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**From an Ever-Growing
Towards an Ever-Slower Union?**

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Abstract

Both developments of European integration, the extension of supranational competencies and the accession of member states, has drawn attention to the institutional framework of the European Union. It is feared that further integration will dilute European decision making because recent modest reforms did not overcome the danger of legislative gridlock. In this article, we first empirically examine the gridlock danger of European legislation. Our results show that qualified majority in the Council of Ministers and the integration of the European Parliament have changed the adoption rate of legislative initiatives which were introduced by the Commission since 1984. Besides studying recent European legislation we theoretically derive the consequences of forthcoming enlargement for the European Union's gridlock danger. We calculate the decision probability of different legislative procedures which have been discussed as reform options in the course of the 1997 Amsterdam Intergovernmental Conference. Our findings show that combining Council and Parliament majorities seems to be an efficient way out of the dilemma of European decision making.

Zusammenfassung

Zwei Entwicklungen der Europäische Integration, zum einen der Ausbau der Gemeinschaftskompetenzen und zum anderen die Erweiterung des Mitgliederkreises, unterstreichen die Notwendigkeit einer Institutionenreform. Anlaß gibt die Blockadegefahr der europäischen Gesetzgebung, die durch die jüngsten Vertragsreformen nicht verringert werden konnte. In diesem Beitrag untersuchen wir zuerst die empirische Blockadegefahr der europäischen Gesetzgebung. Unsere Ergebnisse zeigen, daß der qualifizierte Mehrheitsentscheid im Ministerrat und die Beteiligung des Europäischen Parlaments die Verabschiedungsrate von Gesetzesinitiativen, welche die Kommission seit 1984 eingebracht hat, beeinträchtigen. Neben dieser empirischen Untersuchung der legislativen Verabschiedungsrate wenden wir uns theoretisch den Auswirkung der anstehenden Erweiterung auf die legislative Blockadegefahr zu. Wir berechnen die Entscheidungswahrscheinlichkeit in den einzelnen Verfahren, die als Optionen für eine Institutionenreform auf der Amsterdamer Regierungskonferenzen von 1997 diskutiert wurden. Nach unseren Berechnungen kann eine bikamerale Verbindung zwischen Ministerrats- und Parlamentsmehrheit eine effiziente Lösung des europäischen Entscheidungsdilemmas darstellen.

European Integration: A History of Extending Scale and Scope

The history of European integration can be characterised by two fundamental developments, the expansion of the Union's competencies and the accession of new member states. Having started integrating coal and steel as well as agricultural politics, the internal market project has continuously increased the scope of the Union's legislative agenda. Even in policy domains of financial and economic politics, which are considered to be fundamental to continuous existence of the nation state, the Union will certainly get more legislative control in the course of monetary union. Besides an ever-growing legislative agenda, European integration is also a history of enlarging its scale. Compared to the six founding members of the late 50s, today's Union consisting of fifteen members has tripled its population to about 372 million. With about ten applicant countries from Eastern and Southern Europe waiting to join the club, further enlargement would even double the present Union's scale.

Both developments of European integration, the extension of the Union's scope and scale, have drawn attention to the Union's institutional framework, which has remained almost unchanged since 1958. The modest reforms brought about by the Single European Act (SEA) in 1987 and the Maastricht Treaty in 1993 have not overcome the danger of legislative gridlock (Scharpf 1988; 1997). While both reforms expanded the Union's scope by introducing competencies on social, cultural, ecological, industrial and monetary policies, they made the European decision-making process even more complicated. Today, a puzzle of more than twenty procedures apply to European decision making (Nentwich and Falkner, 1997, p 2). Moreover, despite the continuous accession of new member states, the Council of Ministers still votes by unanimity in about half of all cases (König, 1997, p 73). With respect to the Union's scale, further enlargement is therefore considered to threaten the proper functioning of legislative decision making. Under these circumstances, even British Conservatives conceded in the early stages of the 1997 Amsterdam Intergovernmental Conference (IGC) to accepting a limited extension of Council majority voting. However, in spite of its excessive overload and increasing gridlock risk (König and Schulz, 1997), the fifteen member states postponed the institutional reform of the Union's decision-making system at the 1997 Amsterdam IGC. Member states disagreed on lowering the Council's voting quota and reweighting the member states' voting weights.

The functional motivation for lowering the Council's voting quota and reweighting the voting shares is based on both an existing gridlock danger and a significant impact of voting rules on European legislative decision making. Looking at the history of European legislation,

however, the famous 1966 Luxembourg Compromise or the British response to the Mad-Cow-Disease documented the member states opposition to applying Council majority voting on European legislation as already provided by the 1958 Rome Treaty (König, 1996, p 554). Moreover, although both intergovernmental and supranational schools emphasise the relevance of the distribution of member states' substantial preferences on European policies for day-to-day decision making, with the intergovernmentalists concentrating on members states' legislative gains by their voting power distribution in the Council of Ministers (Hosli, 1993; Lane and Maeland, 1995; and Widgrén, 1995) and the supranationalists asserting agenda setting power of both Commission (Steunenberg et al., 1997) and European Parliament (Tsebelis, 1994; 1996; Moser, 1996; Schneider, 1995), few empirical analyses have yet tested their findings. Since actors' substantial preferences, be they Commissioners, member state delegates, or members of the EP, are not available, we shall look at the adoption rate of all Commission proposals which were initiated under Council unanimity and majority voting provisions.

