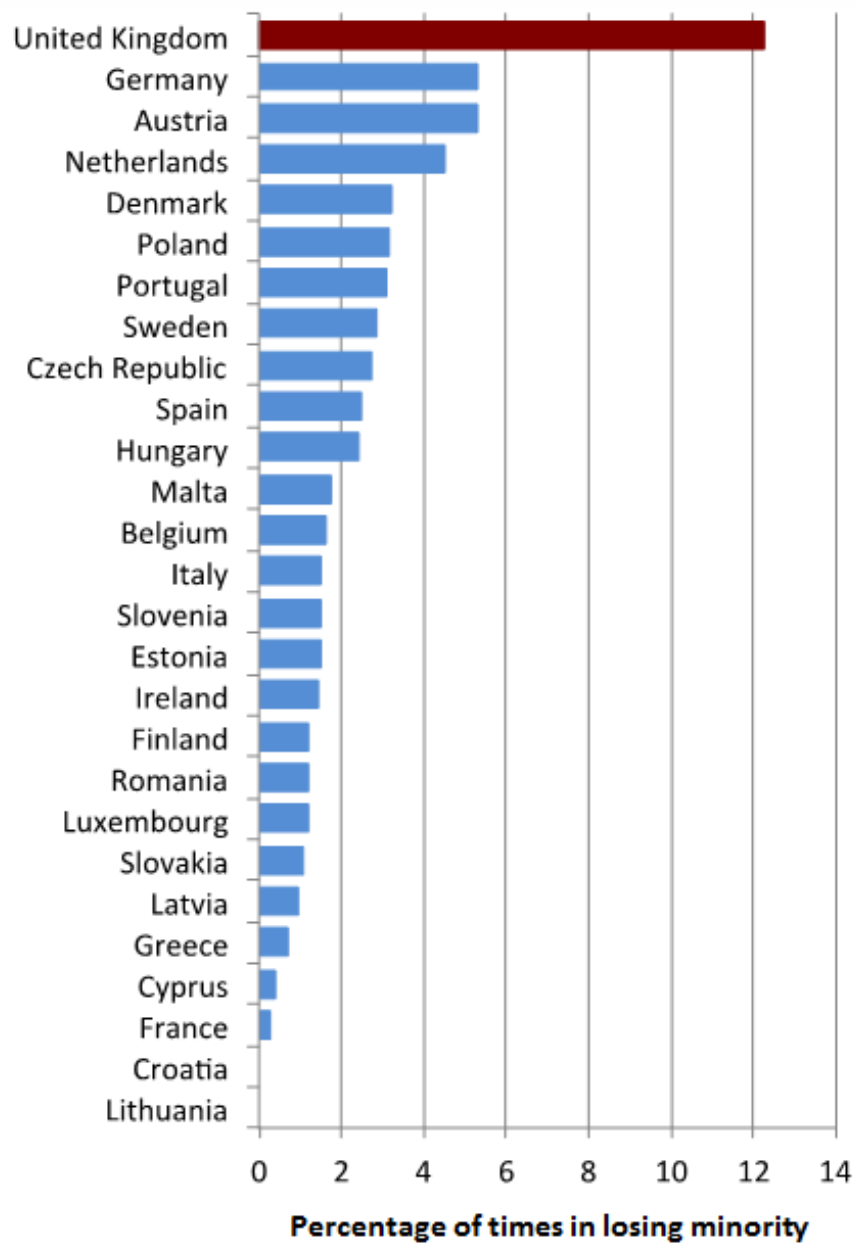
So, what does the evidence tell us about a possible marginalisation of the UK in the Council? Figure 1 shows the percentage of times each government has been in a losing minority as a proportion of all votes in 2004-09 and 2009-15. Two things are striking: first, there was a big increase in the level of conflict in the Council between 2004-09 and 2009-15; and second, the UK government was on the losing side a much higher proportion of times in 2009-15 compared to 2004-09 (2.6 per cent in the former period and 12.3 per cent in the latter period).

The next most frequently "losing" governments, Germany and Austria, were only on the minority side 5.4 per cent of the time in 2009-15. One thing to note, though, is the high level of agreement in both periods. Put the other way round, the UK voted on the winning side 97.4 per cent of the time in 2004-09 and 86.7 per cent of the time in 2009-15

Figure 1: Percentage of times EU states are in the losing minority in Council decisions (click to cycle through years)

- 2004-2009
- 2009-2015

Country	
Austria	
United Kingdom	
Poland	
Denmark	
Germany	
Sweden	
Malta	
Greece	
Latvia	
Slovakia	
Italy	
Estonia	
Lithuania	
Cyprus	
Czech Republic	
Portugal	
Ireland	
Belgium	
Netherlands	
Luxembourg	
Spain	
Romania	
Finland	
France	
Bulgaria	
Hungary	
Slovenia	

Percentage of times in losing minority

Figure: Horizontal bar chart showing "Percentage of times in losing minority" with countries listed vertically.

