

# The way in which states formulate national positions is just as important to EU decision-making as their bargaining strength in the Council.

Blog Admin

*Which states get their way most often in the EU's legislative process? Responding to an earlier EUROPP [article](#), [Stuart A Brown](#) argues that analyses of Council decision-making must also account for the way in which states formulate their preferences prior to negotiations. While Council agreements on EU legislation appear to be more closely in line with the positions of smaller states like Finland, this does not necessarily mean that they have the most influence over the EU policy process as a whole.*



In a recent EUROPP [article](#) Jonathan Golub presents a study of the bargaining success of individual EU Member States in Council decision-making. The analysis shows that, contrary to conventional wisdom, EU legislation tends to be more in line with the positions of smaller states like Finland and Luxembourg, rather than larger states such as Germany and France. He argues that explaining this phenomenon is of vital importance both to accounts of EU decision-making and wider debates concerning the legitimacy of the integration process.

The notion that a state such as Luxembourg can exert more authority in negotiations than Germany is so counter-intuitive that it might be tempting to reject it outright. However aside from some slight qualifiers about the methodology – such as the fact that the data only covers a fairly short period of time – there is little reason to assume that the analysis is incorrect. Rather, what may explain the results is the omission of a crucial part of the decision-making process: the formation of preferences prior to negotiations in the Council.

## Why Preference Formation Matters

When national representatives arrive at EU discussions they don't have a blank slate, but instead enter negotiations with a set of predetermined preferences. These preferences are unequal, in the sense that some positions are more likely to be accepted by the remaining Member States than others. Clearly if a state holds a particularly unpopular position at the beginning of the discussions then, regardless of how well they make the case, their chances of success are likely to be fairly limited. The way in which a state formulates its negotiating position therefore has an impact on how we assess that state's influence over decision-making. If smaller states simply enter into EU negotiations with more agreeable policy positions, then their apparent success would not really be a genuine reflection of their bargaining strength.

A hypothetical example illustrates the

A hypothetical example illustrates the point. Imagine that the standard understanding of EU decision-making is correct and France, Germany and the UK (the “big three” EU states) are dominant when it comes to negotiating EU legislation. For argument’s sake, let’s say that these three states are so dominant that every piece of legislation, without exception, reflects either the French, German, or British position. If we assume that all three states are just as powerful as each other and that they rarely collaborate, then these three countries will only have their position accepted around 33 per cent of the time – because, ultimately, only one of the three countries can be successful for any given piece of legislation.



Credit: McMay (CC BY 2.0)

Smaller states, in contrast, would presumably have little incentive in this situation to pursue an independent line. If every piece of legislation reflected the French, German, or British position, then the best strategy for smaller states would simply be to adopt one of these three models as their own. Despite the fact that their position would essentially be entirely dependent on the largest three states, smaller countries might nevertheless appear to get their way more often in discussions if they regularly picked the ‘winning’ model. It would obviously be incorrect in this case to say that smaller states wield more influence in the Council: outcomes would merely be a function of the influence the big three states have had over smaller countries in the preference formation stage.

### **The Flexibility of Smaller States**

Clearly EU decision-making does not work in the specific manner outlined above, but the example illustrates the point that the formation of national preferences is a process worthy of study in its own right. It might be the case that smaller states simply benefit from some bias in this process that leads to them entering discussions with more agreeable positions than their larger rivals. What might generate this effect?

One hypothesis could be that smaller states are simply much more flexible in terms of adapting their positions to current trends than larger states. It’s long been recognised that EU states have an [incentive](#) to ‘upload’ their domestic policies to the European level. While this might be credible for a large state such as France, Germany, or the UK, the chances of a small state such as Luxembourg ‘uploading’ its policies to the European level and having them accepted by the rest of the Council would appear less likely. Moreover, a smaller state’s domestic policies might already be heavily influenced by its larger neighbours. Although this is a sign of weakness, it could also offer smaller states flexibility in the sense that they are more likely to adapt quickly to new policy developments.

An illustrative example might be the spread of languages. If we took a random collection of 27 politicians (one from each EU member state) and asked them to decide on a single language in which to write a joint-statement, we could assume that they would decide on one of the most [widely spoken languages](#) in Europe: such as English, French, Spanish or German. This partly reflects the influence that these languages have had on smaller states. An Estonian, for instance, is much more likely to speak English as a second language than a British person is to speak Estonian. Because the Estonian language is not a credible alternative in the discussion, however, it might be the case that the Estonian politician would be more in line with current trends (such as the trend for speaking English) than say, the French representative. Put simply, Estonia’s weakness actually makes it more likely that it will formulate a preference that matches the majority opinion.

Indeed in this example we might expect countries like France, Spain and Germany to ‘lose’ in negotiations

most often. Far from being a sign of overall weakness, this would occur precisely because French, Spanish and German are among the most popular foreign languages for European speakers after English. The very fact that they are credible alternatives to English (while languages like Estonian are not) could make it less likely that these countries will embrace the prevailing model (English) as quickly as other states.

Much like languages, policies spread across different territories in a way which might lead to weaker states adapting to popular trends more quickly than their larger rivals. This is merely one way in which the formation of national preferences could have an impact on how we assess the influence of individual states over EU decision-making. Determining which states get their way most often in the EU's legislative process is an extremely complex task, but without an account of how states arrive at their positions any analysis is likely to be incomplete.

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*Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.*

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