In our view, two aspects of our empirical analysis are especially important for the debate on institutional reform, proper functioning and common support. Both requirements determine the present dilemma of European decision making leading into gridlock as long as the Council of Ministers dominates European legislation. Compared to unanimity a higher adoption rate of proposals allowing for Council qualified majority voting would indicate an option to prevent the dilution of the Union's legislative agenda. But besides its proper functioning, European legislative decision making also needs high common support because the Union's effectiveness still depends on the compliance of member states to implement European law. Under Council dominance, only unanimity guarantees this common support by the need for including all member states, but this requirement limits the Union's potential for policy change to the single favourable winning coalition of all member states. Since an overall inclusion of member states is becoming less likely in an ever-growing Union, the crucial question of institutional reform is how to prevent a higher status quo bias of European legislation without endangering its common support?

Due to need for common support, unicameral alternatives with lower Council voting quota have already been rejected to decrease the Union's gridlock danger because a (permanent) outvoting of specific member states would enormously reduce their compliance to implement law. In order to increase common support there is a so-called stepwise integration of the European Parliament in European legislation combining Council and European Parliament

majority voting in the cooperation and codecision procedure. The Amsterdam Draft Treaty (CONF/4001/97, 119) proposes to apply a bicameral version of the codecision procedure with stronger parliamentary participation in order to bring about a solution of the European decision-making dilemma. Compared to Council unanimity, majority voting in both chambers may increase the Union's potential for policy change, while common support of European legislation may be increased by introducing a second party politics dimension. Since all member states' governments are built on party support, parliamentary party politics may supplement the predominant intergovernmental dimension of legislative gain distribution. However, this bicameral solution would only be appropriate if the positive effects of lowering the Council voting quota on proper functioning are not compensated by the additional inclusion of the European Parliament. To examine whether bicameralism may solve the European decision-making dilemma, we compare the adoption rate of Commission proposals with and without parliamentary participation.

In addition to our empirical analysis we face the problem of how such bicameralism will be threatened by further enlargement. To assess the consequence of further enlargement we consider the number of actors, the voting quota and different voting weights for the study of changing decision probability. Since neither present nor prospective preferences of the Union's legislators are available, we calculate decision probability by the number of all winning coalitions which are feasible in the main procedure under different settings. Since Article 2 of the Draft Treaty's protocol on the institutions restricts the number of member states to twenty without institutional reform, we expect two waves of enlargement, the first wave will be limited to five new members, and the second wave will contain the remaining six applicants. Applying our concept on existing procedural settings for different stages of enlargement, we show the reasons why there is an increasing need for institutional reform. Since European decision making requires high common support and potential for policy change, we argue that any reform must efficiently determine the trade-off between more Council majority voting and increased parliamentary inclusion.

In this paper, we analyse whether and how the modification of voting rules may guarantee the proper functioning and common support of a further enlarged Union. Indeed, our analysis suggests that the paradigm of European integration is becoming a matter of choice. In our view, recent events and the present discussion about institutional reform indicate that European integration has been transformed from a functionalist to a constitutional choice perspective. Regarding institutional reform as a matter of choice, we then empirically examine

the existing trade-off between both mechanisms, Council qualified majority voting and the inclusion of the European Parliament by analysing the rate and duration of past Community legislation. Based on empirical evidence, we finally outline the main topic of reform, the fear of increased legislative gridlock caused by the accession of new members and parliamentary inclusion.

From Functionalism to Constitutional Choice: A New Paradigm of European Integration

Until the completion of the Maastricht Treaty ratification process in 1993 so-called *eo ipso*- or *sui generis*-approaches on European integration dominated the views on the Communities' institutional design. Most of these approaches, either focusing on European governance or proclaiming evolutionary processes of regime change, reduce the phenomenon of European integration to the prominent functionalist "form follows function"-formula (Rieger and König, 1997, p 20). It is assumed that the Union's institutional framework can be derived from overlapping spillovers (common profits, overall governance needs, shared beliefs or ideas etc.) which force further European integration in order to increase the efficiency of policy making (Haas, 1958; Lindberg and Scheingold, 1970). This functional perspective was apparently challenged by referenda on the ratification of the Maastricht Treaty, opting-out clauses for some member states in social or monetary politics and selective offers to negotiate Union membership.

The conceptual formula of (neo-)functionalism, which was even criticised by its founder, Ernest Haas (1971, p 18), when he complained about the need of a dependent variable, served less scientific than political purpose. The teleological vision of European (neo-)functionalism was used in order to ignore constitutional choice as an independent dimension of European integration. In contrast to the policy-making history of European nation states, the Union's policy making should not be determined by choices between alternatives. According to Ipsen (1972, p 64), Community law is rather achieved by knowledge than by choice. As Weiler (1992, p 34) nicely pointed out, the "neutralisation of ideology has conditioned, in its turn, the belief that an agreement could be set for the Community, and the Community could be led toward an ever closer union among its peoples without having to face the normal political cleavages present in member states".

Although the normative "form follows function"-formula is still in use, European integration is increasingly becoming a matter of choice with wide-ranging alternatives (Schmidtchen and

Cooter, 1997). While early European integration research suggested that decision making on a higher supranational level is more profitable than on a lower national or regional level, new federalism is providing a contrary insight into the advantages of regionalism. In Europe, the argument for regionalisation is supported by the ever-growing complexity of the European decision-making system, criticised as Eurosclerosis of European and national bureaucrats (Bednar et al., 1996). On the one hand, the complex nature of the Union's framework protects European decision makers, in particular the bureaucrats of the member state governments, from taking responsibility for their decisions. On the other hand, the high checks-and-balances among European decision makers reduces the Union's ability to deal efficiently with an expanding agenda (Pedersen, 1994; Scharpf, 1997). As a result, European integration is increasingly considered as a matter of choice, and the 1997 Amsterdam postponement of the Union's reform has obviously documented different attitudes on further integration.

