EU Policy-Making:

The Role of Working Parties in the Council of Ministers

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Summary of Ph.D. research project[1]

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Introduction

The development of European Union (EU) legislation is still a rather obscure process in the perception of a wider public. The system of committees within the EU polity represents a major feature contributing to this opaqueness (Rhinard 2002). There are a multitude of committees, differing in membership, legal base, decision-rule, and function; participating in different policy domains and stages of the policy-making process (Christiansen & Kirchner 2000: 4-8). The fact that not even a reliable estimate of the overall number of EU committees can be given (Buitendijk & van Schendelen 1995: 40; Larsson 2003: 127-129) is a good illustration of the little knowledge we have about the working of the system.

My project aims at contributing to filling this gap in the literature. Focusing on working parties in the Council of Ministers, it will be investigated what type of influence these committees exert in the preparation of policy positions and proposals for the Council. There are two main contesting views on this topic. Rational choice theorists claim that the outcomes of negotiations among national officials reflect the results of intergovernmental bargaining (e.g. Garrett 1992; Moravcsik 1998), whereas social constructivists see these outcomes as brought about by supranational deliberations (e.g. Joerges & Neyer 1997a, 1997b). The main goal of the research project is to evaluate the

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relative explanatory power of these two competing theoretical accounts of EU decision-making. In the next section, the two approaches are discussed in some more detail and their key differences are identified. The second section deals with the research design, the selection of cases, data collection and possible methods of analysis.

Theoretical approaches

Whether the negotiation outcomes in committees solely reflect the interests and bargaining power of member states or are generally biased towards more integrationist policies should depend on characteristics of the actors and the nature of the bargaining process itself, that is the style or mode of negotiation. According to intergovernmentalist reasoning, committee members are strictly rational actors who pursue the interests of the member state they represent (e.g. Moravcsik 1998)[2], whereas constructivist arguments stress the influence of European institutions on norms, values, and even interests held by national representatives.

In this view, delegates of member states are exposed to socialization processes; their properties and preferences change as a result of social interaction within EU institutions (Checkel 2001: 220-221). Based on a shared set of European norms, negotiation among actors will be dominated by argumentative persuasion to reach a collectively best solution to a common problem (Joerges & Neyer 1997a: 618). In contrast, in rational intergovernmentalist accounts preferences are fixed and given exogenously and hard-headed bargaining occurs for the realization of national interests. Table 1 lists several key differences between supranational deliberation (SD) and intergovernmental bargaining (IB). Some of these assumptions imply specific relationships of factors with the final decision-outcome or with the policy position held during the negotiation process. Thus, hypotheses can be derived which allow for a empirical test of the two theories[3].

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[2] Moravcsik's (1998) theoretical model also offers an explanation of how these interests are shaped on the domestic level, but this project will focus on the decision-making process on the European level.
[3] See table A1 in the appendix.

Table 1: Key differences in assumptions of the two theoretical approaches

	Supranational Deliberation	Intergovernmental Bargaining
Information	Imperfect	Perfect
Preferences	Diffuse Endogenous	Clear Exogenous
Sources of power	Immaterial (expertise, authenticity) High salience	Material (economic size, voting power) Low salience
Goals	Collective utility maximization	Individual utility maximization
Relevance of institutions	Informal institutions	Formal institutions

Research design and methodology

Empirical researchers in political science often face the trade off between having high quality data and having a large number of cases. Valid and reliable data assures that we have more confidence in the findings of an analysis; a large number of cases shows us that these results are not confined to some particular instances. Due to limited resources in practice, one goal can often only be achieved at the expense of the other. Regarding the goal of generalizability of results, a promising data collection method for deriving information on a large number of cases are expert interviews (see e.g. van den Bos 1991; Bueno de Mesquita & Stokman 1994; Selck & Keading 2004; and the contributions in *European Union Politics 5, 1* in 2004).

But while the kind of information collected through this method, some rather inter-subjectively accessible basic features of the decision-making process, might be sufficient for examining and comparing rational choice models of EU decision-making, sociological accounts require data on the background of all individuals and on relations among committee members. A single informant does not possess such information. Thus, it is more appropriate to focus on a limited number of legislative proposals and to aim at interviewing all working party members. This might lead to the inclusion of actors who did not play any role in the negotiations, but there are no justifications to decide a priori which member states are more or less important in reaching a certain decision (Bailer &

Schneider 2004: 6[4]). Besides, it lies in the nature of sociological arguments that they refer to systemic features, and in order to measure these, one cannot rely on only part of the people that make up the system. In short, since there is no way, given the resources available, to gain the information necessary to evaluate hypotheses on SD in a large-N design, the project will focus pragmatically on a small number of legislative proposals.

However, in small-N designs there are other means to assess the generalizability of theoretical claims. One of them is to consider cases that differ widely in their a priori likelihood of corroborating a certain theory (cf. King et al. 1994: 209-210). But how do we derive estimates of such probabilities in an inter-subjectively reproducible way? A possibility is to let the theories, or rather their proponents, speak for themselves and utilize the scope conditions mentioned in their accounts. IB is relatively sparse in this respect; implicitly suggesting to be applicable to EU-negotiations between member states irrespective of policy domain, level of politicization, policy type, etc. Proponents of SD, on the other hand, often speculate on possible limits of the applicability of their theory. Most prominently, fundamental uncertainty about the distributive effects of policies and the mutual socialization of actors into an epistemic community[5] are presented as likely conditions for honest deliberation to occur (Joerges & Neyer 1997a: 618; Risse 2000: 19; Krapohl 2003: 194-193)[6].