Country	Percentage of times in losing minority
United Kingdom	~12.3
Germany	~5.3
Austria	~5.3
Netherlands	~4.5
Denmark	~3.3
Poland	~3.2
Portugal	~3.1
Sweden	~2.9
Czech Republic	~2.7
Spain	~2.5
Hungary	~2.4
Malta	~1.9
Belgium	~1.7
Italy	~1.6
Slovenia	~1.6
Estonia	~1.6
Ireland	~1.5
Finland	~1.3
Romania	~1.3
Luxembourg	~1.3
Slovakia	~1.1
Latvia	~1.0
Greece	~0.7
Cyprus	~0.4
France	~0.3
Croatia	~0
Lithuania	~0

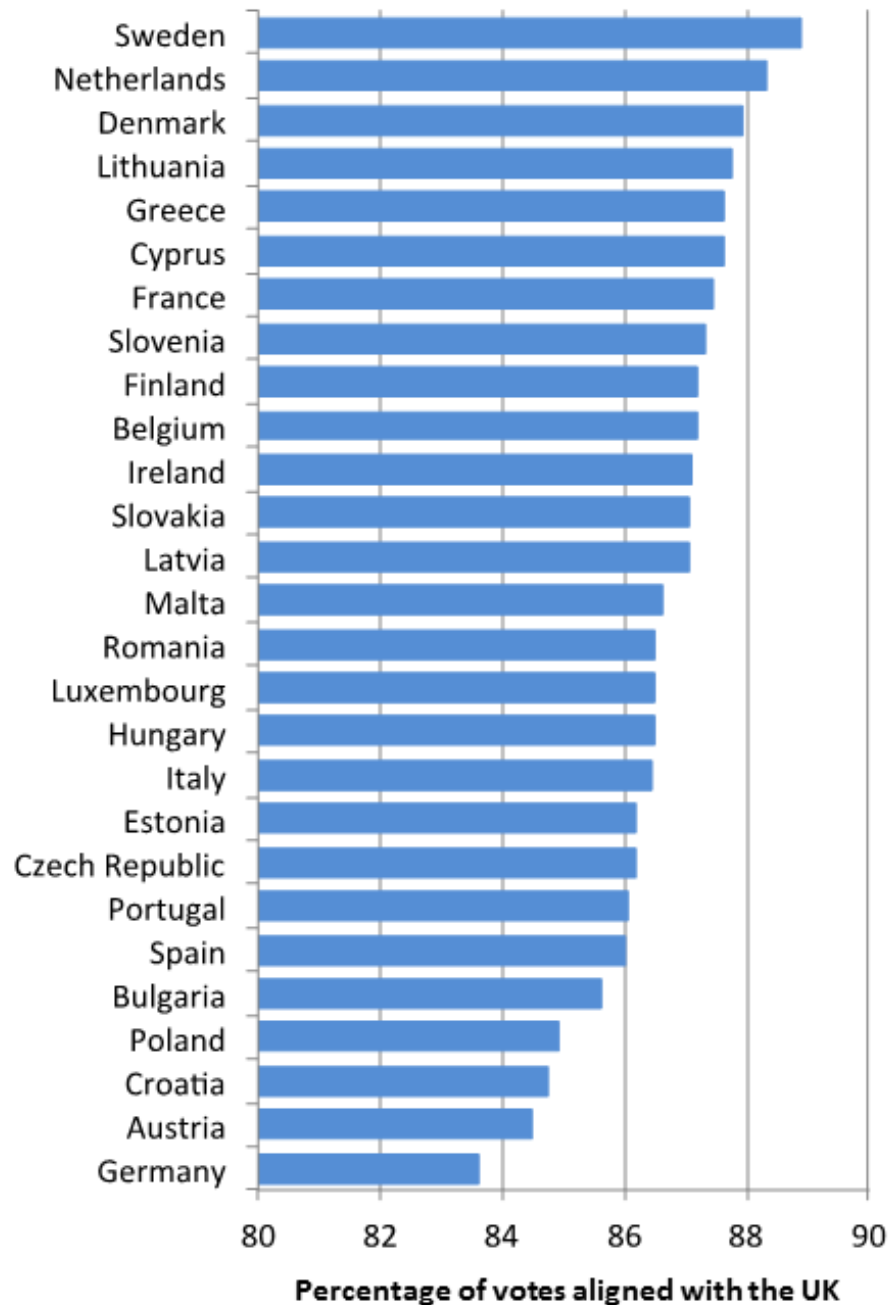**Percentage of times in losing minority**

Note: **The two charts show data from the periods 2004-2009 and 2009-2015. To move between each chart click on the tab for the relevant period. Data from VoteWatch.eu**