Regarding different attitudes on European integration, bargaining approaches try to explain the latest modifications of the Union's framework (Moravcsik, 1991; Garrett, 1993). Intergovernmental and supranational bargaining analyses study the modest institutional modifications aiming in particular to strengthen the role of the European Parliament in legislative decision making. The intergovernmental approach uses a three step research paradigm – state preference formation – interstate bargains – and institutional delegation, while the supranational approach emphasises the relevance of the Commission and the European Parliament as supranational agenda setters. In our view, the main difference between both approaches concerns the composition of the set of bargaining actors. Until the 1997 Amsterdam IGC, supranational actors did not officially participate in these constitutional conferences but they were involved in preparatory and ratification stages. Both approaches conceive the constitutional choice of rules as an independent dimension of European integration, but they do not take into account that constitutional actors bargain under a veil of uncertainty or ignorance when deciding on the future application of voting rules (König and Bräuninger, 1998, p 125). Since institutions are much more durable than policies and thereby have long-term and uncertain implications, the transition from preferences over policies to preferences over voting rules is neither automatic nor straightforward (Tsebelis, 1990, p 98).

The constitutional actors of the 1997 Amsterdam IGC focused on ways of institutional reform, in particular whether they should reduce the number of procedures combining the Commission, the Council and the European Parliament, whether majority voting should be

extended, and whether the voting weight distribution between member states should be changed. Their main motivation was a higher danger of legislative gridlock which was continuously raised due to enlargement and parliamentary inclusion. To reduce a higher status quo bias in case of further enlargement, it has been proposed that the Council voting quota be lowered, while parliamentary inclusion should simultaneously increase the required common support for Union legislation. To assess consequences of both propositions, we first examine the empirical evidence for institutional reform. We second study the effects of voting rules on decision making affected by parliamentary inclusion and further accession of member states.

The Trade-off Between Council Majority Voting and Parliamentary Inclusion

Looking at the history of European legislation, many objections can be made against the impact of voting rules on the Union's day-to-day decision making. Formally, Council majority voting was already applicable in 1958, but events like the so-called French 'Politics of the Empty Chair' or the British blockade as response to the Union's reaction on the 'Mad Cow Disease' have highlighted the shortcomings of the Union's constitutional principles. Moreover, under present weak bicameral settings the Grand Coalition between Conservatives and Social Democrats in the European Parliament is not sufficient to control Commission proposals and Council decisions. The reason is that parliamentary abstentions or even rejections do not necessarily lead to the failure of a Commission proposal but to a higher CM voting quota which may then provide for its adoption. This suggests that both provisions, the participation of the European Parliament and the Council's voting quota, have no impact on the Union's legislative decision making.

In order to test the hypothesis on the impact of both growing danger of legislative gridlock and the impact of voting rules on the Union's legislative decision making, we use data from the Community's official database, CELEX, which contains information on the progress of European legislation (König and Schulz, 1997). Figure 1 shows the number of Commission proposals and Council adoptions therefrom as reported in CELEX. As the CELEX database is still incomplete, little legislation is observable before the 1980s. The number of proposals enormously increased in the late mid-1980s when the member states decided to complete the internal market project by 1993. Since completion, the amount of legislation has decreased up to 1996. Having executed the first wave of proposals before the ratification of the Single European Act in 1987, the number of adoptions again reached a maximum before the ratification of the Maastricht Treaty in 1993. Due to CELEX incompleteness we restrict the

following analysis to those binding Commission proposals which were initiated between 1984 and 1996.

As Table 1 summarises, our sample of 5701 Commission proposals has a high adoption rate of about 70%. Two reasons for this result are especially important: First, compared to parliamentary systems, there are no opposition proposals which normally decrease the adoption rate in case of a clear majority/opposition divide. Second, since the Union has no governmental terms, pending proposals may be adopted at any time, even under modified procedural provisions. A 1984 proposal to harmonise VAT exemptions, for instance, was passed as late as in 1994, after 3626 days. Proposals allowing Council majority voting significantly dominate the Union's decision making. About 80% of all Commission proposals were based on Treaty provisions that make Council majority voting possible. By contrast, although parliamentary inclusion is already limited to a constitutional 15% share up to 1987, only about 10% of all proposals provided for participation of the European Parliament. Besides rules, there are other variables which characterise the Union's legislative decision making. Without going into detail here, about two-thirds of all Commission proposals belong to the agricultural or commerce policy domain, approximately 20% belong to internal market or common rules policies, while other policy domains insignificantly matter (König, 1997, p 85).

Since data on legislators' preferences is not available, we use the adoption rate of Commission proposals as central indicator for measuring the impact of voting rules, hereby distinguishing between Council majority voting and unanimity as well as between parliamentary inclusion and exclusion. Assuming preferences to be distributed randomly, we look at three types of proposals since parliamentary inclusion also allows for Council majority voting: The first group contains 1256 unanimous proposals, the second consists of all 4039 qualified majority proposals, both of which exclude the participation of the European Parliament in the consultation procedure. The third group lists the 406 proposals introduced under either the cooperation or the codecision procedure. As Figure 2 shows, the adoption rate of qualified majority and unanimity proposals differs widely. The overall adoption rate of qualified majority proposals is about 75%, while about half of all unanimous proposals pass the final Council decision. Despite their higher absolute number, the yearly adoption rate of qualified majority proposals is almost always higher than that of unanimous proposals.

Compared to the difference between the two Council voting rules, the adoption rate of proposals with and without participation of the European Parliament fluctuates widely. Three

periods are of particular interest: First, there are 33 proposals introduced before 1987 which were later adopted with participation of the European Parliament. The reason is that the constitutional provision of these proposals was changed by Treaty revision, and adoption became possible under modified rules. Second, between 1987 and 1992, proposals with parliamentary participation sometimes have a higher, sometimes a lower adoption rate than Council qualified majority proposals. However, the adoption rate is never lower than that of unanimous proposals. In this period, parliamentary inclusion was limited to the cooperation procedure, which not only allowed for Council qualified majority voting but also for the outvoting of the European Parliament in the event of Council unanimity. Third, from 1993 onwards, the adoption rate of proposals with parliamentary inclusion falls below that of unanimous proposals. This might result from the introduction of the co-decision procedure with the Maastricht Treaty revision. Another reason might be that these procedures have different proposal-decision time lags.