While the extent of socialization into epistemic communities is an attribute of delegates, and thus cannot serve as a primary criterion for the selection of proposals, the extent of uncertainty about distributional outcomes, and thus interests, can be related to specific policy fields in a plausible way. Furthermore, the extent of uncertainty also relates to some of the key assumptions of IB, namely perfect information and fixed and static preferences of actors[7]. Thus, policy domains characterized by high uncertainty about distributive effects should be least likely to confirm IB claims but most likely to confirm SD hypotheses. Just the opposite result is expected in areas where transparency

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[4] This is a reference to a chapter in a forthcoming edited volume. The page number refers to the unpublished version available on one of the authors' website: http://www.uni-konstanz.de/FuF/Verwiss/GSchneider/downloads/papers/nashorschelling-August1-2003.pdf
[5] For a definition see Haas (1992: 3).
[6] On the role of uncertainty in SD see also Gehring (1999: 198).
[7] This makes clear that, if assumptions are not just treated as 'useful fictions' (MacDonald 2003: 551) in rational-choice theories, they carry the same meaning as scope conditions in constructivist terminology.

of distributional consequences is high. Here, IB hypotheses are most likely to be confirmed, while SD assertions are most likely to be rejected.

Areas dealing with risk-regulation, like environment or health and consumer protection, where a large amount of technical and scientific expertise is required, are plausible candidates for policy areas with high distributional uncertainty[8]. Obviously redistributive policy areas are agriculture or cohesion, where the outcomes are often explicitly discernable in monetary terms. To sum up, one working party will be selected from a policy area at each end of the 'uncertainty'-dimension.

Table 2: Selection of working parties according to level of uncertainty in policy area

Degree of Uncertainty	High	Low
Type of policy	Risk-regulation	Redistribution
Examples	Environment, Health & Consumer Protection	Agriculture, Fisheries, Cohesion
Supranational deliberation	Most likely supported	Least likely supported
Intergovernmental bargaining	Least likely supported	Most likely supported

Ideally, a representative of each member state and of the Commission will be consulted in each of these working parties, resulting in about 32 interviews (pre-enlargement). Furthermore, each of the interviewees will be questioned on negotiations on three legislative proposals, leading to about 96 observations[9]. Hence, the resulting six proposals constitute the cases under study, whereas the actual unit of observation for testing theoretical claims is the individual actor dealing with one of these proposals[10].

Interview questionnaires will be designed in a standardized manner, consisting mainly of closed questions. They are the main source of information regarding sociological variables. Besides categorical indicators, which can measure for example the

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[8] These are also areas where some form of SD has been identified by analysts before (e.g. Joerges & Neyer 1997a, 1997b; Eichener 1997; Gehring 1999).

[9] It should be noted, however, that neither the observations within a certain working party nor the intra-person observations are independent of each other (cf. King et al. 1994: 222). The number of observations could be further 'multiplied' by disaggregating the dossiers into issues. Previous studies showed that proposals contain usually 2 to 3 issues (Selck & Keading 2004: 88), which would result in about 250 observations.

[10] See Table A2 in the appendix for a scheme of the data collection strategy.

length of participation in a working group or the number of days devoted to work on European affairs (cf. Egeberg et al. 2003), network analytic measures seem especially useful to capture relational characteristics (Scott 2000: 3; cf. Wasserman & Faust 1994)[11] of working groups, like the authenticity and knowledge of actors as perceived by their colleagues. Information on the positions of member states throughout the negotiations will also be collected by the interviews, but double-checked against the minutes and outcomes of proceedings of the working parties. These documents are also used to identify contentious issues in the proposal and the final outcome of negotiations. Indicators for different power resources can be inferred from secondary sources. The Gross National Product is usually used as a proxy for economic power and the Banzhaf or Shapley-Shubik index as a measure for voting power (e.g. Bailer 2004: 102, 107-109).

The relative explanatory power of the different hypotheses will be investigated through statistical analyses. Logistic regression (cf. Hosmer & Lemeshow 2000) is a suitable method for analyzing the likelihood of a change in the negotiation position, while ordinary-least-square regression (cf. Hamilton 1992) could be used to examine the variation in the extent of change in the position and the overall negotiation success. Statistical methods have the advantage that they give a quantitative estimate of the relative explanatory power of different variables over and above the effects of 'rival' explanatory variables. Hence, in this respect, they are relatively well suited for competitive hypotheses testing. In addition, scope conditions and institutional effects, in other words interacting variables, can be investigated through the introduction of multiplicative terms in the regression equation (cf. Jaccard et al. 1990; Aiken & West 1991; for an application to EU decision-making see Bailer 2004).

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[11] For applications of network analysis to research on the communication structure within working parties see Beyers and Dierickx (1997, 1998).

Appendix

Table A1: Expected relationships among Variables

Independent Variable	Dependent Variable			
	Proximity to Negotiation outcome		Change in Negotiation position	
	SD	IB	SD	IB
Expertise	+	0	-	0
Authenticity	+	0	-	0
Voting Power	0	+	0	-
Economic size	0	+	0	-
Salience	+	-	-	+
Socialization	-	0	+	0
Min-Win-Coal.	0	+	0	-

Table A2: Data Collection Plan

(1) Health & Consumer Protection	(2) Agriculture	(1) + (2) Total
QMV Codecision	QMV Consultation	
16 Interviews	16 Interviews	32 Interviews
Proposal 1 $Nobs_{1,1} = 16$	Proposal 1 $Nobs_{2,1} = 16$	
Proposal 2 $Nobs_{1,2} = 16$	Proposal 2 $Nobs_{2,2} = 16$	Number of cases = 6 Proposals
Proposal 3 $Nobs_{1,3} = 16$	Proposal 3 $Nobs_{2,3} = 16$	
$Nobs_{1,*} = 48$	$Nobs_{3,*} = 48$	$Nobs_{total} = 96$

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