Digging a bit further into the 2009-15 data, we can look at which other governments tend to vote with the UK. As Figure 2 shows, the UK's main allies were some of its northern neighbours – Sweden, the Netherlands, and Denmark – while the German government was least likely to vote the same way as the UK. In fact, the UK and German governments voted on opposite sides 16 per cent of the time. In other words, the two governments who were most likely to vote against the majority (the UK and Germany) were invariably in opposition on different votes.
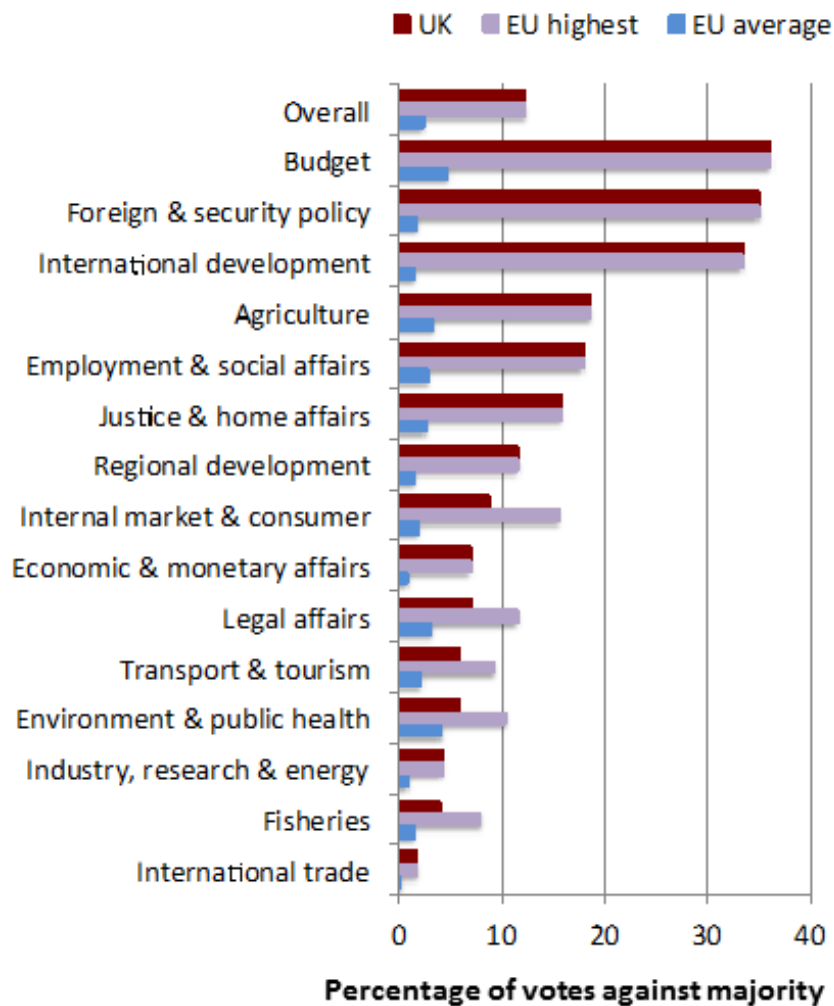
Figure 2: Percentage of votes in which EU states ally with the UK

Sweden
Netherlands
Denmark
Lithuania
Greece
Cyprus
France
Slovenia
Finland
Belgium
Ireland
Slovakia
Latvia
Malta
Romania
Luxembourg
Hungary
Italy
Estonia
Czech Republic
Portugal
Spain
Bulgaria
Poland
Croatia
Austria
Germany