Before interpreting these results, we must deal - strictly speaking - with the censoring problem of our data collection, which is especially important when we study the trade-off between unanimous Council voting and parliamentary inclusion. The censoring problem is already indicated by the right-shifted curve of adoptions which means that there is an overall time lag of about one or two years between Commission proposal and final Council decision. If the time lag differs for each group of proposals, a lower adoption rate may depend not on the procedural settings but the date of our data collection because these proposals generally need more time to be adopted than others. In order to take into account different proposal-decision time lags, Figure 3 gives the median time lag for each procedure, referring to the median duration of a proposal based on all proposals, whether adopted or pending. While the mean is an inappropriate measure of central tendency because the large number of pending decisions, the median is much more robust in the context of censored data (König and Schulz, 1997, p 13). For all 4039 qualified majority proposals, the median proposal-decision time lag is always lower than that of others, but is increasing almost continuously. Compared to the median proposal-decision time lag of 84 days in 1984, this figure has been more than tripled up to present.

The median proposal-decision time lag of both unanimous and parliamentary proposals is about two or three years. As a consequence, we can only examine proposal-decision time lag up to 1993. Accordingly, our results only concern the cooperation procedure as the codecision procedure was only applied to Commission proposals initiated in 1993 or later. Except for the

artificial numbers before 1987, the time lag of proposals with parliamentary inclusion proceeds similar to that of qualified majority proposals at a higher level. The median proposal-decision time lag proves to be increasing continuously, doubling from about 553 days in 1988 to about 1135 days in 1993. The time lag of unanimous proposals mostly exceeds parliamentary proposals, ranging from 599 days in 1988 and 1866 days in 1991. In sum, the median proposal-decision time lag differs widely between procedural settings, but Council qualified majority voting decreases the danger of legislative gridlock because neither its adoption rate nor its median proposal-decision time lag is higher than that of either of the other groups. With respect to the comparison of unanimous and parliamentary proposals, the latter have a higher adoption rate and a lower median proposal-decision time lag in the period between 1987 and 1992. Having considered the censoring problem of pending proposals, the adoption rate of proposals under cooperation procedure is in-between proposals under Council unanimity or qualified majority under consultation procedure. Like the latter, the proposal-decision time lag has few fluctuations ranging from 600 and 1000 days, while that of unanimous proposals ranges from 600 and 3300 days.

Our empirical analysis of all binding Commission proposals therefore reveals two patterns in the Union's legislative decision-making process which are important for institutional reform: First, voting rules indeed affect European legislative decision making. Council qualified majority voting facilitates the adoption of Commission proposals as compared to unanimity, while additional parliamentary inclusion reduces the rate and the speed of decision making. Second, we state that there is a growing danger of legislative gridlock in European legislation, since the adoption rate decreases over time, while the number of Commission proposals remains almost constant. This means that the Union is indeed endangered by becoming an ever-slower Union, but as voting rules affect the functioning of European legislative decision making, they are thus meaningful instruments for institutional reform. Though parliamentary inclusion reduces the Union's decision probability in European legislation, combining Council and European Parliament majorities under bicameral settings would seem to provide a solution to the present problem of European legislative decision making already suffering from an excessive business load and low common support, when party politics increases common support in cases of Council qualified majority voting. By and large, member states might already be motivated towards accepting the need for institutional reform by the existing gridlock danger, a danger expected to increase in the event of further enlargement. In order to

assess the expected consequences of enlargement, we next determine the set of procedures and possible accession countries.

Theoretical Consequences of Constitutional Change – Or How to Predict Enlargement Effects?

Set up by six member states primarily to regulate (agricultural) politics in ways of positive-sum games, recent reforms have even intensified the Union's problems. The Single European Act (SEA) in 1987 and the Maastricht Treaty (EU) in 1993 extended the Union's legislative competencies without far-reaching reform of its legislative decision-making system. As Figure 4 illustrates, the four main procedures are based on various linkages, all supplementing the intergovernmental focus by additional provisions. Intergovernmentalism still predominates the Union's decision making system because the Council not only has to adopt any proposal by unanimity or majority voting, but each member state may also veto any decision by proclaiming its vital interest or invoking the subsidiarity principle. Besides the use of various voting rules in the Council, additional provisions increase the complexity of the Union's policy processes. First, all procedures install the Commission as the sole initiator of proposals in order to safeguard the supranational orientation of legislation. Second, recent modest modifications have been particularly concerned with the role of the European Parliament. This role has been strengthened by successive introduction of the co-operation, co-decision and assent procedure, all of which refer to the rights of the European Parliament in legislative decision making.

According to Figure 5, the share of Treaty provisions involving the European Parliament has been increased continuously with the adoption of these reforms and, presently, 15% of all Treaty articles provide for the application of these procedures. Parliamentary inclusion, however, raises the gridlock danger because legislative decision making is bound by the consent of a further voting body (König and Bräuninger, 1997, p 5).¹ 71% of Council qualified votes are formally sufficient to adopt Commission proposals in 55% of all constitutional cases, but further accessions will complicate Council qualified majority building because more member states must be in favour of Commission proposals. Therefore, the accession of the most promising candidates, Hungary, Poland, the Czech Republic and Estonia from Eastern Europe, and Slovenia and Cyprus from Southern Europe depends on

their meeting exogenous and endogenous criteria: the applicants for membership not only have to be able to adhere to the aims of political, economic, and monetary union, but the Union has instructed itself to prepare the institutional conditions for ensuring its proper functioning. For this purpose, however, the number of countries which will potentially join the Union is decisive. For the delineation of the set of potential member states, two aspects are important: First, Article 2 of the Amsterdam Draft Treaty's protocol on the institutions that restricts the number of the Union's member states to twenty without institutional reform. Second, the economic and geopolitical situation of some applicant countries, which not only includes the deliberation from Russian hegemony but also the ongoing crisis in the Southern hemisphere. Accordingly, we expect two waves of enlargement, the first wave will be limited to five new members in order to prevent institutional reform, while the second wave will contain the remaining six applicants.

