

Does the UK lose out in the Council? How opposition to EU proposals acts as a signal to domestic audiences

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Those campaigning for a leave vote in Britain's upcoming referendum often state that the UK has never been on the winning side when it has voted against a proposal in the Council of the European Union. Remain campaigners, however, have responded by arguing that agreements are made by consensus in the Council and that the UK has a strong level of influence. [Sara Hagemann](#), [Sara B. Hobolt](#) and [Christopher Wratil](#) write that in reality votes against a proposal in the Council act largely as signals to a government's domestic audience, and this explains why UK governments have voted against proposals more than other member states.



As the UK's referendum debate intensifies in the run up to the vote on 23 June, the Leave side has repeatedly asserted that the UK government gets outvoted over EU policies and that powers must therefore 'be brought back to Parliament'. In the [words](#) of Chris Grayling, leader of the House of Commons and a Vote Leave campaigner, 'The UK has never been on the winning side when we have challenged the Commission in a vote in the Council'.



The Remain side has [responded](#) by arguing that the UK has a high level of influence in the EU and that agreements in the Council of the EU are predominantly reached by consensus. Given both sides of the debate are making opposing claims, who should we believe?



It is correct that decision-making in the Council of the EU generally seeks the agreement of all member state governments. Around 80% of legislation is adopted with all governments voting in favour. However, this also means that for about 20% of the acts, at least one government is "outvoted". What many observers miss is that the Council presidency will – with almost no exception – only put issues to a vote when a clear majority in the Council has declared its support.

If no clear majority is apparent, the proposal will be withdrawn and sent back to the Commission. Hence, Grayling is right in saying that the UK has never been on the winning side when voting No in the Council, but neither have other national governments – because votes are only held on legislation that have the backing of a large majority of governments.

However, this does not mean that the UK is entirely unable to stop EU legislation it opposes: during negotiations the government may be able to mobilise a majority against an act in preparatory meetings, but this will never become visible in Council votes. But this does raise the question of what No votes in Council mean if they have no effect in stopping legislation. This may seem particularly puzzling as governments know they will be on the losing side.

Votes as signals

In a recent [research project](#), we have investigated this question by analysing Council voting records since 1999 to explain why governments decide to oppose legislation in the Council. What we argue is that governments' opposition to legislation in the Council has more to do with domestic politics than with EU decision-making. When the domestic electorate is more Eurosceptic, and the issue of European integration is salient in national party politics, governments have greater incentives to use their opposition in the Council to signal that they are responsive to domestic preferences.



Ministers gathered at the Council of the European Union. Image credits: Council of the European Union

In other words, while national governments are aware that ‘No’ votes in the Council do not change the actual policy outcomes, they use their opposition to signal to national electorates that they are standing up for national interests against the European consensus. So No votes are not only, or even primarily, an expression of opposition aimed at fellow European negotiators, but also take into account the political ‘mood’ of their home constituencies.

It is therefore not surprising that British governments oppose legislation in the Council more often than most other national governments: the British electorate is among the most Eurosceptic in the EU, and the issue is highly salient among (and within) British parties; hence UK governments have greater incentives to signal that they are standing up to Brussels when casting their votes in the Council.

Our analysis of over 17,000 Council votes shows strong evidence for our argument: governments are more likely to oppose legislative proposals that extend the level and scope of EU authority when their domestic electorates are sceptical about the EU and when the EU issues becomes more salient in domestic party politics.

These effects are particularly apparent on acts concerned with further integration in the fields that are generally salient with the public, such as migration, data sharing, border cooperation and EU funding for member states. In contrast, government opposition in the more specialised areas of agriculture, fisheries, and the internal market is not related to public opinion, even though we also see relatively high levels of opposition here.

EU votes and national debates

Of course, we can only claim that governments oppose legislation in the EU for domestic political gains if these votes are actually picked up in the national context. Therefore, we have also looked into whether the national media pays attention when governments show opposition in the Council. Using information on national media coverage of Council votes, we find that the media are indeed more likely to cover the Council when governments oppose.

Of course, many votes in the various Council configurations go largely unnoticed by the general public. Yet, national media now pay attention to the Council agenda and do seek information on their national governments’ positions on individual policies of particular domestic interest.

One example of a case widely reported in the national media was when Spain opposed legislation in 2011 that would substantially increase road tolls for heavy goods vehicles. This was extensively covered by the Spanish press, including details of the voting in the Council. Many similar stories were found from the other EU member states linking the No votes in the Council to national press coverage. (For examples of recent coverage of the Council votes in the UK press see [here](#) and [here](#)).

Overall, our study therefore confirms that opposition in the Council may be as much a political signal to domestic audiences as a policy stance vis-à-vis negotiation partners at the European level. Hence, rather than interpreting the occasional British No vote in the Council as a sign that Britain is on the 'losing side' in Brussels, it is more likely that British governments are simply more motivated to oppose EU legislation in order to appeal to their more Eurosceptic domestic constituents.

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