80   82   84   86   88   90

Percentage of votes aligned with the UK

These aggregate patterns might be distorted by the fact that there were more votes on some policy issues than on others, with the UK opposed only in areas that happened to have many votes. As Figure 3 shows, the UK voted *against* the majority more frequently on budgetary policies, foreign and security policy, and international development, and voted *with* the majority more frequently on international trade, industry, environment, transport, legal affairs, economic and monetary union, and internal market policies. In most policy areas, though, the UK was again the member state most likely to vote against the majority, and significantly more likely than the average government in the EU. But, the UK was not the most oppositional government on internal market, legal affairs, transport, environment, and fisheries.
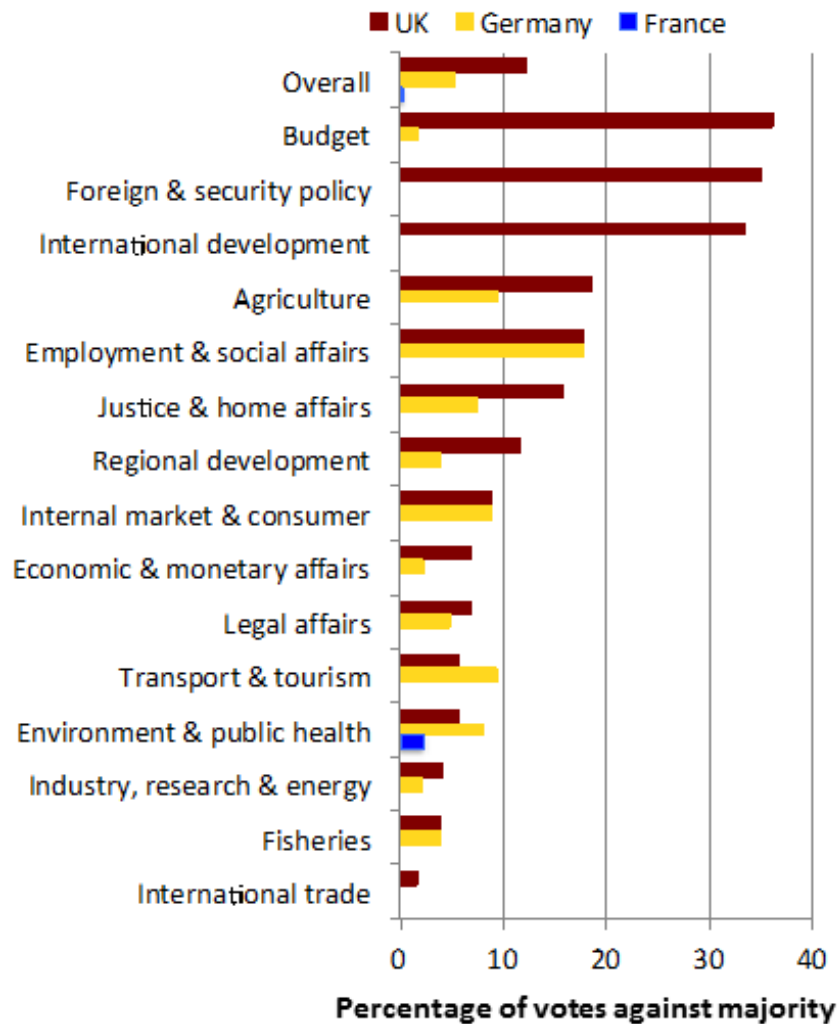
Figure 3: Losing side in Council decisions by policy area

Legend: ■ UK   ■ EU highest   ■ EU average

Overall
Budget
Foreign & security policy
International development
Agriculture
Employment & social affairs
Justice & home affairs
Regional development
Internal market & consumer
Economic & monetary affairs
Legal affairs
Transport & tourism
Environment & public health
Industry, research & energy
Fisheries
International trade

Percentage of votes against majority

Note: **Data from VoteWatch.eu**

Finally, Figure 4 shows the UK numbers in comparison with the other two largest member states: Germany and France. In general, France almost never voted against the majority, preferring to accept a consensual outcome even when it might have opposed the majority view. However, the German government was more often on the losing side than the UK government on environment and transport, and was as frequently against the majority as the UK on employment and social affairs, internal market, and fisheries.

Figure 4: Votes by France, Germany and the UK against the majority position in the Council

Legend: UK ■ (dark red), Germany ■ (yellow), France ■ (blue)

Categories (top to bottom):
Overall, Budget, Foreign & security policy, International development, Agriculture, Employment & social affairs, Justice & home affairs, Regional development, Internal market & consumer, Economic & monetary affairs, Legal affairs, Transport & tourism, Environment & public health, Industry, research & energy, Fisheries, International trade

X-axis: Percentage of votes against majority (0, 10, 20, 30, 40)

Note: Data from VoteWatch.eu

In short, the official voting records of the Council suggest that there has been a significant shift in the position of the UK government between 2004-09 and 2009-15. In the latter period the UK has voted more often against the majority, and is hence now in the minority more often than any other EU government. There is some variance across policy areas, the UK has some powerful allies, and Germany also often votes against the winning majority. Nevertheless, on average, these data suggest that the UK government has at times had to accept policy outcomes from the EU for which it was not part of the winning majority.

Nevertheless, there are some important caveats to keep in mind. First, overwhelmingly the Council decides by consensus, which means that the UK is on the winning majority side almost 87 per cent of the time. Second, the UK government might be more willing than other governments to publically register its opposition to EU decisions. Third, these data do not tell us what went on behind the scenes on each of these issues, and hence how much the UK disagreed with the majority position when it recorded its opposition – perhaps the UK was on the winning side on all the key issues it really cared about in this period.

Finally, for a fuller picture this evidence needs to be put together with other evidence from the policy process, such as whether a government actually gets the policies it wants (the subject of the first post), and whether the UK is marginalised in the other main legislative body: the European Parliament (which will be addressed in future posts).

LSE has just launched a new blog covering the UK's EU referendum campaign, where this article also appears. You can visit the BrexitVote site here or follow the blog on Twitter and Facebook.

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