For the first wave, only Slovenia meets the economic preconditions, but it is likely that Hungary, Poland and the Czech Republic will also make up the next group to achieve accession due to their geographical proximity and their institutional embedding in the Visegrad-4 group. Compared to Latvia and Lithuania with their Russian minorities, Estonia had started to advertise itself as less of a Baltic than a Scandinavian state, and we thus expect that it will be pushed to get in as the fifth new member of the first wave by Sweden and Finland. In contrast to the Commission's Agenda 2000 we consider it unlikely that Cyprus will be an entrant in the first wave, since its participation would not only exceed the maximum number of the present Union but it also presupposes that Greece and Turkey would support a Cypriot Union membership. Besides Latvia, Lithuania and Cyprus, we assume that Slovakia will be excluded because of its unwillingness to guarantee minority rights for its Hungarian and Czech population. Due to their economic and political situation, Bulgaria and Romania will have to wait for the second wave, despite French support for Romania's membership.

Like parliamentary inclusion, both waves will have consequences with regard to the Union's gridlock danger. Theoretically, we measure the danger of legislative gridlock by the inverse of the decision probability. Decision probability is determined by two components, the voting rule and the number of participating actors. The strong criterion of unanimity restricts the decision probability of a n-actor committee to the single favourable winning coalition of all

¹ In the following analysis we exclude the assent procedure due to the specific and small number of articles and

feasible 2^n coalitions, while weaker majority rules increase decision probability by the possibility to form smaller winning coalitions. Accordingly, decision probability relates the number of winning coalitions existing to all feasible coalitions.² Applied to the Union's procedural settings, decision probability involving the Commission and a unanimous CM decreased from 0.0078 for the original six to almost 0.0001 for the twelve member states in the consultation procedure. This dramatic decrease in decision probability indicates why the twelve decided to apply qualified majority voting in order to complete the internal market project.

Table 2 shows the changes to decision probability in comparison to that of the twelve unanimous member states. Since the twelve started to apply qualified majority voting in the mid-80s, we use their decision probability as a baseline value. In the columns we listed procedural differences, the rows show the changes by past and future enlargements. Compared to the 1986 baseline decision probability, the accession of new members decreased the decision probability to 0.12 in 1995. This will be decreased to 0.004 with the first and to 0.00006 with the second wave of enlargement. As a result of the additional parliamentary inclusion, decision probability in the codecision procedure is always lower than in the consultation procedure, but it will be especially decreased by the second enlargement. Its value of about 72 times higher is similar to the situation of Council unanimity during the 70s, when Denmark, Ireland and the United Kingdom joined the EEC.

Using qualified majority in the consultation procedure, the group of twelve increased their decision probability by 402 times compared to unanimity. The admission of Austria, Finland and Sweden (1995) already limited the positive effect on functional integration, decreasing the effect of majority voting on decision probability from 402 to about 319 times in the consultation procedure. If current procedural settings remain unchanged, further enlargements would eventually reverse the former positive effect of qualified majority voting on functional integration. The accession of Poland with eight votes, Hungary and the Czech Republic each with five votes, Estonia and Slovenia each with two votes would already limit the effect to 190 times and with the accession of Romania with seven votes, Bulgaria with four votes, Lithuania and Slovakia each with three votes, Cyprus and Latvia each with two votes,

Commission proposals that provide the application of this single reading procedure.

² Without having knowledge on the preferences of all actors of the actor set N we consider the simple game v with Yes- and No-votes, where $v(S)=1$ if the coalition S is winning, and $v(S)=0$ else. According to Coleman (1971, p 278) the decision probability is $P(v) = \sum_{S \subseteq N} v(S) / 2^n$.

decision probability would only be 116 times as high as that of the 1986's unanimous CM (for the distribution of voting weights, see Lane et al., 1995, p 395; Widgrén, 1995, p 78). From a theoretical point of view, we can draw the conclusion that the Union's legislative decision-making system will need more majority voting in case of further enlargement.

The Union's Option to Reform: Bicameralism of Council and Parliamentary Majorities

This paper is concerned with the need for the Union's institutional reform with regard to the forthcoming accession of new member states from Eastern and Southern Europe. It is feared that further enlargements will dilute the Union's legislative activities which are now becoming even more important in the course of monetary union. What was intended as becoming an ever closer Union runs the risk of becoming an ever slower Union. Under these circumstances, almost all constitutional actors conceded in the early stages of the 1997 Amsterdam IGC to accept a limited extension of majority voting in case of higher parliamentary inclusion. However, the modification of both voting rules will affect the Union's decision making differently. While lowering the Council's voting quota may not only decrease the legislative gridlock danger but also common support, parliamentary inclusion may increase common support if it does not prohibit legislative activities. This dilemma of European decision making generates the question of how to determine the trade-off between Council majority voting and parliamentary inclusion, both of which may guarantee proper functioning and common support.

Our empirical analysis of all binding proposals since 1984 reveals two patterns of the Union's legislative decision making: First, voting rules indeed affect legislative decision making. We find that Council qualified majority voting facilitates the adoption of Commission proposals as compared to unanimity, while the additional parliamentary inclusion reduces the rate and the speed of decision making. Second, we state that there is a growing danger of legislative gridlock since both adoption rate and median proposal-decision time lag have increased continuously over the years. This means that the Union is endangered by legislative gridlock, but voting rules affect the functioning of legislative decision making. In this regard, the theoretical study on the effects of voting rules underlines the increasing danger of legislative gridlock. Although the twelve member states enormously increased their decision probability when applying qualified majority voting in order to finish the internal market project in the mid-80s, further accession of member states and parliamentary inclusion have diluted the

Union's potential for policy change. With regard to further enlargement, the second wave will particularly raise the danger of legislative gridlock.

The 1997 Amsterdam IGC postponed institutional reform, but any extrapolation of European integration, either the expansion of the Union's scale or scope, is inevitably related to the dilemma of European decision making. This dilemma is based on two requirements, proper functioning and common support. Qualified majority voting may certainly decrease the danger of legislative gridlock, but intergovernmental outvoting is considered to lower common support, particularly in a further enlarged Union. Parliamentary inclusion also reduces the Union's potential for policy change, but it may increase common support in cases of qualified majority voting. Combining Council and European Parliament majorities, however, seems to be an efficient way out of the dilemma of European decision making. The adoption rate of cooperation proposals comes close to that of qualified majority ones, while the time lag between initiation and final decision is almost always lower than that of unanimous proposals. Whether a stronger bicameral setting of codecision proposals also provide an efficient way out of the European decision-making dilemma, remains, however, an empirical question which cannot be answered yet.

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Table 1: Descriptive statistics on 5701 Commission proposal

<i>Variable</i>	<i>Characteristics</i>	<i>Number</i>	<i>Per Cent</i>
Commission proposals	Adopted	3952	69.30
	Not yet decided	1749	30.70
Council voting rule	Unanimity	1256	22.00
	Majority	4445	78.00
European Parliament	Included	523	9.20
	Excluded	5178	90.80
Policy domain	Internal market	417	7.30
	Common rules	634	11.10
	Agriculture	2217	38.90
	Commerce	2088	36.60
	Other	345	6.10

Table 2: Decision probability of procedures compared to 1986 unanimity

$\frac{P'(v)}{P^{1986}(\text{Consultation/Unanimity})}$	1986 – 1995 (12 Members)	1995 – (15 Members)	First enlargement (20 Members)	Second enlargement (26 Members)
P(Consultation/Unanimity)	1	0.125	0.004	0.00006
P(Consultation/Qualified Majority)	402.0	318.6	190.2	116.0
P(Co-decision)	251.6	199.2	118.9	72.5
P(Cooperation)	251.68	199.2	118.9	72.5

Figure 1: Number of Commission proposals and CM adoptions per year

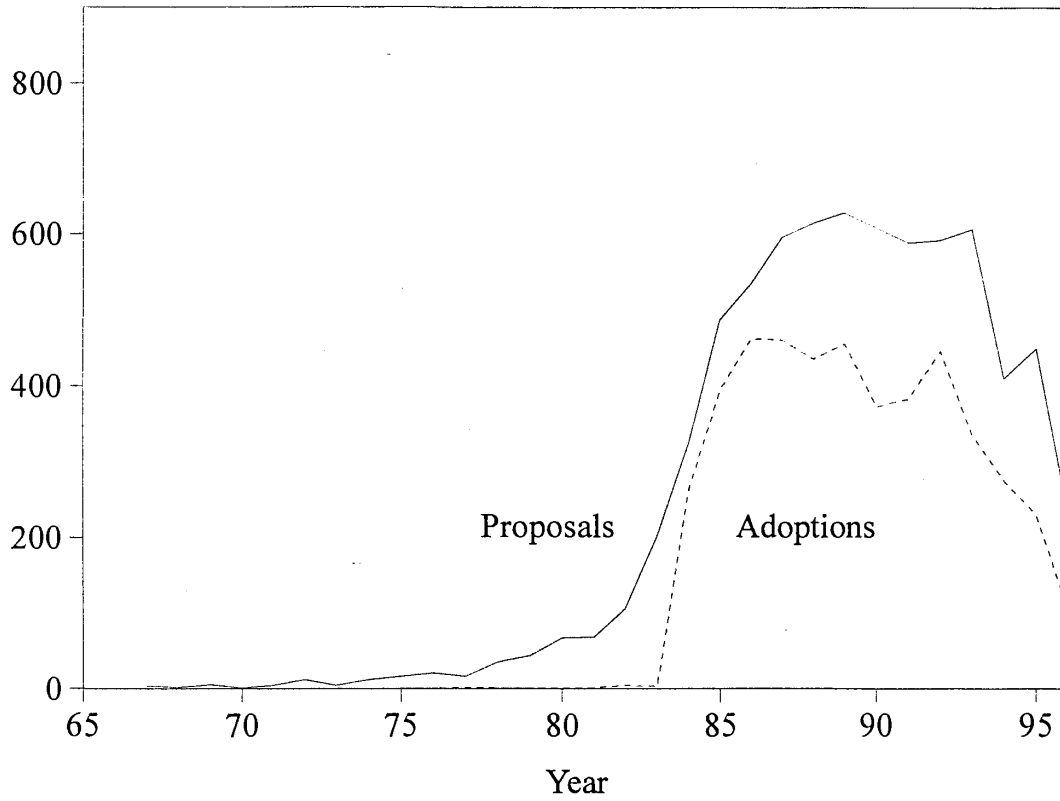


Figure 2: Adoption rate of Commission proposals (per cent)

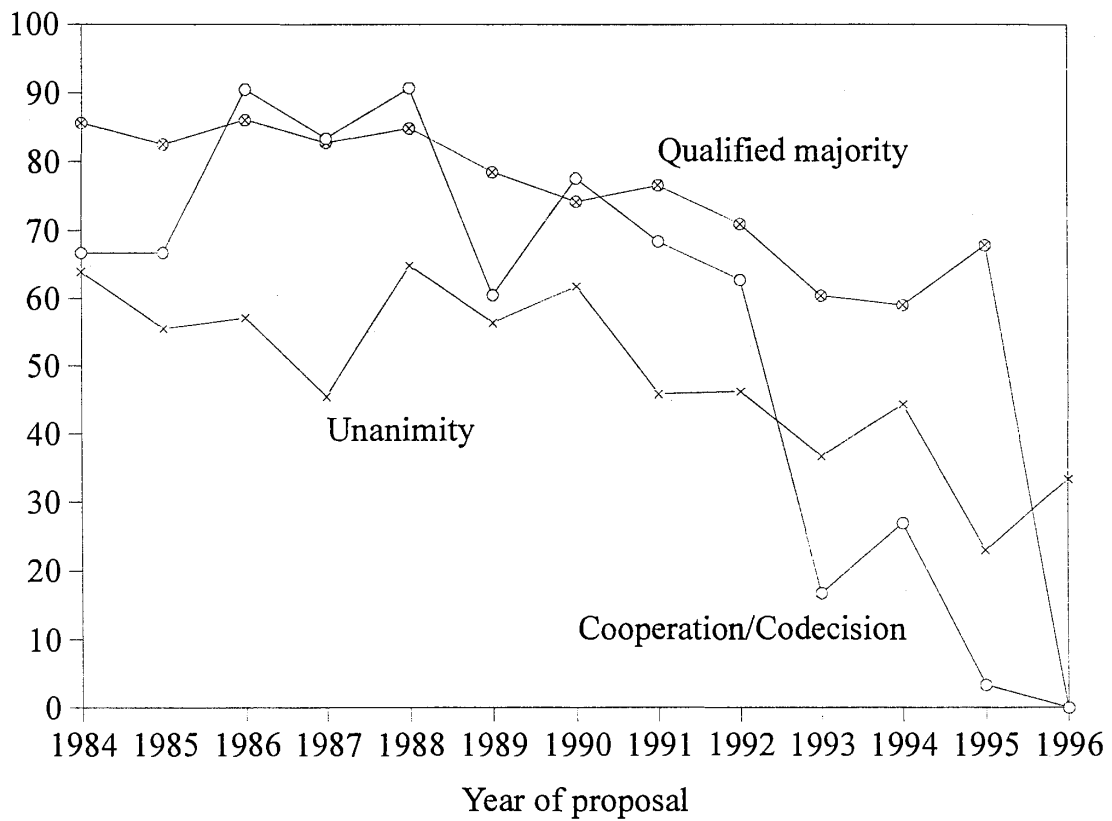


Figure 3: Median proposal-decision time lag (days)

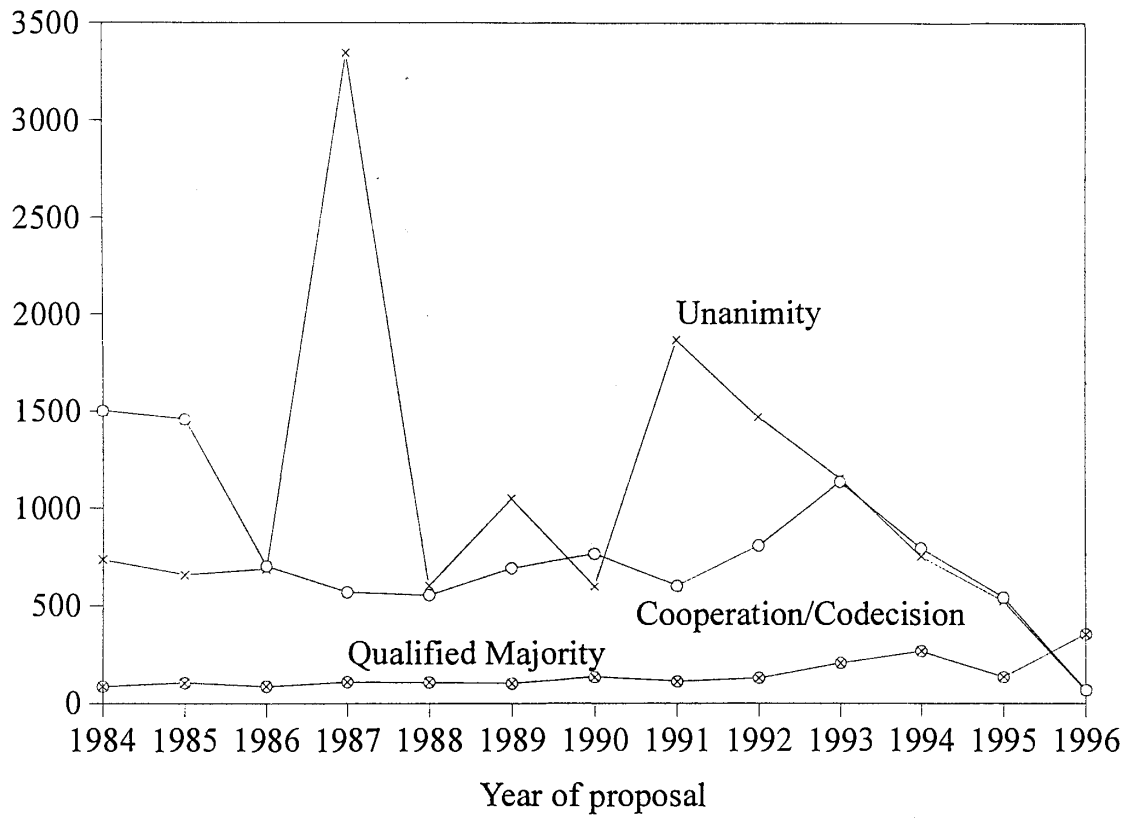
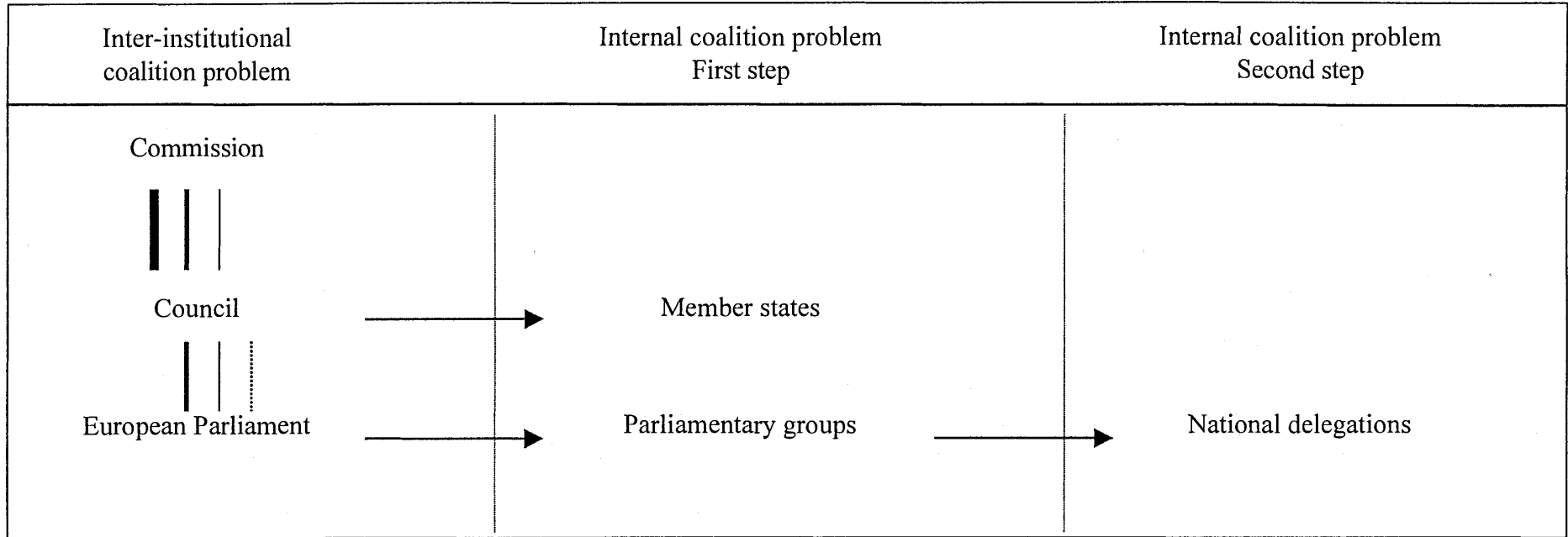


Figure 4: The Inter-institutional and Internal Coalition Problem







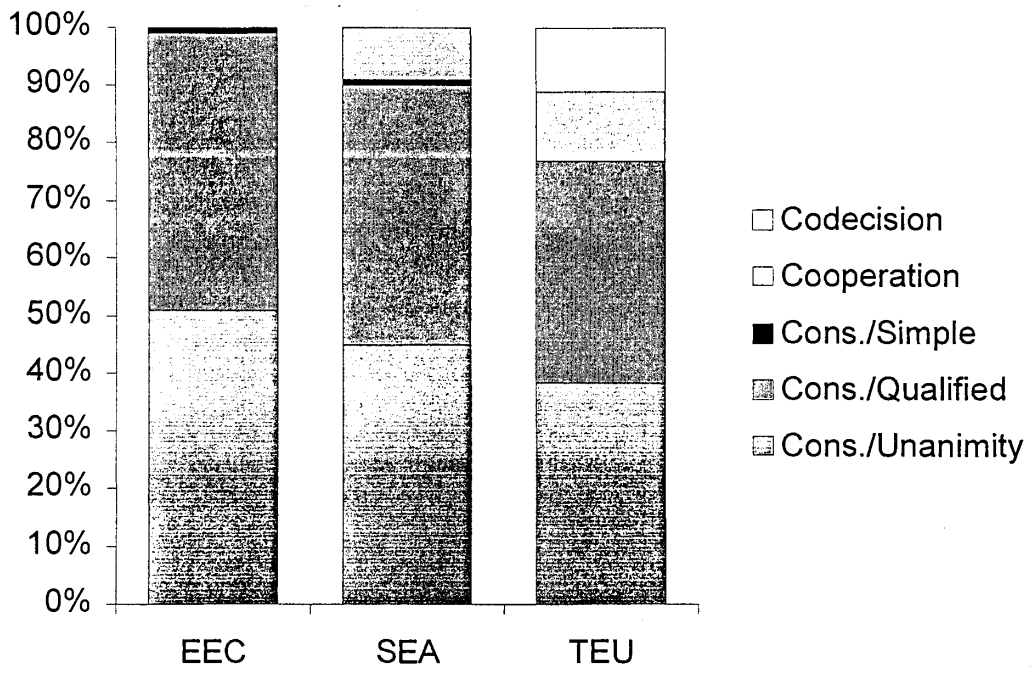
-  Consultation procedure
-  Cooperation procedure
-  Co-decision procedure
-  Assent procedure

Figure 5: Change of Treaty provisions



Key: EEC–Treaty on the European Economic Community, SEA–Single European Act, TEU–Treaty on the European Union.

Source: König 1996, 554.